

Political Violence



and the Police in India

K.S. Subramanian



Political Violence and the Police in India

Political Violence and the Police in India

K.S. SUBRAMANIAN

 **SAGE Publications**
Los Angeles ■ London ■ New Delhi ■ Singapore

Copyright © K.S. Subramanian, 2007

All rights reserved. No part of this book may be reproduced or utilised in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage or retrieval system, without permission in writing from the publisher.

First Published in 2007 by



Sage Publications India Pvt Ltd

B1/I1, Mohan Cooperative Industrial Area

Mathura Road

New Delhi 110 044

www.sagepub.in

Sage Publications Inc

2455 Teller Road

Thousand Oaks, California 91320

Sage Publications Ltd

1 Oliver's Yard, 55 City Road

London EC1Y 1SP

Sage Publications Asia-Pacific Pte Ltd

33 Pekin Street

#02-01 Far East Square

Singapore 048763

Published by Vivek Mehra for Sage Publications India Pvt Ltd, typeset in 10/13pt Aldine401 BT by Star Compugraphics Private Limited, Delhi and printed at Chaman Enterprises, New Delhi.

Library of Congress Cataloging-in-Publication Data

Subramanian, K. S.

Political violence and the police in India/K. S. Subramanian.

p. cm.

Includes bibliographical references and index.

1. Police—India. 2. Political violence—India. I. Title.

HV8247.S83

364.1'31—dc22

2007

2007035468

ISBN: 978-0-7619-3593-3 (Pb)

978-81-7829-754-5 (India-Pb)

The Sage Team: Ashok R. Chandran, Samprati Pani and Sanjeev Sharma

*To Malathi,
in gratitude*

Contents

<i>List of Tables</i>	9
<i>List of Boxes</i>	11
<i>List of Abbreviations</i>	13
<i>Preface and Acknowledgements</i>	17
<i>Introduction</i>	21
1. Political Violence and State Response in India	33
2. The Indian Police System in Crisis	57
3. Intelligence Bureau: An Instrument of Partisan Politics	81
4. Central Paramilitary Forces: A Parallel Police Force?	105
5. Naxalite Violence: What Can the Union Home Ministry Do?	125
6. Violence against Dalits and Adivasis: Whither Social Justice?	145
7. State-sponsored Violence against the Muslims in Gujarat, 2002: A Case Study in Police Partisanship	170
8. Political Violence in the Northeast: The Human Rights of Ordinary People	191
<i>Conclusion</i>	220
<i>Appendix A: A Brief Note on the Situation in Gaya, Bihar</i>	236
<i>Appendix B: A Guide to Sources for Researchers</i>	240
<i>References</i>	242
<i>Index</i>	253
<i>About the Author</i>	259

List of Tables

1.1	Public Order Violence, 1998–2002	42
1.2	Incidence and Rate of Crime, 2000–04	42
1.3	Incidence of Crimes against Women, 1991 and 1998	47
4.1	Growth of Manpower in the CPFs, 1998–2005	111
5.1	All-India Figures of Naxalite Violence, 2002–05	128
5.2	State-wise Break-up of Naxalite Violence, 2002–05	129
6.1	Atrocities against the SCs and the STs, 1986	154
6.2	Atrocities against the SCs and the STs, 1997–2001	156
6.3	Break-up of Atrocities against the SCs, 1997–2001	156
6.4	Break-up of Atrocities against the STs, 1997–2001	157
6.5	Atrocities against the STs in the Central Tribal Belt, 2001–04	158
8.1	Demography	193
8.2	Poverty	193
8.3	Sex Ratio	193
8.4	Human Development/HIV Indicators ('000)	194
8.5	Incidents of Violence, 1997–2001	195
8.6	Strength of Police Forces, 2001–02	195
8.7	Violence against Women (Indian Penal Code Cases), 1991 and 1998	196
8.8	Violence against Women and Children [Special and Local Laws (SLL)], 1998 (per million population)	197
8.9	Strength of Civil Police, Armed Police and Paramilitary Police	197
8.10	Security Situation in Nagaland, Manipur and Tripura	197

List of Boxes

2.1	British View of the Indian Police, 1859	57
2.2	Political–Organisational Characteristics of the Indian Police	62
2.3	Increase in Crime, 1951–81	73
2.4	Political Interference in Police Work, 1992, 2002	74
2.5	Police Response to Violence in the Gujarat Carnage, 2002	79
5.1	Some Contradictions of Administrative Behaviour	137
7.1	Features of Violence	178
7.2	Other Features of Police Behaviour	185

List of Abbreviations

ADC	Autonomous District Council
AR	Assam Rifles
ATTF	All Tripura Tiger Force
BJP	Bharatiya Janata Party
BMP	Bihar Military Police
BPR&D	Bureau of Police Research and Development
BSF	Border Security Force
CBI	Central Bureau of Investigation
CCC	Committee of Concerned Citizens
CCTG	Concerned Citizens Tribunal on Gujarat
CHRI	Commonwealth Human Rights Initiative
CIOs	Central Intelligence Officers
CISF	Central Industrial Security Force
CMP	Common Minimum Programme
CPFs	Central Paramilitary Forces
CPO	Central Police Organisation
CRC	Civil Rights Cell
CRC	Convention on the Rights of the Child
CrPC	Criminal Procedure Code
CRPF	Central Reserve Police Force
DCPW	Directorate of Coordination of Police Wireless
DIB	Director of the Intelligence Bureau
ECI	Election Commission of India
GCHQ	Government Communications Headquarters
GRP	Government Railway Police
HDR	Human Development Report
IAS	Indian Administrative Service
IB	Intelligence Bureau
ICCPR	International Covenant on Civil and Political Rights

14 Political Violence and the Police in India

ICM	Institute of Conflict Management
INC	Indian National Congress
IPC	Indian Penal Code
IPS	Indian Police Service
IR battalion	India Reserve battalion
ISA	Intelligence Service Act
ITBP	Indo-Tibetan Border Police
JIC	Joint Intelligence Committee
KCP	Kangleipak Communist Party
KNA	Kuki Nationalist Army
KNF	Kuki National Front
LAC	Line of Actual Control
LOC	Line of Control
MDG	Millennium Development Goals
MHA	Ministry of Home Affairs
MP	Member of Parliament
NCB	Narcotics Control Bureau
NCCB	National Crime Control Bureau
NCMP	National Common Minimum Programme
NCRB	National Crime Records Bureau
NCSCST	National Commissions for Scheduled Castes and Scheduled Tribes
NFA	Naga Federal Army
NFG	Naga Federal Government
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NLFT	National Liberation Front of Tripura
NNC	Naga National Council
NPA	National Police Academy
NPC	National Police Commission
NREGS	National Rural Employment Guarantee Scheme
NSAB	National Security Advisory Board
NSC	National Security Council
NSCN	National Socialist Council of Nagaland
NSCS	NSC Secretariat
NSG	National Security Guard

NUJS	National University of Juridical Sciences
PAC	Provincial Armed Constabulary
PADC	Police Act Drafting Committee
PAP	Punjab Armed Police
PCR Act	Protection of Civil Rights Act
PLA	People's Liberation Army
POA Act	Prevention of Atrocities Act
POTA	Prevention of Terrorism Act
PREPAK	People's Revolutionary Party of Kangleipak
PRI	Panchayati Raj Institution
R&AW	Research and Analysis Wing
R&P	Research and Policy
RAF	Rapid Action Force
RGM	Revolutionary Government of Manipur
RPF	Railway Protection Force
SAP	State Armed Police
SCGA	School of Criminal Justice and Administration
SCI	Supreme Court of India
SDG	Special Duty Group
SFIO	Serious Frauds Investigation Office
SIBs	Subsidiary Intelligence Bureaus
SIS	Secret Intelligence Service
SLL	Special and Local Laws
SPG	Strategic Policy Group
SRE	Security-related Expenditure
SRP	State Reserve Police
TNV	Tripura National Volunteers
TUJS	Tripura Upajati Juba Samithi
UDHR	Universal Declaration of Human Rights
ULFA	United Liberation Front of Assam
UNLF	United National Liberation Front
VHP	Vishwa Hindu Parishad

Preface and Acknowledgements

I began my work on violence in Indian society during my tenure (1980–85) as the Director of the Research and Policy (R&P) Division of the Union Ministry of Home Affairs (MHA) in New Delhi. My visit to Queen Elizabeth House (QEH), Oxford (1983–84), resulted in a seminar paper on violence against the Scheduled Castes in India. After completing my term in the MHA, I joined the Centre for Contemporary Studies, Nehru Memorial Museum and Library, Teenmurti House, New Delhi (1986–91) to continue my research in the areas of violence, social structure and the impact of development on the weaker sections of society, which resulted in a number of papers. My visit to the Institute of Development Studies (IDS), Sussex (1989–90), led to the publication of Discussion Paper 308 titled 'Political Violence, Social Movements and the State in India'. My intention to expand and convert DP 308 into a book-length study could not be achieved for reasons beyond my control. However, I feel that my present treatment of a somewhat similar theme is much more comprehensive and thorough. My last posting was in the government of Tripura as Director-General of the State Institute of Public Administration and Rural Development (1993–97). The position gave me a valuable opportunity to examine and write on the development and conflict scenario in the north-eastern region.

I had joined the Indian Police Service (IPS) in 1963. My first major posting was in the Intelligence Bureau (IB). I worked in the so-called B Group (B for 'Bolshevik!') of branches covering communist activities. I began writing pseudonymously for the Economic and Political Weekly, Bombay, and received much appreciation from editor Krishna Raj. I went on a visiting fellowship (1973–75) to the Indian Institute of Advanced Study, Shimla, and wrote a monograph on the ideological evolution of the Indian communist movement. The monograph could not be published since the required government permission was not granted owing to opposition from the IB. I registered myself for a Ph.D.

programme at the Karnatak University, Dharwad, under the able guidance of Professor K. Raghavendra Rao of the Political Science Department and revised my monograph as a doctoral thesis. I received the Ph.D. degree in 1984. Again, government permission for the publication of the thesis was not forthcoming owing to opposition from the IB though I argued that I had not used any classified material and had depended entirely on openly available information to write the thesis. The thesis could only be published later in 1989 when the Tripura Chief Minister, Nripen Chakraborty, intervened to allow publication. I am glad that the civil service conduct rules have now been amended to permit serving officials to express their views in writing after clarifying that the views expressed are their own and do not represent those of the government.

I was Director of the Civil Rights Cell (CRC) and later of the R&P Division of the MHA from 1979 to 1986. Despite the opposition of those who did not relish the idea of the MHA developing an independent information base on conflict analysis, the Division managed to do much useful work. It is a pity that the R&P Division has now been wound up. Its successor, the Policy Planning Division, deals mainly with 'counter-terrorism'. This is an area best left to the IB.

After retirement in 1997, I became active on the human rights front, which led to my joining the Concerned Citizens Tribunal, Gujarat 2002 led by Justice V. R. Krishna Iyer, at the request of the redoubtable Teesta Setalvad. This enabled me to study the role of the police during the Gujarat carnage 2002. Later, I joined the Academy of Third World Studies, Jamia Millia University for a year and published papers on the conflict scenario in South Asia and on the north-eastern region of India. In early 2006, I happened to meet Tejeshwar Singh and Ashok R. Chandran of Sage Publications who encouraged me to write the present book. I wrote the book from April to June 2006. The final version was revised in the light of the comments made by an anonymous evaluator.

It has been noted that governance in India is too Delhi-centric! Inevitably, therefore, this book gives considerable attention to the role of central police organisations such as the IB, the Central Paramilitary Forces (CPFs) and the MHA. 'Public order' and 'Police' are in the State List of the Seventh Schedule of the Constitution making the state governments the main agency for law and order management with the Centre playing only a supportive role. However, even during colonial

rule, though policing was a pro-vincial matter, it began to be rapidly centralised in response to the growing nationalist movement and increasingly acquired a centralised character from the 1920s to the 1940s. Centralisation of intelligence agencies and the paramilitary forces grew apace. The post-1947 period has witnessed what has been described as a 'massive growth in centralised police power'.

Building a strong Central Government was a theme of the constituent assembly debates and India thus set up a 'dual polity', a federal system with a strong Centre. The basic policy on 'internal security' today is laid down by the Central Government and the state governments follow suit. 'Law and order' has thus become a central subject in practice though not in theory. Police power at the Centre steadily grew during the Indira Gandhi regime and accelerated further during the subsequent period as reported in the annual report of the MHA for the year 2005-06. The deployment of CPFs to handle local conflict situations in the states is now almost a routine feature. A large number of CPFs are stationed in conflict zones such as the northeast, Jammu and Kashmir, and the 'Naxalite-affected' states on a more or less permanent basis. State governments too often compete with each other to request the posting of CPFs for local conflict management. The Central Government has also adopted the device of permitting the state governments to set up their own battalions, the India Reserve battalions, which are co-funded by the Centre and the states.

The highly centralised character of the all-India services, the Indian Administrative Service (IAS) and the IPS, whose officers are, in the final analysis, accountable to the Central Government, provides a further centralising feature to law and order management in India. The law and order situation in the states, especially with regard to subjects such as atrocities on Scheduled Castes and Tribes is a matter more often debated in Parliament than in state assemblies. Further, special provisions are made in the Constitution for central intervention in the affairs of the states in certain circumstances.

Further, rule of law, human rights and democratic governance are central to reconciling the modernising aims of the Indian elite with the democratic aspirations of the subaltern classes. Justice J.S. Verma, former Chief Justice of India, has noted that the 21st century agenda consists of distributive justice, constitutional governance, inclusive

democracy, gender justice, poverty eradication, sustainable development and human resource development (J.S. Verma, 2005). Keeping these and other concerns in view, the National Human Rights Commission (NHRC), on the sixth year of its existence, brought out the need for further empowerment of the organisation. Its recommendations are still under consideration by the government of India.

In the Human Development Reports (2005) titled '*International Co-operation at a Crossroads: Aid, Trade and Security in an Unequal World*', UNDP has surveyed violence in the context of human development. It has noted that violent conflict in developing countries demands the attention of rich countries based on enlightened self-interest, moral responsibility and the needs of collective security in an interdependent world. Violent conflict generates problems that travel without passports and do not respect national borders however well guarded. The significance of the report for South Asia cannot be minimised.

I take pleasure in thanking numerous friends and colleagues who have helped me directly and indirectly over the years in my academic and journalistic pursuits. I mention the names in random order: Tejeshwar Singh, Ashok R. Chandran, Payal Kumar, Samprati Pani, Teesta Setalvad and members of the Citizens Tribunal on Gujarat, N. Ram, K. Raghavendra Rao, S.C. Dube, Ravinder Kumar, P.N. Haksar, Randhir Singh, Mushirul Hasan, Aijaz Ahmad, Achin Vanaik, Arvind Das, Praful Bidwai, Neville Maxwell, Barbara Harriss-White, James Manor, Paul Brass, Kamal Chenoy, Sanjay Jha, V.N. Rai, L.P. Singh, Nirmal Mukarji, T.C.A. Srinivasavaradan, Madhav Godbole, N.N. Vohra, B.D. Sharma, K.B. Saxena, D. Bandyopadhyay, Prashant Bhushan, Arvind Verma, V.V. Sardana, Tapan Chakravarti, Sumit Chakravartty, Sunita Gulati, Ashutosh Mishra, Atul Khare, Pavan Varma, K.V. Rajan, Sushma Kaul, T.K.A. Nair, A.K. Samanta, R. Sudarshan, James Manor, Bhibuti Bhusan Nandy, M.K. Dhar, Gautam Bhatia, T.K. Oommen and D.K. Giri. Others include members of the IAS, IPS and many social activists who are not mentioned here owing to space constraints.

My loving thanks are due to Malathi, Arun and Ashvin for their presence and support.

K.S. Subramanian

Introduction

This introduction begins with an explication of the term ‘Indian State’. It then explores the Nehruvian model of governance, followed by a word on what is meant by ‘political violence’ in this study. The ideas of human rights, law and justice are then briefly examined, followed by a discussion on the historical experience of the Indian State in responding to political violence. The introduction ends with a chapter summary.

WHAT IS THE ‘INDIAN STATE’?

The literature on the nature of the Indian State is largely confined to an examination of its external determinants and constraints (Bardhan, 1984, 1988; Rao, 1989). Not much is known about its internal structures and processes (Subramanian, 1993). The ‘State’ has been defined as ‘an organised political community under one government’ (Illustrated Oxford Dictionary, 2006: 812). The other term ‘state’ in this study refers to an administrative-territorial entity such as ‘the state of Tamil Nadu’.

The ‘State’ in this study refers to the Union Ministry of Home Affairs (MHA), the Intelligence Bureau (IB), the Central Paramilitary Forces (CPFs) and the police and intelligence agencies of the state governments in India, which together are referred to here as the ‘Indian police system’. The development administrative structure and the superordinate political structure are also a part of the Indian State, but this study does not directly deal with them. Though law and order and the police are state subjects in the Constitution, the police agencies of the state governments and those of the Government of India, led by the IB attached to the MHA, can be conveniently viewed theoretically as a single unit, while examining their role in the management of ‘political violence’, the term used in this study to describe large-scale violence and conflict which fall outside the concept of conventional ‘crime’.

The unison takes place even as political parties of diverse complexions increasingly occupy the seats of power in the state and central governments. This is precisely what is happening today, for example, with regard to the issue of the 'Naxalite' violence that is affecting 76 districts in nine states across the country (GOI, 2006). The Central Government is taking the lead in coordinating steps with the state governments to contain 'Naxalite' violence across the country.

The state governments periodically send reports to the Union government about conflict situations within their jurisdictions. However, the IB, as a Central Government agency with its own field formations, keeps an eternal vigil and simultaneously sends reports directly to the MHA on the same conflict situations as well as others perceived by it as 'security threats'. The IB is headed by a director. The 'massive growth of centralised police power' in independent India in the form of many paramilitary forces and intelligence agencies under the command of the Union government, gives additional weight and power to the State in India in the management of political violence in every part of the country.

The police machinery also happens to be the main instrument of the Indian State in analysing and interpreting the various phenomena of political violence in the country. There are several distinct elements in the police machinery, that need to be looked at such as the state police and intelligence agencies, the central IB, the CPFs and, finally, the MHA itself, which essentially manages them and provides generous funds to all of them to run their affairs. All these agencies together are responsible and accountable for the management of political violence in the country. In dealing with large-scale conflict and violence, the State in India operates largely through the IB, which may be seen as a 'secret State', reporting to the MHA. In this sense, the MHA is the most powerful organ of the Government of India, with the Union Home Minister next in importance to the Prime Minister.

Members of the two major All India Services, the Indian Administrative Service (IAS) and the Indian Police Service (IPS) are crucially concerned with law and order management at the district, state and central levels in the government. Indian Administrative Service officers are under the control of the Ministry of Personnel in New Delhi and IPS officers are under the control of the MHA for disciplinary purposes,

although while deployed in the states, they work under the state governments concerned. The Director of the Intelligence Bureau (DIB), always an IPS officer, is regarded as the senior-most police officer in the country. He formally reports to the Union Home Secretary, but has direct access to the Union Home Minister and the Prime Minister. The Cabinet Secretary is the senior-most IAS officer in the country. The Union Home Secretary occupies a high position in the Central Government hierarchy. What the DIB reports to the Union Home Minister or the Prime Minister verbally or through other forms of communication is often known only to them. The reports of the IB are invariably classified as 'secret' or 'top secret' and are safe from detailed scrutiny or questioning by peer officials in other departments and ministries. This gives the organisation a mystique of prestige, power and unquestioned authority. The contribution of the DIB to conflict management at the highest level of the government becomes crucial in critical situations, even when there are coalitional power-sharing arrangements in New Delhi.

THE NEHRUVIAN MODEL

The public administration literature in India has specially focused on the 'rational-legal' bureaucratic structure and its performance in the context of development. Pride of place has been given to studies on the relationship between the 'irrational' politician and the 'rational' bureaucrat. The entire debate appears to have been misplaced, being totally divorced from the existing realities and the historical background. In recent discussions in the context of political violence in the city of Mumbai and elsewhere, the role and relevance of the rational-legal arrangements of the Constitution and the place of the Weberian bureaucratic system itself have been questioned (Hansen, 2001). Some have noted the emergence of a 'crisis of governability' (Kohli, 1990). In classical literature, the State and 'civil society' are seen as a realm of governance and negotiation cast in a legal and formal framework (Oommen, 2004). In contrast, the concept of 'political society' has recently been developed as a realm of negotiations and struggles between the State and the 'population' taking place through political parties, movements and informal networks in far more chaotic forms (Chatterjee, 1998, 2004). 'Governmentality' and 'governmentalisation'

are the terms used to understand the intervention of the developmental state and its welfare provision to population groups, which constitute 'political society' as distinct from 'civil society' (Chatterjee, 2004).

In an interesting study, the ideological evolution of the Indian State through the freedom struggle and its culmination in the Nehruvian State have been explored. The author explains the manner in which Indian nationalism constituted itself into a State ideology under Jawaharlal Nehru and 'appropriated the life of the nation into the life of the State' (Chatterjee, 1999: 161).

The Nehruvian model was based on India's 'national philosophy' of 'modernisation', which involved the goals of national unity, parliamentary democracy, industrialisation, socialism, scientific temper, secularism and non-alignment (Parekh, 1991). Nehru won three general elections on the basis of this philosophy, which still enjoys dominance despite the recent emergence of a Hindu nationalist alternative in Indian politics (Hansen and Jaffrelot, 2001).

The State apparatus left behind by the British, standing above and insulated from society with the police as one of its primary agencies, was a major attraction for Indian nationalist leaders including Nehru during the violence surrounding Independence and the Partition (Parekh, 1989). Prime Minister Nehru made no efforts to modify the inherited British Indian State. Though he legitimised the institutions of the parliament, cabinet and the political party, he worked through the pre-existing bureaucratic structure. Perhaps, he felt that the rational-legal bureaucracy created and left behind by the British had its utility in the 'State-building' exercise he was undertaking.

The Nehruvian model of governance implied State intervention in modernisation. The government operated as the pace-setter of change in the economy, society and culture. The State became the centre of political energies and the arena of ideological conflicts. The bureaucracy became the guardian of the society's collective interests. Only towards the end of his life did Nehru realise that administrative change had been essential and that he had failed to bring it about (Potter, 1986).

Uniquely under Jawaharlal Nehru, the then DIB, B.N. Mullik, functioned as a close adviser and guide to the Prime Minister on a large number of political matters, as evident from the three volumes of memoirs left behind by him (Mullik, 1971a, 1971b, 1972). His memoirs

have not been given the historical importance that is due to them. Mullick was the longest-serving DIB in the post-Independence history of India, serving from 1950 to 1964, and has made a lasting impact on the subsequent evolution and working of the organisation.

The Nehruvian model developed serious complications under the Indira Gandhi regime and the process continued under Rajiv Gandhi (Ali, 1985; Tully and Jacob, 1985; Tully and Masani, 1988). The problems inherent in the model of development and governance instituted by Nehru were aggravated. A spiral of violence and disorder after the Emergency (1975–77) was followed by the ‘silent revolution’ of the emergence of the ‘lower castes’ in Indian politics (Jaffrelot, 2002) and the assertion of the Hindu nationalist forces, fomenting and politically benefiting from political violence centred on minority-baiting, from the late 1980s onwards. All these led to the demolition of the Babri Masjid in 1992, the Mumbai violence in 1992–93 and the Gujarat carnage in 2002 (CCTG, 2002).

POLITICAL VIOLENCE

The term ‘political violence’ is used in this study in a double sense. It refers to violence that calls for a political response from the State authorities rather than a police response. The latter may be necessary but not sufficient. Second, the term implies that in a situation of large-scale institutional malfunctioning, politics acquires an appetite for all spaces, both public and private. Thus, all violence becomes political, in a sense. Ironically, in such a situation, the Indian State relies largely on the police machinery not only for information pertaining to social conflict and violence, but also for the analysis and interpretation of the phenomena of violence in terms of their nature, causes and solutions. The colonially derived significance of the police machinery on such a crucial matter and its influence in determining the State response to violent social movements have not been adequately studied.

In Andhra Pradesh, the Committee of Concerned Citizens (CCC, 2002) has noted that the political class has shifted to the police its burden of providing a response to the Naxalite movement, which is essentially an expression of people’s aspiration for a life of dignity and self-respect.

The 'Greyhounds', a non-State agency, has operated against the Naxalites in the same way in which the Naxalites have been inflicting mindless public violence. In Chhattisgarh, where the Naxalites are active as well, similar tendencies are at work in the way a non-State agency and self-styled peace campaign, 'Salwa Judum', is carrying out anti-Naxalite vigilante activities backed by the India Reserve (IR) battalions from Nagaland deployed in the area. The Government of India too seems to approve of such 'local resistance' to Naxalite violence, as indicated in its latest annual report (GOI, 2006).

Is the Indian State losing faith in its own sovereignty and legitimacy? Hansen (2001), in his study on the Shiv Sena in Mumbai, would seem to partly agree. Incidents of violence, such as the demolition of the Babri Masjid and the Gujarat carnage of 2002, which defied the sovereignty of the State and its monopoly of legitimate violence, indicated the changing paradigm of governance in India. Perhaps, there is a need to re-theorise the Indian State (Hansen, 2001; Chatterjee, 2004).

HUMAN RIGHTS, LAW AND JUSTICE

The ideas of human rights, law and justice are central to this book. The concept of human rights is central to global debates on governance and development (J.S. Verma, 2005). In India, the enactment of the Protection of Human Rights Act, 1993 and the setting-up of the National Human Rights Commission (NHRC) marked the recognition of the importance of the human rights discourse. Police abuse of power and human rights violations comprise over 60 per cent of the complaints received by the NHRC every year (Roy, 2004). The NHRC has been active on the issue of police reforms. Its intervention on human rights violations in the Gujarat carnage of 2002 became a landmark in view of the collapse of the criminal justice system in large parts of northern and western India.

Human rights are rights to which all human beings are entitled 'simply because we are human' (SAHRDC, 2006). They are inalienable rights and belong to all of us. They cover a wide range. Each human right is as important as the other. Human rights are universal and are of two kinds: the first constitutes economic, social and cultural rights; and the second, civil and political rights (SAHRDC, 2006). Civil and

political rights are often subject to abuse in the criminal justice process. These are fundamental rights that provide for fair and equal treatment under the law and protection against harm by the State. These are recognised in the Constitution of India, 1950 and safeguarded by other legislations, such as the Criminal Procedure Code (CrPC), 1973 and the Evidence Act, 1872. Further, they are protected by the common law based on rules and principles emerging from cases decided by the superior courts and influenced by guidelines issued by statutory bodies such as the NHRC. There are also many international declarations, rules and conventions that apply to the criminal justice system in India (Roy, 2004).

Kannabiran (2004) has stressed the linkage between violence, power, law and justice. Violence is often used as power and power as violence. The rule of law is a civilising factor, but it often subserves the use of violence in governance. The interplay between violence and power transcends the ideology of nation states and governments. Hence, the Universal Declaration of Human Rights (UDHR) intends the law to protect human rights.

Law is based on a society's consensus to regulate human activity through the deployment of State power. Terms such as 'law and order', 'public order' or 'security of state' are often used in India to deploy state violence with impunity (*ibid.*). The police tend to make indiscriminate use of the provisions of Section 144 of the CrPC to disperse 'unlawful assemblies' even when the demands made by such assemblies, often composed of the rural and urban poor, are legitimate and lawful, such as the demand for minimum wages, civil rights and so on. No guidelines in law are provided for the use of force to deal with such assemblies except the general specification that minimum force be used. Such use of force often leads to loss of life and liberty, violating Article 21 of the Constitution.

The poor in India have to fight pitched battles to secure their minimum human, social and legal rights under the Constitution and the general and specific laws of the land. Development-related struggles for land, minimum wages, social justice and dignity by the poor along with their demand for the fair implementation of the limited rural development projects and schemes by the government, often bring them into conflict with the police and administrative machinery, which, frequently, in collusion with the rural power structure, inflicts enormous

state violence against the poor and commits large-scale human rights violations. A degree of militancy on the part of the poor in pressing for their constitutionally guaranteed minimum human, social and legal rights is understandable in a developing democracy, but district-level development and police officials are often indifferent to such concerns.

STATE RESPONSE TO VIOLENCE

The nationalist understanding of the State response to violence in India is well documented in historiography (Sarkar, 1983; Chandra et al., 2000). The ‘subaltern school’, highlighting ‘a split in the domain of politics’ (Chatterjee, 1998), took its origins from the corpus of ideas generated by a prominent historian (Guha, 1981, 1983) and has resulted in a series of volumes of *Subaltern Studies* (see Guha, 2000). This school viewed the arena of nationalist politics as a site of ‘strategic manoeuvres, resistance and appropriation’ by different groups and classes. Many of these contests are still unresolved and Guha’s evocative phrase ‘dominance without hegemony’ (Guha, 1998) expressed the phenomenon well. The subaltern perspective has seen the nationalist movement as elitist and as betraying the interests of the popular masses, which gives rise to political violence and movements. Thus, the Naxalite movement was expressive of an ‘ontological divide’ in Indian politics (Guha, 2000). The articulations of the rural poor and their brutal suppression by the Indian State are symbolic of the ‘split in the domain of politics’ and the persistence of internal class contradictions in society. The Indian State often remains a mute witness to the non-State violence inflicted by the upper castes against the lower castes and the violence of the majority community against the minorities.

Historically, the District Magistrate assisted by the Superintendent of Police in the district, the state Home Secretary assisted by the Inspector General of Police at the state level and the Union Home Secretary assisted by the DIB at the central level have been part of the basic design for conflict management. The Constitutional ‘transfer of power’ in 1947 implied no basic administrative changes in the structure of governance. Thus, the basic features of the republican Constitution of India, parliamentary democracy, federalism and development administration are in conflict with the inherited political–organisational

characteristics of the administrative structure (Potter, 1986). The introduction of the Panchayati Raj Institutions (PRIs) in the 1990s through the 93rd and 94th Constitutional amendments, has added to the contradictions of the Indian polity. Interestingly, while development administration is decentralised through the PRIs, the police administration continues to be a more centralised paramilitary in organisation and still functions as it did during the colonial rule. A plethora of human rights violations, including extra-judicial executions by the police, is the consequence.

THE BOOK

This book examines selected patterns of increasing political violence in India today, and the policy and police response to it in the context of the overall challenge of 'humane governance' (MHDC, 1999). The institutional mechanisms for policy analysis and action in the Government of India would need to be freed from their colonial attributes and restructured to address the challenge. There is a need for far-reaching administrative and police reforms, neglected for too long.

Chapter 1 focuses on selected patterns of significant political violence in India today and examines the roles of the administrative and police machinery at the local and national levels. This study does not look at crime figures in detail, since many good studies of this already exist (Bayley, 1969; Raghavan, 1999; Rao, 1988; A. Verma, 2005). Crime figures in India are essentially unreliable, since not all the crimes that take place are reported to the police; the reported ones are often not recorded and the recorded ones often underplayed. Further, Indian crime figures do not stand up to international scrutiny, since crime in India is divided into 'cognisable' and 'non-cognisable' categories, unlike in other countries.

Chapter 2 explores the crisis of the 'Indian police system'. This is a crisis inherited from the British period and has never been examined seriously in independent India. The paramilitary and repressive political-organisational features of the police structure need to be removed; police reform exercises cannot be meaningful otherwise.

These features impinge daily on the struggles of the Indian people in their fight for social, human and legal rights under the Constitution, and the general and specific laws of the land. The struggles are often put down with exceptional brutality and human rights violations. The Protection of Human Rights Act enacted in 1993 makes it imperative that the police and other administrative agencies protect the human rights of ordinary people.

Chapter 3 examines the political use and abuse of the IB, a crucial State organ attached to the MHA. The IB, a police organisation set up by the British to collect 'secret and political' intelligence against the nationalist movement, still functions under its antiquated colonial guidelines, which are polluted by further politicisation. No freshly formulated legal framework or charter of duties has been framed after Independence. At Independence, thanks to B.N. Mullik, its longest-serving Director, the IB became closely identified with the ruling party. Mullik enjoyed extraordinary closeness with Prime Minister Nehru. His professional colleagues perceived Mullik as a 'colossus' (Rao, 1993). The relevant IB documents needed for a proper study of the role of B.N. Mullik in Prime Minister Nehru's political decision-making are still classified. The 30 year rule on declassification followed by other democracies is not yet in place in India despite the enactment of the Right to Information Act, 2005.

Chapter 4 explores the role of the CPFs. They are recruited and trained by the Government of India and can be stationed in any state of India at the request of state governments for law and order management in support of the state police forces. The CPFs, taken together, would number about a million men. The cost to the Government of India is estimated to be about a third of the annual budget of the MHA, which is said to be around Rs 210 billion. Since 'public order' and 'police' are state subjects under the Constitution, it is anomalous for the Central Government to raise such a large paramilitary police force to provide support and assistance to state police forces. Increasingly, law and order management in the country is acquiring a centralised character, as for instance, the recent move for Central Government coordination of measures by state governments to deal with the Naxalite violence in 76 districts across nine states (GOI, 2006). The CPFs are also deployed during elections to state assemblies and parliament, often straining

the health, efficiency and effectiveness of these agencies in a federal context.

Chapter 5 interrogates the role of the MHA in the context of the Naxalite movement now acquiring national prominence as a major 'national security threat' according to security specialists (Economic and Political Weekly, 2006). The movement originated in the late 1960s and was put down by strong police action by the state governments concerned in the early 1970s. The movement was not just an outcome of youthful impatience over the failure of official agencies and institutions to deliver on the constitutional mandate and promise. The critique addressed to the rulers of the day also extended to all incumbents of authority within civil society and raised fundamental questions about the nationalist movement itself (Guha, 2000).

The Naxalite movement re-emerged in the 1980s and has now expanded to several states, raising questions about the nature of the development process in India. Baruah (2005) has noted the 'mutual symbiosis of state and society' in the making of ethnic movements and militias in the Northeast. A similar approach may help explicate the nature of the Naxalite movement in the country today. This chapter suggests a possible political strategy for the resolution of the issues raised by the persistence of the Naxalite movement.

Chapter 6 examines the violence against dalits and adivasis (Scheduled Castes and Tribes)—the most deprived and marginalised sections of Indian society constituting a good 25 per cent of the population of India. The Naxalite violence is, in part, a retaliatory violence to the increasing violence against these communities documented in official reports themselves. The chapter draws attention to an unpublished recent report of the National Commission for the Scheduled Tribes, which brings out the dramatic increase, during the years 2002–04, in violence against adivasis in the central tribal belt in the states of Madhya Pradesh and Chhattisgarh where the Naxalite movement is especially active. The chapter brings out the lack of will and political ineffectiveness on the part of official agencies in bringing relief to the victims of violence and in putting an end to the increasing violence.

Chapter 7 focuses on police partisanship during the 'communal' violence in Gujarat in 2002. The Concerned Citizens' Tribunal, Gujarat 2002, led by Justice V.R. Krishna Iyer, produced a three-volume report

on the Gujarat carnage. The symptoms of fascism revealed during the lengthy demolition of the Babri Masjid on 6 December 1992 were up for display during the Gujarat carnage, 2002 (Chattopadhyay, 2002). These included deep infiltration into the police and administrative structures. The attempt to mix nation with religion, as experimented in Gujarat, symbolises the 'coming crisis' of India (Oommen, 2005).

Chapter 8 makes a rapid appraisal of the human impact of political violence on ordinary people, especially women and children, in the north-eastern states of Manipur, Nagaland and Tripura. This is a preliminary exercise on a relatively unexplored subject in a conflict zone marked by difficulty of access to primary data. More detailed field investigation and data collection by a team of scholars are called for to give substance to the discussion.

The political violence in the region started after the unfortunate decision, at the instance of B.N. Mullik, DIB (overruling opposition from the Governor of Assam, the Ministry of External Affairs and even the Army itself), to induct the Indian Army into Nagaland in the mid-1950s to quell the demand for independence. The violence spread to other states in the region subsequently. Policing in the north-eastern states has increasingly meant activity by the CPFs and the Army to suppress the militancy of non-State actors. The data on the increasing trend towards the creation of armed police forces and the trend of increasing violence against women in the region, reported by official agencies themselves (GOI, 2002), are quite disturbing. This has serious implications for 'human security', an important aspect of security analysis, which tends to remain State-centric rather than people-centric (Oommen, 2006).

Field-level data in the region makes it amply clear that the common people are eager to join the Indian mainstream, but the police and intelligence agencies, focusing exclusively on militant activities, often fail to capture the public mood and tend to blame the local people as a whole for the militancy of a few. Following Gresham's Law, the induction of paramilitary forces leads to the induction of more such forces. State building takes place at the cost of nation building.

The Conclusion makes a series of recommendations based on the discussion in the preceding chapters.

1

Political Violence and State Response in India

This chapter will attempt an overall assessment of the neglected subject of contemporary political violence in Indian society and the response of the State. The chapter begins with a fresh perspective on political violence. It then examines the nature of political violence in Indian society. This is followed by a brief examination of some selected patterns of violence, such as development-related violence, secessionist violence in the Northeast and Jammu and Kashmir, criminal violence, communal violence, terrorist violence and gender-based violence. The chapter ends with a broad assessment of the response of the State to political violence at the local and national levels.

Separate chapters are devoted to Naxalite violence, violence against the Scheduled Castes (dalits) and the Scheduled Tribes (adivasis), violence against the Muslim minority and the human impact of political violence in the Northeast.

A FRESH PERSPECTIVE ON VIOLENCE

In its path-breaking 2005 Human Development Report, the UN Development Programme devotes special attention to the analysis of violent conflict and brings the real threat into focus (UNDP, 2005). It identifies violent conflict as the most brutal suppression of human development. Every civilian death linked to conflict is a violation of human rights. The risk is heavily weighted against people living in the world's poorest countries. 'Humanity cannot enjoy security without

development or development without security, and neither without respect for human rights' (UNDP, 2005).

The 1994 HDR attempted a framework for security beyond military concerns. It called for safety from chronic threats and protection from sudden disruptions in the patterns of daily life. The 2005 HDR holds that violent conflict undermines human security in both dimensions. It notes a strong association between violent conflict and low human development. A security framework is needed which recognises poverty, social breakdown and civil conflict as the core components of the global security threat. Prevention of violent conflict must be at the centre of planning for poverty reduction. Comprehensive risk assessments must be taken up to evaluate how specific conflicts affect policies.

The 20th century was the most violent period in human history. Nearly three times as many people were killed in violent conflict in the 20th century as in the previous four centuries combined. The nature and geography of violent conflict in the 21st century has changed. Wars between states have given way to conflicts within borders, with poor countries figuring more prominently. Most of the victims are the civilians. Structural weaknesses in countries prone to conflict range from weak capacity to provide basic services, to contested legitimacy and deep horizontal inequalities.

Violent conflict in poor countries is an aspect of global insecurity. Threats to security arise not just from war, civil violence, terrorism and organised crime, but also from poverty. Infectious diseases, hunger and environmental degradation are still far greater killers than armed conflict. There is no necessary link between poverty and civil conflict, but violent outcomes are more likely in societies marked by deep polarisation, weak institutions and chronic poverty. The threats posed by terrorism demand a global response. So do the threats posed by human insecurity. The 'war against terror' will never be won unless human security is extended and strengthened. Security strategies should not depend upon an overdeveloped military response to collective security threats and an underdeveloped human security response.

Human security in developing countries must occupy the centre of the international agenda for the achievement of Millennium Development Goals (MDG).

NATURE OF VIOLENCE

Analysts are concerned mainly with physical violence, which is visible, quick and intended. Violence of the oppressed against the State is often of the physical kind. State violence is defined as legitimate, but violence of the oppressed is regarded as illegitimate. Structural violence and symbolic violence are also relevant and cannot be ignored in the analysis of violence (Oommen, 2006). Structural violence occurs when the oppressed are materially and socially controlled or excluded by the State, market and civil society. Symbolic violence occurs when the oppressed are culturally stigmatised and ideologically regulated or marginalised. Symbolic violence is used by the State and the cultural mainstream to perpetuate their hegemony. Both kinds of violence are invoked against those in the lowest rungs of the social order. Physical violence manifests itself as the weapon of the oppressed against the structural and symbolic violence.

The quantity and quality of violence characterising Indian society at all levels today has an irreducibly political context. Overt and visible violence co-exists with invisible violence that destroys the identity of human beings. Visible violence is situational-physical and can be dealt through law and order solutions. Invisible violence, being structural, requires radical solutions for its elimination. Structural and physical violence are distinct phenomena, but they flow into and determine each other in a bipolar interaction.

India today witnesses the politics of violence, which means resorting to physical violence to promote a political objective, as well as the violence of politics, which denotes violence built into the institutionalised structure of politics. Liberal ideology denies the existence of violence of politics, but Marxist analysis perceives violence in all politics. Liberal ideology tends to reduce all violence to the status of contingent violence, which is not a threat to the system (Rao, 1988).

Structural violence against the rural poor in India takes the form of unfair wages, usurious money lending, unfavourable terms of share-cropping, bonded and child labour, and untouchability. Struggles against this violence are often met with vigilante actions by the landlords and the rural mafia, assisted by agents of the State and the police, who intervene

in the name of law and order (Kannabiran, 2004). Law and order becomes a semantic tool for the perpetration of State violence and 'atrocities management' by the modern State (Chomsky and Herman, 1999, cited in Kannabiran, 2004). The term 'terrorist activities' is used to describe the 'retail violence' of those opposed to the established order and not the violence of the State, which is legitimised as only a response. The modern State thus becomes a 'technology-oriented power structure with a vast capacity for manipulating public opinion' (Kannabiran, 2004).

The landed elites in rural India control the village panchayats, the cooperatives and the other development paraphernalia. State-sponsored development programmes become tools of oppression in the hands of these elites. Electoral politics pursued by ruling political formations often lead to linguistic, communal and caste violence and to the persistence of violence against the rural poor.

The relationship between violence and power is to be noted. Though violence in society is perceived as a breach of law, often the law itself becomes equally violent and has a 'debilitating impact because of its systematic ruthlessness backed by official sanction' (ibid.). The rule of law, though a civilising factor, often leads to the deployment of violence for purposes of governance and even in justification of war. The Universal Declaration of Human Rights (UDHR) was adopted to check the indiscriminate use of power and violence.

Recently, 'collective political violence' in India led to the demolition of the Babri Masjid in 1992, the Mumbai violence of 1992–93 and the Gujarat carnage of 2002. Such violence directed to political and other ends has had a long background in India (Baxi, 1988; Manor, 1988, 1996). Some forms of violence such as social banditry carry social meaning, but 'acute new forms of non-ideological violence' such as terrorism (by state and non-state actors) are devoid of any constructive vision of society (Baxi, 1988).

There has been no serious policy discussion of the phenomena of violence in Indian society, though there has been plenty of retail discussion in the media. Western typologies often ignore the type of social change espoused by violent actors (Tilly, 2003). Violence of the oppressors, as in the case of the caste Hindu assailants of the rural poor in India, cannot be equated with the violence of the oppressed such as that

of the Naxalites in rural India. Baxi (1988) has noted that Honderich's notion of 'democratic violence', premised on liberal democracy, implicitly rules out legitimate violence, which seeks to convert a liberal democratic polity into a socialist polity. The expansion of the notion of democratic violence will enable us to appreciate the modes of repression. While democratic violence may lead to repression in which the processes of law predominate, revolutionary violence invites repression in which legal coercion is displaced by a regime of terror. India has witnessed both democratic and revolutionary violence, with the modes of repression increasingly in interaction. This raises issues concerning the nature of the legal system (Baxi, 1982, 1988).

PATTERNS OF VIOLENCE

There has been no comprehensive typology of violence in Indian society (see Manor, 1988, for an early attempt), a task which calls for a national task force on the lines of the National Commission on the Causes and Prevention of Violence in the United States, set up in the wake of the assassination of Robert F. Kennedy and Martin Luther King Jr (Curtis, 1985). Two prime ministers were assassinated in India, but no such commission was set up to study the nature and causes of violence in Indian society.

Violence is not a mere by-product of development, which will disappear as development takes place. The Research and Policy Division of the MHA, in the late 1960s and the early 1980s, produced reports explicating the agrarian roots of Naxalite violence. There were not many takers for these reports because of the 'excessive preoccupation with peace and order ignoring issues of law and justice' (Brass, 2006; Srinivasavaradan, 1992). A parliamentary committee recently noted that 76 districts in nine states were affected by Naxalite violence, which has persisted and grown over the years despite the use of State violence in the past to suppress Naxalite violence.

The violent situation covers a variety of areas and contexts. Inter-state violence, overt and covert, is restricted to Jammu and Kashmir. However, the state witnesses a large amount of intra-state violence. Intra-state violence is today seen in the four north-eastern states of

Assam, Nagaland, Manipur and Tripura. The states of Meghalaya, Mizoram and Arunachal Pradesh are also historically part of the conflict zone. Geography, demography, ethnicity and politics make them share the impact of violence in the other four states; they are also transit routes for non-state militants. State policies, identity, ethnicity, poverty, inequality and perceived injustice are among the causes of violence. In mainland India, violence is often based on religious, caste, class, linguistic, regional and other differences (Chattopadhyay, 2002; Chenoy et al., 2002; Communalism Combat, 2002; Das, 1990; Engineer, 1989; Hazarika, 1994; Human Rights Watch, 1999; Misra, 2000; PUDR, 2002).

Violence in India is often considered as 'low-intensity' conflict. This conceals serious ramifications of the violence for families, children and communities. Not only are civilians and non-combatants killed in the fighting, their lives are marred by being caught between two opposing parties, by the virulent State security operations, the militarisation of justice, the curbs on individual freedom and the lack of trust among people living through violence. A large number of people are internally displaced by violence. One estimate said that at least 5,00,000 people were permanently displaced as a result of violence and conflict (USCR, 2000), not including those internally displaced as a result of development projects.

A study has noted multiple forms and levels of violence in the South Asian region (MHDC, 1999). These occur simultaneously, such as nuclear rivalry (India, Pakistan); communal, caste and class violence, and low-intensity conflict (India); cross-border terrorism (India, Pakistan); intra-ethnic tensions (India, Pakistan); longevity of conflict, neglect of the developmental impact of violence, conflict of 'low intensity' or 'episodic' nature (Sri Lanka, India); continuity of one form of violence with other forms, such as political, criminal, inter-personal (India); intra-state conflict (Pakistan, India); open violence confined within particular areas (India, Sri Lanka and, till recently, Nepal); and considerable physical destruction (all countries).

Several factors aggravate violent situations in the region. These are the projects of nation-building, the failure of multi-party representative democracy, poor governance, the emergence of sectarian and fundamentalist ideologies, globalisation, wide dispersal of arms, militarisation

and military expenditure, depletion of natural resources, development-induced displacement, drugs trafficking, money laundering, arms trafficking and associated phenomena. Large parts of the region, which form independent nation-states today, were earlier part of a single politico-administrative arrangement and decolonisation has seen a situation of conflict, both inter-state and intra-state, in many of these states.

The violence in Afghanistan, with serious regional, political, ecological, social and human security implications spilled over into the adjoining states of Iran and Pakistan with the movement of Afghan refugees across the frontiers. The recurrent violence between Pakistan and India, assuming a nuclear dimension, has attracted super-power intervention. Economic globalisation has led to the globalisation of violence and the emergence of 'multinational systemic crimes' (Martin and Romano, 1992), such as terrorism, espionage, and drugs and arms trafficking. The internal conflict situation in the Indian state of Jammu and Kashmir has impacted human development and the humane governance scenario in the entire South Asian region (MHDC, 1999).

Development-related Violence

Development is an 'inevitable corollary to violent conflict' with an estimated 25 million displaced by conflicts worldwide (UNDP, 1990, 1994, 2004, 2005). Development-induced displacement is a separate issue and the numbers in India are contested (Oommen, 2006; Parasuraman and Unnikrishnan, 2000). A former member secretary of the Planning Commission estimated the figure at around 40 million (see Roy, 2006). Other estimates of displacement due to large projects place the figure at 16.5 million in the period 1951–85. Further estimates place the figure for 1951–90 at over 21 million. The numbers are huge; the population affected is larger than the total population of the majority of members of the United Nations. Over 60 per cent of those displaced by huge dams such as the Narmada project or by industries are people from the large tribal communities (80 million) who have been uprooted from their ancient homelands in the name of development. The displaced are reportedly joining the Naxalite

movement in large numbers, leading to violent conflict in several states of India (GOI, 2006).

Violence in the Northeast and Jammu and Kashmir

The north-eastern region of India is the site of historical confluence between India, Bangladesh, Myanmar, Thailand and China—an ethnic and cultural melting pot, which has witnessed, over the centuries, an interaction of indigenous communities, castes, races and religions. Porous borders facilitate the easy movement of people, resulting in cultural and social contact, as also the movement of drugs, arms, money and insurgent groups. The north-eastern states of India are to be viewed as a single conflict-prone zone with many ethnicities, risk factors and cross-border problems promoting, among others, the spread of HIV/AIDS. Regional migration is a major issue involving India, Bangladesh, Nepal, Bhutan and Myanmar (Baruah, 2005; Hazarika, 1994, 2000). Anti-State organisations such as the United Liberation Front of Assam (ULFA), the National Socialist Council of Nagaland (NSCN), People's Liberation Army (PLA) of Manipur and others are connected to networks of trans-border narcotics and weapons exchange. Intelligence sources indicate that narcotics trade has been lucrative enough to give rise to a multitude of insurgent groups in the Indian state of Manipur. The large Tamil population of Moreh, a town in Manipur bordering Myanmar, is suspected to possess links with the LTTE in Sri Lanka.

The violent movement in Jammu and Kashmir (Schofield, 2000; Stern, 2000; Swami, 2003) has led to the growth of a number of terrorist organisations in the region. Violence in Jammu and Kashmir is historically part of a larger conflict between profoundly ideological notions of statehood. Further, terrorism in the state is influenced by ideas far transcending its geographical location; increasingly, terrorists are seeking to break out of the confines of the state as indicated by the terrorist attack on the Parliament House in New Delhi on 13 December 2001.

Sectarian conflict, tribal feuds, ethnic confrontations and power politics in other countries have led to the emergence of many networks of terrorist and drug traffickers in the north-eastern region. An

unprecedented spread of light weapons has led to the aggravation of inter-state and intra-state tensions (Karta, 1997a, 1997b). The borderlines between inter-state tensions and rising crime, armed intra-state conflict and the global proliferation of weapons are rapidly being obliterated (Martin and Romano, 1992).

In development terms, wide-ranging material and psychological deprivations are associated with violence including entitlement failures, health crises, physical violence and forced displacements. Violence also disrupts development prospects by destroying the productive infrastructure, public services, settlement patterns, environmental resources, social capital and the institutions of governance (Joanna de Berry, 2001).

Criminal Violence

Periodic official reports on crime and violence are the main sources of information on crime trends over time (Nayar, 1975; Rao, 1981). The quality, accuracy and reliability of official statistics on crime and violence in India are questionable (A. Verma, 2005; Bayley, 1969; J.S. Verma, 2005; Rao, 1981; Saxena, 1987, 1991; Tanner, 1983). Many offences, though reported, are never recorded because of incompetence, corruption and unwillingness of the police to become involved in domestic conflict. Rao (1981) felt that the 'dark figure' of crime in India is much larger than in other countries, which limited the utility of official criminal statistics in critical analyses.

Indian criminal statistics, compared to those of other countries, cover only 'cognisable' Indian Penal Code (IPC) cases, leaving out not only a large number of 'non-cognisable' IPC cases but also the bulk of offences under the local and special laws. Other countries adopt more liberal criteria in providing data for compilation by international organisations. According to one estimate (Saxena, 1987), if India were to follow similar practices, the Indian rate of crime in 1973 would have been 519.0 as against the official 183.7.

The annual report of the MHA for the year 2005–06 expresses concern over the security situation in Jammu and Kashmir, the Northeast and some of the Naxalite-affected states. The incidents of Naxalite

42 Political Violence and the Police in India

violence in the country have gone up from 1,465 in 2002 to 1,594 in 2005 with a corresponding number of deaths from 482 to 669. Cognisable crimes under the IPC went up from 17,71,084 (2000) to 18,32,015 (2005).

The report takes account of incidents of riots and arson to measure the threat to public order; 59,971 riot cases and 8,637 arson cases in 2004, represent an increase of 2.9 per cent over the total figure for 2003 with 57,334 riot cases and 9,365 arson cases. Statistics pertaining to public order violence in the preceding five years are shown in Table 1.1.

Table 1.1
Public Order Violence, 1998–2002

	1998	1999	2000	2001	2002
Riots	91,201	80,838	80,456	76,222	68,945
Arson	13,083	11,218	10,393	10,535	11,820

Source: GOI and NCRB, various years.

All cognisable crimes reported and investigated by the police are broadly categorised as falling under the IPC or under Special and Local Laws (SLL). A statement of crimes and rate of crime for the years 2000 to 2004 is shown in Table 1.2.

Table 1.2
Incidence and Rate of Crime, 2000–2004

Year	Incidence		Crime rate		
	IPC	SLL	IPC	SLL	Total
2000	17,71,084	33,96,666	176.7	338.9	515.6
2001	17,69,308	35,75,230	172.3	348.1	520.4
2002	17,80,330	37,46,198	169.5	356.6	526.1
2003	17,16,120	37,78,694	160.7	353.7	514.4
2004	18,32,015	41,96,766	168.8	386.6	555.4

Source: GOI, 2006: 56.

The total IPC cognisable crimes (18,32,015) reported during 2004 showed an increase of 2.9 per cent and 6.8 per cent, respectively, over the figures for the years 2002 and 2003. These crimes are further subdivided into those against the body, property, public order and weaker sections

such as women, dalits and adivasis. Violent crimes against the body (3,37,738) in 2004 were 6.1 per cent more than those in 2003 and 3.7 per cent more than those in 2002. Violent crimes against property (3,89,304) in 2004 showed an increase of 7.9 per cent over those of 2003 and 5.6 per cent over those of 2002.

The collection, compilation and presentation of data relevant to the public interest are crucial for proper evaluation of the role and functioning of justice organisations. In India, the availability of even officially generated data is sparse and has several limitations (A. Verma, 2005; J.S. Verma, 2005). The figures in Table 1.2 are to be viewed as merely the tip of the iceberg. Crime statistics in India are made unreliable by poor communication systems, lack of faith in the police and political pressure to keep the official statistics down.

Some general trends in the figures of recorded crime are: (i) criminal behaviour is becoming more apparent than the obvious rise in the population of police strength; (ii) young people including females are involved in most criminal acts; and (iii) the use of arms is becoming more common and the tendency to resort to violence as well as crimes of violence is increasing (A. Verma, 2005; J.S. Verma, 2005). Nearly two-thirds of the cognisable crimes reported in the country (67 per cent) fall in the category of SLL, while cases falling under the IPC constitute the remaining one-third (NCRB, 2001).

Communal Violence

Hindu–Muslim ‘communal violence’ as a major fault line in Indian politics has reappeared recently to haunt the public imagination and to cause immense loss of life and destruction of property. Communal violence is increasingly becoming a euphemism for violence against the minority Muslim community by the majority Hindu community. Violence against other minorities such as the Sikhs and the Christians has also been increasing.

The issue of communal violence goes back to the specificities of freedom struggle. Engineer (1984, 1989, 2003) states that communalism is not the product of religion but of the politics of the elite of a religious community. Communalism is a product of the modern period in Indian

history. It is the competitive politics between the elites of two or more religious communities that give rise to communalism. The real issue between the Hindus and the Muslims was the sharing and control of political power. The new militancy of competitive communalism between the two major political formations of the Congress and the Bhartiya Janta Party (BJP) during the 1980s and 1990s went hand-in-hand with the globalisation of the Indian economy.

In Gujarat, communal polarisation between the Hindus and the Muslims has a historical background. The Rath Yatra led by a 'Hindu nationalist' stalwart, originating in Gujarat, culminated in the demolition of the Babri Masjid in Uttar Pradesh in December 1992. The demolition was also followed by large-scale communal violence in several states including Gujarat. Statistics from the Gujarat police show that between 1987 and 1991, 106 major incidents of communal violence took place. From 1996 to 2000, 88 major and 125 lesser incidents took place. The year 2002 witnessed 17 major incidents and 18 other incidents. The carnage of 27 February 2002 and thereafter has by now been well documented.

Official and non-official reports have brought out the basic malaise that afflicts Hindu-Muslim relations in India (Ahmad, 2002; Ansari, 1997; Das, 1990; Engineer, 1984, 1989; Government of India reports, including reports of the National Police Commission (NPC), 1979–81; Manor, 1988; Rai, 1999; Srikrishna Commission, 1998). An eight-member Citizens' Tribunal headed by a former judge of the Supreme Court of India has submitted a three-volume report on the Gujarat carnage of 2002.

Terrorist Violence

Terrorism is defined by the nature of the act, not by the identity of the perpetrators or the nature of the cause. Terrorism is violence or threat of violence, generally targeted at civilians, with the express political purpose of coercing others into actions they would not otherwise undertake, or refrain from actions they desired to take.

Economic globalisation has led to the globalisation of politics, violence and crime. The issues have been dealt with in several studies

(A. Verma, 2005; Ahmad, 2000; J.S. Verma, 2005; Martin and Romano, 1992; Marwah, 1995; Mukherji, 2005; SAHRDC, 2001; Saxena, 1987). Saxena blames bad police leadership and political manipulation of the police for the emergence and intensification of terrorism in India.

Ahmad (2000) feels terrorism should be viewed as the illegal use of violence 'for the purposes of influencing somebody's behaviour, inflicting punishment, or taking revenge'. Terrorism, in this sense, has been practiced on a large scale globally, both by governments and by private groups, and falls into various categories. The political terrorist is only one category among many. The roots of political terrorism require careful analysis. Official definitions, when not frivolous, exclude illegal violence—such as torture, burning of villages, destruction of entire peoples and genocide—from the definition of terror, which is to say that the bias is against people and in favour of governments. However, it is a fact that for every life lost in unofficial terrorism, a thousand have been lost in the official variety.

Further, religious zealotry has been a major source of terror. While Islamic groups are mentioned, other groups such as Christian, Jewish, Hindu and Judaic are little noticed thus displaying a segmented approach. The roots of private political terrorism may be said to lie in a desire to be heard. Often, it is an expression of anger, a sense of betrayal and a feeling that one has experienced violence at other people's hands. With modern technology and means of communications, the targets have been globalised. This is a by-product of globalisation of economy and culture.

Verma (2001), who examines leftwing terrorism in some states of India, argues that terrorist victimisation comes from both the brutalities of the terrorist squads and the illegal actions of the police agencies. Underlying these terrorist actions are government policies that have failed to address the democratic concerns of the citizens. It is necessary to ensure that state agencies do not go 'beyond the purview of legal boundaries'.

The annual report of the MHA for the year 2005–06 takes note of the unsuccessful terrorist attack in Ayodhya on 5 July 2005, the serial bomb blasts in Delhi on 25 October 2005 and the attack on the Indian Institute of Science, Bangalore on 28 December 2005. Nirmalangshu

Mukherji's detailed investigation of the 13 December 2001 attack on the Indian Parliament, which pushed the country to the brink of a nuclear war with Pakistan, describes how the media, the police, the political executive and the judiciary acted in concert to promote a largely unproven hypothesis in the light of the hysteria generated by the incident. The question of who attacked the parliament remained unanswered with the resulting serious violation of the human rights of the accused (Mukherji, 2005). Similarly, a harrowing story of police harassment and eventual judicial acquittal of a journalist pursuing his legitimate professional work has been recorded (Gilani, 2005).

A People's Tribunal in New Delhi (Verma, 2004) has noted that a variety of anti-terrorist legislations have neither prevented the occurrence of terrorist acts nor acted as deterrents to the use of violence for dispute resolution. Testimonies given before the tribunal highlighted widespread abuse of provisions of security legislations. The abuse was inseparable from the normal use of the law. While terrorism is a matter of grave concern, distinctions need to be made between different categories of 'terrorism': fanatical use of force to intimidate the general population; militancy on behalf of adivasis, dalits and the dispossessed; and armed resistance movements in the Northeast, which may have nothing to do with sources of foreign funding. Countering the first type of 'terrorism' requires strong security measures. The second calls for radical social reforms, including land reforms. The third calls for accountability of the Army and the paramilitary forces, which have developed a vested interest in hyping up the threat of terrorism in the Northeast.

Gender-based Violence

Documentation of violence against women has become common only from the 1980s, thanks to feminist scholarship. Acute insecurity experienced by women in conflict regions such as Jammu and Kashmir, widely perceived as the most militarised zone in South Asia has been well documented (Bhatia, 2001, cited in Oommen, 2006). Violence against women rooted in patriarchy becomes a matter of 'national security' concern, since it relates to specific security problems of 50 per cent of the population (Oommen, 2006).

The incidence of some major crimes against women in India such as rape, molestation, kidnapping and abduction, 'eve-teasing', dowry deaths, and ill-treatment by husband and his family have shown a significant increase over the years (GOI, 2001b). Data published by the National Crime Records Bureau (NCRB) show an increase in the figures of rape, molestation, kidnapping and abduction, dowry deaths and cruelty by relatives during the period from 1991 to 1998 as shown in Table 1.3.

Table 1.3
Incidence of Crimes against Women, 1991 and 1998

	1991	1998
Rape	9,793	15,031
Molestation	20,611	31,051
Kidnapping and abduction	12,300	16,381
Dowry deaths	5,077	6,917
Cruelty by relatives	15,949	41,317

Source: National Human Development Report, 2002: 281–82.

STATE RESPONSE

State response to political violence may be assessed either empirically or theoretically. We opt for an empirical assessment at the ground level with regard primarily to agrarian violence and communal violence. We then examine institutional performance at the Central Government level.

Local Level

Historically, the prime objective of the district administration in India has been to maintain public order and tranquility in the countryside (Bandyopadhyay, 1977). The general administrative procedure and traditions, criminal and civil laws, judicial pronouncements and practices are centred on the preservation of the status quo. If a conflict occurs between the implementation of a social legislation, which might upset the social status quo, and the maintenance of law and order, the weight of administrative culture and tradition favours the latter. The IPC and

the Criminal Procedure Code (CrPC) contain elaborate provisions for the maintenance of public order. An estimated 33 per cent of the operational provisions of the IPC relate to offences against property. The CrPC contains drastic provisions for dispersal of 'unlawful assemblies' by force. The police authorities freely misuse these provisions, since administrative accountability in India is lax.

The demands of the rural poor are related to land, wages and struggle against social oppression. A large number are landless agricultural workers. A landless person in rural India is virtually a non-person. Any attempt at getting possession of land, security of tenure or minimum wages is still often seen as an attempt to disturb the status quo and when this happens, public order and tranquility are threatened and all the relevant provisions of the IPC and the CrPC are often invoked by the rural elite in collusion with the state machinery to preserve the status quo.

Bandyopadhyay cites several instances, where land reform laws bestowing some rights on sharecroppers have been sabotaged through use of the provisions of Section 144 of the CrPC. Direct action by the rural poor to establish their rights have also been met with punitive measures under the provisions of the IPC and the CrPC. In the face of the facility with which the legal and administrative processes are set in motion by the rural elites to defend their interests, Bandyopadhyay expresses surprise on how organisations of the rural poor could exist and develop at all. The full implications of this constraint can be appreciated only by people with an intimate knowledge and practical experience of the functioning of the Indian administrative machinery at the district level and of the harassment and persecution that rural activists face in embarking on any direct action (Bandyopadhyay, 1977).

This writer has documented the perceptions of intelligence authorities at the district, state and Central levels in relation to rural poor struggles (Subramanian, 1988). Given its historically inherited organisational and political characteristics, the intelligence system in India has an in-built tendency to view struggles of the rural poor, especially those under radical political leadership, as attempts at 'incipient insurgency' threatening the existing political order. The intelligence machinery is composed mainly of police officers who tend to perceive social movements of the rural poor in terms of the security concerns of the

organisation (Subramanian, 1993). This leads to a gap between the reality and its perception at the policy level. A more or less exclusive pre-occupation develops in terms of the analysis of ideological differences that exist within political groups active in such movements, their areas of influence, organisational characteristic 'offences' committed by them, weapons seized from them, police requirements in terms of fire power, mobility and man power.

Several official commissions, including the NPC have gone into 'communal' or Hindu–Muslim violence. Important reports in the recent period are: (i) the Srikrishna Commission Report, 1998; (ii) the report on 'Combating Communal Conflicts: The Perception of Police Neutrality during Hindu–Muslim Riots' by Vibhuti Narain Rai, 1999; and (iii) reports on the Gujarat violence, 2002. The Srikrishna Commission was appointed by the government of Maharashtra to inquire into the Hindu–Muslim violence at Mumbai during December 1992 and January 1993. The report of the commission was published in 1998 in two volumes. The violence took place in the immediate aftermath of the demolition of the Babri Masjid in the state of Uttar Pradesh by 'Hindu nationalist' forces. The terms of reference and basic findings of the commission are important from the policy perspective. Neither the recommendations of the NPC nor those of the Srikrishna Commission, both government-appointed commissions, have yet been implemented.

Vibhuti Narain Rai is a serving senior police officer in Uttar Pradesh, the most populous state of India with a record of persistent Hindu–Muslim violence. The author studied the role of the police in the Hindu–Muslim violence during the pre-Independence and post-Independence periods in the following places: Kanpur (1931); Ranchi (1967); Ahmedabad (1969); Bhiwandi and Jalgaon (1970); Banaras (1977); Jamshedpur (1979); Bhagalpur (1989); Meerut (1990); Ayodhya (1992); Bombay (1992–1993).

His main findings with respect to the role of the police in these cases are as follows: (i) Police behave partially during most riots. In all the riots discussed in the study, the police did not act as a neutral law enforcement agency, but more as a 'Hindu' force. (ii) Perceptible discrimination was visible in the use of force, preventive arrests, enforcement of curfew,

treatment of detained persons at police stations, reporting of facts and investigation, detection and prosecution of cases registered during riots. Muslims suffered in all these respects. (iii) The perception by the Hindus and the Muslims of the police during communal strife is diametrically opposed. The Hindus view policemen as their friends and protectors during communal riots. The Muslims, by and large, consider policemen as their enemies in similar situations. (iv) An average policeman does not shed his prejudices and predetermined beliefs at the time of his entry into the force, and this is reflected in his bias against the Muslims during communal violence. (v) The expectations of the majority community from average policemen are communal and the policeman is believed to be a protector of their interests. (vi) The inimical relationship between the police and the Muslims make them over-react in a confrontation-like situation.

Central Level

Three former home secretaries have provided us insights into the institutional response to violence by the government of India (Godbole, 1996, 2000, 2006; Srinivasavaradan, 1992; Vohra, 1997). Srinivasavaradan (1992) had deplored the preoccupation with 'order and peace' at the cost of 'law and justice', which leads to the adoption of repressive measures to quell violence regardless of its causation. The other two former home secretaries bring home to us the seriousness of the internal security situation arising from violence and insecurity in the recent period. Vohra and Godbole cover the period from the early 1980s to the present.

Vohra notes that serious violence in the 1980s and 1990s was created in Punjab, Jammu and Kashmir, the Northeast and elsewhere by non-state actors. The violence included the assassination of two former prime ministers in 1984 and 1991, respectively; the assassination of the religious/political leader Harchand Singh Longowal in 1985; the Bombay bomb blasts of 1993; the assassination of the chief minister of Punjab in 1995; and the illegal airdropping of arms and ammunitions at Purulia in West Bengal by a foreign aircraft. The period also saw the emergence of subversive networks fomenting fundamentalism and terrorism.

Both Vohra and Godbole deplore the progressive dilution of the role of the MHA with declining ability in the management of the All India

and Central services, the external intelligence agency and the Central Bureau of Investigation (CBI) along with a 'highly fractured' control over the Indian Police Service (IPS). Ministers with inadequate expertise and standing in the Cabinet repeatedly handled the Ministry. Home secretaries were often men with indifferent credentials, which diluted the Ministry's internal capability and its influence over the state governments. The requirements of the police and intelligence organisations were not regularly assessed and provided for in the annual budgets. Over the years, the strength of the armed forces in the states has not been adequately augmented to meet requirements. Training and equipment to meet emergencies have not been up to the mark. The state governments, in turn, have shown a declining concern over internal security management, insisting that the MHA provide assistance by way of armed police to meet the deteriorating law and order situations.

Vohra notes the failure of the MHA to compel the states to be self-reliant in discharging their constitutional obligation to maintain internal security. An increasing tendency was to augment the strength of the Central Police Forces (CPFs) in response to unending demands from the states for the deployment of these forces. This has led, since the 1980s, to a considerable growth in the numbers of the CPFs. The continued over-deployment of the central security forces constituted a violation of the statutory roles.

Vohra adds that the Central Reserve Police Force (CRPF) has the specific mandate to provide assistance to state governments for internal security management. The Assam Rifles (AR) has a similar mandate with regard to the north-eastern region. Both these CPFs are of pre-1947 origin. Several new units came into existence after 1950: the Indo-Tibetan Border Police (ITBP) in 1962, the Border Security Force (BSF) in 1965 and later the Central Industrial Security Force (CISF). However, since the Punjab violence in the early 1980s, followed by violence in the Jammu and Kashmir and the Northeast, the MHA has been compelled to deploy elements of all available CPFs for internal security duties at the cost of thinning their presence from the border areas: large elements of the BSF have remained deployed in Punjab, Jammu and Kashmir and the Northeast. Significant elements of the ITBP have been withdrawn from their border duties to perform internal security duties in the plains. The CISF has also come in for such deployment

away from its duly allotted functions. The Election Commission of India (ECI) has been asking for large-scale deployment of CPFs for the increasingly frequent election process in different parts of the country.

The increasing deployment of CPFs for duties across the country has resulted in compromising their training standards, affecting the morale and discipline of the forces. Often, the deployment of the Army became necessary as well, damaging its training and preparedness for the defence of the country. Prolonged involvement of Army in Jammu and Kashmir, and the Northeast, has led to charges of human rights violations, torture, custodial death and the like. This has tarnished the image of the Army and led to resentment among its ranks.

Vohra further states that intelligence agencies had failed to provide concrete evidence on the role of foreign outfits in internal affairs of India despite the frequent and credible charges made in this connection. A foreign outfit was able to infiltrate across the seas and deposit huge quantities of explosives on the west coast of Maharashtra leading to the serial bomb blasts in Mumbai in early 1993, communal violence and large scale loss of life. The Purulia arms drop case in 1995 showed that our air space was not inviolate and a foreign aircraft flying from Karachi to ostensible destinations in South East Asia could operate with immunity.

There has been the further problem of the heavy transit through India of illicit drugs and narcotics from the Golden Triangle in the Northeast and Golden Crescent in the Northwest in a multi-billion dollar drugs trade across the globe. The unlimited resources of narco-terrorist networks have huge potential to cause sabotage and subversion. Intelligence networks in the states have proved inadequate to meet the challenge, relying almost entirely on the input provided by the central intelligence agencies, the Intelligence Bureau (IB) under the MHA and the Research and Analysis Wing (R&AW) under the Cabinet Secretariat.

Further, the investigations of the CBI into the serial bomb blasts in Bombay in 1993 established the existence of strong criminal networks with cross-border linkages and support, and involved in organised crime, money laundering and smuggling. The scale of such activities, revealed in the uncovering of scams and scandals, indicated that the functioning

of political parties and decision-making authorities was being systematically subverted. The nexus between politicians, bureaucrats and crime syndicates was reported in a study conducted by the Vohra Committee of the MHA in 1993, but no follow-up action was taken.

Other features noted are that the existing central intelligence apparatus has proved to be grossly inadequate. Besides failures on various fronts, central ministries and agencies concerned with national security management have failed to work in close coordination. The Parliamentary Committee, which went into the Purulia arms drop case found that although the IB had passed on the intelligence about it to the MHA, the latter had failed to transmit it to all concerned, failing to recognise its importance. The IB has yet to be provided a charter of duties and responsibilities together with its interface with R&AW. The Joint Intelligence Committee (JIC), an apex body set up to collect, collate and analyse intelligence from all agencies and draw up action plans has become almost defunct. The agencies concerned are reluctant to share intelligence with the JIC. Little attention has been paid to the intelligence and the estimates already generated.

India had a full-time chairman of JIC till the middle of 1997. Thereafter, the post remained vacant till January 1999. The National Security Council (NSC) system based on the US model was set up later. The system is presided over by the Prime Minister with important ministers of the Cabinet; a National Security Adviser; a Strategic Policy Group (SPG); an NSC Secretariat (NSCS) and a National Security Advisory Board (NSAB). The JIC became the NSCS. The NSAB prepared the nuclear doctrine, the strategic defence review and the national security review. The NSCS tried to ensure that the preoccupation with day-to-day national security and national intelligence management did not result in lack of attention to medium-term and long-term needs (Raman, 2002).

The onset of globalisation and the infusion of external factors in internal security management have rendered it difficult to view internal and external security issues separately. Old concepts of law and order management are no longer valid. With sustained covert operations by external forces, with the emergence of subversive networks fomenting fundamentalism, organised sabotage, militancy and terrorism, internal

security management has become very complex. The Defence and Home ministries have their tasks cut out. In its present form, the MHA can only undertake a degree of coordination among numerous Central Government departments and agencies. The Purulia case in 1995 demonstrated the MHA's difficulty in doing even this.

Vohra's graphic analysis of the policy, managerial and organisational crisis of the MHA is, at the root, the manifestation of a deeper political crisis at the heart of the Indian political system. This was illustrated during the apocalyptic act of violence and demolition, on 6 December 1992, of the Babri Masjid in Ayodhya in Uttar Pradesh by the Hindu nationalist forces when the MHA stood still without taking any action in spite of having earlier stationed a massive number of 195 companies of CPFs at its command at Faizabad, near the place of occurrence in Ayodhya, with elaborate advance planning and procurement of equipment of various kinds. Godbole, who was Home Secretary at the time, has written a detailed account of the political crisis that led to the Ministry's total lack of political will to act despite the existence of adequate powers under the Indian Constitution (Godbole, 1996).

Reviewing the former Prime Minister Narasimha Rao's recently published account (Godbole, 2006; Noorani, 2006; Rao, 2006), Godbole observes that by indulging in 'legalistic sophistry' rather than recording what happened actually behind the scenes and his own political compulsions, Rao has 'wasted a valuable opportunity to clear his name' (Godbole, 2006: 2075). The wanton destruction of the Babri Masjid on 6 December 1992 was followed by a communal holocaust in which more than 2,000 persons were killed and about 7,000 injured, 'widening the communal divide and leaving visible scars of bitterness and hatred' (Godbole, 2006).

Godbole thus leaves no one in doubt about the crisis of inaction at the heart of the Indian political system, which incidentally again became evident during the subsequent massacre of the minority Muslim community during the Gujarat carnage, 2002. In a recently published book, a former intelligence official has brought out the confused internal organisational situation in the crucial IB of the MHA (Dhar, 2005).

The immensely complex security situation in India in the context of the Global Age, which has come into existence after the demise of

the Cold War, has received scholarly attention (Hansen, 2001; Oommen, 2006). Oommen uncovers a huge variety and complexity of often baffling sources of insecurity outside the ken of traditional security analysis, and feels that security today is the conjoint responsibility of the State, the civil society and the market, entailing a shift in analysis from the State to the society as a whole. Though security has thus become a 'matter for everyday engagement for the entire population', it does not attract the attention of the decision makers. However, while security of the State is important, it often exceeds the limits of legitimacy and indulges in unacceptable levels of violence. The State thus becomes provider and predator of security, a dimension, which must be examined in any optimal notion of security.

Hansen, in a fine analysis of the situation in Mumbai after the violent events of December 1992–January 1993, notes the transformation of the Indian State, which has been brought about as a result of these developments (Hansen, 2001). Like all modern States, India is a complex network of routines and institutions, but it is also a State fragmented and governed by many different forces, compulsions and rationalities. It does not hold a monopoly of force or violence. State institutions and procedures constitute only one of several possible responses. Hansen endorses Partha Chatterjee's idea of a distinction between State and civil society on the one hand, as the realm of governance and negotiation of interest cast in a legal and formal framework and the 'political society' on the other, as the realm of negotiations and struggles between State and population that take place through political parties, movements and informal networks in far more chaotic forms (Chatterjee, 1998: 9–15).

Hansen draws attention to two features of Indian political society stemming from the country's long experience of post-colonial democracy: first, negotiations and public manifestations are on a huge and intense scale, with complex political and social movements and leaders vying for visibility, public resources and recognition of their demands and identity; second, the emergence of several movements, which have created complex, permanent networks within and beyond the state's jurisdiction including forms of loyalty and informal brokerage, hardly conforming to procedures of a law-abiding civil society (Hansen, 2001: 229–33).

56 Political Violence and the Police in India

This overview of the scenario of political violence and State response in the country has prepared the ground for an examination of the role of specific instruments of conflict management in the government: the police machinery in the states, the central intelligence agency and the CPFs, examined in subsequent chapters.

2

The Indian Police System in Crisis

This chapter focuses on the decay of the post-colonial Indian police system. The decay originates from the colonial past. We therefore need to examine the colonial origins of this police system.

The Indian police system as a whole, which includes the civil police in the states, the central police institutions such as the Central Paramilitary Forces (CPFs), the Intelligence Bureau (IB), the Central Bureau of Investigation (CBI) and the Union Ministry of Home Affairs (MHA), is afflicted by organisational, managerial and policy crises. Politicisation, criminalisation, corruption, brutality and human rights violations are eating into its vitals. Public order maintenance and political intelligence collection take up most of the time of the Indian police with little left for crime prevention, crime detection and service provision. The police leadership has remained a prisoner of the political party in power at all levels and has failed to contribute to organisational renewal and revitalisation, research and training, and the nurturing of professional skills (see Box 2.1).

Box 2.1

British View of the Indian Police, 1859

The British often repeated what they had stated in 1859: the police in India were ‘all but useless for the prevention and sadly inefficient for the detection of crime’ and, with rare exceptions, ‘unscrupulous in the exercise of their authority’ together with a ‘very general reputation for corruption and oppression’. Many will say this is true of the Indian police today.

Source: Kannabiran, 2004.

The British had no incentive to reform the system. The Indian rulers who followed were ‘no more than faithful’ to their British predecessors

and neglected police reforms. Perhaps, the nature of the political transition in 1947 left them with no options. The inherited system has been expanded and strengthened and continues to perform its repressive role and political surveillance functions at the cost of its proper role.

The Indian police are deeply involved in partisan politics. Internal incentives do not exist to professionalise the service, insulate it from group conflicts in society and enable it to act in a non-partisan manner. Educated, upper caste men deeply implicated in everyday conflicts dominate the police system. They work on inadequate pay at lower levels and are heavily corrupt at all levels (Brass, 2003). Politicians do not want to professionalise the service because control over it is central to political conflict in a divided society.

We begin by trying to categorise the Indian police. We then examine their inherited political–organisational characteristics. The issue of why the colonial police was retained after Independence is then addressed. Among the post-colonial issues, the impact of the Emergency (1975–77) and police strikes are explored. This is followed by a review of increasing disunity; violence and crime; politicisation, corruption and brutality; police reforms; and cracks in the IB. We do not examine the role of the CBI, which has been explored elsewhere (Singh, 1996). Finally, the role of the police in the Gujarat carnage of 2002 is briefly evaluated. A more detailed examination of the subject is made in a separate chapter.

CATEGORISING THE INDIAN POLICE

A number of authors have explored the history and role of the Indian police (A. Verma, 2005; Arnold, 1986; Baxi, 1982; Bayley, 1969; Griffiths, 1971; Gupta, 1974, 1979). Bayley's study was one of the earliest after Independence. He took a sympathetic stance towards the problems of the inherited colonial structure in facing the law and order challenges of a post-colonial, democratic society. His comparative typology of police forces (Bayley, 1982) consisting of 'authoritarian', 'oriental' and 'Anglo-Saxon' structures was faulted for underplaying the impact of the State on policing and on the various styles of policing in maintaining public order (Brewer, 1998). The responses of States to disorder were broadly

seen as three: criminalisation, accommodation and suppression. It was stated that frequently States deployed all three styles in varying combinations in different situations so that it is impossible to characterise the relationship between policing and the State in a one-dimensional way; that both liberal and authoritarian States use the strategy of suppression; that policing in all countries is politically partisan to an extent; and that portraying the police in liberal States as neutral arbiters in public order situations could be misleading (Brewer, 1998).

The modern Indian State was the product of a freedom struggle. It adopted a written, liberal democratic Constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the changed situation. The process was characterised as a 'passive revolution' (Chatterjee, 1999; Kaviraj, 1998). According to Baxi (1982), the 'colonial-repressive' character of the Indian police is quite distinct from the 'ruler supportive' character of police organisations everywhere (Dhillon, 2005). The 'colonial-repressive' character emerged when the governing elite of a decolonised society decided to retain the inherited police organisation, ignoring justified demands for change.

POLITICAL–ORGANISATIONAL CHARACTERISTICS

Several characteristics of the police organisation in India militate against the protection of human rights. Two important studies highlight them (Arnold, 1986; Baxi, 1982). Both emphasise the paramilitary and colonial-repressive character of the Indian police system. The National Police Commission (NPC), which produced an eight-volume report on police reforms (1979–81), failed to address this issue.

Bayley examined the Indian police system mainly from the perspective of crime prevention and public order management. Arnold (1986) viewed the police system in the light of colonialism's need to establish a relationship of control, coercion and surveillance over a subject population. He delineated its structural and organisational features useful to a regime of surplus extraction. Britain's industrial revolution imparted a new dimension to the nature and functions of the colonial police system. A bureaucratic ideology was developed to justify the imperial civilising mission.

The colonial Irish Constabulary became the model for the Indian police system. This model was that of a centralised paramilitary organisation. Its chief officer was called Inspector General, who was directly subordinate to the Chief Secretary. In its services to the colonial power in a restless and violent country, in its availability as an armed force under civilian direction, and in its centralised organisation, the Irish police structure was considered ideal for India.

The twin principles of police organisation pioneered by Charles Napier in the 1840s in the Sindh province were: the constabulary must be separated from the military; and while assisting the Collectors in maintaining law and order, the constabulary must be under its own officers. They were extended to Punjab, but were modified in the 1850s in Madras: the majority of the constables remained unarmed, but a section was maintained as an armed reserve in each district. The Madras principle was formalised in the Madras Police Act, 1859 and a police structure partly military and partly civil within a single organisation became the basic structure of the Indian police system. The total integration of the police within the colonial State was another marked feature. Napier's system has survived in India. He may well be regarded as the father of the Indian police system, which has only been further developed and expanded after Independence!

The transfer of the Government of India to the Queen in Parliament in 1858 led to the formulation of the Code of Civil Procedure in 1859, the Indian Penal Code (IPC) in 1860 and the Criminal Procedure Code (CrPC) in 1861. The Police Commission, 1860 resulted in the Police Act of 1861, which is still in force.

Although the police in British India were province-based, the Central Government played a big role. The Police Commissions of 1860 and 1902 standardised and reformed the police system. The trend towards centralisation of intelligence was strengthened during the closing years of the colonial rule. The key role of the Central Government in policing, the centralisation of intelligence and the role of CPFs in law and order management have all persisted.

A rigid hierarchy of rank and function between the superintendents, the inspectorate and the constabulary was enforced. The entire police department was under the control of the civil service and the provincial

government. The function of the superior police officers was to keep watch on the lower levels and to police the police. The subordination to the civilian administration lessened in the 1920s with increasing police professionalism and its enhanced political importance in a period of mass agitation, nationalism and communism. This prefigured the post-Independence 'shift in the relative importance of the civil service and the police', arousing the fear of the civil service that 'the police can easily be used as an instrument of power, not on the effective leash of normal civilian control' (Rai, 1976). It may be noted that the role of the district officer in policing, considered essential by the British, has virtually disappeared today.

Arnold (1986) paid attention to the political surveillance functions of the police. The British were an alien element in Indian society. They were interested in maintaining imperial control over India for surplus extraction. They needed to have information on the moods and opinions of the public and on the possibilities of agrarian and industrial unrest.

The Police Commission of 1860 had seen no reason to create a separate detective or intelligence branch. However, the emergence of the Indian National Congress in 1885 led to the formation of an intelligence agency for collecting information about political and social movements and organised crime. The Madras police in 1888 set up the Special Branch with wide-ranging duties. The Police Commission of 1902, noting the direction of political winds, decided to strengthen the police with the reform of the armed police and intelligence network. The Central Intelligence Department was established in Shimla in 1904, the precursor of the IB. Special Branches of the states were expanded. By mid-1930s, the Special Branch was active against the civil disobedience movement, the labour movement, the growth of communism and the developing underground terrorist activities. When the Congress moved from agitation to constitutional action, the IB increasingly perceived the communists as the 'main danger'. The last 10 years of British rule witnessed rapid expansion of the Special Branch and the range of its political activities. The largest expansion of staff was related to combating communist activities.

By mid-1930s, police coercion became a vital instrument of State policy. The State's reliance upon the police raised them to a position of

unprecedented importance within the colonial system. But the emergence of a militant strain in nationalist politics and the development of the coercive and surveillance strength of the police led to sharper public criticism of the police. However, with the onset of provincial autonomy in 1937, Congress's criticism of the police became mute. A massive expansion of police arms and surveillance took place during the 1940s.

Box 2.2

Political–Organisational Characteristics of the Indian Police

Arnold (1986) noted the 'multiple but interdependent' characteristics of the police organisation in 1947: (i) strict subordination to the civilian administration despite increasing relative importance within the administration; (ii) strengthening of ties between state police and the Central Government as intelligence network expanded and established an independent line of communication that extended right up to the inspector general; (iii) the secrecy and political significance of the intelligence wing, which gave the police bureaucratic prestige and mystique; (iv) unaccountability to the public and their elected representatives; (v) coercive strength and disposition with frequent use of high levels of state violence sanctioned by departmental custom and entrenched in police procedure and mentality; (vi) limited understanding of the causes of industrial and agrarian unrest; (vii) institutionalisation of a paramilitary wing within the police organisation; and (viii) close identification with propertied interests.

The belief in the value of periodic exhibitions of force; the interplay of police and military responsibilities; the equation of force with authority and opposition with crime; the absence of public accountability; the reliance on supervisory and classificatory systems of manipulation and control; and the innovative character of the police system itself were all distinctive features of the Indian police. The only changes after 1947 have been in the increasing numbers and strength of CPFs and in the expansion of the political intelligence network (Arnold, 1986).

For the British Raj, crime and politics were inseparable: defiance of State authority was a serious crime and a prelude to rebellion; political resistance was a crime or a likely occasion for crime. The resources and skills developed in combating the former were freely deployed in defeating the latter. The political purposes behind the origin of the Indian police are thus of great importance though neglected by some writers.

Baxi (1982) has forcefully called for the dismantling of the paramilitary structure of the Indian police. 'It is this conception of police, which is responsible for hierarchical tyranny, lack of worthwhile grievance procedures, unfortunate extension of military ideas concerning police discipline, violation of due process, illegality and practice of torture by the police' (ibid.: 106). The lack of theoretical analysis of alternative models of police organisation has led to prescriptions for change, which do not affect the paramilitary nature of the police organisation (GOI, 1968, 1979–81) impacting on the future of the rule of law and human rights in India.

WHY WAS THE COLONIAL POLICE RETAINED AFTER INDEPENDENCE?

Arnold (1988) explains that from 1885, the Congress party had been one of the main victims of police coercion and surveillance, though the communists took the place of the Congress later. The Congress had fashioned its agitational strategy and identity partly in response to police brutality and its public unaccountability. Both the Congress party and the Indian police had developed an 'increasingly all-India outlook and organisational form' as the nationalist movement advanced. They had an expanding mutual interest in the protection of property and the prevention of violent and revolutionary change. This explained the relatively untroubled transition from colonial police to Congress police.

Having gained ascendancy over the police department by constitutional rather than revolutionary means, the Congress adopted and endorsed the police system. Further, the Congress failed to develop an alternative structure of its own (unlike the Indian National Army of Subhas Chandra Bose) which could have provided the rudiments of a new police structure. Finally, the end of the Raj saw the escalation of industrial insurrection. The Army was needed to defend the frontiers and to secure the integration of Kashmir and Hyderabad, which accentuated the need to rely on the police. Administrative compulsions in the subsequent period prevented any attempt at reform.

Congress response was also conditioned by the growth of industrial unrest, communal violence and the possibility of communist

insurrection. The Union Home Minister urged the expansion of armed police force to meet the crisis. The Army led the 'police action' in Hyderabad in September 1948, but it was the substantial deployment of armed police and central intelligence agents that won the day in counter-insurgency operations. The Telengana revolt showed that the survival of the Congress could not be based on consent alone, and police coercion would have to determine permissible limits of protest and dissent. In the 10 years since Independence, the police in Congress-ruled states opened fire over a thousand times to contain industrial and political unrest, killing over 800 and sustaining limited casualties. The Congress in office was as chary as the British had been in allowing police accountability to the public.

Another reason was the understandable nationalistic assumption that once the foreign masters were out, the behaviour of the police would automatically improve. Further, it was felt that the police could play a positive role in the integration and development of the new nation.

POST-COLONIAL ISSUES

The advent of the Congress party to power in 1947 thus did little to improve the character and unpopularity of the subordinate police. By extending the range of police activity to cover prohibition, the predatory opportunities for the police increased and their 'autonomy' from senior police control remained, which contributed to the perception of them as the 'single largest lawless group'. The restrictions on police unionisation introduced by the British prevented the police from organising to press for improvement in pay scales and conditions of service. The depressed and despised condition of the subordinate police, the cause of several strikes since Independence, is ironical in view of the critical role the police play in the sustenance of the post-colonial political system (Baxi, 1982).

Eleven police commissions were set up at the state level between 1958 and 1971, but the colonial mindset prevented fundamental reforms. It was only in 1977 that the first NPC was set up, but its recommendations have been ignored.

The Indian police today works under several masters. In rural India, they are under the sway of the rural rich against the rural poor (Human Rights Watch, 1999; Viswanathan, 2005) and inflict mindless violence against the Scheduled Castes and Tribes, resenting and opposing social ameliorative measures adopted by the government. In urban India, they come under the influence of industrial groups. That they are also under the politicians' sway is by now folklore. All political parties exercise influence over police postings, promotions and transfers, and the deployment of police during demonstrations, strikes and elections.

Some scholars perceive the massive growth of centralised police power since Independence as a consequence of the increasing politicisation of the police forces at the state level. However, the formation of state governments since 1967 with a different outlook from that of the Congress party, especially the United Front governments in Kerala and West Bengal with communist participation, made control over the police a major cause of contention between the state governments and the Centre. This led to the formation of paramilitary units able to operate in the states with the concurrence of the state governments but accountable to the Centre. Central intelligence units can anyway operate in the states as part of the central official machinery. Some have seen in this the emergence of a 'two-tier system' of policing in India in contravention of the Constitution. As political opposition grew during the 1960s and India's economic performance faltered, the Congress-led Central Government placed increasing reliance upon its own police and intelligence agencies. While the state police forces have remained largely unreformed with poor discipline, the central police developed as elite police corps, specially trained and selected, better equipped and armed, and loyal to the Central Government.

The timing of these forces is revealing. It was during the counter-insurgency operation in Telengana that the IB first emerged as an all-India agency for the collection and collation of political intelligence (Mullik, 1972). In 1949, the Central Reserve Police Force (CRPF) was formed in succession to the Crown's Representative Police raised a decade earlier for the protection of law and order in the princely states. In 1964, the CRPF numbered 14 battalions; by 1975, it had multiplied to 60 battalions. The late 1960s witnessed the creation of the Central

Industrial Security Force (CISF) with 17 battalions in 1974 and the Border Security Force (BSF) with 70 battalions. The Central Government has direct authority over other forces such as the Assam Rifles (AR) and the Railway Protection Force (RPF).

The war against China in 1962 and against Pakistan in 1965 led to a reappraisal of Army and police responsibilities for 'internal security'. While the Army has been frequently called out in 'aid of civil power' since Independence (Cohen, 2001), the CPFs, especially the CRPF and the BSF, have been increasingly called out for this purpose. While the Army in India has not acquired the same profile as in Pakistan and Bangladesh, there has been a 'creeping coup', some feel, in India with the CPFs being used for the suppression of the Naxalite movement (1967–72), the defeat of the all India Railway strike (1974), the repressive measures against the JP movement in Bihar (1974–75) and the Emergency (1975–77). The overall trend in India has been for police numbers to grow faster than the rate of population growth.

A former police officer has observed (Gupta, 1988) that nationalist leaders who came to occupy positions of power after the departure of the British were 'enamoured' by the administrative and police system left behind by the colonial power and enjoyed exercising power and authority, oblivious of their own demand during the freedom struggle for far-reaching administrative reforms. Although the Nehru regime was stable, the Indira Gandhi regime's stability was threatened by political turbulence leading to the imposition of the Emergency (1975–77), which brought out in full virulence the repressive role of the inherited police system.

IMPACT OF THE EMERGENCY (1975–77)

The Shah Commission, which went into the Emergency excesses of 1975–77, brought into public view the organisational crisis of the entire administrative system including the police. The Janata party government in 1977 set up the Shah Commission, the L.P. Singh Committee on intelligence reforms and the NPC for police reforms. These bodies submitted their reports, but the Congress party, which came to office again in 1980, put them in cold storage.

David Bayley (1983) who visited India after the Emergency, noted an atmosphere of desperation on issues of public order. The police were devoting attention primarily to mounting group violence rather than individual criminality. The superintendents of police were spending up to 80 per cent of their time in dealing with actual or potential outbreaks of rioting and demonstrations. Increasing group violence has led to substantial increases in armed police, mainly at the Central level, relative to the civil; and distortion in the deployment patterns in that officers tended to collect their forces in reserve, in order to be prepared for mob outbreaks. This meant pulling police out of rural areas and concentrating them in urban areas and the neglect of beat duties. Continuous involvement with riots, demonstrations, firing deaths, injuries and judicial enquiries had led to a decline of professionalism, morale and efficiency in the police.

Bayley examined the three aspects of political direction, police strikes, and violence and crime, since they were linked in the context of the general factors shaping Indian political life.

The Emergency experience had injected politics into police decision-making more explicitly. 'High politicisation' had replaced the 'low politicisation' of the previous period. The police faced the 'Nuremberg dilemma' of whether or not to implement illegal orders by persons in political authority and such others. Senior police officials at the state and Central levels openly proclaimed political exigency. The Janata party regime of 1977, which was short-lived, could not punish those found guilty of Emergency excesses by the Shah Commission. The first ever Police Commission in independent India set up by the Janata regime was sidelined in 1980, when Indira Gandhi returned to power. The message sent out was that the administration was to serve the government. Throughout the country, officers censured by the Janata regime were rehabilitated. Partisanship in administration was reinstated.

In the late 1970s, there was political pressure on police at all ranks down to the assistant sub-inspector—pressures related to dropping proceedings against those with political connections or to filing trivial charges against political enemies to harass them. Local politicians even sat in the police stations to serve as a buffer between their supporters

and the police. Station House Officers were courted and made to feel important. Looking for leverage in particular cases, politicians would start at the lower levels of the hierarchy and go up till they found a pliable officer. If all else failed, they would go through the party channels to the chief minister. The qualitative impact of all this was dramatic. Many felt that India had developed a 'dual system' of justice, one through the formal channels of the criminal justice system and another through political channels.

The general practice of the retention of the police portfolio by the state chief ministers indicated the crucial role of law enforcement in politics. The Home Minister of India is perceived to be the second most powerful figure in government after the Prime Minister and only a hardcore loyalist was appointed to the post. Officers who held out against political pressure were summarily transferred. In states such as Bihar and Uttar Pradesh, top police officers and district police chiefs served for less than one year in office, and Station House Officers for even less! Electoral changes invariably caused turnover in police postings. Political manipulation led to decline in discipline and senior officers were often unable to control undisciplined juniors with political connections. Even senior officers were affected. A kind of Gresham's Law began to work wherein intrusion of politics in matters of police management led to solicitation of further political influence. Pervasive disillusionment, loss of pride and collegiality within the higher police ranks was the result.

Bayley found that although preoccupied with group violence, police officers were also trying to safeguard their career prospects. Both the public and the police were caught in an increasingly norm-free, unpredictable and unjust environment. Policing was being transformed from the 'professional imposition of a coherent moral consensus on society into an intensely partisan political activity'.

POLICE STRIKES

The end of Emergency led to the release of pent-up feelings. The first manifestation of organised militancy was in the Delhi police strike of

1967 against bad working conditions. The second, more serious, was the 'mutiny' of the Provincial Armed Constabulary (PAC) in Uttar Pradesh in 1973. In that episode, the Army was called in, exchanging fire with the PAC units in several towns in Uttar Pradesh. The causes of the escalating unrest were obvious: inadequate pay especially at the lower levels; housing and dearness allowance; disability benefits; pensions; hours of service; promotion prospects; and performance of menial duties for senior officers.

All India Police Strike, 1979

This strike, which came after the Emergency in 1979, engulfed the whole country. It was not confined to the state police forces. It spread to the CRPF and the CISF. The state police went on strike on the basis of legitimate professional demands. The CRPF was used to suppress the strike. Strike by the CRPF necessitated that the Army be called out. The strike was spontaneous, ill-coordinated and short-lived. Its proximate cause was the same for the state civil police as well as the CPFs: humiliating treatment of police subordinates.

Strong-arm methods were used to crush the police strike, but the issues remained. The participation in the strike by CPFs was particularly noteworthy. These forces were growing rapidly in an almost uncontrolled manner and were being widely used for law and order, election duties and so on, beyond the original purposes for which they were raised. The existence and expansion of these central forces, especially the CRPF, which is essentially meant for law and order duties at the state level, seemed to send the message that the state police forces cannot be fully relied upon to maintain or restore order in some situations without the help of mobile, centrally controlled paramilitary forces (Baxi, 1982).

India has probably the largest number of police forces in the world with approximately 2–3 million men at arms, putting state and central police forces together (GOI, 2006; NCRB, 2001). Discontent in the police forces could thus be quite destabilising for the Indian political system. The government must maintain these forces at a minimum level

of decency and comfort. Does India need to have two types of police forces, one under the Central Government and the other under the state governments? How are the costs met? Already, it is clear that approximately one-third of the total current budget of about Rs 210 billion of the MHA goes towards expenses on the CPFs. Can India afford the expenditure for the upkeep of these forces plus the additional costs for their deployment, training and so on?

Gujarat Police Strike, 1985

Political violence in the state of Gujarat in the mid-1980s led to a major police strike. Violence against the poor took place for electoral-political reasons; the police not only failed to contain the violence but also participated in it. A breakdown of law and order followed and the Army was called out. It was noted that the violence in the last quarter of 1985 in Gujarat would figure more prominently in political histories than even the major violence in Punjab during the 1980s or the Hindu-Muslim violence of the period (Manor, 1988).

Politicisation of the police followed the heavy reliance on them since 1981 to deal with communal and caste violence. The recognition of police associations by the Janata party government in the late 1970s led to police demands in Gujarat, which the state exchequer could not meet. Ashok Bhatt, a former police officer and convener of the police coordination committee, had organised police strikes on six occasions after 1979, which led up to ghastly communal riots in 1985 and 1986. In 1987 too, Bhatt was able to gain his demands by a threat of strike.

The 1985 police unrest in Gujarat led to: (i) the arrest of 21 police leaders and dismissal of 72; (ii) the takeover by the CPFs of 34 police armories; (iii) the locking up of 24 police stations in Ahmedabad; (iv) the evacuation of several battalions of the State Armed Police (SAP) to Punjab for fear of mutiny and the deployment of over 70,000 BSF and CRPF personnel; (v) the open disrespect to the President and the Prime Minister by rebel police leader Ashok Bhatt; (vi) the bungling of the arrest of Ashok Bhatt leading to his release and consequent tensions; and (vii) discord among top policemen one of whom was dealt with for corruption (Subramanian, 1988).

INCREASING DISUNITY

Bayley (1983) noted three aspects of increasing disunity in the police: high stratification of the rank structure; increasing strain between senior officers of the state police and the IPS; and the problem of state loyalties.

First, recruitment to the police takes place at different levels: constables, subinspectors, deputy superintendents and assistant superintendents. Although some people may be promoted from each of the four strata into the next higher one, opportunities are, in fact, quite limited. Unionisation would highlight these divisions at lower levels as it becomes necessary to determine whether there shall be a single- or multiple-rank association. Second, gazetted officers of the state services resented the tradition of reserving the most important state-level posts to directly recruited IPS officers. There is a quota for promotion of state service officers into the IPS, but monopolisation by the IPS is strong. By 1980, eight states had demanded that no more directly recruited IPS officers be sent to them. Some state governments pay the promoted state service officers salaries comparable to the directly recruited IPS officers. The movement towards limiting the intake of directly recruited IPS cadres into the states may be viewed as politicisation of the rule of law, representing an alliance between state-level officers and politicians. It also reflects latent federal tensions in the Indian polity between the Centre and the states. Third, since 1950, 50 per cent of the directly recruited IPS officers are posted outside their home states in order to, it is said, promote 'national integration'.

However, these officers, given the increasing politicisation of the local environment in every state in India, are always regarded as 'outside officers' not to be fully trusted by local politicians. Tensions arise between three groups of gazetted police officers in each state: state police officers promoted to IPS; directly recruited IPS officers belonging to the state; and directly recruited IPS officers from other states posted in the state.

VIOLENCE AND CRIME

Bayley (1983) noted that 'law and order', meaning public order maintenance in the context of increasing rioting and violent demonstrations,

is the crippling preoccupation of police work. About 80 per cent of police time was devoted to dealing with actual and potential outbreaks of violence. Official crime statistics bore out an escalation of violence over the years. There was an upsurge of violence after the lifting of Emergency. The year 1980 saw a crescendo of communal violence in which over 2000 people were killed.

Increasing violence led to an increase in the size of the armed police relative to civil. Increases in police strength after the 1970s were almost entirely in the armed police. Most of the increases take place in the CPFs. The armed forces of the states are also being expanded by the setting up of India Reserve (IR) battalions with central financial assistance.

State armed police come in two forms: (i) the district armed reserve, meant for riot duty; and (ii) the mobile armed police, organised and directed from the state police headquarters, such as PAC in Uttar Pradesh, Bihar Military Police (BMP) and Punjab Armed Police (PAP). Preoccupation with violence warps deployment patterns. Forces tend to be collected in reserves in order to be prepared for violent outbreaks. This means pulling out police from rural areas and concentrating them in cities to the neglect of beat duties. It also saps creativity inhibiting officers from being proactive, making them adopt a self-protective approach with neither the initiative nor the inclination to devote attention to scores of other mundane but important problems including investigation of routine crime. The challenge of public order management pushes the police into the glare of public and media attention. Riots, police firings, deaths and injuries, demonstrations against the police, further riots, judicial enquiries and so on are the staple of press and media reports, and lead to action against erring police officials in some cases or in a selective manner, which leads to demoralisation on the part of those who did a job in good conscience. Since political parties almost inevitably organise the riots, their increasing incidence makes professional policing increasingly less likely. From the police perspective, it increases their need for political champions, both individually and collectively. The 'traditional method' of appearing impartial in a riot situation, for instance, by the police arresting an equal number of people from both sides, has become dysfunctional in today's atmosphere of heightened political tensions and partisanship. In addition to

group violence, private citizens are increasingly willing to take to violence to settle personal scores as part of an all-pervading sense of breakdown of order and collapse of the criminal justice system. This has anyway been a persistent feature in rural India, with increasing attacks on the rural poor by the rural rich and upper castes, often with the support and participation of the police. The result is the erosion of public confidence in the government ensuring minimal justice. The Bhagalpur blinding, back in the 1980s, was an early example.

Recent suggestions (A. Verma, 2005) regarding the collection and analysis of statistics on crime and violence are valid. The call for better research and learning of lessons from abroad is well taken. Further, evaluation of the work of the National Crime Records Bureau (NCRB) must be supplemented by a much-needed assessment of the work of the Bureau of Police Research and Development (BPR&D), its parent body.

Box 2.3
Increase in Crime, 1951–81

An estimate in 1987 showed that apart from cases of murder, kidnapping, dacoity and robbery, which showed increases of over 100 per cent during the period from 1951 to 1981, the figures of riots increased by nearly 440 per cent during the same period and cases under the Arms Act by nearly 550 per cent (Singh, 1987). 'Atrocities' against dalits and adivasis (Scheduled Castes and Scheduled Tribes, in official parlance) went up.

Source: Singh, 1987.

POLITICISATION, CORRUPTION AND BRUTALITY

Arvind Verma (2005) examined the organisational features and the cultural and managerial practices, which promote corruption, brutality and politicisation of the police. The elitist nature of the police leadership, the politicisation of the department, its unaccountability to the people and its outdated managerial practices make corruption endemic. Politicisation of the police results from lack of professionalism and accountability within the organisation. Startlingly, political misuse of the police is said to be the direct result of internal organisational problems and poor performance. When police indifference to citizen problems and personal

misbehaviour of officers become matters of public concern, the politician in Indian democracy finds it necessary to intervene. Independence has transformed the ruling elite in a dramatic way. Empowered by democracy, people demand that politicians must address their grievances. Verma's analysis of the conflict between democratic politics and the authoritarian practices of the police, leads him to boldly state: 'politicisation of the police is the price (paid) for the democratic functioning of the country' (A. Verma, 2005: 171). The prevalent wisdom, however, tends to put all the blame on the political class, ignoring the negative role of the police leadership.

Box 2.4

Political Interference in Police Work, 1992, 2002

Political interference in police work reached a new high during the demolition of the Babri Masjid in 1992 and the Gujarat carnage in 2002. In the former case, the Chief Minister of Uttar Pradesh, where the mosque is located, is reported reliably to have instructed the state Director General of Police that no police firing should take place in case the demolition occurred. The officer issued written instructions in this regard. The demolition of the mosque went on unhindered.

The Chief Minister of Gujarat, on the other hand, reliably told in a meeting of senior police and civil officials on the day before the commencement of the massacre (27 February 2002) that a major public protest by the Hindus would take place the next day against the alleged Muslim role in the death of many Hindu pilgrims in an arson attack on a train the previous day and that the police and the administration should 'respect Hindu sentiments'. This led to marked inactivity and even participation of the police in the massacre that followed.

POLICE REFORMS

For the British, the maintenance of their rule in India was the prime consideration. Crime control was only a secondary objective to be achieved through fear of the police (Gupta, 1988). The IPC, CrPC and the Evidence Act put in place a legal framework and a police force equipped for the maintenance of British rule by force. The IPC prioritises offences against the State and the maintenance of public order.

It begins consideration of traditional crime only from Section 299 in Chapter XVI onwards. The CrPC begins with the 'arrest of persons' and the 'maintenance of public order and tranquility' before getting to grips with criminal procedure relating to investigation and trial. The Police Act of 1861, despite its preamble, prioritises collection and communication of intelligence affecting the public peace. The prevention and detection of crime is included among the duties of the police only in Section 23 of the Act. The Act further provides for punitive policing at the cost of local residents in the event of 'disturbances' and for the appointment of private persons as special police officers.

Gupta (1988) points out that the Indian National Congress in its very first session in 1885 had demanded the setting up of a Royal Commission on administrative reforms. However, on assuming power in 1947, the new rulers forgot their demand. They failed to introduce administrative changes in tune with the provisions of the republican Constitution of India. The police remained distant from the people and were as hated as before. The process of planning and development gave rise to corruption on a large scale, which spread rapidly and led to the emergence of several new forms of crime, especially 'white collar crimes' (*ibid.*).

The blanket power of superintendence vested in the government by the Police Act, 1861, is not appropriate in a democracy. Further, the role of intelligence agencies was not redefined to protect the fundamental right to freedoms of association, expression and movement. The police in India still keep a watch on all political activities without discrimination and exclude only the ruling party of the day, which gives them authoritarian powers antithetical to the democratic spirit.

The neglected issue of police reforms rose to crisis proportions after the Emergency (1975–77). The Shah Commission of Inquiry documented the police atrocities during those dark days. The Janata party, which displaced the Congress party in power in 1977, set up the NPC and the L.P. Singh Committee, to reform the police, intelligence and investigative agencies. The NPC came out with a report in eight volumes. The L.P. Singh Committee report suggested the adoption of a legal framework and a charter of duties for the IB. These recommendations were ignored by the Congress party, which returned to power in 1980.

The NPC had reported that unregulated political intervention in police work was a matter for serious concern. In a democracy, police could not be wholly autonomous and political intervention was both inevitable and necessary to some extent. What appeared to be interference to police officers was sometimes justified supervision on the part of elected representatives. The NPC sought to specify areas where government interference was justified and others where it was not. It recommended the setting up of Security Commissions at the state level with members who will have fixed tenures; the majority of them would be non-political persons.

The demolition of the Babri Masjid in December 1992 revealed graphically the decline of rule of law and the loss of professionalism, impartiality, dedication and commitment on the part of the police. This was followed by the communal violence in Mumbai in 1992–93 and the Gujarat carnage of 2002, which witnessed a total collapse of the criminal justice system. These developments added to the urgency of police reforms. Several reform efforts have been initiated, such as the Public Interest petition to the Supreme Court of India by Prakash Singh and another in 1996, followed by the Julio Ribeiro Committee of 1998, the Padhmanabiah Committee of 1999, the Malimath Committee of 2000 and the recommendations of the NHRC. The larger issues pertaining to good governance involving the police and civil services were also raised in a public interest litigation in the Supreme Court of India (Godbole, 2004). The earlier efforts in 1997 by the then Union Home Minister, Indrajit Gupta, had been unsuccessful. The recent move by the government, which has constituted the Police Act Drafting Committee (PADC) to revise the Police Act of 1861, appears to be a case of 'too little, too late'.

The efforts of the NPC, though laudable, have failed to address the complex issues of police reforms as brought out in a recent study (A. Verma, 2005). The author attributes the 'failure' of the Commission to accomplish its tasks to a variety of factors including its composition, methodology, neglect of research, neglect of cross-country experiences together with a flawed perception of the policy culture and politico-administrative environment in the country.

Any discussion on police reforms must address the basic issue of the constabulary, which constitutes over 90 per cent of the total police personnel.

CRACKS IN THE INTELLIGENCE BUREAU

The intelligence system manned entirely by the police has been showing cracks for a long time. B.N. Mullik who was Director of Intelligence Bureau (1950–64) published a three-volume account of his work in the IB under Prime Minister Nehru, which unwittingly revealed the organisation to be highly politicised. After the British left, the IB has not been given a legal framework or a charter of duties. Mullik did nothing to address the issue although he was a ‘colossus’ of the Indian police (Rao, 1993).

M.K. Dhar (2005), who retired as Joint Director of the IB, has given a courageous account of the goings-on in the organisation from about 1968 to 1995. His narrative is hair-raising in many respects. The details are sordid and specific. The bugging of criminals, terrorists, communists and even journalists is known. In 1974, the author was called upon to subvert, for the second time, the loyalty of a section of politicians in the north-eastern state of Nagaland. In 1982, the former Prime Minister Indira Gandhi wanted the parliamentary office of a particular member of her own ruling party to be bugged. In 1987, a bugging device aimed at the President of India was placed in the PM’s office. Dhar’s memoirs also unabashedly reveal his own political links with the then main opposition party. Dhar’s defence is that he did everything as a part of his duty as a spy! Speaking to a journalist, he said: ‘these are not dirty tricks, they are trade craft’.

THE ROLE OF POLICE IN THE GUJARAT CARNAGE, 2002

Incidents such as the massacre of the Sikhs in 1984 or of the Muslims frequently mainly in northern and western India, especially the large-scale killings and destruction of property that were organised in Gujarat during 2002, are indicative of the nature and structure of the Indian polity and the State (Varadarajan, 2002). Virtually, every riot inquiry

commission has established that the police either actively participated or stood silently by as the violence went on. In Uttar Pradesh, the PAC, a state armed police force, was indicted for the 1987 massacre of the Muslims in Maliana and Hashimpura. Similar was the judgement on the role of the police in the 1969 Ahmedabad riots by the Reddy Commission.

The police are politically conditioned to view only Muslim localities as trouble spots and Muslim elements as troublemakers. They do not keep an eye on Hindu chauvinist parties and Hindu lumpen elements for possible mischief. This seems to be in keeping with the prevalent view, in some quarters, of Hindu terrorists as 'nationalists' and of the Muslim community as a whole as consisting of 'terrorists'. Whichever party comes to power at the Centre or in the states, no effort is made to punish the guilty. The mechanism of setting up a commission of inquiry serves the interests of the rulers well. Thus, India is said to be suffering from 'commission mania' (Baxi, 1994b).

A plausible thesis is that most political parties in India derive benefits from communal riots and have vested interests in their perpetuation. Analysts are thus called upon to devote attention to the issue of *how* communal riots are organised rather than on *why* they occur. Paul Brass has highlighted the existence and operation of what he calls 'institutionalised riot systems' in specific locations such as Aligarh and Meerut. The State machinery plays an important role in these riot systems that operate at the sites of persistent communal tensions (Brass, 1997, 2003). The role of the police in the Gujarat carnage, 2002, points to the existence of such a system in that state, where the characterisation of the Muslim minority as 'outsiders' to India, produced a sense of acute insecurity within that community (Oommen, 2006).

Several studies have pointed to the partisan functioning of the police machinery during violence against the minority communities in India (Grover, 2002; Setalvad, 2002). Setalvad's analysis of the role of the 'guardians' in the Gujarat carnage of 2002 is telling. The process of communalisation of the police organisation in the northern and western regions of India, especially Gujarat, has been going on for over two decades. The worst part of it in Gujarat was that those in State power

were themselves directly responsible for pushing forward this process and benefiting from it politically.

The state government delayed the deployment of the Army till the evening of 28 February 2002 when the situation had already gone out of control. It is not clear why the Central Government did not consider immediate deployment of the CPFs when the Godhra violence took place on February 27. Though the troops arrived in Ahmedabad on 1 March 2002, they did not begin deployment till 3 March 2002, when the worst violence had already occurred.

Box 2.5

Police Response to Violence in the Gujarat Carnage, 2002

Setalvad (2002) cites the following figures on the role of the police in Vadodara during the violence incidents:

- Police absent at the time of attack: 814 cases.
- Police informed but inactive: 397 cases.
- No response from the police: 60 cases.
- Police present and actively involved: 25 cases.
- Police prevented incidents: 27 cases.

A newsman reported that in many places shops were looted and set on fire under the nose of the police; a small mausoleum close to the office of the Commissioner of Police was being destroyed by hooligans, with the police gesturing them to go ahead; more than 15 incidents of 'conversion' of places of Muslim worship into Hindu temples, with the police remaining mute spectators; and a policeman offered petrol from his official jeep to hooligans to commit arson.

Setalvad quotes Julio Ribeiro, former Police Commissioner of Mumbai, to the effect that the police and the Indian State had abdicated their responsibility to defend every citizen irrespective of his caste or creed. The Gujarat carnage once again exposed the tendency of the police to follow the line of least resistance to please the politicians. The root cause lay in the politicisation of the police across the country, resulting from the misuse by the politicians of the power of appointments and transfers. Setalvad cites the view of a senior serving police officer

that no riot can continue beyond 24 hours ‘unless the State wants it to continue’.

In this chapter, we have attempted a comprehensive historical and contemporary assessment of the organisational, political and managerial crises of the Indian police system, which inhibits its effective role performance. In the next chapter, we will examine the crisis of the IB, an integral part of the Indian police system.

3

Intelligence Bureau: An Instrument of Partisan Politics

The Intelligence Bureau (IB) is a centralised and powerful police agency under the Union government's exclusive control, generating wide-ranging political intelligence (Kasturi, 1995). Its specific security-related tasks are fighting against terrorism, subversion, sabotage and espionage. Although the IB is an 'attached office' of the Union Ministry of Home Affairs (MHA) and the Union Home Secretary is the formal boss of the organisation, the Director of the IB (DIB) enjoys privileged access to the top political executive, the Prime Minister and the Union Home Minister.

The IB plays a leading role in providing direction to state and central police organisations besides providing political-analytical inputs to the ruling party and its government. However, tales are told of political skullduggery on behalf of successive political regimes and of botched counter-intelligence operations (Dhar, 2005).

Intelligence Bureau personnel are posted in all parts of the country in Subsidiary Intelligence Bureaus (SIBs). The field organisations are suited to meet specific local intelligence needs, regional aspects and border security. Intelligence Bureau staff are also deployed in sensitive areas, towns and cities. At the New Delhi headquarters, the functional staff deals with specific issues and states besides also looking into all-India dimensions. The IB is known to undertake strategic exercises during elections, and conduct election forecasts and analyses to oblige the party in power (Deshmukh, 2004). A well-developed hierarchical and organisational structure is in place at the national headquarters and in field offices.

HISTORICAL BACKGROUND

The origin of the IB goes back to the Thuggee and Dakaiti (T&D) Department set up by William Sleeman in 1835 to deal with the crimes committed by 'thugs' and 'dacoits'. This was, in effect, a Criminal Investigation Department. Around 1860, the department ceased to have any executive functions since the crimes it dealt with had effectively been rooted out. In 1887, two years after the formation of the Indian National Congress (INC), the department was given the additional duty of collecting 'secret and political' intelligence. The department's branch doing this work was known as Central Special Branch. The IB of today is a natural development from the new and expanded functions of the T&D Department.

The Central Special Branch was to collect, collate and interpret intelligence received from the Provincial Special Branches set up the same year at the police headquarters of the provinces. The responsibilities of these agencies were to report on (i) all political movements and publications of seditious literature; (ii) religious sects and changes in doctrine and practice having a political significance; (iii) the arrival, sojourn, departure and proceedings of suspicious characters and foreigners, with special attention to foreign emissaries and movements of notorious gangs of foreign criminals, the presence in any place of notorious criminals and any circumstances regarding their habits that may come to notice, the movements, change of residence, et cetera of notorious known depredators; (iv) rumours or published opinions disturbing the public peace and popular feelings; (v) religious excitement such as that caused by kine-killing contrary to rules, and comments by the people on laws and government measures; (vi) illicit trade in arms and ammunitions with special notice to Arms Act cases; (vii) recruitment for Indian Army or native states; (viii) affairs of native states and rumours regarding them; (ix) constitution, objects and proceedings of native societies, whether established for political or ostensibly other objects; (x) indication of distress or anticipation of famine, scarcity of food or water, for man or beast, with statement (in case of famine) of number of deaths from starvation; (xi) emigration and immigration and the causes thereof; and (xii) the arrival, departure and sojourn of men of note (Petrie, 1972).

The growing need for internal political intelligence felt by the British authorities in the context of the increasing militancy of the freedom struggle was the key to the rapid development of intelligence-gathering arrangements at the Central and provincial levels. In 1883, the Indian Association led by Surendranath Banerji was converted into the Indian National Conference; the Madras Mahajan Sabha came into existence in 1884; and the Bombay Presidency Association in 1885. The INC, when it came into existence in 1885, was at once perceived as a threat to the stability of the Empire and a full-fledged system was devised for collection and interpretation of political intelligence. The Central Special Branch operated through the Provincial Special Branches, since it had no field offices except at Peshawar, Srinagar and Shillong for external security.

In the early 20th century, mass assertiveness consisted of largely peaceful political mobilisation and the setting-up of clandestine organisations to inculcate militant nationalism with Bengal as the epicentre. In 1906, the Government of India amended and consolidated the criminal laws with the objective of strengthening the police to repress the mounting public unrest. In 1920, for the first time, the Central Special Branch was renamed the IB, whose tasks were briefly spelt out under Section 40(2) of the Government of India Act 1919. On this basis, in 1924, the IB was to work on matters relating to the security of India and report directly to the Governor-General.

The IB's work then included coverage of terrorism and subversive activities; political movements; communal violence; the communist movement; and the activities of inimical powers beyond the borders. On the basis of information collected, it made an overall assessment, for the formulation of government policy. The report of the Rowlatt Committee, leading up to the Rowlatt Act 1919 was based on the evidence marshalled by the Bengal and the Central units of the Special Branch (Samanta, 1994).

The introduction of provincial autonomy in 1935 led to the placing of Central Intelligence Officers (CIOs) under the IB in selected provinces to collect intelligence on political activities for the Central Government. In 1945, the Government of India clarified that the IB was the intelligence agency of the Central Government in the security field,

collecting, coordinating and supplying information on matters concerning the external and internal security of India; that it exercised no police powers; and that its control vested in a Director appointed by the Governor-General. The IB was attached to the Home Department of the Government of India. It was the coordinating link between the intelligence agencies of the provinces. It was to maintain close relations with consular and diplomatic posts and security services across the world.

By 1937, the IB had a fairly organised network in the provinces for independent collection of intelligence of political nature. The CIOs located in princely states and officials in charge of the SIBs in British-ruled provinces reported directly to the DIB. The Governor-General's special areas of authority under the Government of India Act 1935, related to the prevention of threats to peace and tranquility in India or any part thereof; and the protection of the rights and interests of the members of the public services. These provisions helped secure the IB from ministerial scrutiny of governments under provincial autonomy and the police and the administrative officers from the normal processes of law. When the Constitution of India 1950 came into force after Independence, secret files of the central IB and the Provincial Special Branches were destroyed or sent abroad.

INTELLIGENCE BUREAU IN INDEPENDENT INDIA

Role of B.N. Mullik

B.N. Mullik, who had joined the Indian Police (IP) in the early 1930s and had served in Bihar, was selected for the IB in 1948. After two years as Deputy Director, he was handpicked for the post of DIB, ignoring many of his seniors. After becoming DIB, he had an excellent first meeting with Prime Minister Nehru, which laid the foundation for a close relationship, that remained in place till Nehru died in 1964. The story of Mullik's relationship with Nehru can only be fully told when the still-classified IB documents of the time are placed in the public domain. However, Mullik's three-volume memoirs throw a significant light on the relationship.

Mullik's memoirs were described as the most indiscreet ever written by an intelligence chief. The memoirs of Stella Rimington, former Director General (DG) of the MI5, are a good contrast (Rimington, 2002). Far from being confined to his intelligence role, Mullik became almost a confidante of the Prime Minister, adept at every task that the Prime Minister entrusted to him. A glance at the chapter headings of Mullik's third volume of memoirs indicates the range of issues on which the Prime Minister wanted Mullik's advice. Mullik's interesting and controversial version of important events in which he played a key role on behalf of Nehru, remains un-contradicted. A recent biographer of Nehru (Tharoor, 2003) notes the criticism of Jawaharlal by his sister Krishna (Betty) and Nehru's colleague Rajkumari Amrit Kaur that he had a tendency to be surrounded by opportunists; was not a good judge of character; was easily deceived; and was not averse to flattery (*ibid.*: 205–6). By the way, Gopal, Nehru's official biographer, too, takes note of the damaging role played by M.O. Mathai, personal assistant to the Prime Minister (Gopal, 1984: 122).

M.K. Dhar's recent autobiographical account of his nearly 30 years in the IB (Dhar, 2005) is a dramatic supplement to Mullik's account of his work in the organisation. Mullik's work covered the formative years of the Indian polity under Nehru (1950–64), a period of political stability. Dhar's book covers the years (1968–95) of political instability under more than one Prime Minister. Dhar's story is a sordid one of the degeneration of the organisation after the departure of the powerful Mullik. He reveals that the IB's bugging devices were used not only against journalists, communists and others but were also planted in the early 1980s at the parliamentary office of the then ruling party member perceived as inimical to the then Prime Minister. Later on, even the Rashtrapati Bhawan, the official residence of the President of India, became a target. Although working for a government led by the Congress party, Dhar had close personal and political relations with the top leaders of the main opposition party, Bharatiya Janata Party (BJP)!

The two contrasting accounts of life in the IB by two top officials covering the period from Prime Minister Jawaharlal Nehru (1947–64) to Prime Minister Narasimha Rao (1991–96) are the most important

evidence of the truly political role of this crucial organ of the Indian State. Its politicisation or lack of impartiality and objectivity in its reporting can distort the policy process and damage the credibility and political legitimacy of the State. Dhar highlights the fact that the IB lacks a legal framework and a well-honed charter of duties.

Not much attention has been paid to Mullik's role in political policy making by India's first Prime Minister. The distortions in policy on many matters resulting from Mullik's interventions are still with us. In order to understand this political role by the IB under Mullik, we may examine the following issues: the preventive detention of Sheikh Abdullah (1953); the induction of the Army into Nagaland (1955); the adoption of the 'forward policy' on China (1959); and the dismissal of the communist government in Kerala (1959).

Preventive Detention of Sheikh Abdullah, 1953

Though opposed to preventive detention in principle, Nehru seems to have approved, clearly at the prompting of Mullik, the preventive detention of Sheikh Abdullah on charges, which were never finally proved, as admitted by Nehru himself later on. The second and third chapters of Mullik's (1971a) first volume of memoirs explain how Nehru was persuaded to take the decision. Mullik was then in charge of Kashmir affairs in the IB at the time and reported regularly to Nehru on developments in that state in such a way as to cause annoyance to Sheikh Abdullah, the then Prime Minister of Kashmir, as Mullik himself admits in the volume. Mullik was suspicious of Abdullah and repeatedly refers to his alleged 'communalism'. However, Sarvepalli Gopal, the official biographer, absolves Nehru of responsibility for the arrest of Sheikh Abdullah, stating that Nehru did not seem to have anticipated the way Abdullah was 'dismissed by stealth of night in his absence and his prompt arrest thereafter'. Gopal adds that the arrest 'appears to have been made on the directive of the new Prime Minister Bakshi Ghulam Mahomed' (1979: 133). Mullik, however, clearly implies (1971a: 43–45) that Nehru was fully involved in the decision. He adds that the order for the Sheikh's arrest was given at midnight on 8 August 1953, by the state Governor ('Sadr-e-Riyasat'). Mullik adds that he was personally

in 'hourly communication' with the developments in Srinagar on that day and that he had kept Nehru regularly informed (1971a: 44).

To what extent was such ill-treatment of Sheikh Abdullah, during and after Nehru's tenure, responsible for the alienation of the Kashmiri people, which eventually led to the insurgency that started in 1989, is a moot question.

Deployment of the Army in Nagaland, 1955

In August 1955, on the outbreak of violence in Tuensang in Nagaland, the IB insisted that troops be deployed in the state, overruling objections from the Army, the state Governor and the Ministry of External Affairs, which was then in charge of Naga affairs in New Delhi (Mullik, 1972: 308). Nehru, whose approach to the Northeast was generally humane, initially opposed the move but was persuaded to change his mind at a 'long and quiet meeting' with a Deputy Director of the IB stationed at Shillong 'towards the end of August or September 1955'. This decision had far-reaching consequences for Nagaland and the rest of the Northeast as recorded by Nari Rustomji, ICS, Adviser, Governor of Assam (Rustomji, 1973, 1983). Rustomji notes that over a period of nearly 70 odd years, the British had been able to maintain order in the Naga Hills, covering an area of over 7,770 sq km, with the aid of a single battalion of the Assam Rifles. However, no less than 30 times that number had to be deployed in the Naga Hills during the years following independence (Rustomji, 1983: 24). He wonders how is it that the land of Mahatma Gandhi, who had believed in non-violence, had rejected the imperialist ideology and had branded the British as exploiters of the weak and the underprivileged, had to depend upon armed strength on such a massive scale and over such a protracted period for the maintenance of law and order among tribal communities, many of whom were still in a primitive state of civilisation. He states that the feeling in some quarters had been that Naga affairs had been mishandled through the inexperience of administrators in the past and adds that the decision to induct the Army into that state had led to one of the darkest periods in the history of the Naga Hills. The seeds of hatred sown during this period have borne the fruits of bitterness and

distrust. Rustomji, however, ascribes part of the blame to the tradition of decision making by precedent 'inherent in the administrative processes and inherited from the predecessor government' (1983: 32).

The Naga insurgency, the 'mother of all insurgencies' in the North-east, appears to have been an outcome of this ill-considered move.

'Forward Policy' on China, 1959

Much has been written about the controversial 'forward policy' on the part of India with regard to its border with China. Gopal (1984: 138) observes that the purpose of sending patrols up to the boundary was to make clear to the Chinese that any further Chinese advance would constitute aggression. The then DIB, Mullik, adopted an aggressive stance on the need to be firm with China on the border question by pursuing the 'forward policy' (1971b: 304–22), although he does not use the term.

With the decline of military intelligence after Independence, Mullik as DIB had become an important voice in the inner counsels of government, stemming from his standing with Nehru. Access to and confidence of the Prime Minister were the prerequisite of influence in the government at that time, and Mullik enjoyed them to the hilt. He was articulate and astute; his stewardship of dossiers on many of Nehru's colleagues and opponents and the importance of intelligence in domestic Indian politics would have brought him close to the Prime Minister. Reliance on Mullik's advice in some areas of domestic politics had grown by the 1960s into a willingness to accept almost as fact his predictions on Chinese behaviour. His appreciation that the Chinese would not interfere with Indian posts in the forward areas once they were established had been the rock of faith upon which the 'forward policy' was built.

Mullik plainly relied on extra-sensory perceptions rather than on the regular disciplines of intelligence collection and assessment; and part of the explanation for the inordinate trust placed on his predictions was that he was telling Nehru and his colleagues exactly what they wanted to hear (Maxwell, 1970: 310–11).

A recent scholarly article explores the Sino-Indian border conflict and Nehru's crucial dependence on Mullik's advice on the border issue, which eventually led to the avoidable conflict between the two countries (Maxwell, 1999).

Dismissal of the Communist Government in Kerala, 1959

The IB under Mullik played a key role on this issue. Mullik (1972: 337–67) reveals how he came to the conclusion that the Central Government had to interfere in the situation developing in communist-ruled Kerala during 1957–59, in opposition to the view of the Union Home Secretary, B.N. Jha, that no central action should be taken since the state government enjoyed a majority in the state assembly; 'law and order' was a state subject; and the administration had not yet collapsed. However, Mullik was in direct touch with the Prime Minister. He reveals that at the instance of the then Union Home Minister, G.B. Pant, he took IB reports on the Kerala situation to the then Law Minister, A.K. Sen, and prepared, in consultation with him, the entire charge sheet, which was used by the Congress party in Kerala in its agitation against the state government as well as by the state Governor in his report to the President recommending dismissal of the state government. Mullik provides a detailed account of how he made arrangements to bring the Kerala Governor's report to the Union Home Minister by the speediest methods, by getting the entire document transcribed on secret phone from Madras to Delhi. He had felt that the Governor, who had to rely on the state police for his information, was not being given a correct picture about the situation in the state, necessitating that the IB document be sent to him to facilitate preparation of his own report to the President! The Union Home Minister received the formal report of the Governor on 30 July 1959; orders dismissing the state government were then issued and became effective on 31 July 1959!

These events need to be critically evaluated on the basis of classified IB data not yet in the public domain. However, even a cursory perusal of Mullik's memoirs makes it clear that the IB, under his leadership, functioned in what would be regarded today as a thoroughly political manner.

The political role of the IB has continued after the departure of Mullik. Some examples are: the fabricated report which contributed to the dismissal of the government of Tamil Nadu in early 1990; IB's role in the forging of the Bodo Accord in the 1990s; its failed negotiations with the United Liberation Front of Assam (ULFA) in Assam; its misleading political assessment of elections; its surveillance over political leaders; and its transmission of clandestine funds for political manipulation in Jammu and Kashmir (Nehru, 1997; Godbole, personal communication, August 2006).

THE EMERGENCY AND AFTER

The Emergency of 1975–77 was a crucial event that eroded the democratic credentials of the Indian State. The struggle against the Emergency provided the decisive break between the State and the civil society (Oommen, 2006). The model of development pursued by the Indian State came to be intensely interrogated.

A government led by the opposition Janata party was installed in New Delhi in 1977. The new government set up independent India's first ever National Police Commission (NPC) as well as the L.P. Singh Committee to reform the IB. Both bodies submitted their recommendations. However, the Congress government, which returned to office after the 1980 general election, sidelined them.

The government under the Janata party, while not questioning the need for or the place of political intelligence, clarified internally that three main areas needed attention: the purpose for which intelligence was collected; the use to which the intelligence was put; and the observance of fairness and objectivity in the collection of intelligence. It felt that the purpose for which intelligence was collected must be laid down clearly and its ambit defined. As a corollary to its legitimate purpose, intelligence was not to be used to subserve the interest of a political party or an individual or to blackmail or control the opponents of the party in power. The only legitimate use of intelligence was to anticipate developments that may promote or imperil national security. Once the purpose of intelligence collection was clearly laid down and their uses strictly related to that purpose, the likelihood of non-observance of fairness and objectivity in the methods of collection of

intelligence would be reduced, but would not disappear. There was need for safeguards and constant vigilance against possible misuse. The need was greater since intelligence activities were carried out in secrecy and the average citizen may not be aware that his rights were infringed.

The Constitution of India includes the IB as Item 8 of the subjects in the Union List. Since the Government of India felt that the British formulations of 1924 and 1945 concerning the IB's responsibility in the field of national security were applicable after Independence, it did not lay down a formal charter of functions. In 1954, a Manual was prepared to codify the relations between the IB and the State Special Branches: the IB was to circulate to the State Special Branches information on major political activities and trends and on other matters of security interest; the latter, in turn, were to provide the IB information of a similar nature and take its advice on security matters. The Manual laid down, in detail, the targets for the central and state intelligence agencies in regard to the collection of political intelligence, security, counter-espionage, activities of foreigners, methods of achieving specific targets, assessment and reporting of intelligence, training and so on.

Internal Intelligence

In 1955, the scope for internal intelligence collection, particularly at the state level, was widened. Perhaps B.N. Mullik, then powerful as DIB, was responsible for outlining its activities, which included

1. Collection of information on the current activities, overt and covert, and the aims and objectives of important political and communal organisations (excluding the party in power). These organisations may consist of (i) the left wing parties and other splinter groups; (ii) communal, both Hindu and Muslim; (iii) Scheduled Castes Federation, adivasis and Christian missionaries; (iv) parties of local importance such as Akali Dal and so on; and (v) the separatist groups for the formation of linguistic states.
2. Building up personal files for the more important leaders of political and communal groups, showing their antecedents, contacts, activities, areas of influence, et cetera, and keeping them up to date.

3. Surveillance of labour activities of different unions with particular reference to essential industries, essential services, defence industries, industries controlled by the Government of India, including river-valley projects, and other industries like jute and textiles, which are of great importance to India's economy.
4. Collection of intelligence regarding political exploitation of students, women and youth.

In 1962, the Chief Minister of Gujarat questioned whether it was necessary for the State Special Branch to collect information with respect to all political parties, including the party in power. The State intelligence set up had been collecting overt political information regarding all political parties. Its collection of covert political intelligence, however, left out the party in power. The Government of India clarified that the State Special Branch Manual did not specifically exclude collection of information about any political party though, in practice, the State Special Branches did not collect information about the party in power, generally the Congress party; that this practice applied to the communist party when it was in power in Kerala (1957–59); that the IB did not collect information about the Congress party in power at the Centre but included in its reports some information on the party's open activities furnished in the reports of District Magistrates.

In 1963, the conference of DIGs, CID, held in New Delhi noted that the Swatantra party had raised the voice of 'conservative, reactionary elements' opposed to the progressive policies of the Government of India and that, soon after the Chinese aggression, the party had come out openly against the Government of India and had 'almost tried to overthrow it'. The conference felt that the Swatantra party represented the trend of the extreme right wing of the Congress party and was composed mostly of leading ex-Congressmen; and that it received political sympathy from elements interested in whittling down the public sector and bringing in more private enterprise. In this context, the IB, in November 1963, issued a letter to the DIG, CID of Gujarat instructing that a careful watch be maintained over the activities of the Swatantra party as also of the other right wing elements including those of the Congress and that any information on attempts made by them to draw nearer to each other should be reported.

In 1963, the Chief Minister of Gujarat, in a letter to the Union Home Minister drawing attention to these instructions, enquired whether a watch on the right wing elements in the Congress as suggested would not be contrary to the earlier instructions of the MHA that the State Special Branch should not be used to collect intelligence on the ruling party. In January 1964, the Union Home Minister replied stating that in the course of its duties, the IB had to collect a great deal of information about the activities of various political parties and in the process had to keep a watch over the activities of all persons, 'who habitually opposed the policies of the government in position'. However, while the IB did not require the state Special Branches to report on the activities of the Congress party, they did wish to have intelligence about the views and activities of persons, who 'even though pretending to be members of the Congress party, were actually opposing the social and economic policies of the government and acting in sympathy with parties which attempted to oppose the public policies of the government'. The scope of work of the intelligence collection by the state and central intelligence agencies was thus significantly enlarged.

In 1968, the IB's external intelligence-gathering functions were transferred to the newly set up Research and Analysis Wing (R&AW), much against the advice of the MHA. However, internal intelligence functions, counter-intelligence, espionage and counter-subversion remained with the IB. It was accepted that the IB had the principal responsibility to collect, evaluate and disseminate intelligence on national security and stability within the country. In the 1970s, the DIB provided a wide definition of 'national security' and the tasks the IB had to perform:

1. To keep a general observation over matters of interest to the Government of India such as those affecting law and order and those developments in various spheres of national life, which disrupt peace or may cause unrest or violence. For this purpose, the IB would assess, from time to time, the current and potential threats to internal security and stability, which may emanate from:
 - (a) Attempts to weaken the democratic and secular fabric of the country;

- (b) Activities or propaganda aimed at promoting communal, sectarian and parochial feelings leading to unrest and violence;
 - (c) Organised forms of violence, including threats from right and left wing extremists and subversive organisations and groups;
 - (d) Threats to territorial integrity posed by secessionist or hostile insurgent forces;
 - (e) Militant actions by organised sectors such as unionised labour, service organisations and socio-religious groups over their sectional demands;
 - (f) Unrest and disorders arising from agitational movements by students, youth, educated unemployed and other volatile groups, which are vulnerable to manipulation by interested groups, political activities or professional agitators;
 - (g) Agrarian unrest and rural tensions arising out of a variety of factors like inadequate or ineffective implementation of land reforms and uneven economic development;
 - (h) Violent conflict and tensions between higher caste groups and weaker sections, particularly Scheduled Castes, Scheduled Tribes and backward classes, accentuated by economic factors;
 - (i) Politically activated exploitation of economic and price situation, including manipulation of market forces governing supply and demand of essential commodities for precipitating popular unrest;
 - (j) Destabilisation efforts aimed at overthrowing the constitutionally established Central/state governments through unlawful, undemocratic or extra-constitutional means.
2. Counter-intelligence and counter-espionage responsibilities involving vigilance against and measures to curb the undesirable and hostile activities of foreign intelligence agencies, foreign diplomatic missions and their ancillary organisations and of foreigners generally; coverage of attempts by multinationals to promote foreign economic penetration and subversion within India; and attempts by foreign agencies to infiltrate into and subvert political parties generally in the country. By their very nature, such attempts are usually aimed at the levers of power and various layers of the administrative machinery.

3. Vigilance against threats of infiltration, subversion and espionage from across the borders either directly or through third countries and measures to counter them. A special responsibility exists with regard to the sensitive pockets in the border areas to guard against subversive and secessionist activities.
4. Coverage of all matters that create tensions in Centre–state and inter-state relations, encourage or promote regional, linguistic, parochial and other such movements or trends of a fissiparous nature, and the role of various elements therein, including political individuals and groups.
5. Security responsibilities such as security of VIPs, including that of foreign VIPs during their visit to our country; guidance regarding protective security arrangements in government departments, organisations and vital installations; coordination of intelligence gathering and policy formulation regarding threats from terrorism or sabotage, whether indigenous or having external links; framing of security procedures for sensitive government departments; aiding any security investigations into breaches of security; and security training and advice to government departments, public sector employees and personnel of vital undertakings in the civilian and defence sectors; formulation of measures to combat increasing acts/threats of terrorism and sabotage of vital installations.
6. As an apex security intelligence organisation in charge of coordination with state governments/CIDs/Special Branches and police forces in all matters relating to the above; specialised training to intelligence personnel both of the Centre and the states, and security liaison with defence services, paramilitary forces and other intelligence agencies in the country and abroad.

The DIB took this spectrum of functions to be the inescapable requirement of the existing internal and external security environment.

INTELLIGENCE BUREAU AND THE UNION HOME MINISTRY

After the Emergency (1975–77), the issue regarding the extent to which the IB should be concerned about the stability or destabilisation of the political system and its institutions or of the governments in power

was examined by the Government of India. It was clarified that while subversion of the Constitution or deliberate disruption of public order through violent means should be matters of concern to the IB, issues such as factionalism within a political party, 'power politics', political morality, including defections and so on, were outside the ambit of the tasks of the IB. Merely agitating in a peaceful manner for a change in constitutional provisions cannot be regarded as a subversive activity. Further, a distinction ought to be made between intelligence secured by covert operations and information obtained through open methods. A significant amount of IB information came from a trained corps of personnel and was valuable in helping the government to form informed judgements about events. There was no objection to getting information from the IB relating to political parties, students, labour, agrarian and other organised groups since it is the only agency available to the Central Government on security and law and order, able to collect and provide information quickly. In matters falling within the sphere of the states, the Union government also received information from state governments. The IB ought to be relieved of the responsibility of furnishing information on matters not bearing on law and order such as market or economic information, on which the Central Government could get prompt information from other sources.

However, in order to make practical use of the mass of information flowing to the government from various quarters, arrangements had to be made to digest, analyse and interpret, and draw conclusions. The MHA was to create a cell to collate the ceaselessly flowing mass of data and reports and undertake perspective planning in coordination with other agencies. The cell could be composed of officers selected for their judgement and acuity; free from day-to-day operational burdens and able to devote continuous attention to the analysis and assessment of reports and information in a detached manner. With this end in view, the Research and Policy Division in the Ministry, set up in 1967, was to be reactivated.

The Shah Commission Report

The Shah Commission of Inquiry, set up after the revocation of Emergency in 1977, stated that the government had to decide whether IB

must collect information for purposes other than those strictly necessary for the security of the state; that the IB should not be the judge of its own operations with regard to the necessity and propriety thereof, nor should it be allowed to operate as the agency or instrument of politicians, or degenerate into an institution for controlling the opponents of the party in power, or elements within the party in power with which the controlling authority of the party does not see eye to eye. The Commission viewed with concern some of the secret operations of the IB and the complete absence of inbuilt constraints.

The Commission felt that the following activities were extraneous to the security of the state: assessing the election prospects of the ruling party; ascertaining the suitability of the candidates for contesting the elections on behalf of the ruling party; acting as the super-watchman over the activities of politicians regardless of what party they belong to; and being used as an instrument of political spying either by the government or an individual in the government. With reference to the DIB's note on the activities centering around the former Defence Minister and the observation of the DIB that 'it was the normal or usual practice that such intelligence was given orally or in writing', the Commission conveyed its disapproval of reporting such intelligence.

The Government of India felt that the heart of the matter was to prescribe a charter of duties for the IB, putting responsibilities beyond doubt; and to indicate what is permitted and what is prohibited. The shadowing of ministers and political leaders during the Emergency had been made possible by the gradual widening of the scope of the IB's role, which had begun in 1960s.

It was felt that the purpose for which intelligence was collected must be clearly spelt out: this was not to subserve the interests of a political party or an individual or to blackmail or control the opponents of the political party in power or elements within the party in power, which do not see eye to eye with the controlling authority. The only legitimate purpose is to anticipate developments that may imperil national interests so as to enable appropriate action with the imperative that any tendency that equates national interest with the interest of the party in power should be guarded against. Once the purpose is clearly laid down, the likelihood of non-observance of fairness and objectivity in intelligence

collection will be reduced but not eliminated. There was a need for safeguards and constant vigilance against possible misuse. The need was all the greater since intelligence activities are carried on in secrecy and the average citizen may not even know whether or how his rights have been infringed.

The former Member Secretary of the L.P. Singh Committee has drawn attention to the following important recommendations of the Justice Shah Commission (Raghavan, 1988):

1. It is a travesty of democratic institutions, if the government constituted by a political party is entitled to watch the activities of other political parties and even members of its own party.
2. The IB should not be the judge of the necessity or the propriety of its own operations, nor should it lend itself as an instrument of politicians or an agency for controlling the opponents of the ruling party or elements within the party in power with which the high command of the party does not see eye to eye.
3. Regarding the IB's activities such as telephone tapping and opening of mail, the Shah Commission recommended that a high-powered committee of eminent and patriotic citizens should be set up to ensure the proper functioning of the IB and to generate the requisite faith and confidence among citizens that their safety, security and liberty would not be endangered by the manner of its functioning.
4. The surveillance mounted on individuals or organisations and the material collected thereby should be open to scrutiny of a board or panel composed of officers and public men so as to get their advice regarding the necessity for instituting or continuing it.
5. Strong and self-respecting individuals sensitised to the imperative need to ensure that their activities do not affect the liberty and reputation of individual citizens should lead organisations like the IB and the CBI.

Further, the catch-all definition of 'national security' was used as a cloak to hide a multitude of abuses. The definition should exclude from its purview anything that smacks of denial of human rights and basic freedoms. The vague and antiquated formulations of British days, which

define the scope and functions of the IB should be rejected to set clear and firm guidelines on the limits to its authority, the areas of its coverage, the manner of functioning, the methods permitted to use, the standards for the evaluation of the credibility of its sources of information, measures for enforcing accountability to the executive and legislature, and the means of controlling and overseeing its operations. A detailed and precisely honed charter for the IB in consonance with the spirit of the Constitution needs to be worked out. Similar safeguards should apply in legislations for state intelligence agencies, which are sometimes liable to greater misuse than Central agencies.

The L.P. Singh Committee

The Committee recommended that a charter of duties be formulated for the IB as follows:*

Overall Task

The collection, collation and dissemination of intelligence having a bearing on national security, the security of the state, and the protection of the Constitution.

Main Activities

In carrying out its tasks, the Bureau would collect information and intelligence relating to: (i) activities prejudicial to the sovereignty and integrity of India or the security of the State, emanating from within the country or from outside, including those involving espionage, sabotage and subversion; (ii) activities subversive to the system of government established by the Constitution of India; (iii) attempts at subversion of the loyalty of public servants; (iv) inter-state tensions; and (v) activities likely to affect friendly relations with foreign states, cause internal disturbances, promote discord on grounds of religion, race, caste and community, be prejudicial to the interests of Scheduled Castes and Tribes, disrupt essential services and supplies, and so on.

Other Activities

Security of installations and assistance in training and investigation.

*this information is based on personal interviews with a former Union Home Secretary.

The Committee suggested that the charter be brought into force in the form of a government resolution, pending the enactment of a law governing the constitution of the IB and its charter. The Committee suggested similar measures to regulate the activities of the R&AW.

A former Additional Secretary of the R&AW has disclosed (Raman, 2002) that the organisation was quite keen to have a charter, and a one-page document was approved in 1990.

No action was taken on the recommendations of the L.P. Singh Committee when the Congress party, the target of the Shah Commission of Inquiry, returned to power in 1980.

Reforming the IB in the present political conjuncture appears as urgent as it is difficult. The organisation has come to be too closely identified with the premier political party of India, which won independence for the country in 1947. Mullik, the first Director of the organisation after Independence had identified himself and his organisation too closely with the charismatic Prime Minister Jawaharlal Nehru, not for a moment concerned about professionalising it and making it an independent agency of the State, rather than the servant of the government of the day. Mullik, a man of stature, had already served for too long in the government under the British when independence came. Thus when he became DIB, he was perhaps too well-groomed in the ways of the government to have undertaken any independent thinking on professionalising the IB.

The successors of Mullik could not measure up to the challenge of reforming the IB by crafting for it an altogether new legal statute and a charter of duties. It took the crisis of the Emergency (1975–77) and the formation of a Janata party-led government in 1977, which led to the setting-up of the NPC, the first such commission in independent India and to the setting-up of the L.P. Singh Committee to look into the affairs of the IB, the CBI and the R&AW. The political revival of the Congress party and its return to power in 1980 led to the sidelining of the reports of both bodies, which suited the narrow political calculation of the party but not the national interest.

Problems do not go away if you ignore them. The crying need for the reform of the Indian police system today arises out of the challenges on the law-and-order front and the increasing human rights abuses by

the police in different parts of India, which has tarnished the image of the police in the country. A democratic country with an undemocratic police structure is a contradiction that must be set right. This point has been well made by M.K. Dhar (2005).

UK EXPERIENCE: MI5

Looking at the British experience, a booklet published by the UK government in 1996 gives many useful details (HMSO, 1996). The activities of the MI5 are based on a clear unambiguous legal basis and a parliamentary oversight committee has been created. The Security Service, as the MI5 is called, exists under the authority of the Secretary of State. In practice, this means it is the Home Secretary (Home Minister in India) who answers to Parliament for the Service. The Home Secretary's responsibilities in relation to the Security Service and those of the DG derive from the provisions of the Security Act 1989 as amended by the Intelligence Services Act 1994. The DG, who is appointed by the Home Secretary, in consultation with the Prime Minister, is responsible for (i) the operations and efficiency of the Service; (ii) ensuring that the Service does nothing to further the interests of any political party; (iii) ensuring that the Service obtains and discloses information only in accordance with its functions, or (in the case of disclosure of information) for the purpose of preventing or detecting serious crime or for the purpose of any criminal proceedings; and (iv) making an annual report to the Prime Minister and the Secretary of State (emphasis added).

According to the Security Service Act 1989, the DG's responsibilities are to be met by means of arrangements through which the day-to-day work in the Service is controlled. These internal mechanisms are designed to ensure that the work of the Service adheres to the following basic principles: (i) the rule of law must be paramount; (ii) methods of investigation must be proportionate to the threat; and (iii) the more intrusive the means of investigation, the higher must be the level of authorisation for its use. The relationship between the Home Secretary and the DG is of the utmost importance. The Home Secretary receives advice from the DG on the threats to national security. He also discusses with the DG matters of policy affecting the Service; for example, to do with resources or legislation.

In addition, the Home Secretary is kept closely informed about some of the most sensitive aspects of the Security Service's work through the process by which he personally authorises warrants for operations to intercept letters and telephone calls, or to interfere with property. More generally, the Home Secretary receives advice and information from officials in the Home Office who maintain close links with the Service. The Security Service is not a part of the Home office. It is a separate entity, with a distinct statutory basis under which the DG is personally responsible to the Secretary of State.

The Security Service Act 1989 reflects the Directive issued by the Home Secretary to the DG in 1952, which defined the task of the Service as: '... the defence of the realm as a whole from external and internal dangers arising from attempts at espionage and sabotage, or from actions of persons and organisations, whether directed from within or without the country, which may be judged to be subversive of the security of the State....' The Act provides a number of examples, which illustrate the nature and range of threats that the Service is responsible for countering. Currently, the principal threats are seen to arise from terrorism, espionage and the proliferation of weapons of mass destruction.

The booklet provides information on other aspects such as organisation, management and staffing; security intelligence work; legal issues; sources of intelligence; terrorism; espionage; subversion; proliferation; protective security; judicial oversight; and the intelligence and security committee of the Parliament. It concludes with an outline history of the Security Service.

The Intelligence Service Act (ISA) 1994 established the Intelligence and Security Committee (commonly referred to as the Oversight Committee). Its remit is to 'examine the expenditure, administration and policy' of the Security Service, the Secret Intelligence Service (SIS) and the Government Communications Headquarters (GCHQ). The Committee comprises nine members from both the House of Commons and the House of Lords. The Prime Minister, in consultation with the leader of opposition, appoints the Committee. No current Minister of the Crown can be a member. The Committee makes an annual report to the Prime Minister, which is laid before the Parliament, subject to any exclusion on security grounds. The DG of the Security Service has

a statutory duty to provide the Committee with any information, which they require. The DG may only withhold information from the Committee if it falls within the categories of 'sensitive' information.

An intelligence analyst has observed that the experience in other countries is that parliamentary oversight works well without damaging the operational secrecy of the intelligence agencies when there are only two parties or when the number of parties in Parliament is small (Raman, 2002). Countries with a large number of parties, such as France and Italy, have gone slow with introduction of parliamentary oversight.

NATIONAL SECURITY COUNCIL SYSTEM IN INDIA

In India, after the setting up of the National Security Council (NSC) system in 1999, the responsibility for external evaluation of the performance of intelligence agencies falls on the National Security Council Secretariat (NSCS). Prior to the setting up of the NSC, this responsibility was with the Joint Intelligence Committee (JIC) of the Government of India as in the United Kingdom. However, the system of appointing serving intelligence officers as Chairman, JIC, had given rise to the impression that the JIC's evaluation mechanism was not thorough and objective. The experience in the United States and other countries has been that the intelligence community benefits from the existence of independent mechanisms of evaluation. Further, parliamentary oversight and the opportunity for professional interaction that the intelligence chiefs have with parliamentarians to remove their misperceptions regarding the functioning of these agencies and for seeking their support for further strengthening these agencies, were found to be beneficial (Raman, 2002).

Writing later on the NSC system in India, Raman (2005) evaluates the working of the revamped NSC set-up which came into existence in 1999. The new set-up consists of the NSC chaired by the Prime Minister; Strategic Policy Group (SPG) headed by the Cabinet Secretary; National Security Advisory Board (NSAB) consisting of non-government experts; and the NSCS. Despite his criticism of the performance of the new set-up on several counts, Raman dismisses

other critiques, which oppose the imposition of a US model on a basically British civil service-oriented model headed by the Cabinet Secretary. He feels that there is a need for the existence of the NSC because of the complexity of the internal security challenges stemming from Pakistan-instigated terrorist activities in Jammu and Kashmir, the situation in the Northeast and the Naxalite threat.

This chapter has examined the role and functions of the IB in a historical and contemporary context and underlined the urgent need for a legal framework and a charter of duties for the organisation. This has helped us to appreciate the reasons why the IB has become politicised after Independence and is unable to discharge its basic national security tasks in a professional manner. We will now turn to an examination of another unique political instrument forged in India for the management of political violence, namely, the Central Paramilitary Forces (CPFs).

An eminent journalist has observed:

For the bitter truth is that while rendering the Indian State some service in the area of national security, intelligence agencies have also allowed themselves to be misused and abused by the politicians in power for disgraceful, and even abominable, purposes. Sadly, the shroud of total secrecy is always used to cover up all the misdeeds, transgressions and vile deeds of the spooks. (Malhotra, 1985)

He has added:

[i]t is time to resurrect the L.P. Singh Committee's core recommendations that the system of intelligence agencies (R[&]AW included) drawing their unlimited powers from government charter must be ended forthwith. Instead, there must be a law of parliament that should set out not only what the agencies are permitted to do but what also is strictly prohibited to them. To ensure compliance with the requirements of law, there should be an Oversight Board consisting of eminent individuals with essential credentials. While the heads of these agencies should have fixed and assured tenures, they must not be given any office after retirement. The law should also prescribe exemplary punishment for the violation of norms whether by politicians or those presiding over the IB, R[&]AW and CBI. (ibid.)

4

Central Paramilitary Forces: A Parallel Police Force?

Since the Central Paramilitary Forces (CPFs) are part of the Union Ministry of Home Affairs (MHA), this chapter will begin by explaining the origins of the Ministry, its constitutional mandate and its activities. It will then explain the concept of Central Police Organisations (CPOs) and provide profiles of CPFs along with their strength, resources and finances. And then, it will examine the contours of the complex debate on the role of the CPFs in India's federal polity, the need for rationalisation and some of the controversies surrounding that role along with the future problems that might arise in the context of the emerging conflicts in society. The role of the CPFs in the special context of the demolition of the Babri Masjid in 1992 and the Gujarat carnage in 2002 is briefly examined and a reference made to the observations of the Sarkaria Commission on Centre–state relations with regard to the constitutional requirements for Central Government action under Article 355.

ORIGINS OF THE MHA

In 1950, the MHA with enlarged functions came into existence. It was reorganised in the 1960s on the recommendations of the Administrative Reforms Commission, and the Department of Personnel was separated to deal with other Services. However, the MHA retained control over the Indian Police Service (IPS). In view of its 'law and order' concerns and its organisational and other resources, the Ministry today deals with a variety of complex matters, some outside its formal charter.

CONSTITUTIONAL MANDATE

The annual report of the MHA (GOI, 2006) notes that while 'public order' and 'police' are in the State List of the Seventh Schedule of the Constitution, Article 355 entrusts the Union government with the overriding task of protecting the states against external aggression and internal disturbance and of ensuring that the government in every state is carried on in accordance with the provisions of the Constitution. The Ministry extends manpower, financial resources, guidance and expertise to state governments on issues of peace and security without, however, trampling upon their constitutional rights. The allocation of business rules divides the Ministry's work among the departments of internal security, states, official language, home and Jammu and Kashmir.

Banerjea notes that the role of the Government of India in the arena of 'public order' is to be inferred from the entire scheme of the Constitution of India (2005, Volume I). Several provisions create a clear field of action for the Central Government 'above and beyond the limits of the states'. Since the issues of internal order and peace have become indivisible, necessitating the formulation of policies at the national level, coordination by the Union government is necessary to ensure that law and order is maintained at the state level. Specific provisions in List I of the Seventh Schedule of the Constitution enable the Central Government to maintain specific police institutions to render assistance to states. The Centre is to maintain the armed forces (Entry 2), the Central Bureau of Investigation (CBI) and the Intelligence Bureau (IB) (Entry 8), training institutions to provide scientific and technical assistance in investigation and detection (Entry 65), and the All-India Services (Entry 70). Thus, the Centre has created and maintained numerous organisations, bodies and institutions. Further, the Central Government has financial resources to assist the states in police matters. The Seventh Schedule, Union List, and Entries 2 and 2A, provide for Central assistance to the states, the guarding of the borders and the maintenance of the CPFs.

The Union List includes the training of the police officers and the extension of powers and jurisdiction of members of the police forces of any state to any area outside that state. The Central Government has

the responsibility of coordination among states in investigations by the CBI and in intelligence operations. The Bureau of Police Research and Development (BPR&D), a central agency attached to the MHA, provides for training and modernisation of police forces and undertakes research into police problems besides promoting science and technology.

The IB, an 'attached office' of the MHA, is in charge of the collection of 'secret and political intelligence', providing the Ministry with regular updates and political analysis on the situation in different parts of the country. However, the work of the IB is not covered in the annual report of the MHA. Despite being a large and growing organisation, with a substantial budget (Banerjea, 2005), the IB does not put out an annual report on its activities. There is no systematic involvement of the Ministry in the selection of targets, objectives or the strategy of intelligence collection.

Unlike defence and external affairs, which are the direct responsibility of the Central Government, 'internal security' is the responsibility of the state governments. This poses critical problems for the MHA. The factors behind civil strife may differ from state to state, but sometimes events in one state may have wider ramifications. The Joint Intelligence Committee (JIC) at the Central level was set up to go into internal security issues; analyse the all-India situation; and anticipate problems in order to be better prepared to deal with them. The JIC, however, has been superseded under the new institutional arrangements of the National Security Council and its associated bodies (Godbole, 1996, 2000, 2006, personal communication; Raman, 2002, 2005; Vohra, 1997).

ACTIVITIES

The MHA is perhaps the largest ministry in the Government of India. Apart from 'internal security' in its various aspects, the MHA deals with Centre–state relations, CPOs, human rights, national integration, communal harmony, policy planning, security policies in the Northeast and the IPS. There are 21 functional divisions. Two Ministers of State, a Home Secretary, two Special Secretaries and an array of Joint Secretaries, Directors and other staff assist the Union Home Minister. The current annual budget of the Ministry is estimated to be around

Rs 21,000 crore (Rs 210 billion), of which about a third is allocated for the CPFs.

The main security pre-occupations of the MHA are Pak-sponsored terrorism in Jammu and Kashmir; externally supported subversive activities in the Northeast; and the violence by left wing extremist groups in some states. The 'internal dynamics of castes and communities' are also an important concern. The situation in the neighbourhood of the country as a consequence of the terrorist attacks in the US has added a new dimension to the 'internal security' concerns of the Ministry. The terrorist attacks on the Jammu and Kashmir Assembly and on the Parliament in 2001 suggested links between groups operating from Pakistan and Afghanistan.

The annual report of the Ministry further notes that aspects of communal violence require government response. Apart from augmenting the strength of the CPFs and equipping them with modern weaponry and communications, the Ministry has increased central financial assistance to state governments, to modernise their police forces, from Rs 200 crore to Rs 1,000 crore per year over the next 10 years. On the recommendation of the Group of Ministers (GOM) on Internal Security, the Ministry has undertaken comprehensive revamping of the intelligence apparatus.

Apart from being the nodal agency for law and order management and for policy formulation on socio-political violence, the Ministry (GOI, 2006) is the 'cadre controlling' authority for the IPS, with a total authorised strength of 3,851 officers as on 1 January 2006. It is responsible for all policy decisions relating to the Service including recruitment, training, cadre structure, allocation of cadres to officers, confirmation in the service, pay and allowances, postings on Central deputation and disciplinary matters. The Indian Administrative Service (IAS) has a larger cadre strength of about 5,000 and is under the control of the Union Ministry of Personnel.

The Policy Planning Division, earlier known as the Research and Policy Division, is currently restricted to 'matters relating to policy formulation in respect of counter-terrorism, international covenants, bilateral assistance treaties and related items of work'. It does not undertake socio-political analysis as its predecessor used to do. This

means that the Ministry's internal sources of information on such issues are restricted to the IB and the state governments. These may have their own interests and the Ministry cannot expect objective and detached assessments of conflict situations. Since the IB is entirely manned by police officers, and inputs from state governments on conflict situations are also mainly from police sources, their usefulness for policy formulation in the Ministry is limited. The Ministry is thus handicapped in making informed judgements on conflict situations in the country, which often call for multidisciplinary analysis.

The annual report of the MHA (GOI, 2006) provides an analysis of the situation in Jammu and Kashmir including recent peace initiatives; the Northeast; diplomatic initiatives with neighbouring countries; and Naxalism. 'Emerging concerns' include human rights and the criminal justice system. 'Centre-states relations' include the crime scenario, National Crime Records Bureau (NCRB) and the modernisation of state police forces. The information on 'Police Forces' includes the IPS and the CPFs. 'Other concerns' include the communal situation, the preparation of a comprehensive law on communal violence and the work of the National Integration Council (NIC).

CENTRAL POLICE ORGANISATIONS (CPOs)

The CPOs are classified under three heads: (i) law and order and security forces; (ii) criminal investigation and intelligence agencies; and (iii) agencies for communication, training, research and scientific support.

The CPFs fall under the first category; CBI, IB, Narcotics Control Bureau (NCB) and Serious Frauds Investigation Office (SFIO) fall under the second; and National Police Academy (NPA), BPR&D, NCRB, Directorate of Forensic Sciences and others fall under the third.

The National Police Commission (NPC) in its seventh report (1979-81) specified the police functions of the MHA as: (i) recruitment and management of the IPS, which provides top personnel for police administration at the Central, state and district levels; (ii) administration and control of the IB and the CBI; (iii) police assistance to states against internal subversion and external aggression; (iv) maintenance

of the Directorate of Coordination of Police Wireless (DCPW) for use by the Central and state governments; (*v*) the NCRB; (*vi*) the BPR&D; (*vii*) the Central Forensic Science Laboratories and the Central Detective Training Schools; (*viii*) the evolution of a uniform criminal justice system; (*ix*) coordination of the activities of various state and Central police agencies, including the holding of conferences of senior police functionaries; and (*x*) providing financial assistance to states for police modernisation and other similar purposes.

The Police Division of the MHA deals with some of these tasks. Other organisations are the CPOs. The Coast Guard, looking after the security of the coastal areas, is under the Ministry of Defence and the SFIO is under the Ministry of Company Affairs; but these are also considered to be CPOs, though they do not function under the MHA.

Initially, the police in British India were organised on a provincial basis but as the nationalist movement widened and acquired an all-India scope, the British found it necessary to make centralised arrangements for certain aspects of police work such as collection of political intelligence, investigation of cases and the management of public order in the Princely states. This led to the creation of institutions, which later became the CBI and the IB and the Crown Representative Police (CRP) and Assam Rifles (AR). These organisations were retained after Independence since they were still considered relevant. Other new CPOs were created as a response to newly emerging needs and circumstances.

CENTRAL PARAMILITARY FORCES

There are seven CPFs under the Ministry (GOI, 2006): Assam Rifles (AR), Border Security Force (BSF), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), National Security Guard (NSG) and Sashastra Seema Bal (SSB), also known as Special Service Bureau. Central Reserve Police Force (CRPF) is the main force that assists the states in matters relating to law and order and internal security management. The Rapid Action Force (RAF) is a specialised wing of the CRPF, which deals with riots, especially those with communal overtones. The AR, which is under

the operational command of the Indian Army, has the dual function of managing the Indo-Myanmar border and counter-insurgency operations in the north-eastern states. The BSF, the ITBP and the SSB are regarded as Border Guarding Forces (BGFs), assigned to manage international borders with Pakistan and Bangladesh, the Line of Actual Control (LAC) with China, and the borders with Nepal and Bhutan. The CISF provides security to vital Central installations, public sector undertakings, airports, industries, museums, government buildings and so on. Its charter has been expanded to provide security cover to VIPs. National Security Guard (NSG) is a specialised force for counter-terrorism and anti-hijacking operations. It also looks after the security of high-risk VIPs.

The total manpower under these forces, in 2005–06, adds up to 7,05,467 as per the Ministry's annual report. However, the Ministry has also command over 110 battalions of India Reserve (IR), part-funded by the state governments, which are liable to be called up for Central Government duties (GOI, 2006: 86). The Ministry's annual report also mentions 66 battalions of the Rashtriya Rifles (RR), that is about 66,000 men (*ibid.*). Thus, the total CPF manpower at the disposal of the MHA for deployment in different parts of the country for law and order management and for the increasingly important and frequent election duties in different states and at the national level, could be about a million strong, which includes about 70 battalions or 70,000 men of the Railway Protection Force (RPF), a central paramilitary force not under the MHA. The main increase in strength of the CPFs under the MHA has occurred during 1980s, a period of accelerating social and political conflicts, as can be seen from Table 4.1.

Table 4.1
Growth of Manpower in the CPFs, 1988–2005

<i>Year</i>	<i>AR</i>	<i>BSF</i>	<i>CISF</i>	<i>CRPF</i>	<i>ITBP</i>	<i>NSG</i>	<i>SSB</i>	<i>Total</i>
1988	52,067	1,35,544	66,102	1,20,979	23,419	7,563	23,244	4,28,918
1989	52,460	1,49,568	71,828	1,21,235	25,482	7,563	27,649	4,55,785
1990	52,460	1,71,168	74,334	1,31,260	29,488	7,563	30,785	4,97,058
1991	52,460	1,71,363	79,620	1,56,131	29,504	7,563	31,039	5,27,680
1992	52,482	1,71,501	84,611	1,58,747	29,504	7,512	33,094	5,37,451

(Table 4.1 continued)

112 Political Violence and the Police in India

(Table 4.1 continued)

Year	AR	BSF	CISF	CRPF	ITBP	NSG	SSB	Total
1993	52,504	1,71,735	88,965	1,58,918	29,504	7,512	33,099	5,42,237
1994	52,504	1,71,735	90,813	1,65,250	30,297	7,360	33,099	5,51,058
1995	52,223	1,81,269	93,050	1,65,250	30,297	7,360	33,099	5,62,702
1996	52,223	1,81,403	96,502	1,67,346	30,369	7,360	33,099	5,68,302
1997	52,269	1,82,675	96,892	1,67,322	29,275	7,360	33,099	5,68,892
1998	52,223	1,82,732	94,743	1,67,331	30,367	7,360	33,099	5,67,855
1999	51,985	1,83,790	94,665	1,67,367	30,367	7,357	33,099	5,68,630
2000	51,056	1,81,839	95,992	1,81,136	30,356	7,357	32,141	5,79,877
2001	59,899	1,85,590	95,366	1,84,538	32,992	7,357	31,750	5,97,492
2002	62,399	2,04,885	94,534	2,04,531	34,657	7,357	31,625	6,39,988
2003	63,649	2,08,103	94,347	2,29,699	34,788	7,357	31,554	6,69,497
2004	61,395	2,08,422	93,935	2,48,790	36,324	7,357	31,554	6,87,777
2005	65,185	2,08,937	93,521	2,48,689	34,636	7,354	47,147	7,05,469

Source: GOI (2006: 85).

PROFILES OF THE CPFs

The CPFs play an important role during the increasingly frequent cases of major political violence in different parts of India, by being 'stationed' by the Central Government and 'deployed' by the state governments (Godbole, personal communication, August 2006).

The Central Reserve Police Force

The CRPF, the oldest and the most important of the CPFs, is the main force that assists the state governments in matters of law and order and internal security management. Initially raised as the CRP, the force was rechristened as CRPF after Independence. Since then, the force has achieved remarkable growth in strength and capabilities. With 191 battalions (173 executive battalions, two women's battalions, 10 RAF battalions, five signals battalions and one special duty group [SDG]), 35 group centres, 12 training institutions, three base hospitals, one composite hospital, seven arms workshops and two central weapons stores, it has become the largest CPF. The force is presently handling a wide range of duties covering law and order, counter-insurgency, anti-militancy and

anti-terrorism operations. The force plays a key role in assisting states in maintaining public order and in countering subversive activities. The CRPF personnel also perform guard duties at some vital installations and buildings and certain holy places and shrines. A modernisation plan of Rs 542.75 crore (about Rs 5.5 billion) has been sanctioned to induct sophisticated arms, ammunitions and other equipment in the force over the next five years.

In 1992, 10 battalions were converted into RAF whose personnel are equipped and trained to be an effective strike force in communal riots or similar situations. These battalions are located at ten communally sensitive locations across the country to facilitate quick response to communal incidents.

It is interesting that the 42nd Constitutional Amendment authorised the Central Government to deploy any armed force of the Union to deal with grave situations of law and order in the states. In such situations, they would work under the directions of the Government of India and not be subject to the control of state governments. The Government of India could thus send paramilitary forces to the states, who would act under its control instead of the state governments. However, in 1977, the 44th Amendment of the Constitution deleted the above provision, which meant that now such paramilitary forces of the Union could not be sent to the states without the consent of the state government concerned. When such forces are made available to the states, they would work under the control of the state governments. Except during communist rule in the states of Kerala and West Bengal, no occasion has arisen for the Central Government to deploy these forces in the states without their consent.

Assam Rifles

Initially raised as Cachar Levy in 1835, AR is the 'oldest police force' in the country with its headquarters at Shillong. It has 46 battalions, one training centre and school, three maintenance groups, three workshops and other units. The force has the dual role of maintaining internal

security in the north-eastern region and guarding the Indo-Myanmar border. In order to modernise it, sophisticated arms and modern communications equipments are being provided.

Border Security Force

The BSF was raised in 1965 with 25 battalions in order to avoid a multiplicity of forces guarding the Indian borders. Over the years, the force has grown in strength and has now 157 battalions with seven companies each, five major training institutions, nine subsidiary training centres, four minor training institutions, two basic training centres and one recruit training centre. With its headquarters in Delhi, the field formations include two Additional Director-Generals (ADGs), 10 frontiers, 39 sector headquarters and so on. Its operational responsibility is spread over the international borders with Pakistan and Bangladesh. It is also deployed on the Line of Control (LOC) in Jammu and Kashmir under the operational control of the Army. A modernisation plan is under way since 2002–03 costing a total expenditure of over Rs 2,330 crore over five years.

Central Industrial Security Force

Raised in 1969, CISF has been providing security cover to 301 undertakings and fire protection cover to 74 establishments. The specialised task of airport security was assigned to CISF in the wake of the hijacking of the Indian Airlines flight to Kandahar in 2001. The force has taken over security of 54 airports including Mumbai, Delhi, Chennai and Kolkata. Important government establishments in Delhi are taken care of by the Force. Further, the charter of the CISF has been expanded to provide security cover to VIPs and to extend technical consultancy services.

Indo-Tibetan Border Police

Indo-Tibetan Border Police was raised in 1962 in the wake of the India-China conflict. At present, it has 25 battalions assisted by four specialised

battalions. A five-year modernisation plan with an expenditure of about Rs 188 crore is under implementation.

Sashastra Seema Bal/Special Service Bureau

Sashastra Seema Bal (SSB) was set up in 1963 in the wake of the India–China conflict to build the morale and spirit of resistance of the border population against threat of subversion, infiltration and sabotage from across the border. It has also been given border-guarding duties along the Indo-Nepal and Indo-Bhutan borders. A modernisation plan costing Rs 445 crore was approved during 2005–06.

National Security Guard

National Security Guard (NSG) was set up in 1984 as a task-oriented force with two complementary elements of special action groups and special rangers groups. NSG personnel are trained to take high risk to counter hijacking and to counter terrorist operations. National Security Guard commandos are also assigned to provide security to VIPs. A five-year modernisation plan costing about Rs 83 crore is under way.

India Reserve Battalions

The scheme of the IR battalions was devised to meet the increasing demands from the states for deployment of CPFs for local law and order duties. Since CPFs are over-stretched, there was a need to create IR battalions. These are an integral part of the armed police of the state for which they are sanctioned by the Government of India, which partially funds and reimburses the standard cost of raising an IR battalion. Till 1999–2000, there were 35 IR battalions in the country. During 2005–06, 25 additional IR battalions were raised. A total of 50 additional IR battalions will be raised in the next few years, raising their total strength to 110. The idea of raising IR battalions is two-fold: one, they support and supplement the other security agencies; two,

they help in addressing the problem of unemployment of the youth (Banerjea, 2005). The Government of India has the authority to ask the state governments to make IR battalions available for deployment elsewhere. State governments are bound by Central guidelines and instructions. Thus, the IR battalions, though a part of the state police forces, can also be regarded as a part of the CPFs.

Additional CPFs

The Government of India has approved 204 new battalions to be raised in the next few years to augment the strength of AR, BSF, CRPF, ITBP, RR and SSB (GOI, 2006: 86).

COST OF CPFs

The total cost of CPFs to Government of India has moved up from about Rs 1,200 crore (Rs 12 billion) in 1988–89 to about Rs 8,300 crore (Rs 83 billion) in 2005–06. (GOI, 2006).

The CRPF with 2,48,689 men and the BSF with 2,08,937 men are the largest CPFs today. The Ministry is going ahead with plans for further expansion of these forces.

The existence of a huge and growing force of CPFs amounting to over a million men in 2006 strengthens the Central Government in relation to the state governments in the Indian polity and places pressure on the federal democratic structure of governance. The paramilitary forces are increasingly 'stationed' by the Central Government and 'deployed' by the state governments in aid of the civil administration. They have, however, become almost permanent fixtures in 'disturbed areas' such as Jammu and Kashmir, the north-eastern states and the central tribal belt affected by Naxalite activities. This undermines civilian policing and beat patrolling, which are essential to crime control and service provision. The CPFs have also been in increasing demand for security duties during parliamentary and state assembly elections, with the reliability and impartiality of the state police forces often under question.

The CPFs and the IB are thus the key CPOs in public order management in large parts of the country on a daily basis, despite the constitutional

stipulation that ‘law and order’ and ‘police’ are state subjects. The strength and resources of these two agencies have been growing steadily over the years.

Scholars have viewed the tradition of armed police, at the state as well as the Central level, as a ‘design feature’ of the police system in India (Das and Verma, 2003; A. Verma, 2005), with the additional features of the ceremonial character of the administration and ‘dual control’ by the District Superintendent of Police and the District Magistrate. This emphasis on public order maintenance at the cost of crime prevention has been a distinguishing feature of the Indian police right from the colonial period. A large growth of armed police at the state level and of paramilitary police at the Central level has taken place in the name of controlling increasing violence, terrorism and threats to stability. In 1998, it was estimated that the armed police at the state level in India numbered 2,81,987. This was in addition to the armed units at the district level as maintained by the police in the states. The NPC had recommended (1979–81) the disbandment of the armed police to build a civilian, localised system of policing.

The continuous rise of paramilitary police strength at the Central level can also be attributed to the ‘fear of disorder’ and the need for a strong Central Government expressed by the Constitution makers (Brass, 2000). Brass adds that the focus on containing disorder and maintaining order is part of a whole range of ideologies, policies and practices that have sustained, not just ‘order’ in the abstract sense but, a particular social and economic order, a particular pattern of domination and subordination and particular relations of power. Fear of the people rather than fear of disorder seems to have determined the response of the State—the upper castes and classes of India fearing the organised assertions of the poorer castes and classes. The Constitutional Assembly debates prioritised security of the State over ‘new-fangled notions’ about Fundamental Rights. The passage of the Preventive Detention Act, followed up later on by other acts such as the Defence of India Act, the Maintenance of Internal Security Act, the Terrorist and Disruptive Activities Act, and so on, have strengthened the State’s power over the individual.

The first two decades of the working of the Constitution of 1950 did not see any aggrandisement of authority at the ‘expense of constitutional

government at the Centre or in the states'. However, the record of the next 30 years was different. The period after the Emergency (1975–77) witnessed the undermining of Fundamental Rights by preventive detention and internal security laws, human rights violations and the strengthening and multiplication of a series of paramilitary forces. The trend has persisted.

THE DEBATE ON THE ROLE OF THE CPFs

The massive growth of the CPFs after Independence may be said to underscore two developments: (i) the gradual centralisation of internal security planning and action; (ii) the increasing reliance on the instrument of force to solve conflicts. The predominant role of the Union government derives sanction from the Constitution though it is indicative of the inability of the Indian State to promote democracy and modernity simultaneously, resulting in public demonstrations often turning violent. The interpretation of public protest largely in law and order terms by the police-dominated IB seems to have been the cause behind the continuous strengthening of the paramilitary power of the Central Government. During the late 1960s and the early 1970s, a six-fold increase in paramilitary strength at the Central level took place (Jha, 2000).

The 1980s witnessed further centralisation of internal security planning and further strengthening of CPF levels. This was again justified on law and order grounds. The CRPF, originally intended for the limited purpose to provide assistance to state governments, has evolved into a major and sophisticated instrument of internal security management at the disposal of the Central Government, to be freely made available to state governments to put down social protest by short-term law and order measures.

Other paramilitary forces, such as the BSF and the ITBP, are also being increasingly used in a similar fashion. A multiplicity of forces performing almost the same duties points to an *ad hoc* approach with regard to internal security management, with enormous problems of 'coordination, command and control, accountability and overlapping jurisdictions' (ibid.). The CPFs were meant to be specialised agencies

for specific purposes. They cannot displace local police agencies vital to local 'law and order' management. Thus, the role of the CPFs needs to be viewed in a wider policy framework.

Das and Verma (2003) have noted that the main aim of the British in establishing the police and formulating criminal laws was the subjugation of the Indian people. These laws prioritised offences against the State, including conspiracy to wage war. Former police officials Misra (1980) and Gupta (1988) have noted that offences against the person and property find mention only from Chapter XVI onwards in the Criminal Procedure Code (CrPC); and that the chapters on maintenance of public order, including the use of force by the police and the Army take precedence over the provisions for the investigation and trial of cases. The British-created police were so shaped in personnel, powers and procedures 'as to be a terror to the law abiding citizen' (Gupta, 1988). Between 1938 and 1943, the period when the independence movement was at its strongest, the police grew from just over 1,90,000 to 3,00,000, with an increasing proportion of them carrying arms.

After Independence too, the maintenance of order was seen as critical (Brass, 2000). Subsequently, Central and state governments have built armed police strength at the cost of the civilian police for beat patrolling and investigation of cases. Das and Verma (2003) note that in the north-eastern state of Assam, where there were five armed police battalions in 1965, sanction was given for 21,459 armed police personnel in 1995 in the name of dealing with terrorist elements. Assam was bifurcated several times after 1965 and the newly formed states have constituted their own armed police battalions, which were about 22 per cent of the total police force in the early years of this decade.

Das and Verma (*ibid.*) conclude that the short-term objective of maintaining order rather than looking into the underlying causes of social tensions is leading to a 'dangerous situation' in India. Moreover, with increasing use, these armed police forces begin to play a dominant role not only in police administration but in larger politics as well. Armed police outside the purview of civilian scrutiny can and do affect sensitive political issues like elections, communal conflicts and relations between Central and state governments. The deployment of armed police does not result in neutral order maintenance (A. Verma, 1997). The objectives

that the police must safeguard in India are democracy and freedom. Armed police forces are not trained to do this.

General Chibber has examined the role of these forces from the perspective of national security (Chibber, 1979). He identified 15 forces of different types between the Army and the police, which can be 'loosely termed as paramilitary forces'. The Union expenditure on the paramilitary forces in 1951 was Rs 3.2 crore and it rose to Rs 80 crore in 1968–69 and to Rs 160 crore in 1974–75. The latest figure is about Rs 8,300 crore (Rs 83 billion).

Chibber divides these 15 paramilitary forces into three groups from the national security perspective: forces for guarding the frontier; forces for law and order maintenance; and forces for development. A large number of these forces have grown out of the colonial heritage. The Army and the police were the twin instruments with which the British maintained order. Chibber saw a need to reorganise our police in a manner as to make it shed its colonial image and become a truly citizens' police. The rationalisation of our paramilitary forces would be a step in the right direction of separating the police from military overtones. However, contrary to such expectations, the paramilitary forces in India have been playing an increasingly important role in internal conflict management. There is no prospect in sight in which the rationalisation as anticipated would occur along the lines desired by the author.

Rustamji, who was responsible for raising the BSF in the 1960s, traced the historical origins of paramilitary forces to the operations against the 'Pindaris', the thugs, dacoits, frontier raiders and headhunters during the British period. These forces became useful in the era of Civil Disobedience during the nationalist phase and helped 'insulate the army from public agitation' (Rustamji, 1977). Developments such as the border war with China, the police action in Hyderabad, the situation in Jammu and Kashmir, tribal unrest in the Northeast, and so on, necessitated the creation of CPFs. There was a need to free the Army from day-to-day chores on the Pakistan and Myanmar borders. The paramilitary spectrum included the Central forces, the armed police of the states and the home guards. After describing the roles of the AR, the Jammu and Kashmir militia, the CRPF, the industrial security force,

the railway security force, the ITBP and the BSF, the author discusses the problems of mobilisation of these forces for national security.

Others have taken a more critical view of the use of paramilitary forces in India's federal context (Bhambhri, 1978; Ray, 1978). According to Bhambhri, the creation of CPFs had created tensions between Central and state governments, which were likely to get accentuated with the emergence of a variety of patterns of party alliances in the country. Ray examined constitutional provisions on Centre–state relations in India in the context of paramilitary forces and emphasised the peculiarities of the federalising processes in the Indian setting. He highlighted the importance of consultative agreement between the Centre and the states. The replacement of the one-party dominant system by a political party system of diverse hues and complexions had resulted in acute tensions and confrontations. The issues involved in Centre–state tensions were diverse and varied, including administration, finance and planning. The emergence of a competitive multiparty political system calls for the utilisation of the available constitutional mechanisms to reconcile the aims of federalism and development.

Austin (1999) has noted that Article 355 and the related Article 257 of the Constitution leave a 'grey area', giving scope for the play of 'political ambitions and judgements'. In all but three occasions, the CPFs were sent to the states to aid civil power with the consent of the concerned state governments. The three exceptions are related to the governments of Kerala and West Bengal led by left parties during the late 1960s. The multiplication of CPFs and their increasing manpower have been a cause of alarm for state governments. A further source of apprehension was the authority given to 'several of these forces to infringe civil liberties'. The CISF, for example, is empowered to arrest without warrant persons who might commit offences against public sector property (*ibid.*: 600). Under the Armed Forces (Special Powers) Act 1958, introduced initially in the Northeast but subsequently extended to other states, armed forces including the CPFs have the authority to arrest without warrant and to fire to kill, 'even before an area is officially declared' to be 'disturbed'.

Austin has further noted that the CRPF, formed in 1949, was, under the CRPF Act, to be employed 'in any part of the Indian Union for the

restoration and maintenance of law and order and for any other purpose as directed by the central government'. Each of the many CPFs, whatever the name, was, some time or the other, employed in domestic 'law and order' duties, typically at the request of the state governments. State armed police forces are also sometimes employed outside their states, for instance, when the Punjab Armed Police was used in Jammu and Kashmir. The BSF was deployed for law and order maintenance in Punjab, Jammu and Kashmir, Gujarat and Delhi. Further, six ITBP battalions did bank security duty in Punjab during 1989–90. The examples can be multiplied.

The CRPF grew from modest beginnings to 75,000 in 1980 to 1,50,000 in 1995 and is now over 2,00,000. The CISF grew from an initial size of 2,000, 17,000 in 1974, 90,000 in 1995 and to 93,500 at present. The BSF strength was over 70,000 in 1974 and grew to 1,75,000 in 1995 and became 2,08,900. In 1975, the CPFs are said to have totalled some 8,00,000, about three-fourths the size of the Indian Army. The annual report of the MHA for the year 2005–06 provides for the further expansion of selected CPFs including the CRPF, BSF and others from an existing strength of 430 battalions to 588 battalions (GOI, 2006: 86). Although the Army has often been called out in the aid of civil power, it has figured less in debates about Centre–state relations than police and paramilitary forces deployed by New Delhi.

Some state governments and political parties were not the only ones concerned over the 'swelling of federal forces'. The Public Accounts Committee of the Parliament expressed itself in 1983 to be 'very much concerned over the large-scale and continuous increase in unproductive expenditure' on Central forces and called for an 'urgent review'. The expenditure had risen from Rs 3.2 crore in 1950–51 (a crore equals 10 million) to Rs 80 crore in 1968–69 and to Rs 156.42 crore in 1974–75 (Austin, 1999; Chibber, 1979).

ROLE OF THE CPFs AT AYODHYA, 1992 AND IN GUJARAT, 2002

The confrontation between the Central and the state governments that may arise over the deployment of CPFs was witnessed during the

late 1992, when the issue of the threat of demolition loomed over the controversial Babri Masjid at Ayodhya in Uttar Pradesh at the hands of the Hindu nationalist forces. The complexities of the application of Articles 355 and 257 of the Constitution and the deployment of CPFs in a critical situation were clearly evident (Austin, 1999; Godbole, 1996, 2006, personal communication, August 2006; Noorani, 2006; Rao, 2006). There was danger of violence on the spot as well as between the Hindus and the Muslims in the country as the threat of demolition of the mosque loomed large. The Central Government controlled by the Congress party had committed itself to protecting the mosque. Yet, the Uttar Pradesh government was in the hands of the Hindu nationalist Bharatiya Janata Party whose willingness to protect the mosque with its own forces was ambiguous and doubtful, despite its own hypocritical commitment made to the Supreme Court of India to do so. It seemed that New Delhi would have to use its own forces to protect the mosque. The Uttar Pradesh government, however, refused consent for the deployment of CPFs at Ayodhya. The Political Affairs Committee of the Central Cabinet and the Cabinet itself contemplated placing the state under President's Rule and immediately thereafter moving its forces to prevent an attack on the mosque (Godbole, 1996). After dithering for days, Prime Minister Narasimha Rao, on 24 November 1992, ordered the deployment of about 20,000 forces (CRPF, CISF and RPF) along with a vast quantity of equipment at Faizabad, near, but not at, Ayodhya. As the state government continued to resist the deployment of these forces near the mosque and as '*kar sevaks*' ('volunteers' or Hindu militants) filled the town, the Prime Minister continued to dither. On 6 December, the militants demolished the mosque. Even during its destruction, state officials for a time refused to request the forces to go into action against the destructive mob. Ultimately, CPFs captured the mosque site and President's Rule was imposed on the state. The story is complex and well recorded (Godbole, 2006; Noorani, 2006).

The constitutional failure to act to prevent massive political violence, loss of life and destruction through the effective deployment of CPFs at Ayodhya in 1992 was again on display during the Gujarat carnage of 2002. However, in this instance, the 'guilty men' in the Central Government belonged to the same Hindu nationalist party that was in

power in the state of Gujarat! The Hindu nationalist Central and state governments were both complicit in the project to build a Hindu nationalist state in India through the elimination of the Muslims, and therefore the Gujarat carnage was allowed to go through till the end. The immense loss of life and destruction of property, which resulted, has been documented in three volumes by the Concerned Citizens Tribunal on Gujarat (CCTG, 2002).

The crises over Ayodhya, 1992 and Gujarat, 2002, are seen by some as organic to the Indian State. No easy route for the Indian State is available at the present stage of evolution of the Indian polity. The crisis over the Central Government's political will and ability to deploy the CPFs to contain 'internal disturbance' in the states as fully supported by Article 355 of the Constitution is all too evident.

The Sarkaria Commission on Centre–state relations laid down the policy requirement of Article 355. What is 'legally permissible' under the Article may not be politically proper. Political considerations made it imperative that the Union government must invariably consult and seek the cooperation of the state government if it proposed to deploy, *suo moto*, its armed forces in that state, the constitutional position notwithstanding. It was not obligatory to make such consultations, but the CPFs must be used only as a last resort. The Commission also foresaw that a state government could possibly be both unwilling and unable to suppress an internal disturbance and may refuse to seek the aid of Central Government's armed forces. In such a situation, the Centre cannot be a 'silent spectator' when it finds the situation fast drifting towards anarchy. Then, it may deploy its armed forces *suo moto* 'to restore public order'.

Centre–state tensions over the deployment of CPFs appear likely to grow in future. They were manifested as early as in the late 1960s and again surfaced during the police strike in several states in the late 1970s when the CPFs were controversially deployed to quell the strike (Baxi, 1982; Subramanian, 1988). The Ayodhya issue in 1992 and the Gujarat episode in 2002 are potent portents of the future conflicts that might arise over the deployment of CPFs in India.

5

Naxalite Violence: What Can the Union Home Ministry Do?

This chapter will examine the current strategy and tactics of the Government of India to deal with the Naxalite violence. Reference will then be made to the studies by the Research and Policy (R&P) Division of the Union Ministry of Home Affairs (MHA) that bring out the social background of the Naxalite movement, highlighting the need for the Ministry to develop its own sources of information, distinct from those of the Intelligence Bureau (IB) and the state governments, which often have their own information agendas. It will then make a review of the Naxalite movement today. Finally, the elements of an alternative strategy will be outlined.

The previous chapter brought out that although ‘public order’ and ‘police’ are state subjects in the Indian Constitution, special provisions exist in Article 355 and others, which mandate a key role for the MHA in situations of serious law and order challenges in the states. The situation in Jammu and Kashmir, the north-eastern region and in the states witnessing Naxalite activities receives special Central government attention and action; cooperation between the Central and state governments in such cases is close and continuous. In a different sense, one author notes the parallel ‘counter-insurgency constitutionalism’ that prevails in the Northeast in tandem with the regular constitutionalism (Baruah, 2005). The key role on the part of the MHA is mandated by the provisions of the Constitution, which opts for a federal structure with a strong Centre, making India a ‘dual polity’ (Srinivasavaradan, 1992).

The Constitution entrusts special responsibilities to the Central and state governments with regard to the Scheduled Castes (SCs) or ‘dalits’

and the Scheduled Tribes (STs) or 'adivasis'. Under Schedule V of the Constitution, the governors of the states are expected to send special reports periodically to the President on the Scheduled Areas inhabited by the tribal people (Sharma, 2001). The humane development of these two communities needs special attention since the influence of the Naxalite ideology is rapidly growing among them.

It is for the state governments concerned to deal with the aggravated challenge of the Naxalite movement within their jurisdiction. However, the MHA, as the nodal ministry on law and order, takes the lead in spelling out the strategy and tactics of the Central and state governments with regard to the issue. Prime Minister Manmohan Singh, addressing the standing committee of chief ministers of the states affected by Naxalite activities, on 14 March 2006, stated that the Naxalite movement today is the single largest national security threat facing the country. The Union Home Minister, in his statement earlier in the Lok Sabha on 1 March 2006, revealed that 26 CRPF battalions were being deputed to the central tribal belt to deal with the Naxalites. This means 26,000 officers and men, a number equalling 'the army of a small state'. In his report to the Lok Sabha on 13 March 2006, the Home Minister asked the states not to enter into dialogue with the CPI (Maoists) unless they gave up arms. He also told the meeting of the standing committee of chief ministers that 'local resistance' to Naxalites such as 'Salwa Judum' in Chhattisgarh will be 'up-scaled' (Navlakha, 2006).

It is noteworthy in this context that neither the Prime Minister nor the Union Home Minister acknowledged the special constitutional responsibility of the Central and state governments with regard to the development and protection of the SCs and STs. The increasing 'atrocities' and crimes against these communities by members of the non-SCs and -STs in the Naxalite-affected states is an important issue, which both failed to mention. Further, no representatives from the Union and state ministries of Social Justice and Empowerment or from the National Commissions for the SCs and the STs were present at the meetings convened by the Central government with the state governments to consider the strategy and tactics to be adopted to deal with the Naxalite violence. Nor did the Left and other parties supporting the United Progressive Alliance (UPA) government send any representatives to these meetings.

The situation in the Dantewara district (population: 0.8 million) of the tribal-dominant state of Chhattisgarh assumes special significance in view of the ongoing violence by the 'Salwa Judum' activists backed by the Central Paramilitary Forces (CPFs) and the counter-violence by the Maoists who are well entrenched in parts of the district (Balagopal, 2006; Navlakha, 2006; PUCL, 2006). A press release (29 May 2006) issued by a group of concerned citizens after a visit to the district did well to bring out the requirement under Schedule V of the Constitution for the state Governor to send special reports to the President on the welfare and development of the tribal people. The victims of violence from both the Naxalites and the government forces are the innocent tribal people. The 'political handling of the issue rather than suppression by brute force' would be preferable, as noted by a lawyer-activist (Balagopal, 2006).

CURRENT STRATEGY AND TACTICS

The National Common Minimum Programme adopted by the UPA leading the present government in New Delhi had stated under the head 'Scheduled Castes and Tribes': 'the UPA government is concerned about the growth of extremist violence and other forms of terrorist activity in different states. This is not merely a law and order problem but a deeper socio-economic issue, which will be addressed more meaningfully than has been the case so far. Fake encounters will not be permitted.'

Further, the SC/ST (Prevention of Atrocities) Act 1989 and the elaborate rules framed thereunder in 1995 make it mandatory for the Union and state governments to prevent and take action against 'atrocities' and crimes against members of the SCs and the STs. The MHA, originally the ministry in charge of the subject of 'atrocities' against the SCs and the STs, had issued in 1980 detailed guidelines to state governments on the prevention of atrocities, which are reproduced in the Report of the Commission for the SCs and STs, in Annexure XIV (April 1979–March 1980). However, the Prime Minister and the Home Minister, in their addresses referred to earlier, and the MHA in its current annual report, have failed to make any reference to this law, the rules or the guidelines.

Chapter 2 of the annual report mentions the Naxalite issue as the third major 'national security issue' after referring to the situation in Jammu and Kashmir and the north-eastern region. Table 5.1 reports some facts relating to the violence in the country as a whole during 2002–05.

Table 5.1
All-India Figures of Naxalite Violence, 2002–05

<i>Head</i>	2002	2003	2004	2005
No. of incidents	1,465	1,597	1,533	1,594
No. of civilians killed	382	410	466	516
No. of policemen killed	100	105	100	153
No. of Naxalites killed	141	216	87	223

Source: GOI (2006: 23).

It can be seen that Naxalite violence showed an increase from 2002 to 2005. The total number of incidents went up from 1,465 in 2002 to 1,594 in 2005; the number of civilians killed shot up from 382 to 516; the number of policemen killed went up from 100 to 153; and the number of 'Naxalites' killed went up from 141 to 223. The report does not specify how many of these so-called 'civilians' and 'Naxalites' were members of the SC and the ST communities. Nor does it take cognisance of the increasing violence against them as noted by the National Commissions for the SCs and STs, which is discussed in Chapter 6.

The MHA report adds that in 2005, while the number of incidents had gone up by 4 per cent as compared to 2004, the 'civilian' casualties had gone up by 11 per cent and the number of police personnel killed by 53 per cent. It adds that 76 districts in the nine states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Orissa, Maharashtra, Madhya Pradesh, Uttar Pradesh and West Bengal are affected by Naxalite violence. The level of violence was significant in Andhra Pradesh, Chhattisgarh, Jharkhand, Bihar, Maharashtra and Orissa.

In 2005, violence was reported from 509 police stations in 11 states out of a total of 12,476 police stations in the country. The state-wise break-up of incidents and deaths for the years 2002–05 are given in Table 5.2.

Table 5.2
State-wise Break-up of Naxalite Violence, 2002–05

<i>Name of state</i>	<i>2002 incidents</i>	<i>Deaths</i>	<i>2003 incidents</i>	<i>Deaths</i>	<i>2004 incidents</i>	<i>Deaths</i>	<i>2005 incidents</i>	<i>Deaths</i>
Andhra Pradesh	346	96	577	140	310	74	532	206
Chhattisgarh	304	55	256	74	352	83	380	165
Jharkhand	353	157	342	117	379	169	308	118
Bihar	239	117	250	128	323	171	183	94
Maharashtra	83	29	75	31	84	15	95	53
Orissa	68	11	49	15	35	8	42	14
Madhya Pradesh	17	3	13	1	13	4	20	3
Uttar Pradesh	20	6	13	8	15	26	10	1
West Bengal	17	7	6	1	11	15	14	7
Other states (Kerala, Karnataka and Tamil Nadu)	18	1	16	–	11	1	10	8
Total	1,465	482	1,597	515	1,533	566	1,594	669

Source: GOI (2006: 24).

In the absence of other details, it is difficult to analyse these figures and draw meaningful conclusions. The annual report states that the trends in violence included militarisation and consolidation, attacks on police personnel, attacks on government/private property, holding of people's courts and forging of linkages with the Maoists of Nepal.

A multi-pronged strategy is being followed by the MHA to contain the violence, including building up of 'local capabilities' to improve intelligence gathering; strengthening of the administrative machinery to redress grievances; improving delivery of accelerated socio-economic development; promoting employment opportunities; encouraging 'local resistance'; and encouraging affected state governments to promote peace initiatives.

The MHA administers three schemes to strengthen the security apparatus at the state level: reimbursement of security-related expenditure (SRE) (reimbursement to the tune of Rs 2,000 crore [Rs 20 billion] was done in 2005–06); police modernisation and upgradation; and finally, funds to raise India Reserve (IR) battalions to augment state police forces. Inter-state Intelligence Support Teams (ISISTs) are being set up in the states to strengthen intelligence collection and sharing of intelligence by Central agencies with state agencies; special efforts to step up training of police forces; and increased vigil along the Indo-Nepal border.

On the development front, the Ministry has advised state governments to ensure integrated development of the affected districts. Under the Backward Districts Initiative (BDI), an amount of about Rs 2,500 crore (Rs 25 billion) has been sanctioned by the Central Government for 55 Naxal-affected districts. There is an additional Rs 15 crore per year per district from 2003–04 to 2005–06 as Special Central Assistance to fill in 'critical gaps in physical and social infrastructure in these areas' (GOI, 2006: 28). The Ministry of Environment and Forests has approved the use of up to 1 hectare of forestland for security and socio-economic infrastructure in forest areas. Stepping up of implementation of Panchayats (Extension to Scheduled Areas) Act 1996; strengthening of administrative machinery by the posting of competent and willing officers to Naxalite areas; encouraging 'local resistance groups'; 'public perception management'; and organisation of tribal youths' cultural exchange programmes are the other 'development' initiatives.

The review mechanisms at the Central level include a task force on Naxalism under a Special Secretary with 'nodal officers' (mainly police officers, it would seem) from affected states and others; a coordination centre headed by the Union Home Secretary and consisting of state chief secretaries and directors general of police and others; and a standing committee of chief ministers under the chairmanship of the Union Home Minister.

The Ministry's approach makes a notional reference to socio-economic issues, but does not address the land question, the rural development strategy, land transfers from peasants to the corporate sector, the increasing violence against the SCs and STs or the massive displacement of these communities as a result of development projects and violent suppression of peaceful movements and demands. It merely mentions 'project implementation in the rural areas', which have in the past been effectively sabotaged by a corrupt administrative structure at the cutting-edge level in collusion with the rural power structure. The envisaged measures do not constitute a sharp break from the traditional law and order approach, which clearly dominated in the Ministry's annual reports in the past. Further, there is no reference to the special reports to be furnished by the state governors on welfare of the tribal people in Scheduled Areas under Schedule V of the Constitution.

The administrative and police structures, which clearly inhibit effective rural development because of their caste-class linkages with the rural power structure, are thus not addressed at all. Further, the inherited administrative structure remains still basically regulatory as in colonial times with its dominant preoccupation with 'order' at the cost of law and justice. The post-Independence tenuous development administrative arrangements are only a superimposition on the inherited powerful regulatory structure led by the District Magistrate (DM).

The creation of increasing numbers of the state armed police and CPFs for public order management contrasts sharply with the tenuous framework for development administration, sending wrong signals to the intended 'beneficiaries', the rural poor, who have been the victims of the 'backlash of development' as noted by the former Commissioner for the SCs and STs in his 28th Report to the President of India (Sharma, 2000). Further, the MHA's annual report for 2005–06 does not make any reference to its own report of 1969 on the 'Causes and Nature of

Agrarian Unrest', produced by its own R&P Division in 1969, which clearly highlighted the agrarian background of the Naxalite movement.

RESEARCH ROLE OF THE UNION HOME MINISTRY

The MHA is the most important Central Government agency responsible for law and order management in the country. It has to play a crucial role in carrying out policy analysis and in chalking out strategies and tactics in consultation and coordination with state governments in dealing with major conflict situations in a state or in many states together. Chapter 4 brought out this central role of the Ministry.

What are the main official sources of information on the basis of which the MHA plans its activities with regard to social conflict situations in different parts of the country such as the Northeast, Jammu and Kashmir or the several 'Naxalite affected' states? The main official sources of information are two: the state governments and the Central IB. The Ministry also has a stream of officials, politicians and ministers from state governments visiting it on a regular basis who bring informal information and insights. The information provided to the Parliament by the Ministry is invariably official information received from state governments. The information provided by the IB is always classified information.

Media reports are also an important source of information. However, these reports are not used in making statements in Parliament.

Official reports received from the state governments and the IB are often biased or partial and self-serving. The IB, the main information agency of the Central Government, often serves the ends of the politicians in power.

Thus, for discharging its conflict management duties in a subcontinental polity, the MHA relies on a rather limited information base. The IB, as explained in Chapter 3, is a police organisation with limited capacity for an objective analysis of complex social issues. Its reports, invariably classified, cannot be subjected to objective scrutiny in the Ministry and have to be accepted at face value. Any attempt to scrutinise them by the ministry officials could be opposed by the IB on the grounds

that they cannot disclose their sources of information. The IB also provides information directly to top politicians in power such as the Prime Minister or the Home Minister, in the form of signed or unsigned or oral reports, on situations of considerable delicacy and complexity.

The history of the functioning of the R&P Division is interesting in itself. While it existed, it produced many useful reports on complex issues such as agrarian violence, communal violence, student unrest, separatist movements, the language question and constitutional and political matters. But the Division could never be successfully institutionalised mainly because the IB, which had been functioning as the main reporting agency of the Ministry, perceived it as a threat to its information monopoly. Prolonged war of attrition over the future of the R&P Division began, which resulted in its eventual winding up.

The report on the 'Causes and Nature of Agrarian Tensions' prepared by the R&P Division in 1969 in the wake of the emergence of the Naxalite movement differed sharply from the IB analysis on the subject. It was a pioneering exercise, which examined the agrarian roots of the Naxalite movement. It warned that the 'green revolution' could turn into a 'red revolution' if appropriate agrarian reforms were not undertaken. The report was discussed in Parliament and the press.

The report said that the new technocratic approach to the development of the rural economy, based on an outmoded agrarian structure, was geared to the goal of productivity, but was less concerned about social imperatives. This had led to a situation in which 'elements of disparity, instability and unrest are becoming conspicuous with the possibility of increase in tensions'. The administrative obstacles to agrarian reforms were the lack of qualifications and integrity in tenancy reforms; civil servants being overburdened with other responsibilities; lack of coordination between the land reforms department and the agriculture and cooperative departments; lack of updated land records; weak budgetary support; ignorance on the part of tenants; dual role of landlords as money lenders; heterogeneous interests of the village population; and the gulf in social status between tenants and landlords, which prevented the administrative and judicial authorities from handling land disputes correctly. In the light of these findings, the Ministry advised state governments to carry out agrarian reform measures. Moderate

success was registered in the next few years. The Division produced a follow-up report on agrarian tensions in 1972.

However, the fact remained that the Naxalite movement was brutally suppressed by police action by 1972. When the intensity abated, the political response of the Ministry fell back on standard administrative practices including the deployment of CPFs in the affected areas, with allegations of fake encounters, illegal arrests and other misdeeds swept under the carpet. As one former home secretary puts it, excessive pre-occupation with peace and order at the cost of law and justice had proved costly, with the objective socio-economic conditions behind agrarian violence being ignored (Srinivasavaradan, 1992).

While basic nation-building challenges call for long-term responses, the traditional responses of the MHA have been of limited utility. Distinct roles were merged at higher levels of policy making. *Ad hoc* measures and amateurishness were not replaced by additional inputs of knowledge, skill and vision from multidisciplinary R&P analysis. The bureaucratisation of the R&P Division failed when special teams, with specific objectives and multidisciplinary scope, were needed.

Agrarian violence re-emerged vigorously in the 1980s. An already enfeebled R&P Division produced useful reports, which remained on paper. Senior officials confined themselves to making radical noises accompanied by limited action on the ground.

A particularly violent series of incidents of agrarian violence occurred in the central districts of Bihar in the early 1980s, resulting in the killings in police 'encounters' of a number of the rural poor innocents. The press was full of the details. This led the government of India to set up a Central Team of officials, including this author led by the then Member-Secretary, Planning Commission, to visit the state for a first-hand assessment. On arrival in Bihar, the Team met the aggressively self-confident district administration proud of its record of maintaining order at the cost of many innocent lives. It took the district officials a while to come to grips with the fact that the purpose of the Team was not to appreciate their 'good work' but to evaluate their success in implementing the declared policies of payment on minimum wages, protection of civil rights, distribution of government wasteland among the poor, all impeccably constitutional tasks. The record did not stand up to scrutiny.

The state police reported the number of deaths in police action as 12 persons, all of them 'Naxalites'. The IB, the main reporting agency of the MHA, repeated the figure. There was a gap between the figures reported in the press and those which the government departments came up with.

A meeting was later called in the Union Home Secretary's room to discuss the Bihar situation. The Chief Secretary of the state frankly admitted that the number of persons killed in the violent incidents was near 60 and that none of them was a 'Naxalite'! Most were members of a local peasant organisation fighting for social justice under the Constitution and the other laws of the land. The minutes of this meeting were classified 'top secret', since the matter under discussion was 'Naxalite activities in Bihar', a top secret matter for the IB!

In another series of violent incidents in the Dharmapuri district of Tamil Nadu during the same period, which also came up for discussion in the MHA, it was found that most of those similarly killed in police 'encounters' were innocent persons whose crime had been to demand minimum wages, social dignity and civil rights. The police officer in charge of the district when confronted with this information, maintained that since the 'Naxalites' did not believe in the Constitution of India, the state police were not obliged to adopt strictly constitutional methods in dealing with them! He later walked away with a police gallantry medal!

The administrative, police and judicial structures of post-colonial India have remained the same as they were during the colonial rule, functioning mainly on the basis of past precedents. Besides, law and order and rural development are both state subjects under the Constitution. It is not surprising that despite rhetorical noises, the militancy of the Naxalite movement during 1967-72 came to be met by State repression. The MHA, which in words accepted that the social base of the Naxalite movement originated from legitimate rural poor concerns, was, however, ineffective in preventing the misuse of police powers to suppress the so-called Naxalites. It was possible for the Ministry to have advised the state governments concerned to deal with the socio-economic issues underlying the movement and address the ideological issues politically. However, the immediate issue became one of 'law and order'.

Other studies made in the R&P Division came up with interesting findings. They found that the conditions that led to the emergence of social movements of the rural poor were: (i) the occurrence of a blatant case or situation of injustice or disadvantage, that is, a deterioration of the actual situation or the raising of false hopes of improvement; (ii) the availability of able, charismatic leaders who can voice discontent and indicate steps for correction of grievances and inspire the poor to action; (iii) some measure of tolerance by the State or active support by urban allies such as politicians, development workers and intellectuals in coping with the effects of State's hegemony of law and order (Huizer, 1980, 1990).

The studies also found that social movements of the rural poor originated by articulating demands, which correspond to the most concretely felt grievances and needs. When the elite/State machinery, instead of responding positively to the demands, tries to block the growing movement, the latter becomes more radical, and even revolutionary, with attempts at violent suppression. When the just and legitimate demands were violently suppressed, the state tended to lose its legitimacy. Initially, such movements are non-violent and just try to correct strong felt grievances. When they gain some momentum and are violently suppressed through the intervention of the State, they tend to become more militant and begin to use violence to counter State violence, which is perceived as illegitimate. This is the basic pattern of development of social movements of the rural poor. The task of policy analysis is to go into the concrete specificity of the causes and factors behind the emergence of each such social movement, address the issues and help avert the violence.

The main demands of the rural poor are related to the issues of land, wages and social oppression. A large number of these rural poor are landless agricultural workers. And a landless person in rural India is a non-person. Any attempt at getting possession of land, security of tenure, payment of minimum wages is seen as an attempt at disturbing the social status quo; as soon as this happens, public order and tranquillity are believed to be threatened and, therefore, all the relevant provisions of the IPC and the CrPC can be invoked by the rural elite and the State machinery to preserve the status quo.

Several instances where land reforms laws, that have bestowed some rights on sharecroppers, were sabotaged through use of the provisions of Section 144 of the CrPC, were cited. Direct action by the rural poor to establish their rights is often met with punitive measures under the provisions of the IPC and the CrPC. In the face of the facility with which the legal and administrative set-up could be set in motion by the rural elites to defend their interests, it was not surprising that rural poor organisations found it difficult to develop.

The studies also documented the perceptions of intelligence authorities at the district, state and Central levels in relation to the struggles of the rural poor. Given the historical evolution of its organisational and political structure, the intelligence system has an inbuilt tendency to view struggles of the rural poor, especially those under radical political leadership, as attempts at ‘incipient insurgency’ threatening the existing political order. This machinery, composed of police officers trained to maintain law and order, tends to perceive social movements of the rural poor in terms of its own security concerns. This leads to a gap between the reality and its perception at the policy level. A more or less exclusive preoccupation develops in the analysis of ideological differences within political groups active in such movements, their areas of influence, organisational characteristics, ‘offences’ committed by them, weapons seized from them and police requirements in terms of fire power, mobility and manpower.

Box 5.1

Some Contradictions of Administrative Behaviour

1. In the course of a fieldwork in the Jehanabad district of Bihar, a case came to light in which a village landowner-cum-moneylender forcibly occupied a small plot of land belonging to an SC agricultural labourer who was indebted to him. The agricultural worker attacked the landlord in anger and, in return, the latter had no difficulty in getting him arrested by the local police officer who belonged to the same caste as of the landowner-cum-moneylender.
2. In another case in the same district, a village milk cooperative society was organised by some educated unemployed youth belonging to the SCs. The local landlord who controlled the milk supply to the village could

(Box 5.1 continued)

(Box 5.1 continued)

not tolerate this assertion of independence on the part of the SCs and got them arrested by a local police officer, who belonged to his own caste, alleging that they were involved in Naxalite activities.

3. In another case in the Dharmapuri district of Tamil Nadu, a local landlord was under attack by a group of SC activists for his exploitative practices. The official machinery extended assistance to him to organise a 'self-defence squad' against the so-called Naxalite activities of the SCs. No similar initiative had been forthcoming for the enforcement of the constitutionally guaranteed civil rights of the SCs, enforcement of minimum wages, abolition of bonded labour, ending of atrocities and so on.

A significant line of enquiry from the administrative point of view would be to look at the systematic patterns of power and domination that arise in rural society and the injustice and exploitation that are associated with the unequal distribution of land and other productive assets. Further, the patterns of interaction between the administration at the local level and the rural power structure in the context of subsistence agriculture in most parts of rural India would need analysis. This interaction leads to contradictions in administrative behaviour in rural India (see Box 5.1).

However, the rapid decline of the R&P Division contributed to the failure of the MHA in systematically developing these insights for policy making.

THE NAXALITE MOVEMENT TODAY

A recent review (EPW, 2006) has found that despite State repression, the Maoist movement has expanded to new areas and has developed significant capacity for military action and striking power; that there is a felt need to combine peasant guerilla action with united fronts with other democratic forces; that sharp inequities in society contribute to the attraction of the Naxalite movement to the dispossessed and marginalised; that the Indian State has a blinkered view of the situation; that the political programme and the strategic-tactical line of the Maoists are inadequate to cope with the complex Indian reality in a changed international situation; that the displacement of open mass activity by

militaristic action in the recent period had led to serious ethical concerns; and that the militant Maoist movement in Andhra Pradesh has led to the tragic loss of lives of the organic leaders among the most oppressed.

The main lessons from the review are that the unfinished business of agrarian reforms and elementary livelihood problems of the millions remain to be addressed; that the massive transfer of forest and agricultural lands to corporate interests to develop industrial, mining and infrastructure projects and agribusiness is a serious cause of concern to the rural poor; that the brutal suppression of even peaceful articulation of demands by industrial and agricultural workers in the recent period has lent legitimacy to the use of violent methods by the aggrieved; and that the methods used by the government to tackle Naxalite militancy inevitably leads the police to attack the entire rural poor community in the name of tackling the militancy of a section of the community and such methods are counter-productive. Since the rural poor constitute a significant vote bank, the ruling class has drawn up the National Rural Employment Guarantee Scheme (NREGS) for them.

Moreover, the Naxalites have registered significant practical achievements in specific areas such as curbing feudal practices and social oppression; confiscating and redistributing ceiling surplus land; ensuring more equitable access to village commons; enforcing payment of higher agricultural wages; eliminating the stranglehold of landlords, money-lenders and contractors; providing protection to the rural poor from harassment by forest and police officials; and heightening political consciousness and empowering the rural poor. Abolition of 'begar' and ensuring payment of something resembling minimum wages in parts of Andhra Pradesh are achievements in conformity with the Constitution of India. The Naxalites, for the most part, are seen to have been involved not in overthrowing the State, but in practical struggles for land, wages, dignity, democratic rights and related goals that can be pursued effectively by open mass actions, which does not need violence. Their success and popularity have more to do with open mass movements than armed actions.

The lesson for the MHA is thus clear: it should advise state governments that brutal repression is no answer to the Naxalite movement; that the Naxalite ideology must be fought politically; that Naxalite

criminal actions must be dealt with under the existing criminal and human rights laws; and that Naxalite social base, which springs from exploitation, inequality and injustice must be countered by purposeful political and administrative action to implement the promises made in the Preamble and the Directive Principles of State Policy of the Constitution. Police repression is attractive and easy to adopt by a government armed to the teeth with paramilitary forces, arms, equipment, firepower and mobility! However, police repression only goes to strengthen the Maoist thesis on the class character of the Indian State. It is counter-productive and helps to increase the mass base of the Naxalites, which arises out of the failure of the State to deliver the developmental goods as mandated by the Constitution.

In Andhra Pradesh, the Committee of Concerned Citizens (CCC), which made an effort to develop peace initiatives, has effectively brought out the situation of State violence, the Naxalite response and the efforts to bring about peace conducive to the holding of talks between the state government and the Naxalite groups. The Committee (CCC, 2002) has observed that over the last three decades of the Naxalite movement's existence in the state, 'weapons have gained prominence and have pushed politics to the background and, as a result, the basic problems of the people have been obscured' resulting in the death of a large number of innocents primarily belonging to the SCs and STs. These issues are food security, a package of land reforms, creation of adequate employment opportunities, and elimination of social discrimination. The Committee traces the social turmoil in the state to patterns of socio-economic relations, deep disorders in the body politic and structural violence built into the social system by inequality, exploitation and lack of freedom and democratic space.

The Andhra government viewed the Naxalite issue as a law and order problem, ignoring the fact that it is essentially an expression of the people's aspiration to a life of dignity and self-respect. This led to physical liquidation of people in so-called 'encounters', repression and harassment of people by illegal detention, torture and false cases, suppression of democratic activities, unlawful behaviour towards democratic organisations and encouragement of vigilante groups. The political leadership of the state has shifted its burden to the police, encouraging

them to indulge in ‘encounters’, which are nothing but custodial and targeted killings. The extinguishing of human life and the right to life by the government itself constitutes violation of the provisions of the Constitution, which require the State to protect life and liberty.

The thrust of the Naxalite movement, on the other hand, has become ‘military’ action rather than people’s action for social transformation. The policy of individual annihilation followed by it is as flawed as the government policy of trying to liquidate activists and leaders in the hope of liquidating the movement. The movement today connotes a confrontation between the police and the Naxalites, each with its own agenda of violence. The democratic space has shrunk fast; the State and the society are brutalised. The CCC has observed that the State must adhere to the rule of law. It has no other moral authority to rule. Rule of law is not just a weapon of authority in the hands of the State but a restraint on its behaviour as well. The National Human Rights Commission (NHRC) came out in support of the peace efforts made by the CCC.

In Chhattisgarh, where the Naxalites are currently active, an Independent Citizens’ Initiative (29 May 2006) has warned that a situation of civil war between the Naxalite forces and the state machinery prevails. It has called for an end to the ongoing police action against the Naxalites along with a judicial inquiry. The Initiative consisting of writers, senior journalists and former civil servants visited the Dantewara district of the state and talked to a wide cross-section of people—displaced villagers in camps, political leaders, government and police officials, social workers, journalists and other citizens. An atmosphere of fear and violence prevailed, in which ordinary villagers and tribals in particular, have been the main sufferers. The violence by Maoist guerrillas continued. On the other side, in several areas, the administration had ‘outsourced’ law and order to an unaccountable, undisciplined and amorphous group, which called itself ‘Salwa Judum’ (roughly, ‘Peace Campaign’). The leadership of this group has passed into the hands of criminal elements, not under the control of the administration.

The civil administration was on the point of collapse. Despite carrying letters from the Additional Chief Secretary and informing all officials of the visit, the movement of the members of the Initiative was strictly curbed. They were prevented from visiting villages where serious

human rights violations had taken place. They were physically attacked several times by 'Salwa Judum' members, manhandled, and their possessions stolen, with the police standing by.

Society had been deeply divided. Villages and families had been set against each other. Minors were used as Special Police Officers (SPOs), and armed with lathis and guns. An entire section of society was being criminalised by being made complicit in 'Salwa Judum' violence, and made vulnerable to retaliatory attacks by Maoists and their village-level supporters. Instead of bringing in peace and security, 'Salwa Judum' had increased insecurity all around.

The Independent Citizens' Initiative found evidence of killings, burning of homes and attacks on women, including gang-rape. Only the killings by Maoists were recorded, while the killings and other incidents of violence by 'Salwa Judum' had been ignored. Arrests appeared arbitrary, and several people seemed to be missing. All these incidents needed thorough investigation. The press was tightly controlled and intimidated, and felt unable to report the truth.

Thousands of villagers had been forced to come and live in camps. Camp conditions were seriously inadequate. Beyond building some roadside houses, the government appeared to have no long-term plans for the rehabilitation or safe return of villagers. For the violence to end, and for the citizens of Dantewara to live peaceful and normal lives, the Government of Chhattisgarh needed to take immediate corrective measures.

TOWARDS A NEW STRATEGY

When the Naxalite movement had first emerged in the late 1960s the MHA had shown readiness and ability to take a detached view. It perceived the limitations of police intelligence inputs on social movements and set up the R&P Division, which produced a far-sighted report.

The MHA was then not just a law and order ministry but was also responsible for the important subject of the development of the SCs and STs. It formulated the Special Component Plan for the SCs and the Tribal Sub-Plan for the STs. The Ministry was also responsible for

the subject of violence against the SCs and STs and took vigorous steps to contain the violence by organising coordination of measures by state governments. A Civil Rights Cell was in position to monitor the trends of violence and prepare reports for the Cabinet and the Parliament. The MHA was then a strong and powerful ministry in charge of governance and development of the SCs and the STs.

Subsequently, the new Ministry for Social Justice and Empowerment and the Ministry for Tribal Affairs have come up and the subjects of the development of the SCs and the STs and of violence against them were transferred to the new ministries. The MHA was reduced to a purely law and order agency. That is why the annual report of the Ministry for the year 2005–06 focuses more on Naxalite violence, but is eloquently silent on the increasing ‘atrocities’ against the SCs and the STs. A juxtaposition of the two patterns of violence should help the Ministry to look at the Naxalite violence in the right perspective and help formulate suitably designed policies to deal with both patterns of violence.

B. Mungekar (Member, Planning Commission) has noted (Navlakha, 2006) that the SCs and STs, far from benefiting, have been adversely affected as a result of the development projects. Between 1900 and 1951, 40 million people were reportedly displaced as a result of development projects. Of these, 40 per cent were tribal people. Only 25 per cent of the displaced have so far been ‘rehabilitated’. The adequacy and quality of ‘rehabilitation’ have been seriously questioned (Roy, 2006). Is it any surprise that the STs constitute a big chunk of the Naxalite movement?

Dr B.D. Sharma, then Commissioner for the Scheduled Castes and Scheduled Tribes, in his 28th Report to the President of India (Sharma, 2000) castigated what he termed the ‘backlash of modernisation’, which affected the SCs and STs. He argued that the outcome of the developmental measures taken by the government and the adverse forces already at work in society had led to a ‘relentless slide back’ in the fortunes of the SCs and STs despite gains by way of ‘reservations’ in government jobs. The people were paying a heavy price for the so-called ‘development’. The institutions of the State had abdicated their constitutional responsibility of safeguarding the interest of the deprived sections. The executive in particular, with its distorted role perception, was working

against the interests of those whose well-being is its sacred trust. The Commissioner was of the view that the notion of 'equity' as regards the dalits and the adivasis should be structured by the 'relationship between labour and the means of production' and that any disjunction between the two elements amounted to 'exploitation'. A discourse over social justice would not have arisen if the nexus between the vital skills of dalits and adivasis and their command over relevant resources were to be snapped. Further, the Fifth Schedule of the Constitution laid down that the laws of the land should be suitably adapted in their application to Scheduled areas. The failure to use the special powers conferred on the executive by the Constitution amounted to unconstitutional and unjust governance (Sharma, 2001), resulting in the disorganisation, displacement and destitution of the adivasis.

The current strategy and tactics of the MHA in dealing with Naxalite violence thus appear to be counter-productive and must be urgently reviewed. The next chapter will examine the issue of increasing violence against the SCs and the STs and the failure to deal with it as an opportunity missed on the part of the Government of India.

6

Violence against Dalits and Adivasis: Whither Social Justice?

This chapter will begin with a definition of the terms ‘dalits’ and ‘adivasis’ and go on to spell out the official meaning of ‘atrocities’. The relationship of ‘atrocities’ to development is then brought out, followed by an analysis of the origin and the nature of the violence. The findings of the following important reports are then discussed: the 28th Report of the Commissioner for the Scheduled Castes and Scheduled Tribes, 1988; the first ever official study of the phenomenon of ‘atrocities’ based on district-level data produced by the National Commission for the Scheduled Castes and Scheduled Tribes, 1990; the reports of the National Human Rights Commission (NHRC), 2004; and reports by other non-official bodies. The culpability on the part of the police and other official agencies are then briefly discussed.

It is noteworthy that the total number of ‘atrocities’ against the SCs and the STs, which stood at 15,416 and 3,945, respectively, in 1986, as brought out in the 28th Report of the Commissioner for the SCs and STs (1988) had shot up to 27,944 and 4,644, respectively, in 1997 and remained at an annual average of 25,587 and 4,285, respectively, during 1997–2001, as brought out in the latest report of the National Commission for the SCs and STs (2004). Further analysis follows.

WHO ARE THE ‘DALITS’ AND THE ‘ADIVASIS’?

The ‘Scheduled Castes’ (dalits) constitute the largest single social group in India, with about 17 per cent (167 million) of the total population. The ‘exclusion’ and deprivation of the dalits is associated with the

institution of caste and the practice of untouchability aggravated by market forces and weak state policies of 'inclusion' (Kundu, 2006). The Scheduled Tribes (adivasis) constitute about 8 per cent (80 million) of the Indian population. They are perhaps worse off than the dalits in terms of 'exclusion' and deprivation. The basis of the adivasis' exclusion is not caste but 'ethnicity' (Thorat, 2006). The two social groups, accounting for about a quarter of the Indian population (250 million), are the prime victims of violence in society.

The mandate of the Constitution, as expressed in the Directive Principles of State Policy and Fundamental Rights, is that the State must take special steps for the economic development and social advancement of these social groups. When violence against them emerged as a major issue in the 1970s, the Special Component Plan for the dalits and the Tribal Sub-Plan for the adivasis were formulated by the Union Ministry of Home Affairs (MHA), then the nodal ministry in charge of the subject. The effort to curb the various 'untouchability' offences and to protect the civil rights of these communities led to the revised Protection of Civil Rights (PCR) Act, 1955, amending and tightening up the provisions of the earlier Untouchability (Offences) Act, 1955. A Civil Rights Cell was set up in the Ministry. A separate Ministry of Social Justice and Empowerment for the dalits and a separate Ministry of Tribal Affairs for the adivasis came up later.

The institution of the market, the norms in a society, the role of the State and the role of the civil society influence inclusive or exclusive development (Kundu, 2006). State intervention takes place to reduce 'exclusion' and to increase 'inclusion' through legislation, administrative policies, programmes and schemes. These are intended to promote politically desirable welfare distribution. It is, however, widely perceived that the problems inherited from a complicated past have not been addressed satisfactorily. The inadequacy of State action to confront divisive forces, its failure to create an efficient public sector and to guide the market forces has limited the development and participation of these marginalised groups. This unfinished social development process has led to 'simmering tensions' often resulting in explosive violence. The launching of neo-liberal policies in the 1990s and the gradual exclusion of these communities in the development process markedly affected

the achievement of professed social goals. This is a missed opportunity for the development of these communities.

WHAT IS 'ATROCITY'?

This chapter will analyse the key but underrated phenomenon of violence against the dalits and the adivasis, who have historically been the most vulnerable sections of Indian society. The sources used for the analysis are the police data on crime and violence compiled by the National Commissions for the Scheduled Castes and for the Scheduled Tribes. Initially, the indicators of violence were limited to the crimes enumerated in the Indian Penal Code (IPC) and the PCR Act, 1955. More recently, a separate law, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been enacted to comprehensively deal with such violence.

Prior to this law, 'atrocities' were defined in terms of five categories of offences in the IPC—murder, grievous hurt, rape, arson and 'other offences'. Figures under these categories were collected from police sources. The 1989 Act defines 'atrocities' as a criminal offence against a scheduled caste or tribe person by a non-scheduled caste or tribe person. The Act specifies several distinct types of such offences. To look at the offences only from the economic angle or to treat them as another aspect of the struggle between the 'haves' and the 'have nots' would be to miss the vital element of caste. What turns a crime into 'atrocities' is the element of caste, which has warped social and human relations in India (GOI, 2004). Moreover, 'atrocities' under the 1989 Act invites higher punishment than those under the IPC.

The violence against the dalits and the adivasis, as reported in official documents as 'atrocities', are quite distinct from the overt and covert violence against the dalits under the PCR Act, 1955, also reported by official agencies.

The SCs and STs (POA) Act, 1989, defines 'atrocities' as an offence punishable under Section 3 of the Act and lists 22 offences. Section 3(1) says that whoever, not being a member of the SCs or the STs, commits any of the specified offences against the members of the SCs and STs, shall be punished with imprisonment and fine. The basic condition

for taking cognisance of the case is that the offender should not be a member of the SCs/STs, but the victim should be a member. All the offences enumerated in Sections 3(1) and 3(2) of the Act are covered under the IPC, but they are treated as either non-cognisable, or if cognisable, then they are bailable. Some of these offences under the IPC are compoundable as well. However, these offences are made cognisable, non-bailable and non-compoundable under the SCs and STs (POA) Act, 1989. The offences under Section 3(2) of the Act are also covered under the IPC, with cognisable, non-bailable and non-compoundable status. However, the minimum punishment prescribed for them in the IPC is enhanced in the Act: for example, an offence punishable under the IPC with a 10-year imprisonment or more attracts life imprisonment and fine, if cognisance is taken under the Act along with cognisance under the IPC. However, the basic requirement is that the accused should not be a member of the SCs/STs, but the victim must be one. That is to say, criminal intent is not essential but the prior knowledge on the part of the accused that the victim is a member of the SCs/STs is essential. Under Section 3(2), the essential factor is the intention on the part of the accused to teach the victim a lesson, knowing that he/she is a member of the SCs/STs.

These offences are mainly related to the patterns of behaviour, which shatter the self-respect and self-esteem of the SCs and STs. These offences broadly are: destroying the self-respect and self-esteem; denial of economic rights; denial of democratic honour; deliberate abuse of the legal and administrative process; assault on and/or exploitation of women; damage and/or destruction of property; and heinous offences against person and property already covered in the IPC carrying a sentence of 10 years or more. Wilful negligence by public servants in performing their duties, required to be performed under the Act, has also been made a punishable offence. The offences under this Act are to be tried by Special Courts set up under the Act.

The normal punishment in the Act is imprisonment for a term, which shall not be less than six months and which may be extended up to five years with fine. Minimum punishment is imprisonment for a year for a person convicted of an offence for a second time; and in case of a public servant committing any offence of atrocity, it may be extendable

to the punishment provided for that offence. The offences under the IPC punishable up to 10 years of imprisonment shall be life imprisonment or capital punishment under this Act, in addition to fine for that offence.

This Act is not only a penal policy measure. It has been made mandatory for the state governments to ensure prevention of atrocities and to assist the victims. Legal aid, travelling and maintenance allowance during investigation and trial have to be provided. Identification of 'atrocities-prone' areas and adoption of safety and preventive measures are to form part of the scheme. Periodic surveys providing social audit of the working of the Act are also mandatory. An annual report on the administration of the Act is to be placed every year on the table of each House of the Parliament by the Central Government.

The Act came into force on 30 January 1990. In exercise of the powers conferred by Sub-Section (1) of Section 23 of the Act, the Central Government made the SC and ST (POA) Rules, 1995, which was notified on 31 March 1995. The Rules assign certain duties to be performed by the District Magistrate, the District Superintendent of Police and the state government. The Rules, among others, prescribe the amount of economic assistance and mode of rehabilitative measures to be taken by the state government for providing socio-economic rehabilitation to the victims and/or their family members.

It is significant that neither the implementation of the SCs and STs (POA) Act, 1989, nor the SC and ST (POA), Rules, 1995, came up for discussion in the recent high-level meetings convened by the MHA to discuss the issue of Naxalite violence in several states, which is rapidly growing with the support of the SCs and the STs.

VIOLENCE AND DEVELOPMENT

The development process in India has contributed significantly to the increasing violence against the dalits and the adivasis. The pioneering 28th Report to the President by the Commissioner of the SCs and STs published in 1989 provides a graphic picture of the violence arising from this process. The report was considered so significant that it was described as next in order of historic importance only to the Constitution of India (foreword by Baxi in Sharma, 2000).

In essence, the report elaborated a constitutional scheme for establishing an egalitarian society with clear provisions for countering simultaneously the inequities of tradition and the 'backlash of modernisation' in the development process. The scheme was based on the assessment that the developmental measures taken so far in the context of the adverse forces already at work in society had led to a 'relentless slide back' in the fortunes of these communities despite some token achievements. The measures adopted so far concealed 'omissions, distortions, subterfuges and the studied silence on vital issues'. The communities had paid a heavy price for 'development'. The executive, legislative and judicial institutions of the State had abdicated their constitutional responsibility of safeguarding the interest of the deprived sections. The 'action taken' report by the government to Parliament amounted to undermining constitutional values.

The adverse effect of the non-recognition of command over community resources had resulted in disorganisation, displacement and destitution of the adivasis. The confrontation between the people and the State on the issues of self-governance and of command over resources had led to turbulence in the Scheduled Areas.

ORIGIN OF VIOLENCE

The current phase of social tension among the dalits and the adivasis has emerged from globalisation, which has undermined the inclusive role of the State agencies. The emergence of the politics of identity and the strengthening of non-state organisations has added to the exclusionary character of development. The 'discordant discourse' on globalisation, however, has not reduced the importance of the social agenda. The Common Minimum Programme (CMP) of the government, which assumed office in April 2004, incorporated the social agenda and formulated the employment guarantee scheme. Despite the pressure for attracting investment to meet huge infrastructure deficits, the State was compelled to retain focus on basic services for the poor (Kundu, 2006).

Though the dalits and adivasis have gained access to agricultural land, capital assets, jobs and educational opportunities from development, the decline in poverty is slow. Disparities in nutritional and health

status and infant mortality rates are 'alarmingly high' with respect to casual labourers and agricultural workers. The constraints have been lack of ownership of productive assets and poor access to employment opportunities. The programmes and legal arrangements for access to land, education, health care and basic amenities, and attempts at 'protective discrimination' have had limited impact. A broader strategy of 'affirmative action' is needed (Thorat, 2006).

The increasing violence against the rural poor, mainly the dalits and the adivasis, is at best poorly reflected in official criminal statistics, which suffer from many limitations (A. Verma, 2005; Bayley, 1969; Raghavan, 1999; Rao 1988). We need to take into account not only physical violence but also structural and symbolic violence (Oommen, 2006). The victims of displacement resulting from development projects, dams and industries are the rural poor, mainly dalits and adivasis. A former Secretary to the Planning Commission estimated that 40 million rural poor people had been displaced in this manner (Roy, 2006). The figures of violence appearing in the reports of the National Commission for Scheduled Castes and Scheduled Tribes (NCSCST) are only the tip of the iceberg of the multi-faceted violence against the rural poor. The Naxalite movement, supported by the dalits and the adivasis, and spreading across parts of rural India, must be viewed in the context of this process of comprehensive, still unquantified, violence against the rural poor.

In 1981, it was estimated that there were 64.4 million agricultural labourers in the country, with the number increasing at the rate of 2.5 per cent per annum. Similarly, there were 74.68 million poor peasants, with the number increasing at the rate of 2.5 per cent. Most of these rural poor were the dalits and the adivasis, who constitute the bulk of the poverty population. Invariably, they are poor, landless, uneducated, dependent, and subject to social disabilities and lack of economic and political influence.

NATURE OF VIOLENCE

Apart from the increase in the number of incidents of violence reported by official agencies themselves, several new features emerged in the

politically turbulent 1980s: (i) spectacular violence involving mass murder, arson, rape and mayhem; (ii) police atrocities; (iii) brutalisation of caste and class conflicts; (iv) 'structural interaction' of the administration with the rural power structure in the context of subsistence agriculture; (v) emergence of militant organisations of the rural rich as well as the rural poor; and (vi) emergence of a number of civil rights organisations for the protection of the human, social and legal rights of the poor.

Violence against the dalits and the adivasis has been persistent and the rural poor revolts frequently. The Naxalite movement emerged in the late 1960s in West Bengal, Andhra Pradesh and Kerala. It was then argued that the impact of green revolution alone cannot be said to have been the cause of the increasing violence, since the entire strategy of rural and agricultural development had led to the consolidation of an integrated caste-cum-class alliance of the rural and the small-town rich equally inimical to the rural poor and the urban rich, which had acquired increasing clout in the national political scene (Balagopal, 1988).

The official machinery began to collect details of the incidents of violence against the dalits and the adivasis in the subsequent period. However, official reports (GOI, 2006) still tend to view the 'Naxalite violence' in isolation from the violence against the rural poor, especially in the so-called 'Naxalite-affected' states. Police power was deployed to crush the Naxalite movement in its earlier phase. The firepower, mobility and manpower of the police are again being strengthened to deal with the growing Naxalite violence in rural areas (*ibid.*). There is, however, noticeable silence on the issue of land reforms. The reported incidents of increasing Naxalite violence would need to be juxtaposed with the increasing violence against the rural poor reported by the official agencies themselves (see, for some figures of violence, GOI, 2004). Fresh initiatives must come in the sphere of effective rural development, payment of minimum wages and protection of social dignity of the rural poor. The transfer of agricultural and forest lands for development of industrial, mining and infrastructural facilities and for agribusiness projects needs a fresh look. Further, the use of force to deal with peaceful peasant and industrial movements only ends up by privileging violent options (Gupta, 2006).

The issue of ‘atrocities’ against the rural poor, emerging as politically important in the late 1970s and the early 1980s, became a controversial issue when the Parliament took up the issue and the states insisted that ‘public order’ and ‘police’ are state subjects in the Constitution. The Central Government led by one party tended to be critical of the performance of the state government led by other parties on the issue of checking ‘atrocities’. The dalits and the adivasis are critical vote banks.

The police reports on crime and violence providing basic inputs on the violence have certain inherent limitations:

1. Official statistics do not make a distinction between urban and rural incidents, though most of the reported incidents are from rural areas. All rural crimes are not reported; the reported ones are not always recorded and the recorded ones often underplayed.
2. The figures of incidents are only the tip of the iceberg and the reality is much vaster and more complex.
3. The middle castes and classes in rural India perceive the rural development programmes and schemes drawn up by the government for the dalits and the adivasis as a move to pamper them because of their importance as vote banks and resent the emerging self-assertion by the rural poor around their human, social and legal rights.
4. The official figures represent only all-India and state-level trends, not district-level trends.
5. The statistics are in law-and-order terms; the socio-economic issues are neglected (GOI, 2004).

28TH REPORT OF THE COMMISSIONER FOR THE SCs AND STs, 1988

The 28th Report of the Commissioner for the SCs and STs (1988) made an illuminating analysis of the violence against SCs and STs (see Table 6.1). It recorded the details of the violence under the PCR Act, 1955, and the ‘atrocities’ cases under the IPC (the SC/ST POA Act came into existence only in 1989).

Table 6.1
Atrocities against the SCs and the STs, 1986

<i>Nature of crime</i>	<i>Against SCs</i>	<i>Against STs</i>
Murder	564	160
Grievous hurt	1,408	311
Rape	727	285
Arson	1,002	232
Other offences	11,715	2,957
Total	15,416	3,945

Source: 28th Report of the Commissioner for the SCs and STs (1988).

The report attributed the explicit violence of the 'atrocities' to mainly three causative factors:

1. Unresolved land disputes related to allotment of government land or distribution of surplus land to SC/ST persons.
2. Tension and bitterness on account of non-payment or underpayment of prescribed minimum wages.
3. Resentment over the manifestation of awareness among the SCs and STs about their rights and privileges as enshrined in the Constitution.

The 28th Report further noted that disputes over wages and occupation of land were at the root of recurrent conflict in Bihar, particularly in the Jehanabad district. The Commissioner also submitted a special report to the Prime Minister on the violence at Arwal, Jehanabad in 1986, which was in the spotlight during that period. The report identified the basic issue in Bihar as being 'the wide gulf between the State policies and their implementation in general and minimum wages and distribution of government land in particular'. The report, which thus clearly explicated the sources of socio-political violence in rural India, is still valid and is reproduced in Appendix A.

ROLE OF THE POLICE: OBSERVATIONS OF THE NATIONAL POLICE COMMISSION

Do the police really have a role to play in the implementation of social legislation of the type discussed here? The National Police Commission

(NPC) in its reports (1979–81) examined the issue and concluded that the police did have a role to play in implementing social legislations such as the PCR Act, 1955, and the POA Act, 1989. However, as presently constituted, they do not possess the required social sensitivity to undertake the delicate task of implementing such legislations. They are trained only for tasks in the realms of public order management and the investigation of crimes under the IPC and other criminal laws. Implementation of sensitive legislations like the PCR Act and the SCs and STs (POA) Act, 1989, would call for far greater qualities of head and heart as well as professionalism of a high order, which is a far cry for them today. Since the Indian police are deeply implicated in the caste, class and communal politics of the society they are part of, it becomes virtually impossible for them to adopt a professional approach in dealing with the violence, which occurs daily, under such social legislations. The matter calls for a fresh analysis by the newly set up separate National Commissions for the SCs and the STs.

The NPC in its reports (1979–81) also examined the role of the police with regard to the weaker sections. Referring to complaints about refusal to register cases, delayed arrival on the scene of offence, half-hearted investigation, brutality towards the victims of violence along with softness towards the influential perpetrators, irregularities in making arrests, and so on, the NPC recommended the setting up of special cells to take up cases under the PCR and POA Acts. The NPC also stressed the need for intelligence collection to identify areas requiring special attention. The suggested remedy of setting up special police stations had not worked in practice and there was need for posting additional police officers in existing police stations in place of creating special police stations. Further, a proper database exclusively on crimes against the SCs and the STs was a must for timely monitoring and focused attention at higher operational levels.

FINDINGS OF THE NATIONAL COMMISSION ON THE SCs AND STs, 2004

The NCSCST Seventh Report (2004) makes an analysis of the violence based on crime statistics for the years 1997–2001 put out by the National Crime Records Bureau (NCRB) under the MHA.

As reported by the states/Union Territories and compiled by the NCRB, the incidence of atrocities and crimes under the IPC on the SCs and the STs during the years 1997–2001 are shown in Table 6.2.

Table 6.2
Atrocities against the SCs and the STs, 1997–2001

<i>Year</i>	<i>Crime against SCs</i>	<i>Crime against STs</i>
1997	27,944 (15,416)	4,644 (3,945)
1998	25,638	4,276
1999	25,093	4,450
2000	23,742	3,959
2001	25,516	4,098
Total	1,27,933	21,426
Average	25,587	4,285

Source: GOI, 2004: 118.

Note: Figures in brackets are for 1986.

Table 6.2 shows that the total figure of atrocities against the SCs for the entire period was 1,27,933 cases with an annual average of 25,587 cases. The total number of atrocities against the STs during the same period was 21,426 cases, with an annual average of 4,285 cases.

Table 6.3
Break-up of Atrocities against the SCs, 1997–2001

<i>Year</i>	<i>Murder</i>	<i>Grievous hurt</i>	<i>Rape</i>	<i>Arson</i>	<i>Other offences</i>	<i>Total</i>
1997	513 (564)	3,860 (1,408)	1,037 (727)	389 (1,002)	22,145 (11,715)	27,944 (15,416)
1998	516	3,809	923	346	20,044	25,638
1999	506	3,241	1,000	337	20,009	25,093
2000	486	3,298	1,034	260	18,664	23,742
2001	553	3,256	1,127	326	20,254	25,516
Total	2,574	17,464	5,121	1,658	1,01,116	1,27,933
Average	515	3,493	1,024	332	20,223	25,587

Source: GOI, 2004: 119.

Note: The figures in brackets are for 1986.

Table 6.3 shows an increase in 2001 of the number of murder and rape cases against the SCs and the STs. This was similar to the finding of the Commissioner for the SCs/STs in his 28th Report submitted in 1988.

Table 6.4
Break-up of Atrocities against the STs, 1997–2001

<i>Year</i>	<i>Murder</i>	<i>Grievous hurt</i>	<i>Rape</i>	<i>Arson</i>	<i>Other offences</i>	<i>Total</i>
1997	95 (160)	706 (311)	315 (285)	29 (232)	3,499 (2,957)	4,644 (3,945)
1998	66	638	331	38	3,203	4,276
1999	80	646	384	43	3,297	4,450
2000	53	412	391	30	3,072	3,958
2001	86	482	398	35	3,097	4,098
Total	380	2,884	1,819	175	16,168	21,426
Average	76	577	364	35	3,234	4,285

Source: GOI, 2004: 119.

Note: The figures in brackets are for 1986.

With 1986 figures as the benchmark, the figures for 1997 in Table 6.4 show an increase in the number of cases of murder, grievous hurt, rape and arson.

An analysis of the state/UT-wise incidence of crimes including atrocities against members of the SCs during the year 2001, starting with the state registering the largest number of cases to the smallest, showed that the states which registered more than 1,000 cases each were Uttar Pradesh (8,141), Rajasthan (4,892), Madhya Pradesh (4,653), Andhra Pradesh (1,787), Karnataka (1,310) and Gujarat (1,031).

A similar analysis with respect to the state/UT-wise incidence of crimes including atrocities on the members of STs during the year 2001 showed that Madhya Pradesh was on top of the list in terms of the number of cases registered (1,648), followed by Rajasthan (1,023), Chhattisgarh (312), Andhra Pradesh (269), Orissa (235) and Gujarat (216).

A further analysis of the state/UT-wise figures of atrocities against the SCs during the five years from 1997 to 2001 showed that, on an average, the number of cases in Uttar Pradesh was the highest (2,834), followed by Karnataka (1,059), Rajasthan (779), Andhra Pradesh (557), Madhya Pradesh (453), Tamil Nadu (347), Gujarat (343), Orissa (236), Bihar (233), Kerala (200) and Maharashtra (137).

A similar analysis of figures of atrocities against the STs during the five years from 1997 to 2001 showed Rajasthan leading the average number of cases (142), followed by Madhya Pradesh (127), Orissa (77),

Andhra Pradesh (71), Karnataka (47), Gujarat (31), Bihar (26) and Maharashtra (20).

A study of the disposal of atrocity cases against the SCs in many states during 2001 revealed that the police had completed investigation in 88 per cent of the cases. The status of disposal in the states of Orissa and Punjab was bad, since they had completed investigation in only 50 per cent of the cases registered. In Punjab and Rajasthan, more than 50 per cent of the cases were closed and final reports submitted. A similar study of the disposal of atrocity cases against the STs revealed that investigations were completed in 78 per cent of the cases and in 92 per cent charge sheets submitted.

The preamble to the SCs and STs (POA) Act, 1989 lays down that Special Courts are to be set up to facilitate speedy trial of atrocity cases to ensure justice and to punish the offenders in a way as to forestall future atrocities. A review of the status of the disposal of cases within the courts showed that courts have decided only 11 per cent of the cases during 2001. In 51 per cent of the decided cases, the accused have been punished; but in 49 per cent of the cases, the accused have been acquitted. The percentage of acquittals was high in the states of Assam, Gujarat, Kerala, Maharashtra, Orissa, Rajasthan, Uttaranchal, Karnataka and Haryana.

A more recent but unpublished analysis by the newly set up National Commission for Scheduled Tribes indicates that the figures of 'atrocities' against the tribal communities in the central tribal belt of Madhya Pradesh and Chhattisgarh have shown a significant increase during 2001–04 (See Table 6.5).

Table 6.5
Atrocities against the STs in the Central Tribal Belt, 2001–04

	2001	2002	2003	2004
Madhya Pradesh	1,535	2,504	1,779	1,667
Chhattisgarh	486	508	774	676
Total	2,021	3,012	2,553	2,343

The figures of crimes increased from 2,021 (2001) to 3,012 (2002), and subsequently to 2,553 (2003) and 2,343 (2004). This is the belt which is most affected by the Naxalite violence, as reported in the annual

report of the Union Home Ministry (GOI, 2006). The annual report, however, is silent on the increasing atrocities against the tribal people in this region.

FINDINGS OF THE NATIONAL HUMAN RIGHTS COMMISSION (NHRC), 2004

The NHRC, which examined violence against the dalits, said that caste violence in the country has had a much longer history with a stronger social anchorage than communal violence. The frequency and intensity of violence is an outcome of the attempts by the upper-caste groups in Hindu society to protect their entrenched status against the upward mobility by lower castes due to the affirmative action of state policy. The violence, including massacre, rape and arson plus subtler forms such as social boycott, attempts to block access to basic necessities and services. The targets of caste violence are the former 'untouchables', who belong to the lowest rung of the caste hierarchy and are bound with the rest of the Hindu caste order in lasting relationships of rights and duties. The 'untouchables' face segregation; are subjected to acute discrimination; and do degrading menial jobs with no right to change their status. The transition from disabilities to atrocities may be traced to the 3rd and 4th centuries of the last millennium, a time of deviations from established norms. The rule-of-law concepts proved ineffective since the colonial power adopted a policy of non-interference in indigenous customs and practices. Gandhi and Ambedkar made significant efforts to bring about a change.

After Independence, the Government of India formulated a three-pronged strategy of protection, compensatory discrimination and development to bring about changes in the status of the SCs and STs. A legal framework to eliminate untouchability practices was put in place by the PCR Act in 1976, enacted in pursuance of Article 17 of the Constitution abolishing 'untouchability'. An increase in 'atrocities' against the 'untouchables' and tribal people during the late 1970s and 1980s led to the enactment of the Scheduled Castes and Scheduled Tribes (POA) Act, 1989, to punish offenders. Similar efforts were made for compensatory discrimination and development. A comprehensive

development strategy for the SCs and STs was drawn up. Since the violence, overt and covert, inflicted on the untouchables was rooted in the social structure, watchdog institutions were set up: the National Commission for Scheduled Castes and Scheduled Tribes; the National Human Rights Commission; the National Commission for Women; and the National Commission for 'Safai Karamcharis'.

The Constitution of India has made provisions to ensure equality before the law; payment of minimum wages; protection of the educational and economic interests of weaker sections; social, economic, educational and cultural, political and service safeguards. For enforcing equality and removing disability, the PCR Act, 1955, is in place. The SCs and STs (POA) Act, 1989, creates deterrence against physical violence when the previous law protecting civil rights proved ineffective. Special Courts were set up to afford speedy relief to victims of violence. The Act also laid down the contours of 'atrocities' to cover the multiplicity of methods devised to humiliate, oppress, degrade and deny to the dalits and the adivasis their economic and social rights.

The law to protect civil rights prohibits disabilities imposed on the dalits and mandates the states to ensure that rights accruing to them under the law are made available to them. It also directs the states to make specified administrative measures to implement the law. The NHRC found that the state governments are not serious about implementing the law:

1. Punjab and West Bengal have not taken any administrative measures to implement the law. West Bengal has claimed that untouchability is not practiced in the state.
2. Several states have not constituted Special Courts under the law. One state has wound up the court citing negligible registration of cases.
3. No state, barring Gujarat, Maharashtra and Rajasthan, has identified untouchability-prone areas.
4. The provision for encouraging inter-caste marriages has not been taken seriously in some states.

The NHRC noted that the number of cases registered was very low right from the inception of the law, though it picked up from 1972

onwards with a substantial increase from 1976 when the amended PCR Act came into being. However, the number of cases registered has shown a decline, though the problem of untouchability has by no means been eliminated. The prosecution of cases for the year 2000 indicated that about 62 per cent of the total number of cases came from Andhra Pradesh, with Karnataka following with about 12 per cent. No case was registered in the states of Bihar, Gujarat, Kerala, Punjab, Uttar Pradesh, Uttaranchal, Assam and West Bengal. Police investigation showed a huge pendency of cases. The pendency in court was worse. It seemed that people had lost faith in the enforcement of the law, with no registrations taking place. The large-scale registration in only two states appeared to be the outcome of enthusiasm and the work of a few NGOs. Even in respect of heinous offences, the police machinery in many states has failed to use the SCs and STs (POA) Act, 1989, registering cases only under the IPC.

The continuance of atrocities indicated that caste-based discrimination and disabilities are still powerful and that violence takes place when the poor raise their voice and demand the constitutional entitlement to equality. The Commission for the SCs and STs recently concluded that the decline in registration of cases under the PCR Act, far from indicating a reduction in the practice of untouchability, indicates the ineffectiveness of the law.

In the states of Karnataka, Andhra Pradesh, Orissa and Gujarat, untouchability practices continued in various forms. These included barriers to drawing of water from public wells; restrictions in access to temples, tea shops and to barbers; restrictions on social relations across castes, on political activities and the taking of independent political positions; separate seating arrangements in Panchayat bodies and in eating arrangements; and economic discrimination in occupation, employment, wages and loans. A study by the National Commission for the SCs and STs has made similar findings. It appears that the state governments have not involved the Panchayati Raj Institutions (PRIs) in the implementation of the law. Even the Central Government has failed to use the massive leverage available to it to mobilise the PRIs as institutions of grass roots self-governance. The amendment of the law of 1955 in 1976 does not appear to have made any difference to effective

enforcement of the Act. Neither political nor bureaucratic enthusiasm has been forthcoming on the issue, though the poor outcome of the complaints filed has not had a dampening effect on the NGOs and social activists in the field.

The law against atrocities enlarges the area of criminal liability and includes several acts of omission and commission not covered in the IPC or the PCR Act, 1955, amended in 1976. The 'defining paradigm' lies in the caste identification of the offender as well as the victim: the former must not be a member of an SC/ST and the latter a member. The Act protects victims from atrocities affecting social disabilities, property, malicious prosecution, political rights and economic exploitation. Special Courts and special prosecutors are set up to help speed up trial of cases. Other special features including identification of atrocity-prone areas, provision for a senior police officer for investigation of cases, the setting-up of an SC/ST protection cell at the state level, a special officer at the district level and similar measures, et cetera, are in place.

The total number of reported cases of atrocities and PCR Act cases ranged from 32,999 in 1995 to 25,093 in 1999, indicating a gradual decline. Under-reporting of cases is a common feature and the reporting police agency's biases do exist. A study in Gujarat covering 11 districts over four years found that 36 per cent of atrocities were not registered under the special law meant for the purpose and 84.4 per cent of the cases were registered under wrong provisions to conceal or minimise the offence. The study further found that 121.2 hours elapsed between the registration of murder cases and initiation of police action while in rape cases the time gap was 532.9 hours! Police pressure, apart from caste bias and corruption, led to non-reporting and non-registration of cases. While the police records, due to truthful reporting, showed an increase in the incidence of cases by 90 per cent, yet a decline of 1.35 per cent in the crime rate in general was reported, since increase in crime figures was regarded adversely by higher authorities! Under-reporting of crime at the district and state levels gets aggravated at the state level.

The reported cases of heinous crimes against the SCs showed a marginal decline from 1995 to 1999. The largest number of reported cases came from the state of Uttar Pradesh, which has the largest

population of dalits, followed by Rajasthan, Madhya Pradesh, Gujarat, Andhra Pradesh, Tamil Nadu and Bihar. The volume of crimes, that is, the number of reported cases per unit of population, is a good way of understanding the magnitude of cases. Rajasthan (73 cases per 1,00,000 people) was followed by Gujarat (62 cases) and Madhya Pradesh (42 cases). Vulnerability to atrocities depended on a number of factors such as rigidity of caste-based social relations and the relative weak position of the dalits. In terms of the proneness to specific crimes, Madhya Pradesh, Rajasthan, Andhra Pradesh, Tamil Nadu and Gujarat followed the state of Uttar Pradesh. While Uttar Pradesh tops the list in terms of absolute numbers, Rajasthan and Madhya Pradesh emerge on top in terms of vulnerability. In a comparative assessment of cases in 1999 and 2000, Uttar Pradesh topped the list in murder cases while Madhya Pradesh, Rajasthan and Uttar Pradesh came up high on rape cases. Karnataka registered the largest number of cases of atrocities, which showed that the law was taken seriously, though the offences were not of a heinous kind. Interestingly, the National Commission on the SCs and STs found that atrocities against the dalits were about six to seven times larger in number than those against the adivasis, although the population of dalits is only twice as large as that of the adivasis. Further, they found that Uttar Pradesh, Rajasthan and Madhya Pradesh account for over 65 per cent of all the cases of atrocities in the whole country. Nearly 90 per cent of the cases ended in acquittal, and only about 10 per cent in conviction! Rajasthan, which recorded the largest number of cases, also showed that the largest number of cases were closed after investigation. The pendency of cases with the police was very large in the states of Bihar, Andhra Pradesh and Kerala. A large number of atrocity cases are not registered on account of reluctance on the part of the police. Further, there were delays in investigation, collusion with offenders and manipulation of witnesses and of evidence, which reduced the effectiveness of the law.

Reports by human rights agencies have highlighted acts of omission and commission on the part of law enforcement agencies with respect to cases of atrocities against the dalits and the adivasis. Despite the availability of this voluminous and well-researched material, no action against guilty officials is taken nor relief afforded to victims of violence,

thus shaking the faith of the latter in the rule of law. Many of the atrocity cases are those in which the members of the law enforcement agencies themselves are the offenders.

Since most of the complaints in atrocity cases are directed against the police and security agencies, effective redressal of grievances calls for police reforms besides intervention in specific cases to enforce accountability of the guilty officials. The NHRC and other bodies have made serious recommendations from time to time on reforms in criminal justice system and on improving the accountability of police forces without, however, making any substantive progress. No progress has been made in enforcing police accountability for arbitrary arrests and extra-judicial killings. The NHRC has stated that in some states, extra-judicial killings have virtually become a part of the state policy.

FINDINGS BY NON-OFFICIAL BODIES (NHRC, 2004)

National Public Hearing on Dalit Human Rights (Chennai, 2000)

A jury, consisting of three former high court judges, severely indicted the state government for violating the human rights of the dalits. It also held the state agencies guilty of collusion with the dominant castes in several areas across the state. The very authorities mandated to enforce them subvert state laws. The law enforcement machinery is the greatest violator of the human rights of the dalits. The police and civil authorities colluded with dominant castes to prevent the dalits from putting up their candidates for elections and to dislodge those elected by fabricating false cases against them. The condition of the dalits in the state amounted to a 'hidden apartheid'.

Public Hearing (Lucknow, 2001)

The jury held the state accountable for not resolving the land rights of the dalits. The forest department was taking away the Gram Sabha lands distributed to the dalits by the revenue department. The civil

administration was guilty of corrupt and fraudulent practices in the distribution of loans under government schemes meant for the dalits, who were subjected to various atrocities by all institutions—Panchayats, police, the revenue department and even functionaries of the judiciary.

Sakshi: Dalit Human Rights Monitor (Hyderabad, 2000)

Police and revenue officials were guilty of apathy in respect of atrocities against the dalits. The judiciary has failed to justify the confidence of the dalits that justice would be done.

'Broken People': Human Rights Watch (HRW), 1999

A study in the states of Bihar, Tamil Nadu and Maharashtra brought out specific instances of State failure to check social violence by not implementing existing laws to eliminate manual scavenging, the 'devadasi' system and the bonded labourer system. Cases came to light which indicated police atrocities against the dalits; sexual abuse of women to crush dissent; rape and torture in custody; illegal raids on dalit areas and colonies; collective penalisation; crushing of legal political activities; arbitrary detention; torture; extra-judicial executions; forced evictions; and preventing the dalits from exercising their electoral rights. Incompetence, corruption and bias of the police machinery and the failure of the government in punishing guilty police officials undermined the law on atrocities against the dalits and the adivasis.

All the wings of the state machinery appeared to be guilty of failing to protect those they were required to protect, the largest blame going to the executive wing responsible for administering the laws and the programmes and the police machinery responsible for implementing the criminal law of the land. The civil machinery was guilty of covering up the failures of the police machinery. The dismal showing in implementation of social and economic legislation was attributable entirely to the revenue, labour and development departments. The political leadership in charge of the state apparatus is primarily responsible for the all-round poor performance. The bureaucracy looked up to the political

leadership for guidance. The judiciary also failed to deliver justice despite the existence of a strong law.

POLICE CULPABILITY

Ever since the law against atrocities came into existence, the right-wing Hindu leadership has launched a campaign against it. Nowhere in the country has the law been effectively used. The police machinery resorts to various machinations to discourage registration of cases, dilutes the seriousness of the offences, shields the accused persons, and often inflicts the violence itself. The police machinery itself perpetrates the following atrocities.

1. Custodial torture and killings.
2. Criminalisation of social activism.
3. Killings by 'encounter'.
4. Interaction with the rural power structure in inflicting the violence.
5. Raids on dalit colonies.
6. Inflicting violence as a pressure tactic.
7. Inflicting violence as a method to quell the ordinary democratic protests of dalits.
8. Collective penalisation for individual transgression.
9. Criminalisation of communities.

The police also acted as saboteurs of justice by

1. Not registering cases.
2. Pressurising the victim/complainant to compromise.
3. Helping the perpetrator of violence.
4. Foisting false cases against victims to pressurise them to compromise.
5. Ignoring relevant sections of law while registering cases.
6. Shielding the accused, the public servant/local political leaders involved; violating specific provisions of law on the rank of the investigating officer and letting a lower ranking officer do the investigation with the higher ranking officer only putting his signature.

7. Delaying investigation and the charge sheet of case.
8. Granting bail in violation of stringent provision of the law.

The failure to register First Information Reports in these cases led to the perpetrators being let off with lesser sentences; victims not getting compensation/relief as provided; availability of bail to perpetrators; and cases being investigated by lesser ranking officers with lesser sensitivity. The two common methods used by the police to avoid registration are registration of offence under the more lenient law on PCR; not registering cases under the anti-atrocity law on the grounds that the victim has not mentioned abuse by caste name, although this is required only in an offence under Section 3(1) of the law.

Further, most police and revenue officials belong to the upper castes; police personnel are not sensitised on offences against the dalits and the adivasis; many officers at lower level are not aware of the legal provisions; usually, the police officers are posted to civil rights units as a measure of punishment and they do not take their work seriously; the police do not take seriously their work in implementing social legislation, which they see as less important than their public order duties; they often see the law as an obstacle to caste harmony; they often charge the dalits with registering false cases with a view to monetary gain; the police often succumb to pressures from their own caste peers in society; police corruption prevents proper enforcement.

CULPABILITY OF OTHER OFFICIAL AGENCIES

The apathy, negligence and passivity extend to other agencies of government and the district civil and judicial administration. After examining four types of judicial intervention in Andhra Pradesh, the organisation Human Rights Watch concluded that judicial delay and dilution of the scope, applicability and meaning of the atrocities prevention law resulted in denial of justice to the victims (HRW, 1999). Although protection is the overarching component of the strategy for the development of suppressed communities, the National Commission on the SCs and STs found that watchdog bodies are not functioning as required. A study of the status of implementation of the law in the states of Uttar Pradesh

and Madhya Pradesh by the Commission found a deplorable state of affairs.

The law operates in a given social and political environment, which reflects the relative position of various interests in society. This has a bearing on governance. Therefore, it is necessary to examine the role of political elements, the bureaucracy, and civil society institutions such as the media, NGOs, and so on, in order to place in perspective the attitudes and considerations which weigh with them. The political environment is characterised by indifference to the plight of the dalits; meagre space for social justice issues in the manifestos of political parties; and poor debate on such issues in the national and state legislatures as these are not considered key issues affecting the future of any political party. Parties such as the Shiv Sena in Maharashtra and the Samajwadi Party in Uttar Pradesh display, further, active indifference. The political insensitivity to atrocities against the dalits is reflected in the reluctance to discipline the bureaucracy on its failure to implement the law fairly and objectively. The excesses by the police machinery and others are condoned or ignored to maintain the morale of the forces. The findings of a plethora of reports are not taken seriously by the political elites. The bureaucracy, especially the police at the cutting-edge level, displays its indifference by ignoring the complaints of the dalits, often discouraging and even rejecting them; pressurising them to compromise so as to help the police to conclude their investigations expeditiously; failing to provide necessary protection before and after the commission of the offence; and by adopting relief and rehabilitation measures indifferently or not at all.

The condition of the dalits is thus characterised by gnawing powerlessness in which they have perforce to depend for their livelihood on the very castes, which violate their human rights in a brutal manner. The powerlessness is even more evident when they are unable to enforce accountability on officials guilty of ineffective implementation of the welfare measures. When they resort to alternative modes of political mobilisation to change the status quo in their favour, the attitude of the state machinery is far inimical and it tries to crush such mobilisation with brutality. The larger civil society and the media are indifferent. The NGOs are a marginal force.

The violence against the dalits and the adivasis is largely the result of non-performance or ineffective performance of the official machinery at all levels in carrying out the developmental and regulatory measures envisaged in the Constitution and various legislative and executive measures within the existing framework. However, as argued by Dr B.D. Sharma, the former Commissioner for the Scheduled Castes and Tribes, in his 28th Report, 'development' within the existing frame tends to have a 'backlash' effect on the SCs and STs, since they are not as well placed as the better-off castes and communities to take advantage of the benefits of development (Sharma, 2000, 2001).

These findings on the role of the police and the rest of the administration with regard to the registration, investigation and punishment of offences in the increasing incidence of atrocities against the dalits and the adivasis are significant. The present police structures, together with the rest of the administrative structure, which are functioning in an inegalitarian framework, are perhaps attempting the impossible. Some police officers are of the view (Gupta, 1988) that the 'proven and much complained of' incapacity and ineffectiveness of the criminal law in general makes it imprudent to place increasing burdens on the police and the courts to implement the so-called 'social legislation'; further, efforts through criminal law to change behaviour patterns rooted in the prejudices of the past are unlikely to work. This is an explosive issue, which calls for debate.

The conclusion from this discussion is that the phenomenon of political violence needs to be handled primarily in a political way rather than by relying mainly on administrative and police measures. As in the case of the Naxalite violence, the political class has merely transferred its political burden to the administrative and police machineries. The attempt to solve political problems by exclusive reliance on administrative machinery is only likely to lead to increasing violence and repression in society.

7

State-sponsored Violence against the Muslims in Gujarat, 2002: A Case Study in Police Partisanship

This chapter begins with a discussion on the definition of Hindu-Muslim ‘communal’ violence, a topic much discussed in India. It then focuses on some recent studies on communal violence and the role of the police. A case study follows on the role of the police in the Gujarat carnage of 2002. This was an instance of State-sponsored violence against the minority Muslim community, arising out of the misconceived move to ‘link nation with religion’ (Oommen, 2005). State-sponsored violence occurred earlier in 1984 against the Sikhs in the wake of the assassination of the former Prime Minister Indira Gandhi. But the Gujarat case appears to have been more deliberate and planned, as brought out in many reports including that of the Concerned Citizens Tribunal on Gujarat (CCTG, 2002), led by Justice V.R. Krishna Iyer, former Supreme Court Judge. The remarkable aspect of both cases was the impunity and lack of accountability of those responsible for perpetrating the violence, a unique feature of Indian politics today. The chapter ends by bringing out the opinion of the National Human Rights Commission (NHRC) on State failure in Gujarat, 2002, and its recommendations.

WHAT IS ‘COMMUNAL’ VIOLENCE?

The terms ‘communal violence’ and ‘communal riot’ do not figure in the Indian Penal Code (IPC), 1861. The Code merely defines ‘unlawful

assembly' and 'riot'. An unlawful assembly is an assembly of 'five or more persons' with a common objective of committing any of the offences specified in Section 143 of the IPC. Section 146 of the IPC says that a 'riot' is said to occur whenever force or violence is used by an 'unlawful assembly' or any of its members in prosecution of their common objective. The Indian police use these Sections of the IPC to deal with Hindu-Muslim violence. This definition, however, leaves room for differences of interpretation on whether, when and how an assembly of five or more becomes 'unlawful' and whether or not a particular incident was a Hindu-Muslim 'communal riot'.

In spite of definitional problems, the Union Ministry of Home Affairs (MHA) has, over the years, built up extensive documentation on Hindu-Muslim violence on the basis of information provided by the state governments. State-wise figures of incidents of communal violence are brought out in its annual reports. The Indian police count as a 'communal' incident any violent incident in which the opposing parties happen to be members of the two communities, irrespective of the cause. This provides scope for police discretion. The recent attempt by Wilkinson (2005), which counts as an incident of communal violence any violent incident involving Hindus and Muslims in which at least one death occurs, appears to be as arbitrary as the official way to document such cases.

In 1990, the MHA's annual report mentioned 40 major incidents of Hindu-Muslim communal violence in the states of Uttar Pradesh, Bihar, Madhya Pradesh, Gujarat, Karnataka and Maharashtra (GOI, 1991).

Several official commissions of enquiry have gone into major cases of Hindu-Muslim communal violence (Ansari, 1999). The National Police Commission (NPC) in its reports (1979–81) summarised the recommendations of many official commissions. India is a land 'full of sins of commissions' (Baxi, 1994a) whereby the setting up of Commissions of Inquiry into major issues of public policy, such as violence or corruption, allows those in authority to avoid responsibility and escape the necessity of punishing the guilty. Baxi estimates that 'no action whatever has followed in about 200 odd commissions of inquiry on high political corruption'.

RECENT STUDIES

Since at least the 1980s, incidents of Hindu-Muslim communal violence have been pogroms and organised massacres with large crowds attacking the houses, properties and lives of small, isolated and previously identified members of the 'other' community, that is, the minorities, mostly Muslims (Pandey, 2000). Examples abound, such as Moradabad in 1980, the anti-Sikh violence in 1984, Meerut in 1987, Bhagalpur and Ahmedabad in 1989, and the series of riots during the 1990s in northern and western India leading to the Gujarat carnage in 2002. The increased frequency and intensity of such violence in the recent period have been accompanied by new heights of Hindu militancy and propaganda against the Muslims, portraying the latter as 'evil' and 'dangerous', and as real or potential 'monsters' to be wiped out.

Paul Brass, a long-time student of Hindu-Muslim violence in India, has examined at length the 'institutionalised riot systems', which exist in Aligarh and elsewhere (Brass, 1997, 2003).

The perception of Pakistan as a 'perfidious' Muslim neighbour linked to communal violence in India is noteworthy (Gupta, 2002; Brass, 2003). As observed by Oommen (2006), cultural oppression of linguistic, religious and tribal minorities in heterogeneous societies is perpetuated through 'externalisation', a process defining minorities as outsiders to societies. This has happened with regard to Muslims and Christians in India. Gujarat 2002 is a prime example.

Several accounts have gone into contemporary Hindu-Muslim violence in India (Ahmad, 2002; Ansari, 1997; Das, 1990; Engineer, 1984, 1989; Manor, 1988; Rai, 1999). Engineer who makes a historical review has noted that when former Prime Minister Indira Gandhi consolidated her political base in the late 1960s, the massive communal riot, which took place in Ahmedabad in 1969, helped the Jan Sangh to consolidate itself in Gujarat (Engineer, 2003). Competitive communalism between the Congress and the Bharatiya Janata Party (BJP), led to major cases of communal violence during 1980s. The Moradabad riots were followed by violence in Biharsharif (1981), Vadodara and Meerut (1982), Nellie (1983) and Bombay-Bhiwandi (1984). These were followed by

the anti-Sikh riots (1984), the anti-reservation riots in Ahmedabad (1985), the Meerut riots (1987) and the Bhagalpur riots (1989). The last two were notable for the 'atrocities' by the police against the minority community.

The magisterial study by Brass (2003) has changed the terms of discourse on the subject. Brass asked *how* communal violence was organised in Indian society rather than focusing on *why* communal violence takes place. He puts forward the thesis of 'institutionalised riot systems' in major sites of communal violence in India. Gujarat carnage, 2002, may well have witnessed the existence and operation of such a system, though no author has yet attempted such a study (see Bunsha, 2006).

Several studies help us to understand the role of the administration and the police in major incidents of communal violence in the recent period, such as the Srikrishna Commission Report, 1998; the study by Vibhuti Narain Rai (1999) titled *Combating Communalism: The Role of the Police*; and the reports on the Gujarat carnage, 2002. The Srikrishna Commission, appointed by the government of Maharashtra to inquire into the Hindu-Muslim violence at Mumbai during December 1992–January 1993, brought out two volumes in 1998. Rai, a serving senior officer of the Indian Police Service (IPS), brought out police hostility to Muslims, their partiality towards Hindus and their targeting of Muslims as a community during communal riots.

GUJARAT CARNAGE, 2002

The Gujarat carnage, 2002, has been reported on extensively (Bunsha, 2006; Chenoy et al., 2002; Communalism Combat, 2002; Concerned Citizens' Tribunal on Gujarat, 2002; PUCL, 2002a, 2002b, 2006; PUDR, 2002; Setalvad, 2005a, 2005b; Sondhi and Mukarji, 2002; Varadarajan, 2002). Oommen has observed that the Gujarat carnage of 2002 symbolises the 'coming crisis of India' (Oommen, 2005) because religion and the nation 'are not and cannot' be linked—religious communities are invariably territorially dispersed.

The Gujarat carnage, 2002, needs to be placed in perspective on the basis of a historical understanding of the Partition of India in 1947. Communal riots have been a recurring feature of independent India's

civil society and 'on an average over 300 communal riots are triggered every year' (Oommen, 2005: 144). Communal riots are outbreaks of violence between two communities. Irrespective of who initiates them, a democratic state must intervene immediately to quell them. While the Godhra attack of 28 February 2002, attributed to Muslims, was met with the arrest of alleged culprits under the Prevention of Terrorism Act (POTA), the subsequent violence attributed to Hindus was 'allowed to run its full course with a total abdication of government responsibility'. The Muslims of Gujarat constitute a mere 10 per cent of its total population. The 'conjoint effort' of a section of the majority community and the government, both wedded to the ideology of establishing a 'Hindu' nation in India, cannot but be genocidal in intent. This is the unique difference between what happened in Gujarat in 2002 and what took place in other communal riots of the past (*ibid.*: 125).

Brass (2003) reiterates that the Partition of India in 1947 arose out of a political struggle, a part of which was about the past, combined with a fear of a future in which two cultures, perceived to be historically distinct would not be able to live in peace. The Aligarh Muslim University (AMU) was perceived to have constructed the separatist ideology and the leadership that produced the violence and chaos of Partition. Militant Hindus of north India further believe that the distinctive institutions of the Muslims in India, and even their very religious beliefs, threaten Hindu India with further partition, violence and chaos. The Muslim past of India has to be rectified and a major step in that direction was seen as the destruction of the mosque at Ayodhya, believed by militant Hindus to signify the beginnings of their release from slavery.

The violent scenario in Gujarat during 1987–2002, involving communal polarisation between Hindus and Muslims, prepared the ground for the carnage of 2002 (Sheth, 2002). The Rath Yatra, led by L.K. Advani, originated in Gujarat and culminated in the demolition of the Babri Masjid in Uttar Pradesh in December 1992. The demolition was followed by large-scale communal violence in several states. Gujarat police reports show that between 1987 and 1991, 106 major incidents of communal violence took place in the state. From 1996 to 2000, 88 major and 125 relatively minor incidents took place. The year 2002 witnessed 17 major incidents and 18 other incidents (Chenoy et al., 2002).

The elements of preparation, planning and execution, documented by Brass in his case studies on communal violence in Uttar Pradesh, were present in the Gujarat carnage of 2002. The violence in Gujarat reached out into 20 out of the 26 districts in the state with the connivance and participation of the police and was set off in an organised and synchronised manner. The intimate connection between communal riots and success in electoral contests, noted by Brass, was also evident in the Gujarat case.

Brass (2003) has noted that the whole political order in north India and its leading as well as local actors are implicated in the persistence of Hindu-Muslim riots, which have had concrete benefits for particular political organisations and have had larger political uses. British census definitions imposed on a diverse population were ultimately converted into social categories, which are fighting it out in the electoral politics of an increasingly divided polity and society.

Brass has argued that even the most carefully planned and well-organised acts of violence are *designed* to appear spontaneous by the perpetrators. Capturing the meaning of Hindu-Muslim riots in a particular way helps legitimise illegitimate violence, conceal the extent of pre-planning and organisation, and maintain intact the persons, groups and organisations implicated in the violence by preventing punishment of the principal perpetrators.

Both the Central and state governments in India who share a responsibility have failed to prevent and control communal riots. One of the main failures has been in the sphere of reforming and professionalising the police force. Control over the civil and police administrations is at the heart of the broader struggle for power, since police are seen as instruments of the party in power, which uses them to harass their opponents, protect their supporters and deny protection to their rivals. Brass notes an overall decline in Muslim representation in Uttar Pradesh police from 48 per cent in 1938 to 7 per cent in 1981 (*ibid.*).

THE ROLE OF POLITICIANS AND CIVIL SERVANTS

I participated in two missions on the Gujarat carnage, 2002. The first was a fact-finding mission to study the carnage (Chenoy et al., 2002).

The report of the mission was released to the public in New Delhi in April 2002. The second was the eight-member Concerned Citizens Tribunal on Gujarat (CCTG, 2002) led by Justice V.R. Krishna Iyer, former Supreme Court Judge. This exercise was spread over several months. The Tribunal collected 2,094 oral and written testimonies from victim-survivors, independent human rights groups, women's groups, NGOs and academics. It took advantage of the documentation by many social groups and activists, plus the reports of fact-finding missions. The Tribunal sat in Ahmedabad and in different districts and towns of Gujarat during May 2002 and recorded evidence from victims of violence and others. Many senior government officials met the Tribunal, responded to queries, shared observations and presented valuable evidence. A minister of the state cabinet also appeared before the Tribunal.

The Tribunal held that in a democracy, the people's right to information was paramount, but noted that India's record of punishment of the guilty in cases of mass crimes against minorities, dalits and the poor in general was unimpressive. The sorry state of the rule of law was connected to the functioning and accountability of the courts and the criminal justice system. Three volumes containing the findings and recommendations of the Tribunal are published.

The Tribunal noted that although Gujarat has had a long history of communal riots, what happened in 2002 was unique. It was not a communal riot in the conventional sense. The speed with which the violence spread and its intensity and brutality suggested that it could not have happened without government support. This put the carnage of 2002 in Gujarat in a separate category; it was not a mere communal riot, but genocide.

Genocides, which aim to eliminate national, racial, ethnic and religious groups, are not possible without State connivance with the groups indulging in it (Oommen, 2005). Twenty of Gujarat's 26 districts were engulfed in well-organised armed mob attacks on Muslims between 28 February and 2 March 2002, the period of the most concentrated attacks (ECI, 2002). The attacks continued till mid-March. Nowhere were the mobs less than 2,000 or 3,000 strong; often, they were more than 5,000 in number. The fact that the mobs were armed with lethal weapons and the chillingly similar manner of arson, hacking and

killing of human beings indicated a carefully laid out plan of action behind them.

The state-wide violence, which commenced on 28 February, was preceded by the mysterious arson attack on 27 February on one of the coaches of the Sabarmati Express train near the Godhra railway station in Panchmahal district, not far from Ahmedabad, the state capital. Nearly 60 passengers, many of them *kar sevaks* (volunteers) on their way back from the holy town of Ayodhya in Uttar Pradesh, perished in the fire. The controversy over the origin of the fire was not resolved, but it was automatically and baselessly assumed by the leaders of the ruling BJP that the miscreants were of the minority Muslim community acting at the behest of Pakistan. The Chief Minister made a radio broadcast inciting public outrage and anger against the Muslim community. A call for a state-wide 'bandh' (closure) was given and the ruling political party supported it. Evidence before the Citizens' Tribunal indicated that by the evening of 27 February, a well-considered scheme had been drawn up to extract maximum political mileage out of the violent incident in Godhra. As part of this scheme, the bodies of the victims of the carnage at Godhra were taken out in a public procession by road by the ruling BJP from Godhra to Ahmedabad. The state government and the administration, instead of appealing for peace and calm, became agents of a well-planned action against the Muslims of the state, an 'action' projected as a 'reaction'.

Taking-out of dead bodies in a procession of this sort is explicitly prohibited by official instructions issued by the Government of India (Mullik, 1966). The country was on alert due to the aggressive mobilisation by the Vishwa Hindu Parishad (VHP) for the building of a temple for the Hindu god Ram at Ayodhya on 15 March, which, however, was stopped by the intervention of the Supreme Court of India. The police in Mumbai had carried out preventive arrests of over 8,000 persons, but the Gujarat police had arrested only two persons, both Muslims! A lack of preparation on the part of the administration to prevent the Godhra incident and a wider lack of intent to act to prevent the subsequent violence across the whole state was evident.

The Citizens' Tribunal declared that the Gujarat carnage was no ordinary event, but amounted to genocide under the UN Convention on Genocide signed (but not ratified) by India. It was also clear to the

Box 7.1
Features of Violence

The main features of the violence in Gujarat from 28 February onwards were: (i) selective targeting of Muslims; (ii) brutality and bestiality of the attacks; (iii) unprecedented scale and degree of the violence; (iv) loot and destruction of property on an unprecedented scale; (v) military precision and planning behind the attacks; (vi) use of hate speech and hate writing; (vii) massive sexual violence against women and girls and attacks on children; (viii) colossal economic destruction; (ix) religious and cultural desecration on a massive scale; (x) large-scale preparations for the violence; (xi) state complicity; (xii) serious violation of rules and regulations by the police and their active connivance and participation in the violence; and so on.

Tribunal that the violence could have been prevented if the administration and the police had not opted for motivated partisanship and inactivity.

The Tribunal put together the best possible examination at that time of the evidence in regard to the mysterious arson attack on the Sabarmati Express in Godhra on 27 February 2002, which became the pretext for the subsequent state-supported violence in the rest of the state. The Tribunal found that the fire on Coach S6 of the Sabarmati Express on 27 February 2002, did not start from outside the train as widely reported. On the contrary, it started from inside the coach as confirmed by the report of the Forensic Science Laboratory, Ahmedabad.

ROLE OF THE POLICE

Godhra is the district capital of Panchmahal district. Two key officials, the District Magistrate (DM) and the Superintendent of Police (SP) operate from there and are responsible for maintaining law and order throughout the district. They are connected by telephone to the state and national capitals and to all the police stations in the district. They have numerous intelligence officers reporting to them. In disturbed times, they must coordinate steps on a day-to-day, hour-to-hour and even minute-to-minute basis. They must function as a team and provide

leadership to their staff throughout the district. There is a police control room in the district, which monitors developments and provides information to these district functionaries. The system of district administration, created and placed in position by the British, was the key to political stability in the country throughout the colonial period and remains so today. In addition to such administrative arrangements, there are Central Government police agencies, such as the CRPF, the Railway Police and a major railway station, all located in Godhra. It is easy to remain in touch with these units and to get inputs to maintain law and order in the district. There is a large Central Government intelligence set-up as well along with a state government agency whose personnel are located in the district headquarters and who often report to the DM and the SP.

During the 1990s, Gujarat was a major participant in the Ramjanmabhumi agitation, which has polarised and communalised society. The state contributed perhaps the largest number of volunteers (*'kar sevaks'*) for the 'VHP/BJP'-sponsored temple construction programme at Ayodhya town in Uttar Pradesh. Considering the feverish activity in that town, there was a large volume of traffic from Godhra railway station to Ayodhya and back throughout the period of heightened tension related to the construction of the temple, slated to start on 15 March 2002. The *kar sevaks* were known to have been harassing the Muslim vendors of tea and eatables in their journeys from Godhra to Ayodhya and back. Press reports indicate clashes between these two categories of people. Still, the district administration remained somnolent, neither collecting nor taking any action on intelligence inputs on activities that could pose a threat to law and order management in the district.

Even after the arson attack at the Godhra railway station, there was no evidence of any serious steps having been taken by the district administration to avert further disasters of the type that occurred in Godhra. No preventive arrests were made. No action under Section 144 of the Criminal Procedure Code (CrPC) was taken. In fact, the administration had gone out of the way to cooperate with the wishes of the political executive in their disastrous decision to take the dead bodies in procession from the Godhra railway station to Ahmedabad; a decision that

is specifically prohibited in the detailed instructions of the Government of India (Mullik, 1966). The district authorities in Godhra were guilty of serious dereliction of duty.

A similar pattern of inactivity was seen subsequently in Ahmedabad, where continuous anti-Muslim rioting took place for several weeks following the Godhra incident on 27 February. All known canons of administrative behaviour in relation to communal incidents prescribed by the Government of India and regularly adopted by the administration so far were ignored, except in isolated cases by a few district officials posted in a few field-formations away from the state headquarters. Not only did mobs of rioters roam the streets freely attacking and destroying Muslim property and killing, raping and maiming innocent Muslim men, women and children and terrorising them, but policemen on a large scale actively took part in the violence and facilitated it. Deadly barbarism danced on the streets and the police, with some notable exceptions, did not take action to stop it.

After the arson attack on the train on 27 February 2002, the state was engulfed in communal violence against the minority Muslim community. The government of Gujarat, in information furnished to the Election Commission of India (ECI, 2002), indicated that 20 out of 26 districts in the state were regarded as 'affected areas' for purposes of relief distribution. The Additional Director General of Police (Intelligence) of the state government informed the ECI that 151 towns and 993 villages, covering 154 out of the 182 Assembly constituencies in the state and 284 police stations out of a total of 464 were affected by violence (*ibid.*). The two metropolitan cities of Ahmedabad and Vadodara were among the worst hit. The details and patterns of the violent incidents have been brought out well in many reports. The failings and omissions of the administration and the police in dealing with the violence as per existing law and procedure were clear.

Apart from the Constitution of India and the UN Conventions and norms adopted by India, the criminal law and procedure to deal with violence of the kind perpetrated in Gujarat are quite detailed and clear. These are supplemented by statutory instructions and guidelines issued from time to time (Mullik, 1966). The basic law is contained in the Police Act, the IPC, the CrPC and the Evidence Act. The reports of

the first-ever NPC (1979–81) of India summarised the experience of implementation from independence onwards.

Briefly, the Police Act, 1861, delineates the structure and duties of the Indian police. These include execution of lawful orders and warrants issued by the competent authority; collection and communication of intelligence affecting public order; prevention of crime and public nuisance; bringing offenders to justice and arresting persons liable to be arrested; independent performance of duties without the need for any clearance from above; liability for departmental action and punishment for any remissness; and so on.

The Criminal Procedure Code, 1973, provides powers to arrest without warrant 11 categories of persons even on suspicion; use of force in effecting arrests in case of resistance; search without warrant; use force in the dispersal of unlawful assemblies; make preventive arrests; and make arrests on suspicion of commission of cognisable offences or injury to public property. Safeguards are provided in the Police Act, the CrPC, the IPC and in the Constitution of India. The laws existed before the adoption of the Constitution of India. Strictly speaking, the laws were not ‘constitutionalised’ when the Constitution came into existence but became part of the criminal law of the land.

The reports of the NPC listed the tasks of the police such as investigation, prevention and service provision; and provided that the executive cannot interfere with the investigative process though overall guidance and supervision by the executive is permitted with regard to prevention and service provision. The NPC noted that discretionary enforcement of law in dealing with public order situations was a typical instance of the exertion of pressure on the police by politicians. Potent weapons in the hands of politicians, in this connection, were incentives for career advancement, threats of drastic punishment, penal administrative action including transfers and suspensions from duty, and so on.

In view of this, the NPC recommended that the police chief of the state should be selected from a panel of officers to be prepared by a statutory commission composed of distinguished persons including the leader of opposition in the state legislative assembly. In spite of this, the NPC noted that executive orders of doubtful validity were often passed and obeyed by pliant bureaucrats.

NOTEWORTHY FEATURES OF POLICE BEHAVIOUR

The following were the noteworthy features of the actual performance of the police and the district administration during the Gujarat violence:

1. A regular traffic of *kar sevaks* from Gujarat to Ayodhya and back had been taking place for quite some time by train. Given this, the elementary step the administration should have taken was to provide police escorts in the trains. This was not done.
2. While the police kept the activities of the 'Muslim fundamentalists' under watch, no such vigilance was maintained over the 'Hindu fundamentalists' who were the real aggressors. The intelligence machinery went soft on the latter, maybe because a 'Hindu nationalist' government was in power in the state.
3. While the VHP called for a state-wide 'bandh' to protest the Godhra violence, the state unit of the BJP rushed to provide support to the call. This was an irresponsible action, given that the communal situation in the state was quite sensitive. The Chief Secretary and the Director General of Police of the state did not advise the Chief Minister of the state against it; they did not do so, possibly due to pressure stemming from extraneous factors. This was a disastrous mistake since the Indian administration must function on independent advice by senior civil servants to political masters, many of whom come to office lacking any administrative experience and sagacity.
4. Although several incidents of violence took place in the state capital Ahmedabad on 27 February 2002, curfew was imposed in the city only on the following day. No preventive arrests were made. The Police Commissioner of the city had enough manpower to take the requisite steps, but did not act. Later on, speaking to the media, he said he was overwhelmed by circumstances and that his men were also naturally affected by the prevailing public mood. One senior police officer told the author that it was not lack of resources but lack of will which prevented the Police Commissioner from acting.

5. There are indications that the Chief Minister had, at a high-level meeting of officials, instructed that they should 'respect Hindu sentiments'. The bureaucrats were by no means obliged to follow such advice in view of the constitutional requirement that they follow the law. However, the senior officials adopted a 'line of least resistance' in the light of such illegal advice by the CM. They did not advise the CM that this cannot be done under the Constitution and the law. The Director General of Police, in particular, failed to stand up. The junior police officials got the message and conducted themselves accordingly.
6. The evidence makes it quite clear that systematic preparation had preceded the attacks on the Muslim community starting on 28 February 2002. No such preparations could have taken place without the knowledge of the Special Branch of the Gujarat police and the Central Government's own Intelligence Bureau (IB) represented in strength in the state. Experienced police officials say that the preparation of lists of properties and persons to be attacked and destroyed could not have taken place without the knowledge of the Commissioner of Police because he was the licensing authority for various business activities in the city.
7. A part of the preparation for the violence consisted of the posting of 'suitable' police officials at the cutting-edge level. The powers of the Director General of Police to post officials up to the rank of Deputy Superintendent throughout the state were taken away from him and concentrated in the hands of the Home Secretary, functioning under the Chief Minister-cum-Home Minister. Similar was the case with regard to the posting powers of the Commissioner of Police in Ahmedabad. This handicapped the two officials in exercising their authority. They should have protested when these powers were taken away from them, but did not (Chenoy et al., 2002).
8. According to standing instructions, organisations such as the RSS, the VHP and the Bajrang Dal should come under the surveillance net of the Central and state intelligence agencies for their communal activities. The intelligence agencies did not perform this vital duty.

9. The Godhra arson attack took place on the morning of 27 February 2002. The VHP gave a call for a *bandh* on 28 February 2002. It was obvious that the situation was tense and could get out of hand. The minimum precaution that the police take in such situations is to effect preventive arrests of those likely to cause violence. Lists of such persons are available with all police stations. Such arrests are made routinely, even when there is a likelihood of only minor law and order problems. Leave alone other parts of Gujarat, the preventive arrests made on 27 February 2002 in Ahmedabad itself throw light on the intentions of the police: in 10 police stations, only two preventive arrests were made, both of Muslims.

UNPROFESSIONAL CONDUCT

The majority of Gujarat policemen, by abdicating their responsibility in the matter of preventive arrests, revealed not just their unprofessional character and conduct. In the longer term, the failure of the law-and-order machinery to act fairly and swiftly, often against politicians and their cadres, reflects the erosion that has taken place in the criminal justice system.

If a no-nonsense and non-partisan approach had been followed after the Godhra incident of 27 February 2002 and prompt arrests of potential troublemakers had been made, tension could have been contained. And the chances of a vengeful and organised spree of retaliatory killings, demonstrating every element of ethnic cleansing, would have been preempted. That this did not happen suggests a lack of intent on the part of those in government to take prompt preventive measures in order to de-escalate the situation.

The Citizens' Tribunal met and recorded the evidence of both the DM and the SP of Panchmahal district, of which Godhra town is the headquarters. It is clear from the evidence that on 27 February 2002, after the Godhra attack, though the Rapid Action Force (RAF) was called in, adequate powers were not given to it. Though curfew was declared in the city, the RAF men were made to sit in the officers' mess, helpless, unable to do anything. Though the Fire Brigade was located near the

railway station, where the arson attack took place, it took a while for them to reach the place of occurrence. On the day of occurrence, there were only three State Reserve Police (SRP) men on duty; of the 111 Government Railway Police (GRP) officers stationed at Godhra, only two or three were on duty. While two of the GRP personnel reached the spot within minutes, it is not clear why they did not resort to firing to deter the miscreants.

A singular collapse of the criminal justice system had taken place in Gujarat during this violence. There was a lack of intelligence about the likely commission of offences against the public order. The lack of systematic surveillance on the conduct of *kar sevaks* going to and fro Ayodhya, for at least a month before the Godhra tragedy, especially given their recorded propensities to break the law by consistently provoking religious minorities and even behaving aggressively with them, has been dealt with by the Tribunal extensively in its report.

Box 7.2

Other Features of Police Behaviour

The other features of police behaviour briefly noted by the Tribunal were: (i) police participation in the violence; (ii) illegal registration of FIRs; (iii) omnibus FIRs; (iv) FIRs without names of the accused; (v) deliberate obfuscation of the identity of the accused; (vi) victimisation of the minority community; (vii) unprofessional investigations; (viii) real culprits not arrested; (ix) no identification parades; (x) malicious combing operations in minority community areas; (xi) no relief to rape victims; (xii) no action against errant media publishing legally actionable reports; (xiii) no action against the VHP/Bajrang Dal activists behind the violence; (xiv) non-implementation of the recommendations of the NHRC; (xv) non-use of the Disturbed Areas (Special Courts) Act 1976; (xvi) non-use of the Prevention of Damage to Public Property Act 1984; and so on.

Civil Disturbances, an important document published by the Government of India (Mullik, 1966), recapitulated and clarified the 'Powers of Magistrates and the Police to deal with Unlawful Assemblies'. The author was Director of the IB (1950–64). Copies of the document had been distributed to all state governments at the time but the instructions remained a dead letter in Gujarat, 2002. The provisions of Chapter IX

of the document entitled 'Communal Disturbances', explicitly clarified the role of the police during communal riots:

It is the duty of every Superintendent of Police to mobilise the support of all his subordinates down to the level of constables and village chowkidars and make them fully and genuinely understand the most serious implications of such communal disturbances, so that at the slightest sign of trouble, the entire police force may rise as one man to fight and suppress it. The mind of every police officer—whatever religion he may profess—must be clear on the point that he has taken a pledge to protect the people and it is his sacred duty to protect the weak against the strong and the minority against the majority. There can be no compromise on this issue and this should be a matter of fundamental faith with every police officer for the vindication of which he should be prepared to lay down his life. (Mullik, 1966: 48)

The authorities must make it clear to the people that they will act with the utmost severity. The Superintendent of Police should repeatedly speak to all his subordinates and build up their moral strength, without which preventive action at the time when disturbances take place will be lacking in strength and determination. In most cases with such strong action taken at the start, the danger of communal disturbance would recede and then finally disappear. But so long as tension remains, very strict watch should be maintained and precautionary measures should not be relaxed. (ibid.: 49)

If in spite of these precautions trouble breaks out, it is then clearly the duty of magistrate and police to act quickly, resolutely and strongly at the very outbreak of such disturbances. They must not bank on the hope that with the exercise of patience and forbearance the trouble will pass off without any serious damage. The entire experience of the past has been to the contrary. The use of force at the very beginning is essential, so that the attacking crowds may immediately realise that retribution against them would be swift and severe and the damage that will be caused to them will be much greater than what they will be able to inflict. (ibid.: 49)

Clear instructions of the Government of India exist to the effect that executive officers will be held personally responsible if they fail to prevent communal disturbances in areas within their charge, and that they must use force at the early stages. (ibid.: 50)

Prompt arrangements should be made to evacuate the injured to the hospital or the dead to the morgue. Their photographs should

be taken unless they are identified. Dead bodies should be delivered to the next of kin at the burial or cremation grounds and should not be allowed in processions. It is necessary to maintain a careful watch on crowds when they return to their respective localities after performing the last rites of such bodies. It is essential that the Press should be taken into confidence and full accounts should be given to the correspondents. If this is not done, then the Press will be forced to obtain accounts from interested people and thus publish highly exaggerated reports. In dealing with such mass uprisings the magistrate and the police should clearly understand that these crowds have already passed into a state of mob and have been completely sieged by communal frenzy and are driven by one single desire, i.e., to kill and destroy members of the minority community. Members of such crowds have lost all noble human sentiments. At such time persuasion not backed by force will be of no avail. Therefore, what is needed is swift action to make the crowd realise that if it raises its head it will be knocked down. There is no second alternative and any attempt to temporise will lead to disastrous consequences and cause irreparable damage. (Mullik, 1966: 50–51)

Dionne Bunsha's study (2006) documents not only the several despicable and unprofessional aspects of police behaviour during the violence, but also the courageous and correct actions of some distinguished police officials at different levels in the face of political directions to the contrary.

NATIONAL HUMAN RIGHTS COMMISSION ON STATE FAILURE IN GUJARAT, 2002

In its final order on Gujarat, dated 31 May 2002, the NHRC noted that the state had a primary and inescapable responsibility to protect the rights to life, liberty, equality and dignity of all of those who constitute it. Given the history of communal violence in Gujarat, the responsibility extended not only to the acts of its own agents, but also to those of non-state players within its jurisdiction and to any action that may cause or facilitate the violation of human rights. It added that there was a comprehensive failure to protect the rights to life, liberty, equality and dignity of the people of Gujarat, 'starting with the tragedy in Godhra on

27 February 2002 and continuing with that of the violence that ensued in the weeks that followed'. Other failures included the failure of intelligence; the failure to take appropriate action; the failure to identify local factors and players; the distorted patterns and lack of transparency in the arrests and detentions made; the uneven handling of major cases; distorted FIRs, 'extraneous influences', issues of transparency and integrity; and pervasive insecurity of even High Court judges.

On this basis, the Commission made recommendations in the spheres of law and order; proper implementation of existing statutory provisions, circulars and guidelines; camps; and rehabilitation. On law and order, the recommendations included the involvement of CBI; police reform; special courts and special prosecutors; special cells; survey of all affected persons; analysis of material collected by NGOs and others; and identification of delinquent public servants. On the implementation of existing statutory provisions, circulars and guidelines, the Commission noted the existence of a comprehensive, meticulously elaborated, body of material in this regard, which must be followed by those responsible for the maintenance of law and order and communal harmony.

Giving excerpts from the guidelines issued by the NPC, which in 1979 analysed 'the grave issue of communal riots', the NHRC noted that the report contained specific observations and recommendations, 'which retain a high degree of relevance to what happened in Gujarat recently'.

The NHRC then proceeded to draw attention to the following 'powerful recommendations' of the report of the NPC:

1. The administration should disseminate correct information to the public through all available means. In case of mischievous reporting, the state government and local administration should use every weapon in the legal armoury to fight obnoxious propaganda prejudicial to communal harmony.
2. The authorities, in dealing with communal riots, should not be inhibited by any consideration to adopt lukewarm measures at the early stages; a clear distinction must be made between communal riots and other law and order situations and 'the most stringent action be taken at the first sign of communal trouble'.

3. Officers who have successfully controlled the situation at the initial stages with firm action should be suitably rewarded. Immediate and exemplary action should be taken against officers who wilfully fail to go to the trouble spots or who slip away from there after the trouble has erupted.
4. The NPC report 'strongly disapproves' of 'the practice of postings and transfers on political pressures'. Only specially selected experienced officers with an image of impartiality and fair play should be posted to communally sensitive districts.
5. There should be a control room in all those places, which have been identified as prone to communal trouble. Even though some information passed on to the control room may not be useful, every bit of information should be acted upon as if it were genuine.
6. Unless crimes committed are registered, investigated, and the criminals identified and prosecuted, the police would not have completely fulfilled its role as a law enforcement agency. The police should realise that the task of investigation is a mandatory duty cast upon it and any indifference to this task can attract legal sanctions.
7. In a riot situation, registration of offences becomes a major casualty. It is futile to expect a victim of the crime to reach a police station risking his (her) own life and report a crime to the police. The police should therefore open several reporting centres at different points in a riot-torn area.
8. The police forces in the various states of the country should truly represent the social structure of the respective states.

Despite the existence of such thorough and far-reaching advice, the NHRC regretted that the government of Gujarat had conspicuously failed to act in accordance with the long-standing provisions of these important instructions and that, measured against the standards set in them, the performance of the state government was 'severely wanting'.

The role of the police in the Gujarat carnage, 2002, which represented the nadir of police behaviour in independent India, underlined the urgent need for root and branch reform in the police structure.

This chapter has highlighted the failures of the police during independent India's most massive 'communal' violence, the Gujarat carnage, 2002. The symptoms of fascism in India revealed during the lengthy demolition of the Babri Masjid on 6 December 1992 were displayed in plenty in the Gujarat carnage, 2002 (Chattopadhyay, 2002). These included deep infiltration into the police and administrative structures by fascist elements in Indian politics, prefiguring the 'coming crisis' of India (Oommen, 2005).

8

Political Violence in the Northeast: The Human Rights of Ordinary People

While entire communities suffer from the consequences of violent conflict, women and children are especially vulnerable (UNDP, 2005). Women suffer the brutalities of rape, sexual exploitation and abuse, both during and after the conflict. Many of the women suffer from serious long-term physical and mental health problems, and some face rejection from their families and communities. Violence and acts of terror perpetrated against women are now institutionalised strategies adopted by warring factions in the Northeast in India as elsewhere.

Children are equally vulnerable to the impact of violent conflict. They not only bear the brunt of the human cost but also become victims of the special horror of recruitment as child soldiers. Worldwide, there are about 2,50,000 child soldiers (ibid.: 161). Poverty drives the children of poor households into the ranks of armed groups. The breakdown of trust and traditional forms of mediation as a result of violent conflict encourages crime and insecurity. In situations of high unemployment, or where the State is unable to maintain law and order, civilians are often victims of loot and persecution by both state and non-state actors. Poor households often bear the brunt of financing the conflicts that jeopardise their security. Illegal taxation and extortion are often practiced by non-state actors. Drug trafficking and HIV/AIDS are promoted as a result of conflict in the Northeast where the disease, known as the 'hidden epidemic' (Reid and Costigan, 2002), is spreading fast (Subramanian, 2002). Manipur, situated next to the 'Golden Triangle' on the borders of Myanmar, Thailand and Laos, is the gateway to the spread of HIV/AIDS in the South Asian region.

This chapter examines the consequences of political violence for the human rights of ordinary people, especially women and children, in the selected states of Manipur, Nagaland and Tripura in the north-eastern region. It begins by setting out the salient demographic and other features of the region. It then explores the main factors behind the violence in Manipur, Nagaland and Tripura. This is followed by an evaluation of the human rights status of ordinary people, especially women and children, in these states. The chapter concludes by stressing that the Indian State needs to look at the Northeast from the perspective of human development rather than that of national security if it is to win the hearts and minds of the diverse local population.

At present, Manipur, Nagaland and Tripura, along with Assam, witness active political violence. They are inhabited by over 300 tribal communities extending beyond the Indian borders into Nepal, Bhutan, China, Myanmar and Bangladesh. These states are selected for the study on the basis of the author's professional experience in them.

The whole of Nagaland and Manipur, and the area under 22 police stations and parts of five other police stations in Tripura, have for long been under the draconian Armed Forces (Special Powers) Act, 1958, as amended in 1972, in view of the 'disturbed conditions'. The Act empowers any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the Armed Forces to shoot or kill on suspicion; destroy armed dumps; arrest any person without warrant; and search any premises without warrant. No prosecution, suit or legal proceeding against any such officer shall lie without the prior sanction of the Central Government. The normal operation of the law and order and development administrative machinery cannot take place under such conditions. Human rights violations are common.

Tables 8.1 to 8.10 on the 'status of militancy' in Nagaland, Manipur and Tripura and on the deployment of police and paramilitary forces bring out the essential features of the situation in these states. It is worth noting that paramilitary forces outnumber the civilian police in these states. The tables do not include information on the deployment of army units, including Assam Rifles. The Assam Rifles is the 'oldest police force in the country', says the annual report of the Union Home Ministry (2005–06), but it is actually a paramilitary force under the command of the Indian Army.

Table 8.1
Demography

(1)	(2)	(3)	(4)	(5)	(6)
<i>State</i>	<i>Population (in million) (2001 Census)</i>	<i>Density</i>	<i>No. of major tribes (% in total population)</i>	<i>Literacy (%)</i>	<i>Population growth (%)</i>
Arunachal Pradesh	1.09	13	12 (63.7)	41.59	3.19
Assam	26.5	340	23 (12.8)	52.89	2.24
Manipur	2.38	107	29 (59.89)	59.89	2.60
Meghalaya	2.30	103	17 (49.10)	49.10	2.88
Mizoram	0.9	42	14 (94.8)	82.27	3.40
Nagaland	2.0	120	29 (87.7)	61.65	4.55
Tripura	3.0	304	19 (30.9)	60.44	2.99
Total	38.17				

Source: GOI, 2002.

Table 8.2
Poverty

<i>Period</i>	<i>Northeast states</i>		<i>National</i>	
	<i>Rural</i>	<i>Urban</i>	<i>Rural</i>	<i>Urban</i>
1973–74	52.67	36.92	56.44	49.01
1977–78	59.82	32.71	53.07	45.24
1983–84	43.60	21.73	45.65	40.70
1987–88	39.35	9.94	39.09	38.20
1993–94	45.01	7.73	37.21	32.36

Source: GOI, 1999.

Table 8.3
Sex Ratio

<i>State</i>	<i>Sex ratio</i>
Arunachal Pradesh	859*
Assam	923*
Manipur	958
Meghalaya	955
Mizoram	921*
Nagaland	886*
Tripura	945
All India average	929

Source: TDMS, 1995.

Note: * Lower than all-India average.

Table 8.4
Human Development/HIV Indicators ('000)

(1)	(2)	(3)		(4)	(5)	(6)
		Education (15+) Unemployment rate (%) as a current weekly status (1999-2000)				
States	Population(1999-2000) and Annual growth rate (1994-2000)	Rural	Urban	Poverty (%)	Female literacy rate (2001)	HIV prevalence (Median)
Arunachal Pradesh	1,059 (2.31)	2.2	3.7	33.47	44.24	STD 0.10 ANC 0.00
Assam	26,104 (1.74)	18.2	14.8	36.09	56.03	STD 0.61 ANC 0.00
Manipur	2,315 (2.65)	7.3	10.8	28.54	59.70	IDU 64.34 STD 11.60
Meghalaya	2,237 (2.66)	3.9	6.8	33.87	60.41	ANC 0.75 IVDU 1.14
Mizoram	864 (2.60)	4.3	5.0	19.47	86.13	STD 0.00 ANC 0.00
Nagaland	1,877 (5.1)	7.0	14.3	32.67	61.92	ANC 0.37 IDU 9.61 IVDU 7.03
Tripura	3,137 (1.47)	4.2	8.2	34.44	65.41	STD 6.90 ANC 1.35
All India average	10,03,971 (1.95)	8.4	8.2	26.1	54.03	STD — ANC —

Sources: Columns 2 and 3: NSSO, 55th Round.

Columns 4 and 5: NHDR, 2002 GOI.

Column 6: *Combating HIV/AIDS in India*, 2001, National AIDS Control Organisation, GOI.

Table 8.5
Incidents of Violence, 1997–2001

<i>States</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Arunachal Pradesh	10	2	45	74	46
Assam	427	735	451	536	458
Manipur	425	255	281	245	265
Meghalaya	14	16	52	73	70
Mizoram	1	–	4	14	1
Nagaland	380	202	294	195	128
Tripura	303	586	616	826	370

Source: Annual Report 2001–2002, Ministry of Home Affairs, GOI.

Table 8.6
Strength of Police Forces, 2001–02

<i>States</i>	<i>Police stations</i>	<i>Area (sq km)</i>	<i>Population, 2001 (millions)</i>	<i>Total police personnel deployed</i>
Arunachal Pradesh	66	83,743	1.09	13,800
Assam	240	78,438	26.6	1,12,846
Manipur	57	22,327	2.4	30,968
Meghalaya	26	22,429	2.3	19,162
Mizoram	31	21,081	0.9	15,600
Nagaland	45	16,579	2.0	34,774
Tripura	44	10,486	3.2	28,764

Source: Annual Report 2001–2002, Ministry of Home Affairs, GOI.

Several studies have gone into the nature and causes of the violence in the region (Baruah, 2005; Hazarika, 1994; Rustomji, 1973, 1983). There is also a large and growing State-centric literature on strategic and security issues in the region (www.satp.org). However, only a few human rights organisations (for example, the National Campaign against Militarisation and the Manipuri Students Association) have examined the impact of political violence on the lives of the ordinary people, especially women and children. Security analysis today is a complex area, which must include ‘human security’, not just the security of the State (Oommen, 2006). There has been an excess of political violence, human rights violations and tardy or negative State response in the region, evoking frequent popular protest movements.

Tribal communities of varying sizes inhabit the eight states in the region. They began to experience the accelerated pace of modernisation and development later than the other communities in mainland India.

Table 8.7
Violence against Women (Indian Penal Code Cases), 1991 and 1998

States	Rape		Molestation		Kidnapping and abduction		Eve teasing		Dowry deaths		Cruelty by relatives	
	1991	1998	1991	1998	1991	1998	1991	1998	1991	1998	1991	1998
Arunachal Pradesh	32	32	33	46	30	38	1	1	0	0	0	8
Assam	427	744	190	648	819	1,117	10	12	14	32	199	739
Manipur	13	13	47	13	81	60	1	0	0	0	0	0
Meghalaya	27	42	17	12	5	16	0	0	0	1	0	0
Mizoram	44	84	45	53	1	4	0	0	0	0	0	0
Nagaland	1	13	1	4	1	14	0	0	0	0	0	0
Tripura	57	73	82	73	68	39	4	0	7	10	41	115
Total	601	1,001	415	849	1,005	1,288	16	13	21	43	240	862
All India average	9,793	15,031	20,611	31,051	12,300	16,381	10,283	8,122	5,077	6,917	15,949	41,317

Source: GOI, 2002.

Table 8.8
Violence against Women and Children [Special and Local Laws (SLL)], 1998
(per million population)

<i>States</i>	<i>Total (SLL)</i>	<i>Against women</i>	<i>Against children</i>	<i>Against SCs</i>	<i>Against STs</i>
Arunachal Pradesh	52.0	111.0	8.9	0.0	0.0
Assam	137.0	132.0	8.7	0.0	0.0
Manipur	269.0	36.0	2.9	0.0	0.0
Meghalaya	75.0	31.0	4.8	0.0	0.0
Mizoram	1,427.0	156.0	54.4	0.0	0.0
Nagaland	369.0	20.0	2.5	0.0	0.0
Tripura	961.0	89.0	4.5	0.0	0.0
All India average	4,534.0	135.0	6.0	26.4	4.4

Source: GOI, 2002.

Table 8.9
Strength of Civil Police, Armed Police and Paramilitary Police

<i>States</i>	<i>Civil police</i>	<i>Armed police</i>	<i>Total</i>	<i>India Reserve Battalions</i>
Arunachal Pradesh	2,987	2,913	5,900	2
Assam	22,977	30,946	53,923	5
Manipur	4,743	9,241	13,984	3
Meghalaya	5,955	2,626	8,581	2
Mizoram	2,948	3,852	6,800	2
Nagaland	7,367	9,020	16,387	2
Tripura	7,786	4,596	12,382	4
Total	57,263	64,694	1,21,957	20

Source: Annual Report 2001–02, Ministry of Home Affairs GOI.

Table 8.10
Security Situation in Nagaland, Manipur and Tripura

	<i>Nagaland</i>				
	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Incidents	380	202	294	195	128
Extremists killed	206	69	118	84	65
Extremists arrested	129	64	39	81	80
Security personnel killed	38	14	4	4	1
Arms looted	37	13	15	–	–
Arms recovered	50	18	16	86	96
Extremists surrendered	15	36	6	25	59
Civilians killed	97	26	26	13	16

(Table 8.10 continued)

(Table 8.10 continued)

	Manipur					Tripura				
	1997	1998	1999	2000	2001	1997	1998	1999	2000	2001
Incidents	425	255	281	245	265	303	586	616	826	370
Extremists killed	151	95	78	102	170	17	26	22	38	30
Extremists arrested	435	267	142	117	577	154	399	335	798	547
Security personnels killed	111	62	64	51	26	50	25	42	17	36
Arms looted	74	58	147	140	16	47	6	26	14	23
Arms recovered	211	95	65	78	74	95	154	76	137	95
Extremists surrendered	13	1	1	33	7	437	3	57	95	373
Civilians killed	233	87	89	93	65	220	229	248	360	237

Source: Annual Report 2001–02, Ministry of Home Affairs GOI.

Undergoing ‘development’ and ‘growth’, these communities experience social change coming to them in a compressed and ready form and with unaccustomed rapidity. They become aware of their distinct ethnicities and articulate them. Their discontent appears to spring not so much from ‘development’ as such, but from its pace, direction and content. The militant movements often witnessed in the region are an outcome of a complex mix of change, adjustment and protest (Rustomji, 1983). State policies contribute to them more than what is generally appreciated (Baruah, 2005). These policies and their politics need evaluation.

SALIENT FEATURES OF THE NORTHEAST REGION

The eight states in the region are Sikkim, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. (Sikkim has been added to the list recently but it is not dealt with here.) The region is sensitive and strategically borders Nepal, Bhutan, China, Myanmar and Bangladesh. With a total population of about 38 million (2001 Census), the north-eastern states contribute to nearly 4 per cent of India’s population and about 7 per cent of its total land area. Assam, with a population of over 26.5 million, constitutes about 70 per cent of the total population in the region.

Assam is the hub of economic activity in the region and is linked to the rest of India by a narrow strip of land on the Bangladesh border

in the north. Migration of non-tribal population into the region has become an explosive political issue. The population growth in the region, over the last two decades, has been about 3.5 per cent as against the national average of 2.13 per cent. It was the highest in Nagaland (4.55 per cent), followed by Mizoram (3.4 per cent), Arunachal Pradesh (3.19 per cent), Tripura (2.99 per cent), Meghalaya (2.88 per cent), Manipur (2.6 per cent) and Assam (2.2 per cent). About 26 per cent of the total population of the region belong to a multitude of tribal communities (TDMS, 1995). The states of Arunachal Pradesh (63.7 per cent), Meghalaya (85.5 per cent), Mizoram (94.8 per cent) and Nagaland (87.7 per cent) are tribal majority states. In the former tribal majority state of Tripura, the tribal people today constitutes only 31 per cent of the total population as a result of a massive migration of non-tribal people from neighbouring Bangladesh (Subramanian, 2001). Poverty and unemployment, especially educated unemployment, are among the other major concerns in the region.

UNEMPLOYMENT

A rapid appraisal of the trends in employment and unemployment in the region conducted in the mid-1990s (Subramanian, 2000) revealed significant features. Open unemployment in Assam, with 5.62 per cent of the total labour force, was above the national average of 3.77 per cent. Incidence of unemployment among women was higher than the national average of 4.19 per cent in the states of Assam, Tripura and urban Nagaland. In Assam (26.5 million) and Tripura (3 million), open unemployment was the core of the problem. The proportion of the educated among the unemployed was 41.84 per cent in Assam, 90.70 per cent in Manipur, 39 per cent in Meghalaya, 86 per cent in Nagaland, 70 per cent in Tripura, 37 per cent in Arunachal Pradesh and 90 per cent in Mizoram. The share of women in total employment was static during 1978–88 at 28 per cent. Employment of women was mainly confined to the rural and unorganised sector. Growth rate of employment during 1981–91 is not available for Assam, Mizoram and Arunachal Pradesh. The figures were 1.76 per cent for Manipur, 2.17 per cent for Meghalaya, 6.23 per cent for Nagaland and 2.69 per cent for Tripura.

VIOLENCE

The historical background to the violent situation in this region is unique. The British kept the region effectively 'excluded' or 'partially excluded' from governance, creating a 'development lag'. The political violence in the region began after the induction of the Army into Nagaland in 1953, which intensified incipient insurgency. 'Development' was taken up seriously after the Chinese incursion of 1962. The insurgency in Nagaland, the oldest in the region, was followed by the insurgency in Mizoram. The states of Assam, Manipur, Tripura and Nagaland are now affected by active militancy. In the three other states of Mizoram, Arunachal Pradesh and Meghalaya, militancy is just below the surface. An active violent situation in Mizoram was resolved through negotiations in the mid-1980s. Insurgent elements from the other states, however, transit through these three states.

Prolonged neglect and a sense of injustice and alienation arising from legitimate human development concerns are behind the violent situation. The small number of elected Members of Parliament (MPs) from the region limits their political influence. A pervasive sense of crisis, alienation and loss of identity are the results. Human rights in the region are severely affected by the imposition of the Armed Forces (Special Powers) Act, 1958, in several states 'fully or partially' for long periods. The brevity of the Act is in contrast to the amplitude of the powers it provides to the armed forces. Human rights organisations hold that excessive militarisation and wide-ranging powers given to the armed forces are the main causes of discontent. The interference of central intelligence agencies in the operation of political processes in the region appears to be another factor (Dhar, 2005).

Discussions among women's groups highlighted many other issues (TDMS, 1995): livelihood and employment; violence and peace; human development; legal awareness; women's role in decision making; and health. The most important issues were violence and peace, and the health of women. The health status of the population was deplorable. Women's physical and mental health was marked by discrimination and disregard. Most women considered pain, fatigue and discomfort to be synonymous with womanhood.

Tripura, Meghalaya and Manipur have a sex ratio higher than the national average, while Assam, Mizoram, Arunachal Pradesh and Nagaland have figures below the national average. Women's inferior health status finds expression in female foeticide, infanticide, high mortality rate, lower life expectancy, lower literacy, higher morbidity and adverse sex ratio. Violence against women and children in this region is increasing steadily.

Field studies have revealed (TDMS, 1995) that the health infrastructure in all the north-eastern states has suffered as a result of violence. Manipur is, today, the most affected by HIV/AIDS, which is spreading rapidly in the other states. A study on Nagaland, conducted in 1994 by the Institute of Population Sciences, revealed that only 41 per cent of Naga women had heard about HIV/AIDS, even as the disease was spreading rapidly in the state. Women's organisations felt that health facilities and resources are misused or underused as a result of a situation of conflict.

Drug trafficking, money laundering and arms trafficking along with population migration aggravate conflict in the north-eastern states. While Bangladesh has the highest population density of 1,000 persons per sq km (ADB, 2001) in the world, the neighbouring north-eastern Indian states are thinly populated with porous borders. Political conflict leads to cross-border population movements. Tripura, once a tiny tribal-majority state (Subramanian, 2001), has been transformed by rapid migration from Bangladesh into a tribal-minority state, leading to ethnic violence.

Table 8.9 indicates higher levels of armed police and paramilitary police deployment (including India Reserve Police deployment) in the region as compared to civil police deployment, which aggravates the security scenario in the region. Similarly, Table 8.10 indicates the seriousness of the lack of security for the people of Nagaland, Manipur and Tripura in view of the number of violent incidents in these states.

The following is a fieldwork-based assessment of the impact of political violence on the human rights of the ordinary people of Manipur, Nagaland and Tripura. Some of the data are based on documentation by human rights agencies. This is supplemented by accounts provided by informed experts and discussions with ordinary people in the three states.

MANIPUR

Manipur is a strategic state bordering Nagaland, Assam and Mizoram towards the north and west. It has an extensive border with Myanmar to the east and south. The state has experienced political violence arising from the confrontation between armed opposition groups and government forces. This has led, among others, to serious violation, by both state and non-state agents, of the rights of ordinary people, including women and children (Subramanian, 2004a, 2004b).

In 1980, the whole of Manipur was declared a 'disturbed area' under the Armed Forces (Assam and Manipur Special Powers) Act, 1958. The Act confers broadly defined powers on government armed forces to shoot or kill. This law fosters a climate in which the agents of law enforcement can use excessive force with impunity. A pattern of apparently unlawful killings of suspected members of armed opposition groups has resulted from the systematic use of lethal force as an alternative to arrest by the security forces. Civilians, including women and children, have been among the victims. All children born after 1980 in the state have been innocent victims of a state of siege and have never known the meaning of peace. In 1997, the Supreme Court of India (SCI) upheld the validity of the law, but human right agencies hold that it violates Articles 6(1), 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Redress for victims of human rights violations, including a growing number of children, has, for many years, been impossible to obtain in Manipur, although the SCI had suggested a few measures of protection against human rights violations under the above-mentioned law. This state of affairs, like in other conflict-affected states of the region as well as in Jammu and Kashmir, fundamentally erodes the human rights of ordinary people guaranteed under the Constitution.

The population of Manipur (about 2 million) can be divided into two main groups, the Meiteis and the hill tribes. Most of the Meiteis live in the smaller valley area of the state, while the hill tribes live in the surrounding, much larger hilly areas. The hill tribes may be subdivided mainly into the Nagas and the Kuki-Chins or the Kuki-Mizos (together constituting 29 major tribes and 14 minor tribes). The Thangkul, the

Mao, the Maram, the Anal, the Kabui and the Maring belong to the Naga group, while the Hmar, the Paite, the Zou, the Thadow, the Gangte and the Simte belong to the Kuki-Mizo group. A large number of different groups of tribal people have also migrated, especially into the valley region of the state, from neighbouring states. Despite its small size and population, Manipur has a rich heritage of history and culture.

The state has eight districts (three in the valley and five in the hills), 30 administrative sub-divisions and 31 community/tribal development blocks. The districts in the valley are Jiribam, Thoubal and Bishnupur. The districts in the hills are Churachandpur, Chandel, Ukhrlul, Senapati and Tamenglong. The density of population is 579 per sq km in the valley and 34 per sq km in the hills. The Autonomous District Councils under the Indian Constitution administer the hill districts, while the decentralised Panchayati Raj Institutions (PRIs) have been set up in the valley region. The hill areas consist of a difficult terrain and are part of the Himalayan foothills extending into the Bay of Bengal. Rain-fed agriculture is the mainstay of the valley economy, while traditional shifting cultivation is more common in the hill areas. About 37 per cent of the nearly 2 million people are children up to 14 years of age.

The Meiteis, originally perhaps a tribal community, had constituted the ruling establishment in the former princely state of Manipur. Following their conversion to Hinduism in the 18th century and assimilation into the newly independent State of India in the late 1940s, the Meiteis were deprived of the benefits available to the tribals in the reservation policies adopted by the Government of India. The hill tribes, on the other hand, received such benefits. This led to a feeling of discrimination and generated bitterness on the part of the Meiteis, who were now transformed from being rulers into the ruled in Manipur. Moreover, historical memories of past glory and delay in the formation of the new state of Manipur (which came into existence only in 1972 as against Nagaland which became a full-fledged Indian state as early as 1963) added to the discontent. A militant revivalist movement premised on the state's return to its pre-Hindu identity arose, coupled with a demand for secession from India. Population growth and struggle for an adequate means of livelihood compounded the scenario. Electoral politics has led to endemic political instability and opportunistic alliances

in the government. The hill region inhabited by the Nagas and the Mizos has had it no better, given the background of militancy in neighbouring Nagaland and Mizoram. Manipur thus witnesses the spectacle of over 30 (major and minor) armed opposition groups operating against the government forces.

The United National Liberation Front (UNLF) of Manipur was founded in the 1960s by Samarendra Singh with the aim of achieving an independent, socialist state. A breakaway group led by O. Sudhir Kumar set up a government, while in exile in neighbouring East Pakistan (now Bangladesh), called the Revolutionary Government of Manipur (RGM), with the objective of liberating the state through armed struggle. Following the liberation war of Bangladesh in 1971, the Meitei secessionist groups received a setback. Some accepted the amnesty offered by the state government but others, led by N. Bisheswar Singh, went to China in 1975 to seek support. On his return in 1978, Bisheswar Singh set up the People's Liberation Army (PLA) to achieve independence by armed struggle. Other armed underground organisations also came into existence in the late 1970s and the early 1980s, such as the People's Revolutionary Party of Kangleipak (PREPAK) and the Kangleipak Communist Party (KCP). Militant activities were stepped up. The government enforced the Armed Forces (Special Powers) Act, 1958, in the valley. While some militant groups suffered temporary setback, the late 1980s witnessed a revival of Meitei militant groups, especially the PLA, which set up camps in Myanmar and Bangladesh. It also launched a campaign against social evils. Several Meitei militant groups espoused a pan-Mongoloid identity, rejected the Bengali script for the Manipuri language and revived practices of the old Meitei religion, Senamahi. A campaign was also launched against 'mayangs' (outsiders) settled in Manipur.

The Naga militant groups, mainly the National Socialist Council of Nagaland (Mivah group), remain strong in the hill region adjoining Nagaland inhabited by the Nagas. An ethnic conflict has erupted between the Nagas and Kukis mainly over the land issue but also embracing other issues. A number of Kuki militant groups have emerged, especially the Kuki Nationalist Army (KNA) and the Kuki National Front (KNF). Other groups such as the Paites, the Hmars and the

Vaipheis also launched identity-based struggles. Thus, the entire state has come to be divided along ethnic lines. Human rights violations perpetrated by these groups as well as by the armed forces of the government aggravate the distress of the common people, especially women and children.

The uninterrupted enforcement of the Armed Forces (Special Powers) Act, 1958, has profoundly compromised the implementation of the provisions of Convention on the Rights of the Child (CRC) in Manipur. Every person born after 1980 has lived under the jurisdiction of this law, which is considered abnormal in Indian law in addition to being contrary to international humanitarian law. Children have been witnesses, survivors and direct victims of the armed conflict between the State and the various armed opposition groups. Civilians, not engaged in armed conflict, have been frequent casualties and most of them are children and youth. Pre-school education, the responsibility of the Social Welfare Department, is affected by poor functioning of schools, especially in remote areas. Funds for teaching aids are disbursed infrequently. The right of the indigenous children to receive education in their own languages, to be familiar with their own histories and cultural values, has been denied. The violent political context, thus, affects the implementation of an entire range of educational, nutritional, health and other services. Funds earmarked for nutritional supplements have not been disbursed for many years.

It is difficult to imagine the situation of children who are born and have had to grow up in an atmosphere of escalating violence, terror and intimidation. Since 1992, ethnic clashes over the land question among different communities have led to families being rendered destitute and homeless. These clashes occur usually in the remote regions of the state where access to services is difficult. Displaced persons are housed in makeshift camps or have to take shelter with better-off members of the family in nearby towns. Children are the most badly affected. No general education or education on drugs, sexual health and other harmful practices are available to these children. Suicides among the adolescent and the youth are said to be increasing. Growing drug addiction, psychosocial problems, unemployment and lack of basic services characterise the overall child welfare scenario. Rapid increase

in child labour has also been witnessed. With easy availability of cash through child labour, children fall prey to drug abuse. The largest number of new drug addicts is said to be working children and juveniles.

HUMAN RIGHTS OF ORDINARY PEOPLE IN MANIPUR

Many specific cases of violation of human rights of children by the security forces in Manipur have been brought out by human rights agencies. Children are often the silent witnesses to appalling human rights violations in Manipur. In several incidents, children have been forced to witness their mothers being subjected to rape and sexual harassment by security forces.

We may mention a couple of incidents here. On 4 April 1998, a woman, Pramo Devi, was raped in Keirenphabi village. Army personnel, just outside the house where she was being raped, held her four-year-old son with a gun to his head. Similarly, an eight-year-old boy suffering from polio was forced to witness the rape of his mother, Ahanjaobi Devi, in the outskirts of Imphal, in August 1996. Children are also directly targeted by security forces and subjected to torture, 'disappearance' and extra-judicial execution. Young boys are often perceived by security forces to be supporters and future members of armed opposition groups, thereby denying them their childhood.

Armed opposition groups in Manipur are also responsible for subjecting children to human rights abuses. The ethnic conflict has claimed the lives of hundreds of children. Fighting between armed tribal and community groups such as Kuki, Meitei, Naga and Paite, in recent years, has left hundreds dead, including children and women. Security forces have been accused of failing to protect the communities from attacks. Steps are rarely taken to investigate incidents and bring the culprits to book.

Armed opposition groups have been active in Manipur since 1950s. The issue of self-determination for the Naga people in the state has become far more complex today. Other tribal and non-tribal groups have become engaged in conflicts and a faction-ridden armed opposition (organised on the basis of community affiliations and conflicting

demands for greater autonomy and self-determination) has emerged. Several factors including anger at economic underdevelopment, drug smuggling and corruption are at work. Abuse of human rights by government forces and by armed opposition groups is a feature of daily life. Intra-factional fighting among the opposition groups is common and political killings go on. The security problems arising from the activity of armed opposition groups are no doubt serious; and the obligation of government to defend itself and the citizens against violent attacks is accepted. But these facts do not absolve the government of its responsibility to protect the human rights of the children.

NAGALAND

Nagaland, an important state in the north-eastern region of India, is unique for its enduring conflict scenario, which has had a deeply damaging impact on the security, survival, development and of children and women (not to mention their health, education and nutrition). The conflict between the Indian government and the militants in this tribal-dominant state originated as soon as the Indian State came into existence in 1947 and has continued to this day, albeit in an attenuated form (Chasie, 2000). The circumstances leading to the induction of the Indian Army into Nagaland have been well brought out in some studies (Mullik, 1972; Rustomji, 1973, 1983).

The Naga people were never part of the Indian freedom struggle launched by the Indian nationalists. Historically, they enjoyed a separate identity even during British occupation of India. This experience, coupled with considerable Indian nationalist misunderstanding, is seen by many to be at the bottom of the trouble between the Indian government and the Naga people. The history of the conflict between the Indian government and the Naga movement for independence is a complex and tortuous one. Several factors have contributed to the persistence of the conflict even after the formation of an Indian state of Nagaland in 1963; the introduction of a democratic political set up in the state; and the holding of regular elections.

No comprehensive study has yet been done on the various impacts on ordinary people, including women and children, of the political

violence between the Indian government forces and elements of the armed Naga underground. However, anecdotal and journalistic accounts do reveal a serious picture (Subramanian, 2004a, 2004b). Women and children became the main victims when in the past, village after village was burnt down, concentration camps were set up, forced labour was imposed, and large-scale internal displacement of populations occurred along with everyday incidents of torture, rape and killings. Some specific features are:

1. Creation of a large number of young widows and orphans. Naga villages today are crowded with single mothers struggling to support their children.
2. Many of the women and children, themselves victims of violence, are burdened with other victims of torture, as dependents for life.
3. Rape victims are especially vulnerable, as they cannot marry again easily. In Naga society, women have no right to the ancestral property; so the victims of rape have to fend for themselves. Mental trauma is added on to the social stigma.
4. In Naga society, as elsewhere, women and children have no decision-making powers and have to accept and obey the decisions made by their men folk, by the clan, the village or the tribe.
5. They have to not only accept decisions made by others on their behalf but are also expected to produce supportive initiatives.
6. In this situation, children live in penury, except when a rich relative comes along to help them.

The Nagas comprise some 17 major tribes and over 20 sub-tribes and are spread over several states of the Northeast India and the neighbouring Myanmar. The major tribes include the Ao, Angami, Sema, Lotha, Thangkul, Konyak, Rengma and Mao. Each tribe and sub-tribe speaks its own language, as part of the Tibeto-Burmese group of languages. The Nagamese language, on the lines of Assamese (the language of the neighbouring Assam state), has emerged as the local lingua franca. The state has a population of about 1.2 million in a total population of

over 40 million in the region and an area of over 16,000 sq km in a total area of over 255,000 sq km. It has seven districts and 48 rural development blocks. About 88 per cent of the population is 'Scheduled Tribes', listed in the Constitution of India, with a literacy rate of over 61 per cent.

In 1947, Angami Zapu Phizo, the top leader of the Naga National Council (NNC), unfurled the banner of revolt against India. However, he was arrested along with his supporters in 1948. Upon release in 1949, Phizo became the president of the NNC. The NNC publicly resolved to establish a sovereign Naga state. In May 1951, it held a 'referendum' on the issue and claimed about 99 per cent support for Naga's independence from India. The 1952 general election was boycotted and a violent movement launched. In 1956, Phizo set up an underground Naga Federal Government (NFG) and the Naga Federal Army (NFA). The same year, a military crackdown by the Government of India took place. The Armed Forces (Special Powers) Act, 1958, was enforced in the state. However, Phizo escaped to the UK.

In 1963, Nagaland attained full statehood under the Indian Union. This was followed by a serious attempt by the Indian government to bring about a political settlement with the Naga underground. A Peace Mission in 1964 resulted in the suspension of military operations. Six rounds of talks between the government and the militants ended in failure and the Peace Mission was wound up in 1967. In 1972, the Government of India banned NNC, NFG and NFA as 'unlawful associations'. A massive military operation was followed by the resumption of dialogue. The Shillong Accord, as it was called, was signed in 1975. The NNC-NFG agreed to ratify the Indian Constitution and decided to lay down arms.

However, a section of the Naga underground, which had gone on a training mission to the People's Republic of China, repudiated the Shillong Accord and refused to lay down arms. A new underground organisation called the National Socialist Council of Nagaland (NSCN) under the leadership of T. Muivah, I.C. Swu and S.S. Khaplang was formed in Myanmar in 1980. The NSCN became the most powerful militant outfit in the region fighting for the Naga cause. As the Nagas have always been divided along clan and tribal lines—the rank and file of the NSCN came from the Konyak tribe and the Thangkuls

dominated the command structure—internal organisational divides emerged. Coupled with apprehensions among the Konyaks that the dominant Thangkuls were striking a deal with the Government of India, a vertical split took place in the NSCN in 1988. A breakaway Konyak faction led by K. Konyak and S.S. Khaplang, a Hemi Naga from Myanmar, emerged. I. C. Swu, a Sema from Nagaland, and T. Muivah, a Thangkul from Manipur, led the Thangkul faction. Severe inter-factional clashes, which followed, resulted in the killing of hundreds of activists of both factions.

With the death of Phizo in 1990, another split occurred in the NSCN. Phizo's daughter Adino, an Angami, and K. Nanthan, a Sema, set up rival factions. The latter joined the Muivah-led NSCN in 1996. The Government of India, under the Unlawful Activities (Prevention) Act, 1967, banned all factions of the NSCN. The NSCN (Muivah) has stressed that the Naga region was never part of India. The NSCN was thus not a 'secessionist' organisation.

Since 1997, a ceasefire and a peace process have been underway between the Government of India and the two main factions of the NSCN, the NSCN (Muivah) and the NSCN (Khaplang). Efforts are also on to extend the peace process to the other underground organisations in the region. The outcome remains to be seen.

The Naga struggle has as its prime motivating factor neither regional disparity nor uneven development, as elsewhere, but the idea of an independent Naga homeland in which the Naga 'way of life' could be preserved. Unlike other regions where ethnic movements may have arisen as a consequence of a skewed development process, historical and cultural factors played a big role in the Naga movement. At the time of Independence, the Nagas were not psychologically prepared to enter into a union with free India. The brutal military crackdown in the 1950s led to a prolonged human and social tragedy, widening the gap between India and the Naga people. The formation of a full-fledged state of Nagaland within the Indian Union in 1963 did not compensate for this tragedy and suffering. In its subsequent attempts to win over the Nagas, the Indian State has poured huge sums of money into the state in the name of development without always making adequate institutional arrangements for their proper utilisation. The benefits

failed to percolate to the masses but helped create and legitimise a political and business class with stakes in the Indian market and dependence on the Indian State.

The growth of market forces has won the battle for India in its struggle to retain Nagaland. The emergence of a vocal section of Naga society made up of the urbanised middle class does not favour secession from India today. However, the threat of secessionism continues to be a useful bargaining counter in the game of pan-Indian democracy.

HUMAN RIGHTS OF ORDINARY PEOPLE IN NAGALAND

In the absence of a comprehensive survey, we may briefly examine the experience of one village in the state to bring out the dimensions of the impact of conflict on women and children.

The village of Khonoma, not far from the state capital Kohima, gave birth to perhaps the greatest Naga leader of the modern times, Angami Zapu Phizo. It is estimated that nearly 70 men of the village, mainly in the age group of 25–45, were killed in the hostilities during 1956–75. Assuming that, on an average, each man killed left behind a young widow and three children (that is, four dependents in all) who had to eke out a living anyhow, a figure of 280 dependents emerges for the village. Even if one assumes a plot of land with each such family for its survival, the figure of 280 dependents is still too large for a single village to support. Multiply this by 1,056 villages in the state and the figure of dependents in the state comes to 95,680 (or 73,920 households). This figure corresponds only to the period 1956–75. However, the years following the Shillong Accord of 1975 (which was not accepted by some Naga groups) have seen further large-scale killings as a result of fratricidal blood-letting among the Naga underground factions that emerged.

One may briefly illustrate the impacts of all this on the Naga family structure as follows:

1. While the 'woman of the house' is highly regarded and is the mainstay of the traditional family economy, in the event of the sudden death of the husband, she has to shoulder the entire

- family burden, which reduces her life to one of hardship. Most of these women are young widows who receive some help from the clan. However, they feel bound to bring up their children in the way their late husbands would perhaps have liked.
2. The lack of a father affects the children in the pursuit of their deepest longings. They feel bound to respect their fathers' memories and their 'sacrifice' for the cause. They sometimes become rebels without a cause. They live by the memory of their fathers and begin to hold the Indian security forces their main enemy. Many young men, hardly in their teens, take to the gun and join the underground, thus entering a vicious cycle of killing and getting killed.
 3. After the fighting, some men find it necessary to go to work on land; others go to school; and still others remain illiterate.
 4. Internal displacement, resulting from the conflict, forces many to go and live in the jungle. They are unable to retain their traditional loyalty to their home village and become disoriented. Loss of the cultural ethos of the home village results in a sense of loss of identity.
 5. The struggle for survival after a life of conflict results in many becoming victims of diseases like beriberi, diarrhoea, hypoproteinaemia, water-borne diseases, typhoid swelling of the joints and vitamin deficiencies. Salt is difficult item to get for those forced to live in the jungle. Eating cold and uncooked food in order to not attract enemy attention, forces many to become victims of vitamin deficiencies.

The splintering of the underground organisations, which began in the 1980s leading to fratricidal killings, has had its distinct consequences. One estimate reports the loss of life as a result of the conflict during 1997–99 as 440, abductions as 211 and defections from one faction to another as 470. Another estimate places the figure of killings during 1990s at about 2,000. Assume two children per victim, which gives a total of 4,000 children soon growing up to 'take their place' in society. Many of those killed were potential leaders at the village, district and state levels. In a state with a total population of only about 1.2 million, can one estimate the loss of leadership potential this implies?

The dependents of those killed in the conflict during 1956–75 could somehow adjust to their loss and grief in the name of the ideology of freedom for which those lives were sacrificed. But those killed in the subsequent fratricidal fighting of the 1980s and after had no such ideological moorings to help cope with the aftermath of conflict. The collective anger of this and other sections of frustrated youths is a decisively negative force. Unable to work with their own hands on land, these kids either become ‘professional students’ occupying positions in student organisations or join some Naga faction and take to extortion for a living and get emotional satisfaction in their newfound ‘respectability’.

The worst victims, however, are the women and children who suffer silently and with dignity. Those who have already died ‘suffer no more’, but those who live, have to suffer ‘living death’. Some victim families fall back on ancestral land but this is not always sufficient to take care of their needs all the year round. They, therefore, have to rely on the collection of minor forest produce to eke out a living, or turn into daily wagers. Benefits of government projects do not always percolate down to the needy. However, a reassuring feature is that some of these kids do come up by their own effort and hard work and manage to outshine those who benefit from government patronage. The future of Naga society may well lie in the hands of these shining examples of self-help (Subramanian, 2004b).

Apart from Jammu and Kashmir, the process of nation building in India has met its severest challenge in the north-eastern region, especially in Nagaland. The British managed to maintain order in the Naga region with a single battalion of the Assam Rifles, but India has had to rely on several times that number to keep Nagaland within the Indian Union. The use of massive military force to subdue the Nagas in 1950s has resulted in a deep-rooted bitterness and distrust and has caused immense damage to the human resources of the Naga people, especially their women and children.

TRIPURA

Tripura is a hilly state in the north-eastern region of India spread over an area of 10,486 sq km. The state has a mix of hills, valleys and dense

forests. It is bounded by Bangladesh in the north, west and south and by the Indian states of Assam and Mizoram in the east. The maximum length of the state from north to south is 183.5 km and the maximum breadth from east to west is 122.7 km. The international border with Bangladesh is 832 km long. In 1991, the population of the state was 2.8 million, of which nearly 31 per cent constituted indigenous communities. Only 15 per cent of the population resides in urban areas. The economy is predominantly agricultural. Tripura was ruled by Tripuri maharajas for about 1,300 years. After partition of the Indian sub-continent, the state formally acceded to the Indian Union in 1949. It became a Union Territory in 1956 and was declared a full-fledged state in 1972. The early residents of the state practiced a self-sufficient subsistence economy. This century has seen a gradual shift towards settled agriculture. Industry is conspicuous by its absence. The government is the main employer.

Starting with one district and 10 sub-divisions, Tripura now has four districts, 15 sub-divisions and 29 development blocks. In tribal areas, the development activities are being decentralised through local self-governing institutions known as Panchayati Raj Institutions (PRIs) and Autonomous District Councils (ADCs). The two main groups of people who reside in the state are the Bengalis and the indigenous communities belonging to over 18 categories such as Tripuri, Reang, Jamatia, Noatia, Halam, Chakma, Mog, Kuki and Lushai.

Tripura, along with Manipur, Nagaland and Assam in the north-eastern region, faces the problem of an armed tribal militancy directed at the state government. More than half of the total area of the state has been declared 'disturbed' under the Armed Forces (Special Powers) Act, 1958. The administration is largely dominated by non-tribal interests and is seen as biased against tribals in the framing of policies and their implementation. An example often cited is the Dumbur Hydro-electric Project, which led to large-scale displacement of tribal families due to submergence of good tribal land for generating a few mega watts of electricity for urban areas with non-tribal concentrations. Anti-poverty programmes have not resulted in the reduction of tribal poverty. These factors have led to divisions among the state's inhabitants along tribal/non-tribal lines and the raising of issues of ethnicity, identity and

sub-nationalism by the tribal youth. The political framework within the state has not provided an effective platform for expression of these issues, and insurgent groups in neighbouring states have become role models for local tribal youth.

Migration, mainly of Bengalis, into Tripura can be traced to the period of British ascendancy in the region (late 19th century) and the moves in favour of modern judicial and administrative systems. The people with education and experience to administer these systems were outsiders from the neighbouring province of Bengal, who were encouraged to settle in the state through preferential access to land and senior posts in government. The initial influx of outsiders was followed by a deluge at the time of India's partition in 1947 and again in 1971 with steady streams in between, which continues even today. As a result, a tribal majority state has been transformed into a tribal minority state (Bhattacharyya, 1999; Deb Barma, 1986; Subramanian, 2001, 2003).

Most commentators identify land alienation as the root cause of unrest among indigenous communities in Tripura. Alienation has resulted because of the influx of immigrants from erstwhile East Pakistan (now Bangladesh) since 1947. It is estimated that a total number of 6,09,998 people migrated into Tripura between 1947 and 1971. This resulted in less land being available to tribals for cultivation, and in the indebtedness of tribal people to moneylenders and traders.

The former princely rulers of Tripura had constituted Tribal Reserved Areas within the state under Tribal Reserve Orders of 1931 and 1941 for settlement of five specified tribes. These areas covered 42 per cent of the total area of the state. Transfer of land to persons other than members of these indigenous communities was banned. However, with the heavy influx of immigrants after the merger of Tripura into the Indian Union, no immediate measures were taken to protect the interests of the tribals. On the contrary, an area of 2012.43 sq km was de-reserved in 1948 with a view to increase the land revenue and to solve the rehabilitation problem that the state faced after partition.

It was only in 1960 that the Tripura Land Revenue and Land Reforms Act was brought into force. The Act imposed restrictions on transfer of land from tribals to non-tribals. It was first amended in 1974 to provide for restoration of illegally transferred land. In reality, land alienation

is known to be more widespread than as revealed by official statistics. The rural tribal people in general have little knowledge of the intricate process of litigation. Approaching the courts for redress is also beyond their economic capacity. In order to protect the interests of the tribal people, the Autonomous District Council and Village Councils were set up in 1982 under the Sixth Schedule of the Constitution.

As a result of the demographic upheaval, a new agrarian structure emerged. The immigration of Bengalis and their settlement in Tripura slowly replaced the tribal communal mode of production with one based on private ownership of land. The migration of Bengali peasants increased the area of settled agriculture. The authorities discouraged the tribals from practicing shifting cultivation and increased the area of reserved forest in the state. The resulting sharp fall in the area available for shifting cultivation plus the continued unproductive cultivation of the same old lands for years exposed the tribals to exploitation by moneylenders and businessmen. This opened the floodgates for the transfer of tribal lands to non-tribals, which became the most potent cause of ethnic conflict. The developing rural stratification also led to increase in the agricultural labour force.

The demographic and socio-economic changes gave rise to a complex interplay of class and ethnicity. While the scope for class-based political mobilisation of Bengali and tribal poor increased, the dramatic growth in the Bengali population and the diminution of the tribal population gave rise to an anti-Bengali Tripuri ethnic consciousness. Since the 1940s, a series of ethnic movements emerged to articulate the tribal cause. Moreover, the limited expansion of employment opportunities in the 1940s created a new group of educated tribal youths discontented over denial of posts in administration. The princely state had preferred the employment of Bengalis. Tribal youth organisations emerged and they served as a vehicle for the development of Tripuri nationalism and communism.

The discontent among the tribes with the communists' inability to comprehend the nationality issue in the framework of class analysis led to increasing dissident activity. In 1967, a new tribal youth organisation, the Tripura Upajati Juba Samithi (TUJS), was formed. It demanded, among other things, the introduction of an autonomous district council for the tribal people, the recognition of Kok Borok, the indigenous

language, as an official language, and the restoration of tribal lands alienated to non-tribals. In 1977, the TUJS became an electoral force to reckon with. It did well in the elections of 1982 and 1985 for the Tribal Autonomous District Council (formed in 1979). Later on, the TUJS provided impetus to the formation of a guerilla group called Tripura National Volunteers (TNV), headed by Bijoy Hrangkhal, which became the fountainhead of the two main militant groups operating in Tripura today: the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT). The setting up of the Tribal Autonomous District Council resulted in an anti-tribal uprising in 1980, in which over 2,000 persons (mainly tribals) were killed. In the subsequent period, despite the strengthening of the Tribal Autonomous District Council to empower the tribals, tribal discontent has not been assuaged, mainly on account of political failures. Recent years have seen an increasing number of violent incidents such as killings, kidnappings for ransom and so on, perpetrated by various militant outfits. The Government of India has had to deploy hundreds of Central military and paramilitary units in the state.

The two main national political parties, the Indian National Congress (INC) and the Communist Party of India (Marxist), which have formed successive governments in Tripura since 1972, have been largely ineffective in addressing the basic issues behind the tribal protest in the state.

HUMAN RIGHTS OF ORDINARY PEOPLE IN TRIPURA

There is a serious paucity of information and analysis on the status of children affected by conflict in Tripura. The conflict situation, briefly analysed above, has been around for quite a while. Many studies are available on its nature and causes. However, no report exists with regard to its impact on women and children. The Social Welfare Department of the state is yet to undertake a serious study.

During a brief visit, the following insights could be gathered:

1. The high points of the conflict saw large-scale burning of houses and other dwelling units, resulting in serious displacement and

dislocation of people, especially women and children. Children have had to be put up in makeshift camps for long periods, which adversely affected their schooling, food security, health and so on.

2. The children of the indigenous communities, always neglected, have been very badly affected.
3. The psychological and economic impacts have been significant. Field-level studies are needed to assess the situation.
4. Cerebral malaria is a major affliction among women and children. The armed conflict situation prevents access to medical care.

The central paramilitary forces deployed in the state have recently launched a community action programme, which includes visits by medical and paramedical staff, which has been welcomed, especially in interior tribal habitations. However, many tribal habitations are inaccessible by medical and paramedical teams due to the rough terrain as well as adverse security scenario.

Tripura is the only state in the Northeast where the indigenous tribal people, once the majority population, have been reduced to a minority as a result of massive influx of refugees from across the international border with Bangladesh. The indigenous people, who accounted for 95 per cent of the population in the 1931 Census, were a mere 31 per cent in the 1991 Census. In addition to land control and monopoly of trade and business, the immigrants also dominate government jobs. The conflict situation, relating basically to the land issue, has persisted since the 1940s. Demographic and political forces have further conspired to thrust political power into the hands of the non-tribal immigrants. The aggravated disadvantage lends a sharper edge to the ongoing indigenous communities' militancy. These developments have had their adverse impact on women and children. There is a particular need and scope for a comprehensive study of this impact.

The people of Tripura have been geographically, politically and culturally affected by insensitive governments, lopsided development, opportunities lost to the migrant majority, and the brutality they have faced at the hands of the police, paramilitary and armed forces, whose presence and powers have only grown with the passage of time. The all-pervading

powers of the armed forces are the outcome of the provisions of the special security legislations imposed on the state.

This chapter has attempted a brief elucidation of political violence in selected states of the north-eastern region together with the role of the administrative, police and paramilitary agencies in the context of the human rights of ordinary people, especially women and children. Our narrative has been indicative rather than exhaustive. A more detailed and comprehensive study covering all the states in the region would be needed to bring out the full impact of the violent situation on the human rights of ordinary people.

Conclusion

We began this study with a survey of the patterns and trends of violence in Indian society today, and examined the nature of the official response at the local and national levels. We looked at the crisis of the Indian police system including the central police organisations such as the Intelligence Bureau (IB), the Central Paramilitary Forces (CPFs) and the Union Ministry of Home Affairs (MHA). We looked at what the MHA can possibly do in response to the challenge of Naxalite violence, which is essentially a response to the violence of the development process and the violence of the upper castes and classes. We analysed the violence against the dalits and the adivasis as a case of betrayal of the social justice concerns embodied in the Constitution. Police partisanship in the Gujarat carnage, 2002, was seen as a major issue in the professionalisation of the police forces in the country. Finally, a preliminary assessment of the human impact of violence on women and children in the Northeast was attempted.

We may now try to assess the main issues arising out of this discussion, with a view to drawing some conclusions and recommendations.

NATIONAL COMMISSION ON VIOLENCE

The Government of India must pay serious attention to the findings of the latest Human Development Report of the UNDP (2005) which has focused on 'International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World', with a separate chapter on 'Violent Conflict—Bringing the Real Threat into Focus'. The Report calls for a new definition of security, since a narrow definition focused on the threat from terrorism encourages military responses that fail to achieve collective security. A new framework must take into account the fact

that poverty, social breakdown and civil conflict are today the core components of the global security threat.

There is an all-too-easy tendency to take a law-and-order view of the problem. 'Public order' and 'police' are state subjects in the Indian Constitution and it is the primary responsibility of state governments to take steps to contain violence and crime. However, 'political violence', as analysed in this study, is not just a matter of crime or law and order, to be handled by the police agency at the state level. Political violence in India today is a national issue that calls for a national response. The nodal ministry for formulating a response is undoubtedly the MHA. Phenomena of violence, such as the Naxalite movement, the violence against the dalits and the adivasis, the violence against the religious minority communities, the violence in the Northeast, Jammu and Kashmir, and so on, are national challenges and must be dealt with accordingly. The MHA must come out with a policy statement and place it before the Parliament and the people.

The MHA commands enormous powers, resources and manpower to help state governments deal with conflict situations. The IB, attached to the Ministry, has the resources and the manpower to gather information on conflict situations across the country, analyse them and put up reports to the policymakers for necessary action. The large number of CPFs under the control of the Ministry can be despatched at short notice at the request of state governments for local law and order duties anywhere in the country. Further, the MHA makes available to the state governments substantial financial resources for the modernisation of their police forces. The Central Government thus becomes, in practice though not in theory, the leading agency in law and order management across the country.

The discussion on the patterns of violence in Chapter 1 of this study was indicative rather than exhaustive. There is an inexplicable reluctance on the part of scholars and policymakers in India to go into the phenomenon of violence in a comprehensive manner notwithstanding a surfeit of retail discussion and analysis. No typology of violence in the country exists, although some scholarly attempts have been made. An unexamined assumption holds the field that violence in society is an inevitable outcome of development processes and will go down when development

has taken place. It is not appreciated that development and violence are two sides of the same coin and that violence is fast becoming, if it already has not, an autonomous phenomenon with a life of its own, with many beneficiaries and stakeholders profiting from it.

There is therefore a need and scope for the setting up of a National Commission on Violence in India on the lines of the one set up in the United States after the assassination of John F. Kennedy and Martin Luther King, Jr (Curtis, 1985). The members of the Commission should be non-partisan public men, social activists and scholars with an established reputation in the study of violence. Two prime ministers have been assassinated in India and there is a curious reluctance even to discuss the subject.

REVISED STRATEGY ON NAXALISM

The subaltern historians led by Ranajit Guha have argued, on the basis of extensive evidence, that the freedom struggle brought about a split in the domain of politics between elite and subaltern politics. The Gandhian intervention with its distinctively peasant character came to the assistance of the elite politicians in seizing power from the British in what was termed a 'passive revolution' (Chatterjee, 1999). After the departure of Gandhi, the ruling elite have ignored his teachings and have proceeded to build a capitalist society as per the wishes of their own heart. In the absence of a Gandhian leavening of the Nehruvian vision, the agency of the peasantry in nation-building tasks has been ignored. The 'dominance without hegemony' (Guha, 1998), which characterised British rule, continued unchanged though under a democratic visage.

Further, in 1947, the new Indian rulers, representing the emergent bourgeoisie, did not restructure the inherited State machinery led by the imperial bureaucracy and the police to suit the constitutional imperatives adumbrated in the Preamble and the Directive Principles of State Policy. The new Indian rulers, on the other hand, were 'enamoured' by the State machinery left behind by the British and continued to rule with it and through it (Gupta, 1988). The Naxalite movement, which emerged in the late 1960s, articulated for the first time in independent India the militancy of the rural poor over their unfulfilled

demands expressed clearly during the freedom struggle in their own unique ways.

The Naxalite movement of the late 1960s was as much a challenge to the Government as it was to the leaders of civil society (Guha, 2000). By then, the liberal democratic Indian State founded by Nehru had lost much of its momentum. Nehru's successor Indira Gandhi had to suspend democracy and impose Emergency to retain her personal power with the help of the selfsame bureaucracy and the police (1975–77). This strengthened disillusionment over 'growth with social justice', a slogan popularised by the rulers. The restoration of democracy through public action in 1977 was only a partial relief. Indira Gandhi, returning to power in 1980, struggled to retain power by desperate manoeuvres and compromises with communal elements. Her successors, Rajiv Gandhi and Narasimha Rao, by their own further compromises with communal forces, opened the way for the capture of State power by communal fascist forces in the late 1990s. Renewed popular intervention through democratic elections in 2004 resulted in a restoration of the Congress regime, now led by Prime Minister Manmohan Singh, surviving in office with the support of political parties on the Left.

The National Common Minimum Programme (NCMP) adopted in 2004 by the United Progressive Alliance (UPA) government has stated in the section on 'Scheduled Castes and Tribes' that the problem of 'extremist' violence and 'terrorism' in many states is a socio-economic issue and the government would deal with it more meaningfully than in the past, ruling out 'false encounters' by the police.

The annual report of the Ministry of Home Affairs for the year 2005–06 makes no reference to the NCMP on the issue of extremist violence. The policies formulated in this report with regard to Naxalite militancy are markedly similar to those of previous governments and would tend to encourage 'encounter killings' by the police to solve the 'extremist' problem. The Manmohan Singh government has not announced its Police Policy. The Prime Minister's declaration, at the meeting in April 2006 of the Standing Committee of Chief Ministers of Naxalite-affected states, that the Naxalite issue constituted the most important 'national security threat' is out of tune with the policy pronouncement made in the NCMP. Though he mentioned the socio-economic

dimension in passing, he stressed the law-and-order dimension. The current policy of raising more and more paramilitary forces to strengthen the muscle of the Indian police at the state and Central levels to deal with social justice issues is 'politically juvenile' as perceived by a perceptive observer (Balagopal, 2006), who is also critical of the policies and postures of the Naxalites. Strong-arm police measures in the past have ended up hurting the large mass of the rural poor whose interests, the government claims, form the core of its policies.

The Union Home Ministry should study Naxalite violence in juxtaposition to the increasing violence against the dalits and the adivasis documented by official agencies themselves. The socio-economic context of the increasing 'atrocities' against the dalits and the adivasis must be explored comprehensively with the participation of the National Commissions for the Scheduled Castes and Tribes, and the ministries in charge of social justice, empowerment and tribal affairs. The present analysis based on partial information from police sources is inadequate for policy formulation.

The numerous and large-scale industrial, irrigation and infrastructure projects drawn up by the government are leading to massive disorganisation, displacement and destitution of the dalits and the adivasis constituting together over a quarter of the Indian population. The newly set up National Integration Council must be empowered to conduct comprehensive studies on related issues for discussion and action by the government.

Naxalism must be fought at three levels: political, penological and administrative. First, Naxalite ideology must be responded to politically by political parties including especially the Left parties who are already making useful interventions. Second, the criminal actions of the Naxalites must be fought under the criminal and the human rights laws; the enactment of the Protection of Human Rights Act, 1993, has made human rights one of the fundamental laws of the land, which informs all other laws. Third, the social base of the Naxalites springs from exploitation, injustice and inequality in society and from the inappropriate development policies, which hurt dalits and adivasis, resulting in their displacement, disorganisation and destitution. Development policy must thus be restructured. Implementation of existing policies and

programmes for the dalits and the adivasis must carry conviction and deliver results on the ground. Rule of law is supreme and no attempt to undermine it in the name of addressing the problem of terrorism must be permitted. Once the rule of law is abandoned or compromised with, then there is no difference between the violence of the Naxalites and the violence of the forces of law and order. The law of the jungle will take over, as is already happening in several parts of the country.

Naxalite violence is an outcome of the failures of the development policy to address the concerns of the weaker sections of society in tune with the imperatives of the Constitution embodied in the Preamble and the Directive Principles of State Policy (Brass, 2006; Roy, 2006). These failures have led to a crisis of legitimacy of the Indian State.

VIOLENCE AGAINST THE DALITS AND THE ADIVASIS

Naxalite violence is a form of retaliatory violence against the violence perpetrated against the dalits and the adivasis. There has been a major spurt in violence against the adivasis in the central tribal belt of Madhya Pradesh and Chhattisgarh, as brought out in Chapter 6. This violence must be juxtaposed against the Naxalite violence and appropriate steps be taken to deal with it. Further, the official discourse on Naxalite violence makes no mention of the fact that with respect to the Scheduled Tribal Areas there are special provisions in the Schedule V of the Constitution. The governors of the states with Scheduled Areas inhabited by the tribal people are required to report to the President of India periodically on the welfare and development of the Scheduled Tribes. These reports are perfunctorily written and superficially treated. The former Commissioner for the Scheduled Castes and Tribes has brought out the systematic violation of the provisions of Schedule V of the Constitution, which is going on (Sharma, 2001). Further, while the subject of Naxalite violence is being handled in the Union Home Ministry, the related issue of violence against the dalits and the adivasis is being addressed in isolation from Naxalite violence, in the Ministries of Social Justice and Empowerment and Tribal Affairs. This is untenable and produces a distorted understanding of both types of violence, which must be studied together as in the past.

CONTAINING COMMUNAL VIOLENCE

The communal mobilisation of the 1990s—which led up to the demolition of the Babri Masjid in 1992 (see Dhar, 2005; Godbole, 1996, 2006), the Mumbai violence of 1992–93 and the Gujarat carnage of 2002, which witnessed the active participation of the police in the violence against the minority community—reinforces the urgent necessity of adequate policy analysis and action by the Central Government on stopping communal violence. A large number of official commissions have made recommendations on communal violence, which remain neglected. India has become a land of ‘sins of omissions and commissions’ (Baxi, 1994b). Violence of unprecedented ferocity was deliberately allowed to be perpetrated against the country’s major minority group in Gujarat in 2002 by those in political authority, as has by now been well documented. Impunity reigns supreme. This further contributes to the crisis of legitimacy of the Indian State. ‘Institutionalised riot systems’ are said to exist at specific sites of communal tensions and operate with impunity at critical times. Many benefit from the violence, which is organised and carried out methodically and systematically according to preconceived plans, as happened in Gujarat, 2002 (Brass, 2003). The Concerned Citizens’ Tribunal on Gujarat, 2002, led by a former Judge of the Supreme Court has submitted a three-volume report affixing responsibility for the violence on particular persons in authority. The victims of violence are yet to receive adequate recompense.

In the context of communal violence, the criminal justice system has virtually ceased to exist in large parts of the country, though some notable actions have been initiated at the instance of the Supreme Court of India and the National Human Rights Commission (NHRC). The law on mass violence now proposed by the present Congress government, even with the additional provisions recommended by legal experts and activists (Setalvad, 2005a, 2005b), will not compensate for the massive infliction of violence and injustice on innocents in the Gujarat violence of 2002. The proposed law could turn out to be worse than the disease it seeks to cure in the absence of the much-needed reforms in the criminal justice system (Raman, 2005). Even the effective implementation of the existing laws could go a long way, but politicians on the lookout for electoral gains hinder this process (Bhushan, 2005).

BOTTOM-UP POLICE REFORMS

A massive organisational, managerial and policy crisis afflicts the Indian police system. This was brought out as early as the late 1970s in the eight-volume recommendations of the official National Police Commission (1979–81). It has been confirmed in studies by independent scholars (A. Verma, 2005; Rajgopal, 1987, 1988). The recent response of the Government of India in setting up the Police Act Drafting Committee (PADC) is a case of too little, too late. Not just the Police Act of 1861 but the entire paramilitary police structure needs to be revamped. The penal laws must be altered to enshrine human rights as the core of the legal edifice of the country. It is noteworthy that the PADC does not include a single woman as a member, especially at a time when violence against women is becoming a prominent feature of violence in society. The figures from the Northeast documented in official reports themselves are telling (GOI, 2002).

A key aspect of police reforms is that it must begin at the bottom. Over 90 per cent of policemen are constables and head constables. The colonial Police Commission of 1902 had averred that the ‘duties of a constable should be of a mechanical character’ and that ‘duties requiring discretion and judgement’ should not be entrusted to them. Police recruits imbibed an elementary knowledge of colonial law from the ‘Constable’s Catechism’ and were not expected to have an intelligent understanding of their responsibilities. The end of colonial rule in 1947 did not change the role of the constable nor did it reduce their predatory disposition towards the people. A ‘despised minority’ because of its predatory disposition and tendency to violate human rights, the constabulary still remains an exploited majority in the police hierarchy. The National Police Commission in its very first volume (1979–81) made recommendations relating to the constabulary, which have been ignored.

The Police Act 1861 still embodies the basic philosophy of the Indian police. Its primary focus is to contain trouble after it occurs, whether it be mob violence or individual criminality (Bayley, 1971). It is reactive in dealing with situations except when it is subject to ‘extraneous’ influences. The contact between policemen and citizens mainly involves actual or implied enforcement of the law; non-enforcement mediation,

not involving criminal sanctions, does not often occur. The requirement of maintaining public order and collecting political intelligence of concern to the security of the State continue to be the prime preoccupation.

Other 'structural anomalies and incongruities' at the level of subordinate police officers have been highlighted (Misra, 1977). More recent suggestions are related to technology, training and appropriate research (A. Verma, 2005). The United States has a highly decentralised, autonomous police structure (Raghavan, 1999). India, with its decentralised Panchayati Raj Institutions, needs to have a police structure suited to such a structure.

The Rotten Criminal Justice System

According to the NHRC findings, some 60 per cent of all the arrests made by the police are unnecessary and unjustifiable. The power to arrest is a major source of corruption. Extra-judicial killings, summary executions and false encounters are an established pattern. Atrocities on the dalits, the minorities and women have increased. In a major state in the country, a dalit woman is raped every 60 hours; an offence under the Indian Penal Code (other than murder, rape, arson and grievous hurt) takes place every four hours; a dalit is murdered every nine days; a dalit house or property suffers an arson attack every five days; and yet the chances of the perpetrators being punished are low, given the massive bias the police have against the rural poor. Conviction rates are as low as 3 per cent.

Police training, a key issue, remains neglected. I participated as a resource person at a training programme on 'Social Tensions' at the National Institute of Rural Development, Hyderabad, back in the mid-1990s. A few surrendered Naxalites had also been invited to participate and share their experiences. They began by describing their experience of police torture. As the descriptions became more and more graphic and painful to hear, the atmosphere in the training venue became tense and uncomfortable. Suddenly and unexpectedly, a participating senior woman police officer and faculty member from the nearby National Police Academy burst out loudly at these Naxalites: 'When I hear you people talk, I wish I had brought my revolver!' The training session came to an abrupt end. At tea, the lady police official explained that she was doing her duty as a police officer and hated to see her service defamed by the 'anti-national elements' that the Naxalites were!

Visiting India after the Emergency, David Bayley had found that policing was transformed from the professional imposition of a coherent moral consensus into an intensely political activity (1983). The police had become deeply involved in partisan politics: they were preoccupied with it; penetrated by it; and were participating in it individually and collectively. The situation has become worse today when bitter political divisions and struggle for power among political parties are the norm.

INTELLIGENCE REFORMS

The memoirs of a former Director of the IB (Mullik, 1971a, 1971b, 1972) covering the period 1947–64 and those of another former senior IB official (Dhar, 2005), covering the period 1968–95, leave no doubt as to the need to depoliticise the IB, the premier intelligence agency of the country. It has remained what it used to be under the British except that its masters are now Indians. Stella Rimington, former Director General of MI5 who has written her memoirs (2002), provides an insight into the apolitical work of the MI5 as compared to the unabashedly political work done by the IB in India, as emerging from the reports by Mullik and Dhar. Unlike these two men, Rimington was not even a police officer but a civilian and a woman who began working for the MI5, while being in the British High Commission, New Delhi, with her husband. She later joined the agency on a regular basis. Sheer merit and hard work took her to the top of the MI5. Such a thing can never happen in the IB: a non-police person, that too a woman, reaching the top of the organisational pyramid! Rimington's book should be a model for aspiring authors in the IB, which is in urgent need of restructuring, with a regular legal framework and charter of duties. The MI5 is a potential role model.

GROUP OF MINISTERS

The report of the Group of Ministers (GOM) set up after the Kargil disaster to revamp the national security system (NSCS, 2001) has entirely deleted Chapter III (pages 16–40) dealing with the Intelligence

Apparatus. This is in sharp contradiction to the need for transparency. In contrast, MI5 in the United Kingdom has published a full document titled *MI5: The Secret Service (Second Edition)*, which gives a detailed account of the work of the MI5, including its budget (HMSO, 1996). It underlines the supremacy of the rule of law in the functioning of the organisation and its strict prohibition from partisan political activity of any kind. It provides details of the mechanisms that exist to ensure parliamentary oversight. Democratic India must learn a lesson from the United Kingdom in this regard.

The GOM report hints at the failure of the intelligence agencies to provide timely operational intelligence (*ibid.*: 45). Though pruned on security grounds, the report gives the reader a clear indication of the parlous state of affairs of the national security system.

REFORM OF THE MHA

A major information gap exists in the MHA in relation to even basic, reliable information on political violence. The Ministry's main sources of official information are the IB and the state governments. However, the information provided by these agencies is often incomplete or self-serving or both, and can by no means be fully relied upon to formulate policy responses. This study has provided examples of the information gap that exists in the Ministry. Press reports are more informative, but are not relied upon for making statements in Parliament or elsewhere. The Ministry must develop its own independent institutional mechanisms for information gathering and analysis.

Former Home Secretary L.P. Singh, realising this inadequacy, set up the Research and Policy Division (R&P Division) in 1967. The emergence of the Naxalite movement saw the Division prepare an acclaimed report on the subject. However, since information is power, resistance to the existence of the R&P Division was strong and persistent. Its institutionalisation became a problem. Eventually, the Division had to be wound up. What exists as the Policy Planning Division in the Ministry today is a pale shadow of its former self, dealing only with 'counter-terrorism'.

The recent experience of Maoist violence in Chhattisgarh highlights the information gap in the Ministry. While the intelligence reports on the

situation in the state focus exclusively on the law and order and security angles, the reports emanating from concerned citizens, former civil servants and journalists tell a different tale from the perspective of the victims of violence. The government's response is essentially guided by classified intelligence reports. A more realistic appraisal is possible only if the MHA creates its own sources of information rather than depending exclusively on the reports of the IB.

Former Home Secretary Srinivasavaradan (1992) had suggested that considering the multiplicity and complexity of the social conflicts emerging in the country and given the inadequacy of the existing information base in the government, the MHA should consider setting up interdisciplinary study-cum-action groups of scholars, civil servants and social activists to go into conflict situations and produce reports for the government. The priority given to peace and order at the cost of law and justice has led to the re-emergence of a crisis situation in the MHA.

ROLE OF THE CENTRAL PARAMILITARY FORCES

The rapid growth of the central paramilitary forces, especially after the 1980s, and their increasing use, albeit at the request of state governments, in local conflict management, raises important issues. This role of the CPFs has never been adequately analysed in the context of the federal imperatives of governance in India (Majeed, 2005; Mitra, 2006; Smith, 1995). These forces were created for specific purposes, but are increasingly utilised for law and order management in every corner of the country to the neglect of their originally envisaged duties. The men are moved rapidly from one location to another for law and order and election duties, ignoring the implications for their discipline, morale, professionalism and commitment to duty.

The police strike of the late 1970s, which affected the state and CPFs, centred on genuine grievances. The strike was suppressed by the use of military force, with pitched battles in some cases between the paramilitary police and the army. The Gujarat police strike of 1985 was a grim warning, which prepared the ground for its large-scale politicisation in the subsequent period.

The GOM expressed concern over the manner in which the CPFs were diverted for 'prolonged deployment on a variety of duties other than those for which they were raised'. This affected their training and recuperation schedules. The Group recommended that each paramilitary force should revert to its original role. Further, decisions on the extent of enlargement of individual CPFs should be based on a 'clearly spelt out future role and responsibility for each force' (NSCS; 2001: 50), with the objective of entrusting internal security (IS) and counter-insurgency (CI) duties entirely to the CPFs and the Rashtriya Rifles (RR), thus releasing the army from these duties. The Central Reserve Police Force (CRPF) should continue to function as 'striking reserve' and should be used only for operational duties and not for static guard duties or VIP duties. A well-considered plan would have to be worked out by the MHA to enlarge, upgrade, and equip and train the CRPF for counter-insurgency duties. The Rapid Action Force (RAF), which is part of the CRPF, should be used for emergency law and order duties (*ibid.*: 51).

VIOLENCE IN THE NORTHEAST

For decades, the north-eastern states have experienced ethnic conflict and suffered human and material losses due to ethnic conflict and counter-insurgency operations. The political meaning and significance of persisting violence in the region need to be understood by ignoring intelligence reports and reading the scholarly analyses produced by informed experts (Baruah, 2005). Prolonged counter-insurgency operations have eroded the democratic fabric of the region and institutionalised authoritarian practices. The media carries frequent reports of alleged brutality by security forces and private militias, and of popular protest against such brutality. The human rights record of the security agencies in the region is a cause for concern. The Armed Forces (Special Powers) Act, 1958, specially designed for the Northeast, and later extended elsewhere, remains in force despite popular protests.

The number of private militias in the Northeast is quite large. According to one count, Manipur tops the list with 35; followed by Assam 34; Tripura 30; Nagaland four and Meghalaya three (ICM, 2002).

Given the ‘cosmetic federal regional order’, the ethnic ties in the Northeast do not always coincide with state boundaries since these boundaries are shaped by a political logic. The salience of ethnicity in the politics of the region—ethnic agendas, ethnic militias and ethnic violence—is not simply a passive reflection of its peculiar ethnoscape, but is the result of a symbiotic relationship between State and society (Baruah, 2005). Counter-insurgency in the region has meant *de facto* suspension of the rule of law, which tolerates taxation by militias and allows substantial leakage of funds meant for development. ‘Counter-insurgency constitutionalism’ permits the official indulgence of corruption by senior politicians in exchange for supporting harsh methods of counter insurgency. A *de facto* structure of governance, directly controlled from New Delhi, manages the counter-insurgency operations much like in the case of Jammu and Kashmir. The apex decision-making node is the Union Home Ministry. The operational node on the ground consists of the Indian Army and other military, police and intelligence agencies controlled by the Central and state governments. This apparatus also involves limited participation by the political executives of the insurgency-affected states. Elected state governments under India’s federal structure can always be dismissed in certain situations of instability. The operations of the central intelligence agencies in the region (Dhar, 2005) are also calculated to lead to the decline of democracy.

DEMOCRATIC GOVERNANCE, DEVELOPMENT, POLITICAL VIOLENCE

The linkages between democratic governance, development and political violence in India have been variously theorised (Frankel and Rao, 1990; Kohli, 1990; Kothari, 1970, 1989; Rudolph and Rodolph, 1987). A powerful critique maintains that Western political science remains ideologically complicit in the developmental project of the Indian elite and has failed to create an independent basis for a critique by focusing on the contradictions of development in India (Brass, 2006).

Partha Chatterjee (1998, 2004) has brought the concepts of passive revolution, political society and governmentality to the study of State–society relations in India. The nationalist elite attained political power

in a process of struggle, which at the same time involved a compromise. The governmental technologies of the colonial State had already brought within their reach large sections of the population as targets of State policy. The Gandhian intervention had led to the emergence of political society, which became the site for the mediation between the population and the State. The forms and methods of mobilisation and participation in political society are not always the same as in civil society.

In post-colonial India, the developmental State is the main instrumental form of the mediation between the population and the State. Democracy is the mobilisational form through which political society (parties, movements and non-party political formations) places popular demands on the agenda of the developmental State. The Nehru era brought the domains of sovereignty (the discourse of rights) and governmentality (the discourse of policy) into the political arena of the nation-state. The project of modernisation progressed, but the democratic process was controlled within acceptable limits of elite domination.

The Indira Gandhi era witnessed centralisation of governmental functions under a politicised bureaucracy and fragmentation of political society by newly mobilised groups, which placed demands upon the developmental State using the language of rights and self-representation. As these tendencies became stronger, the issue arose of a choice between the demands of modernity and the compulsions of democracy. The newly mobilised groups often make instrumental use of the power to vote in elections, causing an overlap between the realms of governmentality and citizenship. Such strategic politics involves a constantly shifting compromise between the normative values of modernity and the moral assertions of popular demands. The rising notion of governmental performance has given a distinct form to political society and widened the area of political mobilisation through informal structures. The project of modernity and of governance ('the body of knowledge and set of techniques used by, or on behalf of, those who govern') has to move slowly, painfully and unsurely.

In trying to turn subalterns into national citizens, the modernisers encounter resistances facilitated by the activities of the political society, designated as the 'politics of the governed'. Even while resisting, the subaltern classes embark on a path of internal transformation, which

helps educate the modernisers. The 'dark side' of political society contains criminality and violence related to the struggle of deprived population groups to make their claims to governmental care (Chatterjee, 2004).

While Chatterjee is persuasive enough, the present study has documented that in large parts of India such as the Northeast, Jammu and Kashmir and the so-called Naxalite-affected states, political violence and counter-violence by subaltern groups and state agencies have become institutionalised as powerful and autonomous phenomena, fundamentally challenging the project of modernity itself. This is compounded by the new dynamics of development and governance introduced by the globalisation of violence based on identity politics (Sen, 2006) expressed in the so-called 'war on terror'. A leading international development organisation has called for a redefinition of security to include poverty, social breakdown and civil conflict as the core components of the global security threat (UNDP, 2005: 179). Fresh theoretical exercises must be undertaken in the light of the work by scholars such as Chatterjee (2004).

Appendix A

A Brief Note on the Situation in Gaya, Bihar

(Submitted by Dr B.D. Sharma, Commissioner for Scheduled Castes and Scheduled Tribes, to the Prime Minister on 8 May 1986 in connection with the case of atrocities on the Scheduled Castes at village Arwal, district Jehanabad.)

I spent a few days last week in the villages of Jehanabad, Gaya, after the police firing at Arwal on 19 April 1986. I also met officials and political leaders including the Chief Minister in Patna. It is unfortunate that the police are being portrayed by a section of them as a symbol of the state's determination to firmly deal with the so-called Naxalites and as an example to the subordinate police force, which is said to have been demoralised due to ambivalent directions from above. On the other hand, there is a strong feeling, shared even by sensitive administrators, that any justification of this firing on above lines may be used by the hardliners for suppression of poor and liquidating their leaders. The landlords and their 'senas' (armies) will make a bid to regain their hold on the poor labourers under the protective umbrella of their kinsmen in the police. Such a psychological build-up is ominous, which needs to be countered with a sense of urgency and understanding.

The basic issue in rural Bihar is the wide gulf between the state policies and their implementation in general, and minimum wages and distribution of Government land in particular. The members of higher castes own bulk of the agricultural land in villages; but they depend for cultivation on labourers who largely belong to the lower castes and are landless. The wages are very low. The landowners are not willing to raise these significantly. The landowners have also occupied most of the Government fallow land by collusion or by force whereas, according to the law, the first claim to such lands is that of the members of the Scheduled Castes and then Other Backward Classes. The administration and political leadership in Bihar is known to be partisan as

most of their members belong to higher castes and have vested interests in the status quo.

There is a long history of extremist movements in this part of Bihar, which have been sustained by the gruelling poverty, ruthless exploitation and untold atrocities on the weaker sections. However, a new dimension was added to the struggle of the poor with the announcement of the 20-Point Programme in 1975 and its implementation with earnestness. For the first time, the masses became aware about their rights and about the categorical stand of the state thereon. It may be noted that the JP movement had bypassed the agrarian issue. There was a severe backlash in 1977 so far as crucial issues like bonded labour, minimum wages and so on were concerned. Nevertheless, the seed had been sown and some activists nurtured it in this area.

The Kisan Mazdoor Sangram Samiti, which is taking the lead in this regard, is said to be a front organisation of some extremist groups. As this Samiti succeeded in wresting concessions in some areas, its influence began to grow. The landowners on their side began to organise largely on caste lines, raising senas like Brahamarshi Sena by the Bhumihars, Kunwar Sena by the Thakurs, Bhumi Sena by the Kurmis and Lorik Sena by the Yadavas. Thus, a state of confrontation followed almost everywhere. A number of armed clashes took place in which the police are alleged to have sided with the landlords in suppressing agricultural labourers who have been branded as 'Naxalites'.

The coincidence of three sensitive administrators—the SDO, the District Magistrate and the Commissioner—being posted to Gaya made a sea-change in the Jehanabad subdivision of Gaya district. In May 1985, the new District Magistrate started streamlining the execution of rural development programmes and also the public distribution system. This hit the vested interests both in the administration and in politics rather hard. While they were still reeling under its impact, a young SDO joined in Jehanabad in September 1985. The starting point for a new line of action was his handling of a formal request for a public meeting by the Kisan Mazdoor Sangram Samiti, a lawful organisation. He did not adopt the earlier practice to turn down the request and use force to prevent people from gathering. Instead, he allowed the meeting with prior approval of the state government. About 50,000 people gathered at Jehanabad and the meeting passed off peacefully notwithstanding grave provocations from other groups. The administration also took up seriously the task of distribution of Government fallow land strictly according to the provisions of law. The SDO started settling disputes of minimum wages personally. As the people realised the change, peace prevailed in Jehanabad after October 1985.

The reaction of the vested interests was predictable. They started a tirade against the local administration and dubbed the SDO as a Naxalite sympathiser.

It is said that the local MLAs pressed for his transfer and threatened to join the dissidents unless their demand was conceded. The SDO was transferred in February 1986 notwithstanding the unqualified support and confidence of the DM and the Commissioner. This transfer has been taken as a victory for the status quo against the new-style administration for elimination of 'cuts' and effective implementation of laws. As the landowners began to assert their usual style again, clashes between the two groups have become once again the order of the day.

The stand of the Sangram Samiti is that since the administration is incapable of implementing the laws, they have to take up the responsibility of enforcing them. Accordingly, they give notice to the concerned parties, organise 'hearings' in Jan Adalats (people's courts) and seek appropriate verdict, which is executed by the people. They have a 5-point programme for all villages, viz., (1) implementation of minimum wages; (2) distribution of Government land in accordance with the law; (3) cessation of atrocities against Harijans; (4) stamping out crime of all description such as theft, robbery and rape; (5) prohibition.

In pursuance of these objectives, Jan Adalats are meeting regularly in areas under the influence of the Sangram Samiti. Two cases of April 1986 are noteworthy. It is said that the Sangram Samiti gave a notice to one Ramanand Yadav, alleged to be a dacoit, to stop his anti-social activities. As the notice had no effect on him, a large gathering under the direction of Jan Adalat demolished his house. Ramanand Yadav has retaliated with the support of Lorik Sena and a number of people belonging to lower castes have been murdered in a series of incidents. This warfare is continuing. The settlement of the disputed land in Arwal is another case in which a large group belonging to the Sangram Samiti came, demolished the wall and took possession of the land. Later on, police firing took place near the police station.

The leaders of the Sangram Samiti claim that they have not gone beyond the ambit of established law, which has to be implemented in full and not partially in relation to IPC offences. However, the posture of the Sangram Samiti is ambivalent. Their stand has an appeal to the common man since the non-implementation of laws is writ large, and excesses of higher caste groups continue unabated.

While a 'parallel Government' under any name is out of place, the people can no longer remain satisfied by mere proclamations. In all the villages I visited, the people were asking simple questions about the non-implementation of laws and nothing more. The fact that the administration was able to win the confidence of the people and peace was restored in the area for a brief period simply because they started taking effective measures for implementation of

the laws and execution of rural development programmes shows the direction in which the state should move. The support of the police should be assured to the weaker sections of the community.

In sensitive areas, specially selected officers may be posted, who should be given sufficient discretion so that they bring relief to the poor and curb the vested interests. As the climate changes, others in the administration may also emulate them. It will be necessary to devise a suitable procedure to cut the delays in decision-making relating to the two basic issues, viz., minimum wages and distribution of land. The state government may consider the setting-up of Lok Adalats, for small areas, comprising selected officers and people's representatives so that the cases can be decided and implemented on the spot and the poor get justice without delay.

Source: The 28th Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1986–87, pp. 250–52.

Appendix B

A Guide to Sources for Researchers

Many good research institutions/resource centres/libraries exist in New Delhi and other big cities where useful sources of information on political violence and the police can be consulted.

Some of the New Delhi institutions are: Indian Institute of Public Administration, Indraprastha Estate, New Delhi; Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, CGO Complex, New Delhi (www.bprd.gov.in); National Crime Records Bureau (www.nrb.nic.in), Ministry of Home Affairs, Government of India, New Delhi (www.mha.nic.in) and its Library.

The School of Criminal Justice and Administration (SCJA) is a research, training and teaching unit of the National University of Juridical Sciences (NUJS), Kolkata. SCJA has brought out factual and comprehensive status reports on criminal justice administration in 18 states and seven union territories of India, edited by D. Banerjee (Allied Publishers, Kolkata). These reports provide useful information on the main components of the criminal justice system, the police machinery, the prosecution agency, criminal courts, prisons and correctional services, besides a politico-administrative write-up on the state/union territory concerned.

SCJA has also brought out a two-volume report (2005) on the Central Police Organisations (CPOs) under the Government of India (Allied Publishers, Kolkata), edited by D. Banerjee. These volumes cover all the 20 CPOs under the Government of India and provide information on such matters as central paramilitary forces, India Reserve (IR) battalions, modernisation of central police organisations, human rights, Central Bureau of Investigation (CBI), Intelligence Bureau (IB), Bureau of Police Research and Development (BPR&D), National Crime Records Bureau (NCRB) and so on.

The Lal Bahadur Shastri (LBS) National Academy of Administration, Mussourie, is the premier training institution for the Indian Administrative

Service (IAS) and other Class I Central and police service officers. The SVP National Police Academy, Hyderabad is the premier specialised training agency for Indian Police Service (IPS) officers. Both have excellent libraries, which contain useful material on political violence and police organisations.

Similar police academies and training institutions exist in almost all the states in India. Information about them would be available with the respective state police headquarters in the state capitals.

The National Human Rights Commission (NHRC), Faridkot House, New Delhi has useful material on police and human rights issues. It brings out an annual report, which documents all relevant information on police reforms and human rights violations. The NHRC has brought out many special reports on major human rights issues such as the Gujarat carnage, 2002. Many state governments have set up their own State Human Rights Commissions.

Ministry of Home Affairs (MHA), Government of India, is the nodal agency for law and order in the country and brings out an annual report on law and order matters throughout the country, which can be accessed at its website www.mha.nic.in. The ministry has a good library, which contains all reports brought out by the National Police Commission (1979–81) and several State Police Commissions.

The Parliament Library in New Delhi, access to which can be had through Members of Parliament (MPs) and Ministers, has perhaps the most extensive documentation of all matters connected with public order issues in the country, including records of discussions in Parliament.

Non-Governmental Organisations (NGOs), such as the Commonwealth Human Rights Initiative (CHRI), New Delhi, and the Institute of Conflict Management (ICM), New Delhi, also have useful research material on the subject of political violence and the Indian police. They have their own websites, which put out relevant information. The National Law Institute, New Delhi, has reports of all Law Commissions and other research material on legal, political and administrative issues.

Other research institutes/libraries in Delhi are the Nehru Memorial Library, Teenmurti House; the Jawaharlal Nehru University; the University of Delhi; Centre for Policy Research, Dharma Marg, Chanakya Puri; Centre for the Study of Developing Societies; and Institute of Social Sciences. All of them have their own websites, which can easily be accessed through Google Search.

References

- Ahmad, Aijaz. 2002. *On Communalism and Globalization: Offensives of the far Right*. New Delhi: Three Essays.
- Ahmad, Eqbal. 2000. *Confronting Empire*. Cambridge, MA: South End Press.
- Ali, Tariq. 1985. *The Nehru's and the Gandhi's: An Indian Dynasty*. London: Picador.
- Ansari, Iqbal A. 1997. *Communal Riots, the State and the Law in India*. New Delhi: Institute of Objective Studies.
- . 1999. *Report on Communal Riots: Prevention and Control*. New Delhi: Minorities Council.
- Arnold, David. 1986. *Police Power and Colonial Rule: Madras 1859–1947*. New Delhi: Oxford University Press.
- . 1988. 'The Congress and the Police', in M. Sheperdson and C. Simmons (eds), *Indian National Congress and the Political Economy of India 1885–1985*. Avebury, UK: Aldershot.
- Asian Development Bank (ADB). 2001. *Growth Rate and Change in Asia and the Pacific: Key Indicators of Developing Asian and Pacific Countries, Volume XXXII*. Manila, Philippines: Oxford University Press.
- Austin, Granville. 1999. *Working a Democratic Constitution: The Indian Experience*. New Delhi: Oxford University Press.
- Balagopal, K. 1988. *Probing in the Political Economy of Agrarian Classes and Conflicts*. Hyderabad: Perspectives Publishers.
- . 2006. 'Chhattisgarh: Physiognomy of Violence', *Economic and Political Weekly*, XLI(22): 3159–92.
- Bandyopadhyay, D. 1977. 'External Impediments to Organizations of the Rural Poor', *Bulletin of National Labour Institute*, Volume 10, New Delhi.
- Banerjee, D. 2005. *Central Police Organizations, Part II (NUJS 2005)*. Kolkata: Allied Publishers.
- Bardhan, Pranab. 1984. *The Political Economy of Development in India*. Oxford: Blackwell.
- . 1988. 'Dominant Proprietary Classes and India's Democracy', in A. Kohli (ed.), *India's Democracy*. Princeton: Princeton University Press.
- Baruah, Sanjib. 2005. *Durable Disorder: Understanding the Politics of Northeast India*. New Delhi: Oxford University Press.
- Baxi, Upendra. 1982. *The Crisis of the Indian Legal System*. New Delhi: Vikas.
- . 1988. 'Beyond the Denial of Discourse: Violence and Repression in Contemporary India', Mimeo, Indian Institute of Public Administration, New Delhi.

- Baxi, Upendra. 1994a. *Mambrino's Helmet: Human Rights for a Changing World*. New Delhi: Har-Anand Publications.
- . 1994b. *Inhuman Wrongs and Human Rights: Unconventional Essays*. New Delhi: Har-Anand Publications.
- Bayley, David. 1982. 'A World Perspective on the Role of the Police in Social Control', in R. Donelan (ed.), *The Maintenance of Order in Society*. Ottawa: Ministry of Supply and Services.
- Bayley, David H. 1969. *The Police and Political Development in India*. Princeton: Princeton University Press.
- . 1971. 'The Police in India', *Economic and Political Weekly*, 5(45): 2287–91.
- . 1983. 'Police and Political Order in India', *Asian Survey*, XXIII(4): 484–96.
- Bhambhri, C.P. 1978. 'Public Order and Paramilitary Organizations in Indian Federalism', *Indian Journal of Public Administration*, 24(1): 31–37.
- Bhatia, A.K. 2001. *Transcending Faultlines: The Quest for a Culture of Peace* (A Report). New Delhi: Women in Security, Conflict Management and Peace (WISCOMP).
- Bhattacharyya, H. 1999. *Communism in Tripura*. New Delhi: Ajanta Publications.
- Bhushan, Prashant. 2005. *The Laws to Contain Communalism: Why Have They Failed?* Mimeo.
- Bureau of Police Research and Development. 1988. 'Intelligence Bureau Centenary Issue', *The Indian Police Journal*, XXX(1–4).
- Brass, Paul R. 1997. *Theft of an Idol: Text and Context in the Representation of Collective Violence*. Princeton: Princeton University Press.
- . 2000. 'The Strong State and the Fear of Disorder', in Francine R. Frankel, Zoya Hasan, Rajeev Bhargava and Balveer Arora (eds), *Transforming India*. New Delhi: Oxford University Press.
- . 2003. *The Production of Hindu Muslim Violence in Contemporary India*. New Delhi: Oxford University Press.
- . 2006. 'How Political Scientists Experienced India's Development State', in L.I. Rudolph and J.K. Jacobson (eds), *Experiencing the State*. New Delhi: Oxford University Press.
- Brewer, J.D. 1998. *The Police, Public Order and the State*, Second Edition. London: Macmillan.
- Bunsha, Dionne. 2006. *Scarred: Experiments with Violence in Gujarat*. New Delhi: Penguin Books.
- Chandra, Bipan, Mridula Mukherjee and Aditya Mukherjee. 2000. *India After Independence 1947–2000*. New Delhi: Penguin Books.
- Chasic, Charles. 2000. *The Naga Imbroglia: A Personal Perspective*. Guwahati: United Publishers.
- Chatterjee, Partha (ed.). 1998. *Wages of Freedom: Fifty Years of the Indian Nation-State*. New Delhi: Oxford India Paperbacks.
- . 1999. *Partha Chatterjee Omnibus*. New Delhi: Oxford University Press.
- . 2004. *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. Delhi: Permanent Black.

244 Political Violence and the Police in India

- Chattopadhyay, K. 2002. *Genocidal Pogrom in Gujarat: Anatomy of Indian Fascism*. Kolkata: ICSP Publication.
- Chenoy, K.M., S.P. Shukla, K.S. Subramanian and Achin Vanaik. 2002. *Gujarat Carnage: A Report to the Nation* (by an Independent Fact Finding Mission, New Delhi).
- Chibber, M.L. 1979. 'Paramilitary Forces', *USI Papers*, No. 4. New Delhi.
- Cohen, Stephen. 2001. *India: Emerging Power*. New Delhi: Oxford University Press.
- Commissioner for SCs and STs. 1998. *28th Report of the Commissioner for SCs and STs*.
- Committee of Concerned Citizens (CCC). 2002. *Third Report, 1997–2002*. Hyderabad: Committee of Concerned Citizens.
- Communalism Combat. 2002. *Genocide Gujarat 2002, March–April*.
- Concerned Citizens Tribunal on Gujarat (CCTG). 2002. *Crime Against Humanity*. Mumbai: Sabrang Publications.
- Curtis, Lynn A. (ed.). 1985. *American Violence and Public Policy: An Update on the National Commission on the Causes and Prevention of Violence*. New Haven and London: Yale University Press.
- Das, Dilip K. and Arvind Verma. 2003. *Police Mission: Challenges and Responses*. London: Scarecrow Press.
- Das, Veena. 1990. *Communities, Riots and Survivors in South Asia*. New Delhi: Oxford University Press.
- Deb Barma, A. 1986. *Fundamental Reasons of Origin of Extremism in Tripura and the Steps to Resolve the Problem* (Member, Legislative Assembly, Tripura), Private Publication.
- Deshmukh, B.G. 2004. *A Cabinet Secretary Looks Back*. New Delhi: HarperCollins.
- Dhar, M.K. 2005. *Open Secrets: India's Intelligence Unveiled*. New Delhi: Manas Publications.
- Dhillon, K.S. 2005. *Police and Politics in India: Colonial Concepts, Democratic Compulsions, 1947–2002*. New Delhi: Manohar.
- Economic and Political Weekly* (EPW). 2006. *Maoist Movement in India*. Special Issue. XLI(29): 3159–92.
- Election Commission of India (ECI). 2002. *Order No. 464/GJ-LA/2002, dated 16th August, on General Elections to the Gujarat Legislative Assembly*.
- Engineer, A.A. 1984. *Communal Riots in Post-Independence India*. Hyderabad: Sangam Books.
- . 1989. *Communalism and Communal Violence in India*. Delhi: Ajanta.
- (ed.). 2003. *The Gujarat Carnage*. New Delhi: Orient Longman.
- Frankel, Francine and M.S.A. Rao (eds). 1990. *Dominance and State Power in India*. New Delhi: Oxford University Press.
- Gilani, Iftikhar. 2005. *My Days in Prison*. New Delhi: Penguin.
- Godbole, Madhav. 1996. *Unfinished Innings*. New Delhi: Orient Longman.
- . 2000. *The Changing Times: A Commentary on Current Affairs*. New Delhi: Orient Longman.
- . 2004. 'Good Governance: A Distant Dream', *Economic and Political Weekly*, XXXIX(11): 1103–07.
- . 2006. 'Ayodhya and India's Mahabharat: Constitutional Issues and Proprieties', *Economic and Political Weekly*, XLI(21): 2072–76.

- Gopal, S. 1979. *Jawaharlal Nehru: A Biography, Volume II*. New Delhi: Oxford University Press.
- . 1984. *Jawaharlal Nehru: A Biography, Volume III*. New Delhi: Oxford University Press.
- Government of India (GOI). 1968. *Report of the Delhi Police Commission*. New Delhi: Indian Institute of Public Administration.
- . 1979–81. *National Police Commission Reports*. New Delhi: Government of India Press.
- . 1986. *Annual Report*. New Delhi: Ministry of Home Affairs, Government of India.
- . 1991. *Annual Report 1990–91*. New Delhi: Ministry of Home Affairs, Government of India.
- . 1999. *Report of the Committee on Credit Related Issues under IRDP (SGSY) in the North Eastern State*. New Delhi: Ministry of Rural Development, Government of India.
- . 2001a. *Combating HIV/AIDS in India*. New Delhi: National AIDS Control Organisations (NACO).
- . 2001b. *National Human Development Report 2000*. New Delhi: Planning Commission, Government of India.
- . 2002. *Annual Report 2001–2002*. New Delhi: Ministry of Home Affairs, Government of India.
- . 2004. *Seventh Report, 2001–2002*. New Delhi: National Commission for Scheduled Castes and Scheduled Tribes (NCSCST).
- . 2006. *Annual Report 2005–2006*. New Delhi: Ministry of Home Affairs, Government of India.
- Griffiths, P. 1971. *To Guard My People: The History of the Indian Police*. London: Ernest Benn.
- Grover, Vrinda. 2002. 'The Elusive Quest for Justice: Delhi 1984 to Gujarat 2002', in S. Varadarajan (ed.), *Gujarat: The Making of a Tragedy*. New Delhi: Penguin.
- Guha, Ranajit. 1981. *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement*. Delhi: Orient Longman.
- . 1983. *Elementary Aspects of Peasant Insurgency in Colonial India*. New Delhi: Oxford University Press.
- . (ed.). 1987. *Subaltern Studies: Writings on South Asian History and Society*. New Delhi: Oxford University Press.
- . 1998. *Dominance without Hegemony*. Cambridge, MA: Harvard University Press.
- . 2000. *A Subaltern Studies Reader: 1986–1995*. New Delhi: Oxford University Press.
- Gupta, Anandswarup. 1974. *Crime and Police in India up to 1861*. Agra: Sahitya Bhavan.
- . 1979. *The Police in British India, 1861–1947*. Delhi: Concept Publishers.
- . 1988. 'Law and Order in a Democratic Society', in S. Venugopal Rao (ed.), *Perspectives in Criminology*. Shimla: IIAS.
- Gupta, Dipankar. 2002. *The Limits of Tolerance: Prospects of Secularism in India after Gujarat 2002* (Prem Bhatia Memorial Lecture, India International Centre, New Delhi).

- Gupta, Tilak D. 2006. 'Maoism in India: Ideology, Programme and Armed Struggle', *Economic and Political Weekly*, XLI(29): 3172–76.
- Hansen, Thomas B. 2001. *Violence in Urban India: Identity, Politics, Mumbai and the Postcolonial City*. Delhi: Permanent Black.
- Hansen, Thomas B. and C. Jaffrelot (eds). 2001. *The BJP and the Compulsions of Politics in India*. New Delhi: Oxford University Press.
- Hazarika, S. 1994. *Strangers in the Mist*. New Delhi: Penguin Books.
- . 2000. *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*. New Delhi: Penguin.
- Her Majesty's Stationery Office (HMSO). 1996. *MI5: The Security Service* (Second Edition). London: Government of UK.
- Huizer, G. 1980. *Peasant Movements and their Counter-Forces in South East Asia*. New Delhi: Marwah Publishers.
- . 1990. *The State and Social Movements: A Comparative Perspective from Below* (Seminar Paper). New Delhi: Nehru Memorial Museum and Library.
- Human Rights Watch (HRW). 1999. *Broken People: Caste Violence against Untouchables*. New York: HRW.
- . 2002. *India: State Participation and Complicity in Communal Violence in Gujarat*. New York: HRW.
- Institute of Conflict Management (ICM). 2002. *South Asia Terrorism*. <http://www.satp.org> (Last accessed on 10 March 2001).
- Jaffrelot, Christophe. 2002. *India's Silent Revolution*. Delhi: Permanent Black.
- Jha, Sanjay K. 2000. *Internal Security in a Third World Democracy: The Role of Paramilitary Forces in India*. Unpublished Ph.D thesis submitted to the School of International Studies, Jawaharlal Nehru University, New Delhi.
- Joanna de Berry. 2001. *Children Affected by Armed Conflict in J&K*, Mimeo.
- Kannabiran, K.G. 2004. *The Wages of Impunity: Power, Justice and Human Rights*. Hyderabad: Orient Longman.
- Karta, T. 1997a. *Non-conventional Threats to Security: Proliferation of Light Weapons and Narcotics*. Bangkok: CSCAP Study Group on Transnational Crime.
- . 1997b. *Proliferation and Smuggling of Light Weapons within the Region*. Bangkok: CSCAP Study Group on Transnational Crime.
- Kasturi, Bhashyam. 1995. *Intelligence Services: Analysis, Organization, Functions* (Lancer paper 6). New Delhi: Lancer Papers.
- Kaviraj, Sudipta. 1998. 'A Critique of the Passive Revolution', in Partha Chatterjee (ed.), *State and Politics in India*. New Delhi: Oxford India Paperbacks.
- Kohli, Atul. 1990. *Democracy and Discontent: India's Growing Crisis of Governability*. Cambridge: Cambridge University Press.
- Kothari, Rajni. 1970. *Politics in India*. New Delhi: Orient Longman.
- . 1989. *State Against Democracy: In Search of Humane Governance*. Delhi: Ajanta.
- Kundu, Amitabh. 2006. *A Framework for Analyzing Exclusion and Social Backwardness in India: Social Development Report*. New Delhi: Council for Social Development.

- Mahbub ul Haq Human Development Centre (MHDC). 1999. *South Asia Human Development Report*. Islamabad: MHDC.
- Majeed, Akhtar. 2005. *Federal India: A Design for Good Governance*. Delhi: Manak Publications.
- Malhotra, Inder. 1985. 'Need to Restructure Intelligence Services', *The Times of India* (New Delhi), 10 and 25 May.
- Manor, James. 1988. *Collective Conflict in India* (Conflict Studies 212). London: The Centre for Security and Conflict Studies, Institute of Development Studies (IDS), UK.
- . 1996. 'Ethnicity and Politics in India', *International Affairs*, 72(3): 459–77.
- Martin, J.M. and A.T. Romano. 1992. *Multinational Crime: Terrorism Espionage Drug and Arms Trafficking*. London: Sage Publications.
- Marwah, Ved P. 1995. *Uncivil Wars*. New Delhi: Konarak.
- Maxwell, Neville. 1970. *India's China War*. New Delhi: Jaico Publishers.
- . 1999. 'Sino-Indian Border Dispute Reconsidered', *Economic and Political Weekly*, XXXIV(15): 905–18.
- Misra, S.C. 1977. 'Structural Reforms in the Police', *Seminar*, October: 18–21.
- . 1980. 'The Rule of Law', *Seminar*, August: 17–23.
- Misra, U. 2000. *The Periphery Strikes Back: Challenges to the Nation State in Assam and Nagaland*. New Delhi: Oxford University Press.
- Mitra, Subrata. 2006. *The Puzzle of India's Governance Culture, Context and Comparative Theory*. London and New York: Routledge.
- Mukherji, Nirmalangshu. 2005. *December 13: Terror Over Democracy*. New Delhi: Promilla Publishers.
- Mullik, B.N. 1966. *Civil Disturbances*. New Delhi: Government of India.
- . 1971a. *My Year with Nehru, Volume I*. New Delhi: Allied Publishers.
- . 1971b. *My Year with Nehru, Volume II*. New Delhi: Allied Publishers.
- . 1972. *My Year with Nehru, Volume III*. New Delhi: Allied Publishers.
- National Crime Records Bureau (NCRB). 2001. *Crime in India*. New Delhi: Ministry of Home Affairs, Government of India.
- National Security Council Secretariat (NSCS). 2001. *Reforming the National Security System: Recommendations of the Group of Ministers* (Report, Government of India).
- Navlakha, Gautam. 2006. 'Maoists in India', *Economic and Political Weekly*, XLI(22): 2186–89.
- Nayar, B.R. 1975. *Violence and Crime in India: A Quantitative Study*. Delhi: Macmillan.
- Nehru, B.K. 1997. *Nice Guys Finish Second: Memoirs*. New Delhi: Viking Books.
- Noorani, A.G. 2006. 'Silent Spectator', Review of P.V. Narasimha Rao's Book *Ayodhya: 6 December 1992*, *Frontline*, 2 June.
- Oommen, T.K. 2004. 'State, Civil Society and Market in India: Gradual Autonomization', in T.K. Oommen (ed.), *Nation, Civil Society and Social Movements*. New Delhi: Sage Publications.
- . 2005. *Crisis and Contention in Indian Society*. New Delhi: Sage Publications.
- . 2006. *Understanding Security: A New Perspective*. New Delhi: Macmillan.

248 Political Violence and the Police in India

- Oxford University Press. 2006. *Revised and Updated Illustrated Oxford Dictionary*, First Published in India by Penguin Books, India.
- Pandey, G. 2000. 'In Defence of the Fragment: Writing about Hindu Muslim Riots in India Today', in Ranajit Guha (ed.), *Subaltern Studies 1986–95, A Reader*. New Delhi: Oxford University Press.
- Parasuraman, S. and P.V. Unnikrishnan. 2000. *India Disaster Report*. New Delhi: Oxford University Press.
- Parekh, Bhiku. 1989. 'Nehru's Conception of Politics', *Indian Journal of Social Science*, 2(4): 454–69.
- . 1991. 'Nehru and the National Philosophy of India', *Economic and Political Weekly*, XXVI(1&2): 35–47.
- Perry, Elizabeth. 1985. 'Rural Violence in Socialist China', *China Quarterly*, 103: 414–40.
- People's Union for Civil Liberties (PUCL), Vadodara. 2002a. *Women's Experiences of Violence in Vadodara*. Vadodara: PUCL.
- . 2002b. *Violence in Vadodara: A Report*. Vadodara: PUCL.
- . 2006. *When the State Makes War on its Own People: A Report on the Violation of People's Rights during the Salwa Judum Campaign in Dantewara, Chhattisgarh*. Raipur: PUCL.
- People's Union for Democratic Rights (PUDR). 2002. *State, Society and Communalism in Gujarat*. New Delhi: PUDR.
- Petrie, David. 1972. *Communism in India 1924–1927*, edited by M. Saha. Calcutta: Editions Indian.
- Potter, David C. 1986. *India's Political Administrators 1919–1983*. Oxford: Clarendon Press.
- Raghavan, B.S. 1988. 'Protection of Privacy: Need for a Comprehensive Legislation', *The Hindu* (Chennai), 31 October.
- Raghavan, R.K. 1999. *Policing a Democracy*. Delhi: Manohar.
- Rai, E.N. Mangat. 1976. *Patterns of Administrative Development in Independent India*. London: The Athelton Press.
- Rai, Vibhuti Narain. 1999. *Combating Communalism: The Role of the Police*. Delhi: Renaissance Publishing House.
- Rajgopal, P.R. 1987. *Social Change and Violence: The Indian Experience*. Delhi: Uppal Publishing House.
- . 1988. *Violence and Response: A Critique of the Indian Criminal Justice System*. Delhi: Uppal Publishing House.
- Raman, B. 2002. *Intelligence: Past, Present and Future*. New Delhi: Lancer Publishers.
- . 2005. *National Security Mechanism*, <http://www.saag.org/papers,1228.html> (Last accessed on 10 March 2007).
- Raman, J. Sri. 2005. *Governments, Guns Cannot Prevent Another Gujarat*, www.truthout.org/docs_2005/Perspective (Last accessed on 10 March 2007).
- Rao, Narasimha. 2006. *Ayodhya, December 6, 1992*. New Delhi: Penguin India.
- Rao, Raghavendra K. 1988. *Violence of Politics and Politics of Violence*, Seminar Paper, Indian Institute of Advanced Study, Shimla.

- Rao, Raghavendra K. 1989. 'Understanding the Indian State: A Historical Materialist Exercise', in Zoya Hasan, S.N. Jha and Rasheeduddin Khan (eds), *The State Political Processes and Identity: Reflections on Modern India*. New Delhi: Sage Publications.
- Rao, Venugopal S. 1981. *Dynamics of Crime*. New Delhi: Indian Institute of Public Administration.
- . 1993. *The Baton and the Pen: Memoirs of a Retired Police Officer*. New Delhi: Konark Publishers.
- Ray, Amal. 1978. 'Police Administration and Centre-State Relations in India', *Indian Journal of Public Administration*, XXIV(1): 38–44.
- Reid, Gary and Genevieve Costigan. 2002. *Revisiting the 'Hidden Epidemic': A Situation Assessment of Drug Use in Asia in the Context of HIV/AIDS*. Australia: The Centre for Harm Reduction, Burnet Institute.
- Rimington, Stella. 2002. *Open Secret: The Autobiography of a Former Director General of MI5*. London: Arrow Books.
- Roy, Arundhati. 2006. 'The Cost of Living: Narmada Dam and the Indian State', in L.I. Rudolph and J.K. Jacobson (eds), *Experiencing the State*. New Delhi: Oxford University Press.
- Roy, Jaytilak Guha. 2004. *Human Rights for the Twenty-first Century*. New Delhi: Indian Institute of Public Administration.
- Rudolph, Lloyd I. and H. Susanne Rudolph. 1987. *In Pursuit of Lakshmi: The Political Economy of the Indian State*. Chicago: University of Chicago Press.
- Rustamji, K.F. 1977. 'Paramilitary Forces in India', *Institute of Defence Studies and Analyses (IDSA) Journal*, 10(1): 1–11.
- Rustomji, Nari. 1973. *Enchanted Frontiers*. London: Oxford University Press.
- . 1983. *Imperilled Frontiers*. New Delhi: Oxford University Press.
- Samanta, A.K. 1994. *History of Intelligence in Modern India*. Calcutta: Government of West Bengal.
- Sarkar, Sumit. 1983. *Modern India*. New Delhi: Macmillan.
- Saxena, N.S. 1987. *Law and Order in India*. New Delhi: Abhinav Publishers.
- . 1991. 'Why the Police Does not Serve the People of India', *Denouement*, 2(6&7).
- Schofield, V. 2000. *Kashmir in Conflict: India, Pakistan and the Unfinished War*. London: Tauris.
- Sen, Amartya. 2006. *Identity and Violence: The Illusion of Destiny*. New Delhi: Penguin Books.
- Setalvad, Teesta. 2002. 'When the Guardians Betray: The Role of the Police', in S. Varadarajan (ed.), *Gujarat: The Making of a Tragedy*. New Delhi: Penguin.
- . 2005a. 'Godhra: Crime against Humanity', in Steven I. Wilkinson (ed.), *Religious Politics and Communal Violence*. New Delhi: Oxford University Press.
- . 2005b. 'Breaking Ground: The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005', *Communalism Combat*, December.
- Sharma, B.D. 2000. *Dalits Betrayed*. New Delhi: Sahyog Publishers.
- . 2001. *Tribal Affairs in India: The Crucial Transition*. New Delhi: Sahyog Publishers.

250 Political Violence and the Police in India

- Sheth, D.L. 2002. 'Politics of Communal Polarization', *Manushi*, 129.
- Singh, L.P. 1987. *Problem of Policing India*, The Fourth Sardar Vallabhbhai Patel Memorial Lecture. Hyderabad: National Police Academy.
- Singh, N.K. 1996. *The Plain Truth: Memoirs of a CBI Officer*. New Delhi: Konark Publishers.
- Smith, Graham. 1995. *Federalism: The Multiethnic Challenge*. London and New York: Longman.
- Sondhi, M.L. and A. Mukarji. 2002. *The Black Book of Gujarat*. New Delhi: Manak Publishers.
- South Asia Human Rights Documentation Centre (SAHRDC). 2001. *POTA, 2001: Government Decides to Play Judge and Jury*. New Delhi: SAHRDC.
- . 2006. *Handbook of Human Rights and Criminal Justice in India*. New Delhi: Oxford University Press.
- Srikrishna Commission. 1998. *The Srikrishna Report on the Hindu-Muslim Violence in Bombay 1992–93*. Bombay: Government of Maharashtra.
- Srinivasavaradan, T.C.A. 1992. *Federal Concept: The Indian Experience*. New Delhi: Allied Publishers.
- Stern, J. 2000. 'Pakistan's Jihad Culture', *Foreign Affairs*, 79(6): 115–26.
- Subramanian, K.S. 1988. Police Strikes in India: Notes Towards an Understanding, Occasional Paper, Centre for Contemporary Studies, Nehru Memorial Museum and Library, New Delhi.
- . 1993. 'Political Violence, Social Movements and the State in India', Occasional Paper, Centre for Contemporary Studies, Nehru Memorial Museum and Library, New Delhi.
- . 1995. 'Police Organization in India: A Historical and Contemporary Assessment', *Indian Defence Review*, 10(1): 35–40.
- . 1996. 'Administrative Reality in India: Some Theoretical Issues in Public Administration in India', in A.K. Sharma and V.B. Singh (eds), *Public Administration in India*. New Delhi: Indian Institute of Public Administration.
- . 2000. 'Employment Generation in the Northeast', *Kurukshetra* (Monthly Journal of the Ministry of Rural Development, Government of India), 48(10): 24–29.
- . 2001. 'Human Rights of the Tribal People: The Basic Issue in Tripura', *Mainstream*, Republic Day Special, 23–32, 27 January.
- . 2002. *Impact of Conflict on HIV/AIDS in South Asia: A Background Paper*, submitted to UNDP. New Delhi.
- . 2003. *Development Policies and Programmes in the Northeastern Region: A Case Study of Tripura*. New Delhi: Institute of Applied Manpower Research.
- . 2004a. 'Manipur Fiasco and the Crisis of Human Rights in the Northeast', *Mainstream*, New Delhi, 18 September.
- . 2004b. 'Human Rights of Women and Children in Nagaland', *Mainstream*, 7 November.
- Swami, Praveen. 2003. 'Terrorism in Jammu & Kashmir in Theory and Practice', *India Review*, 55–88.

- Tanner, R.E.S. 1983. 'Law and Order Statistics in Developing Countries', *Discussion Paper 189*, IDS, Sussex, UK.
- Tezpur District Mahila Samiti (TDMS). 1995. *North East India: Future Perspectives*. Tezpur (Assam): TDMS.
- Tharoor, Shashi. 2003. *Nehru: The Invention of India*. New Delhi: Penguin Viking.
- Thorat, Sukhdev. 2006. 'Empowering Marginalized Groups: Policies and Change in India', *India Social Development Report*. New Delhi: Council for Social Development.
- Tilly, Charles. 2003. *Collective Violence*. Cambridge: Cambridge University Press.
- Tully, Mark and Satish Jacob. 1985. *Amritsar: Mrs Gandhi's Last Battle*. New Delhi: Rupa & Co.
- Tully, Mark and Zareer Masani. 1988. *From Raj to Rajiv: 40 Years of Indian Independence*. London: BBC Books.
- United Nations Development Programme (UNDP). 1990. *Human Development Reports*. New York: UNDP.
- . 1994. *Human Development Reports*. New York: UNDP.
- . 2004. *Human Development Reports*. New York: UNDP.
- . 2005. *Human Development Reports*. New York: UNDP.
- United States Committee for Refugees (USCR). 2000. *World Refugee Survey*. USCR.
- Varadarajan, S. 2002. *Gujarat: The Making of a Tragedy*. New Delhi: Penguin.
- Verma, Arvind. 1997. 'Maintaining Law and Order in India: An Exercise in Discretion', *International Criminal Justice Review*, 7: 65–80.
- . 2001. 'Terrorist Victimization: A Case Study from India', *International Journal of Comparative and Applied Criminal Justice*, Fall, 25(2): 183–97.
- . 2005. *Indian Police: A Critical Evaluation*. New Delhi: Regency Publications.
- Verma, J.S. 2005. *The New Universe of Human Rights*. New Delhi: Universal Law Publishing Co Pvt. Ltd.
- Verma, Priti. 2004. *The Terror of POTA and other Security Legislation: A Report of the People's Tribunal*, New Delhi, March.
- Viswanathan, S. 2005. *Dalits in Dravidian Land*. Chennai: Narayana Publishing.
- Vohra, N.N. 1997. 'Is India under Threat: Growing Concerns about India's Internal Security', *World Affairs*, I(3): 64–77.
- Wilkinson, Steven I. (ed.). 2005. *Religious Politics and Communal Violence*. New Delhi: Oxford University Press.

Index

- adivasis 143, 144, 146, 149, 150, 152, 169
- administrative behaviour 137, 180
- administrative changes 75
- Afghanistan 39, 108
- agrarian reforms 133, 139
- agrarian structure 216
- agrarian violence 133, 134
- Aligarh Muslim University 174
- Andhra Pradesh 25
 - Naxalite movements in 128, 129, 139, 140, 152
 - atrocities against STs 157, 158
 - atrocities against SCs 157, 161, 163, 167
- Armed Forces (Special Powers) Act, 1958 192, 200, 202, 204
- armed forces, deployment of 79
- armed police 32, 51, 61, 64, 72, 117, 119, 197
- Assam 119, 198–201
- Assam Rifles (AR) 51, 110, 113, 192
- atrocities 147, 162
 - against dalits and adivasis 163, 224, 236
 - causative factors of 154
- Autonomous District Council 203, 214, 216, 217

- Babri Masjid, demolition 54, 76, 123
- Bihar
 - extremist movements 237
 - implementation of policies 236
 - violent incidents 134
- Border Security Force (BSF) 114
- Bureau of Police Research and Development (BPR&D) 107

- Cabinet Secretary 23
- Central and state governments, confrontation between 122
- central financial assistance 108
- Central Industrial Security Force (CISF) 114
- Central Intelligence Department (CID) 61
 - conference of DIGs 92
- Central Paramilitary Forces (CPF) 30, 105, 110–12, 118, 231
 - cost of maintenance 116
 - deployment 52, 218, 232
- central police forces 65
- Central Police Organisations (CPOs) 109, 240
- Central Reserve Police Force (CRPF) 51, 65, 69, 112, 121, 122
- Central Special Branch 82
- Centre–state relations 95, 124
- Chhattisgarh
 - Atrocities against STs 157, 158
 - Maoist/Naxalite violence in 128, 141, 142, 230–31
 - Salwa Judum 126, 127
- Chibber, General 120
- children, impact of violence on 191
- China, forward policy of 88
- civil and political rights 27
- civil disturbances 185
- Civil Rights Cell 143
- cognisable crimes 42
- collective political violence 36
- colonial police 63

254 Political Violence and the Police in India

- Commissioner of the SCs and STs 149
- Committee of Concerned Citizens (CCC)
 - 25, 140
- communal violence 43, 170, 172, 174, 175, 226
 - in Mumbai 76
 - police role 31, 186
- Communist Government of Kerala,
 - dismissal of 89
- community action programme 218
- Concerned Citizens Tribunal on Gujarat (CCTG) 170, 176, 226
- conflicts 22, 28, 217
- Constitution of India 91, 126, 160
- Convention on the Rights of the Child (CRC) 205
- counter-espionage 94
- counter-insurgency constitutionalism 233
- crimes 42, 47, 62, 73, 126
- criminal justice system 140, 169, 185, 228
- Criminal Procedure Code (CrPC) 119, 181
- criminal violence 41
- dalits and adivasis 145, 150, 164, 168, 224
 - violence against 31, 147, 149, 152, 169, 225
- dalits, atrocities against 159, 163, 168, 236
- Dantewara district 127
- democratic governance 233
- democratic process 234
- democratic violence 37
- demographic and socio-economic changes 216
- development
 - policy 225
 - process 149
 - projects 39, 143, 151
 - violence related to 27, 39
- developmental State 234
- Dhar, M.K. 77, 85
- Directive Principles of State Policy 146
- Director of the Intelligence Bureau (DIB)
 - 23
- district administration 47, 179
- drugs and narcotics, transit through India 52
- Dumbur Hydroelectric Project 214
- egalitarian society 150
- Emergency 66, 90, 223
- employment growth 199
- first information reports (FIRs) 167
- freedom struggle 83
- Fundamental Rights 146
- global insecurity 34
- globalisation 53
- Godbole, Madhav 54
- Godhra incident 174, 177
- governmental functions 234
- group violence 67
- Gujarat
 - administrative failure 180, 185, 187, 189
 - carnage 76, 173
 - police 70, 77–80, 180, 182, 184, 190
 - violence 31, 178
 - communal polarisation in 44
- Hindu militancy 172
- Hindu-Muslim relations in India 44, 174
- Hindu-Muslim violence 49, 171, 172
- Human Development Report (HDR) 33, 220
- human rights 26, 28, 206
- human security in developing countries 34
- Independent Citizens Initiative 141, 142
- India Reserve (IR) battalions 115
- Indian Administrative Service (IAS) 22
- Indian criminal statistics 41
- Indian Parliament, attack on 46
- Indian Police Service (IPS) 22

- Indian police system 29, 57, 58, 60, 65, 100
- Indian police 59, 62, 64, 181, 227
 - British view 57
 - decline of efficiency 67
 - partisan politics 58, 229
 - politicisation of 65, 67, 70, 73, 119
- Indian political system 54
- Indian society, violence in 37, 38
- Indian State 21, 24, 59
- Indo Tibetan Border Police (ITBP) 114
- institutionalised riot systems 173, 226
- intelligence agencies, failure of 52, 188
- Intelligence and Security Committee 102
- Intelligence Bureau (IB) 22, 77, 81, 82, 91
 - depoliticisation of 229
 - political role 30, 90
 - reforms in 100
 - responsibilities 83, 93, 96, 97, 99, 107
- intelligence machinery 48
- Intelligence Service Act, 1994 102
- internal security 53, 93, 118
- inter-state relations 95
- Intra-state violence 37
- invisible violence 35

- Jammu and Kashmir 40
- Joint Intelligence Committee (JIC) 103

- kar sevaks 182
- Kargil 229
- Kisan Mazdoor Sangram Samiti 237

- L P Singh Committee 75, 90, 99
- Lal Bahadur Shastri National Academy of Administration 240
- land reforms 137
- land, clashes over 205
- law enforcement agencies 68, 163
- line of least resistance 183

- Manipur 202, 203, 204
- Maoist movement 138, 139
- Maoist violence 127, 141, 142, 230

- Meiteis 203
- MI5 101, 230
- migration, cross-border 218
- Ministry of
 - Social Justice and Empowerment 143
 - Tribal Affairs 143
- Ministry of Home Affairs (MHA) 50, 54, 105, 107, 132, 241
 - annual report 41, 45, 106, 109, 223
 - information gap 230
 - lessons on Naxalite movement 139
 - reform of 230
 - security pre-occupation 108
- Mullik, B N 24, 77, 84, 85, 88
- Mumbai serial bomb blasts 52, 55
- Muslims and communal riots 180, 183

- Naga family structure 211
- Naga Federal Army (NFA) 209
- Naga Federal Government (NFG) 209
- Naga struggle 210
- Nagaland 32, 210
 - deployment of army in 32, 87
 - human rights 211
 - insurgency 200
 - militants-India conflict 207, 208
- Nagas 208
 - and Kukis 204
- Napier, Charles 60
- National Commission for Scheduled Tribes 158
- National Commission on Violence 222
- National Common Minimum Programme (NCMP) 127, 223
- National Human Rights Commission (NHRC) 141, 159, 188, 241
- National Law Institute 241
- National Police Commission (NPC) 75, 90, 109, 155, 171
- national security 93
- National Security Council (NSC) 53, 103
- National Security Guard 115

256 Political Violence and the Police in India

- National Socialist Council of Nagaland (NSCN) 204, 209, 210
- Naxalite movement 28, 126, 141, 152, 223
in Andhra Pradesh 140
fights against 224
and Ministry of Home Affairs 31, 139
social base 135
- Naxalite violence 22, 26, 37, 128, 129, 141, 224, 225
- Naxalites, achievements of 139
- Nehru, Jawaharlal 24
- Nehruvian model of governance 24, 25
- NGOs (Non-Governmental Organisations) 241
- northeast region 193, 198, 199, 201
security situation 195, 197
violence 40, 192, 195, 200, 232, 233
- official commissions 49
- organised militancy 68
- Oversight Committee 102
- Panchayati Raj Institutions (PRIs) 29, 161
- paramilitary forces 117, 120, 121, 201
- People's Liberation Army (PLA) 204
- People's Tribunal 46
- Phizo, Angami Zapu 209
- Police Act, 1861 75, 181, 227
- police-Naxalite confrontations 141
- police behaviour 166, 182, 185
- Police Commission 61, 227
- police 71, 78, 155
- police forces, discontent in 69, 70, 182, 231
- police officials, partisan posting of 183
- police organisation 60
- police reforms 74, 75, 76, 227
- police reports 153
- police training 228
- police work, interference in 74, 76
- Policy Planning Division 108
- political parties, vested interests of 78
- political society 23
- political violence in India 25, 29, 32, 33, 221
consequences of 192
institutionalisation of 235
prevention of 123
response to 47
- post-colonial India 135
- pre-school education, effects of violence 205
- preventive arrests 184
- Protection of Civil Rights (PCR) Act, 1955 146
- Provincial Armed Constabulary (PAC) 69
- provincial autonomy 83
- Provincial Special Branches 82
- public administration literature 23
- public hearing 164
- public order violence 42
- Purulia arms drop case 53
- Rai, Vibhuti Narain 49
- Ramjanmabhumi agitation 179
- Rapid Action Force (RAF) 110
- Rath Yatra 174
- Research and Analysis Wing (R&AW) 93
- Research and Policy (R&P) Division 133, 136, 230
- Revolutionary Government of Manipur 204
- Rimington, Stella 229
- rural poor 48, 136, 151, 152
- Salwa Judum (peace campaign) 141, 142
- Sangram Samiti 238
- Sarkaria Commission on Centre-state relations 124
- Sashastra Seema Bal 115
- Scheduled Castes 145, 158
- Scheduled Castes and Scheduled Tribes (POA) Act, 1989 127, 147, 158
- Scheduled Castes and Scheduled Tribes (POA) Rules, 1995 149

- Scheduled Castes and Scheduled Tribes, atrocities against 126, 148, 154, 156, 157
- Scheduled Tribes 146
- School of Criminal Justice and Administration (SCJA) 240
- security service 95, 101, 102, 130, 232
- Security Service Act, 1989 101
- Senas, caste-based 237
- Shah Commission 66, 96, 98
- Sheikh Abdullah 86
- Shillong Accord 209
- Singh, N Bisheswar 204
- social conflicts 231
- social development process 146
- Social Justice and Empowerment, Ministry of 143
- socio-economic issues 131
- South Asian region, violence in 38
- Special Component Plan for dalits 146
- Special Service Bureau 115
- Srikrishna Commission 49, 173
- state armed police 72
- state response to violence 27, 28, 160, 170
- State Special Branch 92, 93
- structural violence 35
- Subsidiary Intelligence Bureaus (SIBs) 81
- Swatantra Party 92
- symbolic violence 35
- Tamil Nadu, violence 135
- terrorist violence 44
- Tribal Affairs, Ministry of 143
- Tribal Autonomous District Council 217
- tribal reserved areas 215
- Tribal Sub-Plan for adivasis 146
- tribals, displacement of 214
- Tripura 213, 214, 215, 217
- Tripura Land Revenue and Land Reforms Act 215
- Tripura Upajati Juba Samithi (TUJS) 216, 217
- underground organisations 212
- Union List 106
- United National Liberation Front (UNLF) 204
- unlawful assembly 171
- untouchability 159, 161
- Uttar Pradesh 175
- Vishwa Hindu Parishad 182
- violence 33, 35, 72, 130, 151, 221
 - against dalits and adivasis 31, 147, 149, 152, 159, 169, 225
 - against minorities in Gujarat 226
 - against women 46, 47, 191, 196, 197 and crime 71
 - and power 36
 - between India and Pakistan 39
 - details and patterns 180
 - globalisation of 235
 - in Afghanistan 39
 - in India 37, 38, 50
 - in Jammu and Kashmir 40
 - in Northeast 40, 232
 - in South Asian region 38
 - state response 28
 - strategy to contain 130
- violent conflicts 34
- visible violence 35
- wages, and land disputes 154
- watchdog institutions 160
- women 200
 - and children, impact of conflict on 211
 - violence against 46, 47, 191, 196, 197

About the Author

K.S. Subramanian, a former officer of the Indian Police Service, is Senior Fellow at Schumacher Centre for Development, New Delhi. He has worked as Assistant Director of the Intelligence Bureau (1967–72); Director, Research and Policy Division, Union Home Ministry, New Delhi (1980–85); Professor, Indian Institute of Public Administration, New Delhi (1991–93); Director General, State Institute of Public Administration and Rural Development, Government of Tripura (1993–97); and Professor, Academy of Third World Studies, Jamia Millia Islamia, New Delhi (2002–03). He has been a Visiting Fellow at the Indian Institute of Advanced Study, Shimla (1973–75); Queen Elizabeth House, Oxford (1983–84); Centre for Contemporary Studies, Nehru Memorial Library, Teenmurti House, New Delhi (1986–91); and Institute of Development Studies, Sussex (1989–90). He was a member of the Concerned Citizens Tribunal—Gujarat 2002.

He has authored *Parliamentary Communism: Crisis in the Indian Communist Movement* (1989) and contributes regularly to various national newspapers and journals. His current research interests include the role of voluntary action in rural development.