

Afterword (2006)

THE IMMORAL ECONOMY OF COUNTER INSURGENCY IN INDIA

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The Salwa Judum is a real Gandhian movement

KPS Gill, Security Advisor to the Chhattisgarh government

“A holy battle, launched by Chhattisgarh’s forested people against leftist extremism”

Raman Singh, BJP Chief Minister of Chhattisgarh

“They say that Salwa Judum is looking after the people but the fact is they are killing people. Many have been packed into sacks and thrown into rivers. The Salwa Judum is torturing innocent people. Many have been done to death by breaking their hands and legs. Many others have been hanged upside down in water and made to drink. Women are made to breastfeed the Salwa Judum people. They make people run and then kill them. We want to say and write much more but our pen fails us here.”

(Letter from the villagers of Maraigudem village)

In April 2006, the Prime Minister of India declared that the Naxalites, as Maoist guerrilla fighters in India are popularly called, represented the biggest security threat to the Indian state. For a country which has long been fighting its own ‘war on terror’ and where

discussions around terrorism routinely coalesce around the neighbouring state of Pakistan and the Indian Muslim as the enemy within, the resurgent figure of the Naxalite represents a new addition to the repertoire of enemies a beleaguered state must contend with in defending its monopoly over violence. On the other hand, certain kinds of non-state violence are not only supported but positively encouraged, often in the name of democracy and people's movements.

While this was evident in the Gujarat genocide of 2002, where the state government incited violence against Muslims in the name of 'Gujarati pride' and the 'anger of 5 crore Gujaratis', it has become even more starkly obvious in the initiation of a so-called 'spontaneous', 'self-initiated' 'people's movement' against the Maoists in Dantewada district in the state of Chhattisgarh, locally christened the Salwa Judum.¹ This vigilante campaign, which started in 2005 shows little signs of stopping, two years later. As a consequence, some 100,000 people, or nearly one-seventh of the district's population, have been forcibly evacuated from their villages. Of these, 47,238 are officially in government controlled Salwa Judum camps while the rest are in hiding in the forests or have fled to neighbouring states. At least 540 and possibly over a thousand people have been killed by the Salwa Judum, over 3000 houses have been burnt and stories of brutal gang rape by the paramilitaries and vigilantes circulate as common knowledge.² The Salwa Judum now

¹ A literal translation of this Gondi term, is not the government preferred 'peace campaign', but 'purification/pacification hunt'. This imagery of vermin and extermination is also in keeping with the term 'Naxalite infested areas' commonly used by the government and the media.

² These figures are based on information collected from villagers in the form of personal

serves as a model of a 'local resistance group' to be replicated elsewhere in the country, should the local situation allow.³

Using the Salwa Judum as a site, this paper looks at the way in which statistics of killings as compiled by the government have constructed the Naxalite 'problem' in a particular way, the uses of vigilantism to set up a new public-private partnership in creating insecurity, the role of the media and state security laws in reproducing a particular normative order, and the responses of civil liberties and human rights activists.

I also raise the question (but do not necessarily have answers) of whether and how ordinary notions of legality and culpability are affected by situations of plural sovereignty. Sovereignty depends to a large degree on the *capacity* of non-state actors to assert their authority (involving both legitimacy and power) against the lawful state. In a situation where the Indian government was absent (whether by accident or on purpose) from large swathes of the countryside, the extent to which a self-proclaimed parallel Maoist state generated new and legitimate allegiances needs further investigation. The translation of 'insurgency' (from the government's point of view) into 'sacrifice' (from the guerrilla

narratives as well as petitions given to the local CPI leader at a rally in June 2007.

³Aware of the fact that Maoist strength lies not in their arms, but in the reach of their ideology and the support they enjoy within the villages, in 2003-4, the Home Ministry embarked on a policy of encouraging 'local resistance groups': 'The States have been requested to explore the feasibility of appointing Special Police Officers (SPOs), Nagrik Suraksha Samitis (NSSs) and Village Defence Committees (VDCs) in the villages affected by Naxalism. These local groups are required to ...expose other misdeeds of the naxal outfits and their leaders. This will help reduce the over ground support to the naxalites' (Ministry of Home Affairs Annual Report, 2003-204, para 3.145).

angle) involves, among other things, a different construction of patriotism. The increasing resort to non-conventional wars and counterinsurgency may also fragment the self-understanding of the military and the security forces, much of whose conventional battle wisdom depends on the idea of a nation to be defended against the enemy without. As Julie Taylor asks in the Argentinian context, “to what nation do citizens owe their loyalty and is this the ‘nation’ that counterinsurgency forces defended?”⁴ When sovereignty is delegated downwards by the state in the form of state sponsored vigilantism,⁵ and vigilante leaders begin to give orders to government staff and functionaries, the corresponding reconfiguration of state boundaries creates new questions for any theory of state sovereignty. Finally, the government’s understanding that restoration of sovereignty means restoration of police control, as against the restoration/provision of welfare services, ties in with the notion that in a neo-liberal order, militarist repression is the ultimate space where the state can and should assert itself, precisely because its hold in economic and social spheres is declining.⁶

I have chosen to use the phrase ‘immoral economy’ to counter-pose the terror and uncertainty created by vigilante counterinsurgency to the long term stabilities of an

⁴ Julie Taylor, *The Outlaw State and the Lone Rangers*. In George Marcus ed., *Perilous States*, 1993, University of Chicago Press, p. 300, 302.

⁵ The term delegated sovereignty is sometimes used in Rousseau’s sense of a power that is delegated upwards from the public. Here I use it in the opposite sense.

⁶ See David Harvey, *A Brief History of Neo-liberalism*, 2005, Oxford University Press, on the connections between growing authoritarianism, police surveillance and the neo-liberal state. In a longer term perspective, state failure to meet popular needs is often accompanied by repression See James Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in South East Asia*, 1976, Yale University Press, p. 219.

everyday peasant moral economy,⁷ the disruption of face-to-face relationships and shared meanings as families are divided and their members forced to fight on different sides. I wish also to mark the connections to the neo-liberal project of accumulation, the slow dismantling of a developmental state in favour of a security state, and the vested interests that develop in relief funds and security expenditure which makes war a desirable economic prospect for some.⁸ And finally, I gesture to the liminality that war pushes morality towards. What moral compass guides the Maoists when they retaliate brutally in shows of ‘counter-terror’ against vigilante violence, in what Sumanta Banerjee refers to as “the old disturbing tussle between the moral basis of revolutionary ideology and the practical compulsions of revolutionary action”.⁹ What are the professional ethics that guide or should guide civil liberties or human rights groups in situations of unequal armed conflict and in what notion of human life are such principles grounded?

Constructing Naxalism as India’s Biggest Security Threat

The Naxalite movement began in India in the late 1960s as a peasant struggle and represented the revolutionary, armed stream of Indian Marxism. While the Indian state managed to crush the movement in the 1970s, causing it to splinter into various small factions (currently 34 by official estimates),¹⁰ in 2004, three of the parties united to form the Communist Party of India (Maoist).¹¹ The CPI (Maoist) is currently a significant

⁷ I am drawing here on Scott (1976); E.P.Thompson, *The Moral Economy of the English Crowd in the Eighteenth Century*, in *Customs in Common*, 1993, The New Press.

⁸ See also Caroline Nordstorm, *Shadows of War*, 2004, University of California Press.

⁹ Sumanta Banerjee, *Indian Maoism — Cry of Alienation in Everyday Life*. Paper presented at a workshop on *Everyday Life and Maoism*, Longridge, 19-20 September 2007.

political force across several states, especially in rural areas where state services have been inadequate or absent. Their support comes from sections of India's poorest population, especially amongst indigenous peoples. They have also engaged in some major military actions — breaking open jails, looting ammunition depots, and detaining passenger trains, apart from attempted assassinations of prominent politicians. The Maoists are estimated to have 7,300 weapons for 10,500 armed cadre nationwide, a 25,000 people's militia and 50,000 members in village level units.¹² According to police sources they also have 'AK-series assault rifles, carbines, 7.62 mm self-loading rifles, grenade launchers, mines, improvised explosive devices and mortars', and are manufacturing their own weapons.¹³

Till recently, official pronouncements on the Naxalites located the movement largely in a 'socio-economic' context, as not 'merely' a law and order problem, but one born out of a development deficit.¹⁴ In the last three or four years, however, in what Huysmans calls the

¹⁰ Subhashis Mitra, *Terror Tentacles, Force*, August 2007, p. 38

¹¹ For the first phase of the Naxalite movement, see Manorajan Mohanty, *Revolutionary Violence: A Study of the Maoist Movement in India*, 1977, Sterling; Sumanta Banerjee, *India's Simmering Revolution: The Naxalite Uprising*, 1984, Selectbook Service Syndicate; for the more recent phase in Andhra Pradesh, see Committee of Concerned Citizens (CCC), *Third Report: A detailed account of the Committee during the five years to intervene in the climate of turmoil and social violence in rural Andhra Pradesh 2002*, Hyderabad; CCC, *Negotiating Peace*, 2006 Hyderabad; Bela Bhatia, The Naxalite Movement in Central Bihar. *Economic and Political Weekly* (henceforth *EPW*), 9 April 2005. See also articles in the special section on the Maoist Movement in India, *EPW*, July 22-28 2006, and response by Azad, *Maoists in India: A rejoinder. EPW*, October 14, 2006.

¹² Gautam Navlakha, *Maoists in India, EPW*, June 3, 2006, p. 2187.

¹³ Rahul Bedi, *Maoist Insurgency spreads in India, Jane's Intelligence Review*, July 1, 2006.

¹⁴ "Naxalites operate in a vacuum created by inadequacy of administrative and political institutions, espouse local demands and take advantage of the prevalent disaffection and

performative function of security labelling, noting that ‘the signifier ‘security’ does not describe social relations but changes them into security relations’,¹⁵ the Indian government has converted the Naxalite ‘problem’ almost exclusively into a security issue, with an ‘effective police response’ overriding all other solutions.¹⁶ Even normal development and administrative processes are ‘securitised’ — for instance in the use of the Border Roads Organisation traditionally deployed in frontier areas to build roads in the heart of India, and the proliferation of smaller administrative and police units.¹⁷

It is not coincidental that this securitisation accompanies a renewed round of ‘accumulation by dispossession’, David Harvey’s phrase to describe the continuity (and the intensification in different spheres) of what Marx called ‘primitive accumulation’: ‘those moments when great masses of men are suddenly and forcibly torn from their means of subsistence, and hurled as free and ‘unattached’ proletarians on the labour-market,’ a time when ‘conquest, enslavement, robbery, murder, briefly force, play the great part’ in accumulation’.¹⁸ A large number of agreements have been signed between the government

injustice among the exploited segments of the population and seek to offer an alternative system of governance which promises emancipation of these segments’, Ministry of Home Affairs, Status Paper on the Naxal Problem, Internal Security Division, 18-5-2006, p. 1 (henceforth MHA, 2006).

¹⁵Huysmans, J. Security! What do you mean? From concept to thick signifier. *European Journal of International Relations* 1998, 4 (2), 226-255, p. 232.

¹⁶ For the police, ‘effectiveness’ means huge expenditure, for instance, on mine-protected vehicles, helicopters, the fortification of police stations etc., rather than simply greater professionalism and courteous treatment of the public. This, despite the fact that police behaviour and contempt for villagers is a major cause of support for Naxalism.

¹⁷ Even the forest rights act, a product of sustained democratic struggle, was passed in large measure due to the need to counter Naxalism in forest areas.

and private companies to exploit the mineral resources that areas currently under Maoist influence possess. Whose security is being protected is perhaps nowhere more visible than in the government concern that Maoists will target the special economic zones (SEZs), which have become controversial symbols of India's economic path.¹⁹

However, the actual violence by the Naxalites belies the threat they supposedly pose in military terms. Even in Chhattisgarh, the state worst affected by Naxalite violence, the figures prior to the current counter-insurgency offensive show that they did not require the sixteen companies of special armed police that were sent there in 1998,²⁰ or the 10 battalions of paramilitary forces that are currently posted there. While Naxalite killings have

¹⁸ Karl Marx, *Capital Vol I*, 1983 [1887]), p. 669; Harvey, 2005, p. 160-165, summarises accumulation by dispossession in terms of four main features: privatisation and commodification, financialisation, management and manipulation of crises, and state redistribution upwards.

¹⁹ The government and industry see Special Economic Zones, which take over huge tracts of agricultural land, offer significant tax concessions to corporate houses, and deny regular labour laws, as the new vehicles of India's economic growth. On the other hand, people's movements see them as the prime symbol of dispossession, as the culmination of the growing neo-liberal trend away from the earlier ideals of socialist economic development across society premised on land to the tiller, unionisation, and large-scale employment. As one of India's national newspapers, *The Hindu* reported (June 17, 2007), basing itself on 'security experts': 'left wing extremism, which has spread across 15 states, now threatens to turn the special economic zones (SEZs) concept into a new conflict ground and potential agenda for its cadres. Inputs with internal security experts suggest that displacement of the local population, especially tribals, has been viewed by the Maoists as 'conditions suiting the promotion of their revolutionary ideology'.

certainly gone up since 2005, it is seen by both sides as retaliation against the Salwa Judum, and hence cannot be used as a causal justification for the counterinsurgency.

Table 1: People Killed by Maoists (Government Figures) 1968-2007

Year	Bastar district (Bastar, Dantewada, Kanker)	Chhattisgarh	Source	Remarks
1968-98	70	-	IG Police	Presumably civilians
2000-2004	147	203	Chief Secretary CG	Civilians
2005-2007	51 SF, 70 SPOs, 64 64 naxalites, 10 sangham, 252 SJ *	676 persons in total, 469 civilians, 119 Naxalites, and 88 SF**	* Dist. Collector, Dantewada **CG Home Minister, in State Assembly	Does not include those killed by Salwa Judum/ SF

At an all-India level, the number of deaths in Maoist related incidents has varied from 482 in 2002 to 678 in 2006.²¹

²⁰ *People's March*, January 1999. People's March is a magazine which carries Maoist views.

²¹ Prakash Singh, *Force*, August 2007: 36.

The overwhelming focus on Naxalite violence also conceals more than it illuminates about the nature of Indian democracy. When the two ruling parties, the Congress and the BJP, have each been responsible for the deaths of thousands of citizens,²² where the number of murders annually in Uttar Pradesh (not known for Naxalism) exceeds 7,000 underpinned by a flourishing business in small-arms and country made guns used by local dons and their hirelings, and where 25,000 cases are registered annually on average for crimes against the Scheduled Castes,²³ it is clear that violence or killings alone cannot account for the government's anxiety about Naxalism.

'Extortion' or levies on industries and contractors to finance weapons purchases - another crime that the Maoists are accused of, and which is distinctly problematic since it inserts them into frameworks of corruption, patronage and protection - needs, however, to be placed alongside other parallel systems of informal taxes which routinely operate without government censure. Regular levies extracted by forest and police staff to facilitate illegal tree felling or tin mining are routine in mineral-rich and forested states like Chhattisgarh. State facilitation of private accumulation stretches all the way down from the Supreme Court, where a Chief Justice was recently accused by senior advocates of helping mall developers at the expense of thousands of small shopkeepers, factory owners, and ordinary citizens, to 'sweetheart deals' between politicians and corporates over disinvested public

²² 2733 people officially died in Delhi in the anti-Sikh pogroms of 1984 (see www.carnage84.com/official/ahooja/ahooja.htm), and 1254 in the anti-Muslim pogroms of Gujarat 2002 (Answer in Parliament provided by Minister of State for Home, August 2005).

²³ *The Hindu*, 13 September 2003. See also

http://www.neoncarrot.co.uk/h_aboutindia/various_crime

sector enterprises to government doctors and teachers who, by their failure to work, push people towards private health care or tuitions.

Much of the discourse around Naxalism in India today is akin to what Stuart Hall *et al*, identified as the creation of a ‘moral panic’ around mugging in 1970s Britain:

When the official reaction to a person, group of persons or series of events is out of all proportion to the actual threat offered, when ‘experts’ in the form of police chiefs, the judiciary, politicians and editors perceive the threat in all but identical terms, and appear to talk ‘with one voice’ of rates, diagnoses, prognoses and solutions, when the media representations universally stress ‘sudden and dramatic’ increases (in numbers involved or events) and ‘novelty’ above and beyond that which a realistic approach would sustain, then we believe it is appropriate to speak of the beginnings of a *moral panic*.²⁴

What is then at stake is the government’s image of being firm and taking action; action which may have no direct relevance or efficiency in tackling the problem at hand. The ‘Naxalite problem’ is not so much about violence in absolute terms, as it is a reflection of the threat posed by Naxalites to the status quo. It is also a function of the security establishment’s need to project a ‘threat’ that justifies more—often unaccountable—funding and forces. Under a Security Related Expenditure scheme, states are compensated by the federal government for any anti-Naxalite expenses including that on ‘local resistance

²⁴ Stuart Hall et al, 1978, *Policing the Crises: Mugging, the State and Law and Order*, New York, HM Publishers, p.16.

groups' opening the way for many cash-strapped states to project a greater threat from Naxalites than they actually pose.²⁵

This is not to say, however, that the Maoists do not see armed challenge as the only serious alternative to the state.²⁶ The Maoist fetishisation of militarism is connected to their goal of capturing state power through armed struggle, and establishing, in a slogan commonly attributed to them, "Lal Qila par Lal Jhanda" (Red flag on the Red Fort).²⁷ The combination of Maoist self projections as a significant military force and government projections of them as a military threat make it difficult for independent observers to insist that both sides go beyond the logic of war. While the government brands any critic of its counterinsurgency policies as pro-Maoist, and have even jailed the General Secretary of the People's Union for Civil Liberties, Dr. Binayak Sen, on charges of being a Naxalite supporter, the Maoists have declared that those who criticise their acts of violence are ultimately "apologists for the oppressors, in spite of their good intentions and sincere attitude."²⁸

²⁵ Interview with the Home Minister, Shivraj Patil, February 2007

²⁶ In a reply to an open letter written by the Independent Citizens Initiative, (a six-member group which visited Dantewada to carry out an investigation into the Salwa Judum, and of which I was a member), the Maoist General Secretary, Ganapathi asks: "Can you show us one instance from the pages of Indian history where the rights of adivasis were ensured through non-violent and open means? And not just in India, but anywhere else in the world for that matter?" *EPW*, January 6 2007

²⁷ The Red Fort in Delhi has been the symbolic seat of India's power from Mughal times onwards.

²⁸ Ganapathy, January 6, 2007.

The Maoists in Bastar

In part the intensity of state warfare against the Naxalites in Bastar is explained by its status as a potentially 'liberated zone' for the Maoists, a stronghold which they had established over twenty years and where they had established the rudiments of a 'people's government' (*janatana sarkar*). Gaining access for the police in previously no-go areas becomes the quintessential assertion of state sovereignty, overriding any other manifestation of stateness such as schools, hospitals or employment programs.

Initially the Maoists worked in the form of armed squads consisting of 5—6 members each, crossing over from neighbouring states and taking up particular cases of exploitation — such as the non-payment of minimum wages, teacher absenteeism, demands for bribes by policemen and foresters. On occasion, the houses of village leaders who cheated on development schemes were looted and cash and guns seized. Individual killings were justified as 'feudal obstacles' who 'were burnt in the revolutionary fires of the people's struggle' or 'cruel landlords' who 'died a dog's death at the hands of people'.²⁹ Most cases in the police records were eventually filed away since the police could not trace the accused. Villagers were often arrested for harbouring Naxalites.³⁰ Despite this, and despite significant rewards for individual Naxalite leaders, a police document on Bastar notes that

²⁹ P. Shankar, *Yeh Jungle Hamara Hai*, 1999, New Vistas Publications, p. 16. Although some outsiders and some local headmen have acquired large amounts of land, standard narratives of landlords and rich peasants must be read here in the light of the low productivity of land.

³⁰ V.P. Patel, Tribal Unrest and Adventures of Naxalites, *Studies in Development Anthropology*, 1986, p. 18

informers were hard to come by.³¹ Perhaps some of this may have been due to fear of Maoist vengeance, but an equally large part is undoubtedly due to the support they had among villagers.

By 1995, according to Maoist literature, they had consolidated themselves considerably. Mass organizations, the most prominent among which were the Dandakaranya Adivasi Kisan Mazdoor Sangathan (DAKMS) (Peasants-Workers Union) and the Krantikari Adivasi Mahila Sangathan (KAMS), (Revolutionary Women's Union) took up issues such as compensation and relief for famine, demands for greater medical and educational facilities, and higher rates for NTFP, especially tendu leaves (*Diospyros melanoxylon*), which are used to roll cigarettes, and which are a major source of cash income in the area.³² At the village level, these organizations are colloquially called *sanghams*, and every village where the Maoists were active had a sangham of 10—12 members. In some places, they overthrew the traditional leadership like the village headman and priest, whereas elsewhere, the traditional leaders continued to decide on rituals, festivals etc, while sangham members concentrated on calling meetings on economic or political issues. Sangham meetings would be held 2-3 times a month, and much less frequently, the villagers would be called to the forests to meet a visiting armed squad.³³ However, the

³¹ AN Singh, *Naxalpanthi Gatividhiyon Sambandhi Teep*, c. 1990 (cyclostyled document prepared by the Bhilai Zone Police Chief).

³² *New People's Power in Dandakaranya* (henceforth NPP), 2000, Biplabi Yug; *Masses of Dandakaranya Rebel In the Path of Liberation* (henceforth IPL), 2005, Radical Publications.

³³ At least two accounts of such meetings emphasised the importance of reading among the Maoists, suggesting that this was an alternative route to education, which the state was failing to provide. "Whoever joins them learns to read."

party retained control. For instance, the tendu rates were negotiated directly between the Naxalite leaders and the contractors — the sanghams would come in only to relay the rates to the villagers, or call for a strike if the rates had to be raised.³⁴

Maoist literature claims that they engaged in considerable development work over the last twenty years, including creating schools, clinics, ponds, cattle detention yards, and orchards through the self-efforts of the villagers³⁵; though at least some of this appears to have come at the cost of utilizing government schemes that might have generated employment, including the building of roads.³⁶ The KAMS is said to have taken up issues of bigamy and forced marriages, and women are active in the squads.³⁷ Video footage aired on television channels shows that they drew huge crowds to their demonstrations, and to performances of their cultural troupe, Chetna Natya Manch,³⁸ though what sort of political understanding this translated into is difficult to say.³⁹

For most villagers I met, however, the major outcome of the Maoist presence, apart from the higher rates for tendu, was the redistribution of land and grain, and in the early years,

³⁴ Interview with villagers, July 2007.

³⁵ NPP, pp. 49-51, 53.

³⁶ While the Maoists claim to have “opposed the laying of only those roads and railway lines that are meant for looting the wealth from the region and for enemy troop movement.” (Ganapathi, *EPW*, 2007), in at least one case, villagers reported to the Human Rights Forum (2006) that the Maoists had dug up roads to prevent the police coming there.

³⁷ Shankar 1999, pp. 100-105.

³⁸ *People’s March* 7(1) January 2006, p. 12, IPL, 2005, p. 18, Sahara Samay and CNN-IBN programs.

³⁹ The one message that got across is that people should keep the police at bay, and live a life independent of government. Interview with villagers, July 2007.

reclamation of land from the forests, since fear of the Naxalites kept forest and police staff away. In one village, groups of households (5-6) had been formed to cultivate collectively. While the produce was shared according to the amount of land owned, the main advantage for the poor was access to plough oxen. In other villages, the Maoists had set aside some common land to be collectively cultivated by the villagers. Part of the harvest was stored to feed visiting squads so that they wouldn't be a burden on individual households, while part of it was given on easy loan terms to the poor, or simply distributed free. The Maoists also distributed their own land titles.

Enforcing equality in a peasant society slowing undergoing differentiation without challenging the presence of outside emigrants who operate in a hierarchical relationship to the locals; insulating people from the consumerism of the wider system and keeping people away from the small crumbs of the developmental state in order to inculcate a complete clarity about democracy, appears to have been ultimately an impossible task. Sondi Mula, a young man who worked in a local NGO asked resentfully why it was that adivasis were forbidden to engage in NTFP trade while the traders were allowed to do so, and why watching TV and spending on weddings was bad. Not being able to stand for elections or vote also seems to have been a sore point for some, and those who did stand for local elections were forced to resign.⁴⁰ Some sangham members may have exceeded their authority and become coercive. Said Mula, "before it was their rule. Now those who were oppressed by the Sangham have the police with them and they are taking revenge." Yet, none of these resentments explain the Salwa Judum.

⁴⁰ On the other hand, the government resorted to forced polling, and the rigging of elections.

A crude class or ethnic analysis may account for some of up of the line-up behind the Salwa Judum once it had started — with village headmen, traders and some rich peasants, especially from castes higher up in the local caste hierarchy, preferring to go into camp rather than resist the Salwa Judum. The bulk of the Maoist base came from the Gonds, the majority group in the area. However, there are people of all castes on both sides. Explaining the development of vigilantism from among the same class, and even among the same families, requires attention to the excess of the moment and the dynamics of violence. As Stephan Feuchtwang has pointed out, Maoism is as much a project of class formation, as it is a reflection of existing classes;⁴¹ conversely, Salwa Judum is both a reassertion of the class power of the traders and non-tribal emigrants over the Maoist base, as well as a project of individual differentiation involving the often violent smashing of existing solidarities. In Mizoram, where extensive regrouping took place as part of the counterinsurgency efforts of the Indian government in the 1960s, scholars have written of how extensively it transformed Mizo society towards economic differentiation and individualism.⁴²

Salwa Judum: Purification Hunt

⁴¹ Comments in conference on everyday life and Maoism, 18-19 Sept. 2007

⁴² C. Nunthara, *Impact of the introduction of grouping of villages in Mizoram*, 1989, Omson Publications; R. Rainthaon, Socio-economic impact of village grouping in Mizoram: A geographical analysis. PhD thesis, 1998, North-eastern Hill University, Shillong.

Accounts of how Salwa Judum started vary, though its official history now starts from June 4th 2005 in the villages around Kutru in the west of Dantewada district.⁴³ Regardless of what provided the immediate spark, or who initiated the movement on the ground, its authorship almost certainly lies with the state government or even the Ministry of Home Affairs. In *Leviathan*, Hobbes makes a distinction between the actor, the one who represents, and the author, he that owns the words and actions of the actor. When the authority is evident, says Hobbes, ‘the covenant obliges the author, not the actor’. Yet states routinely turn to vigilantism to try and escape responsibility.⁴⁴

⁴³ In one version provided by residents at Kutru camp, the ‘movement’ started with sangham members from Karkeli village looting a truck ferrying rice to a CRPF (paramilitary) camp. The police then arrested and beat up all the adults of Karkeli, releasing them only on condition that they hand over the Maoist leaders, which they subsequently did. A local Maoist leader, however, attributed it to meetings held by Mahendra Karma, the Congress Member of the Legislative Assembly (MLA) and leader of the opposition in the state assembly, in areas outside their ‘struggle zone’. Mahendra Karma himself has taken varied stands on the issue — in an interview he gave the Independent Citizens Initiative, he claimed responsibility for initiating the Salwa Judum, placing it in the lineage of an earlier, albeit short-lived movement he had led against the Naxalites in 1989-91, called the Jan Jagran Abhiyan (People’s Awakening Movement). In later interviews, however, he has claimed that he merely helped to give the rudderless movement ‘leadership’ (*Force*, August 2007) The District administrator, K.R. Pisda, while claiming that the movement was self-initiated, in response to frequent Maoist strike calls on tendu patta and blockades on road construction, also proudly showed an all-India civil liberties team a document he had prepared on how to conduct the campaign. Mahendra Karma, he said, was merely there for the publicity it gave him. A video-documentary prepared at police behest, takes the history of the Salwa Judum back to January 2005, when ‘Operation Salwa Judum’ was initiated.

⁴⁴ Both the ICTY or the ICJ have addressed this in *Prosecutor v. Tadic* and *United States of America v. Iran (Iran Hostages case)* by noting that financing, supporting or even endorsing the actions of independent military organisations or acts of violence, made states liable for

A work proposal for the Jan Jagran Abhiyan (Salwa Judum) drawn up by the District Administrator in 2005, clearly lays out the modalities of a ‘people’s counterinsurgency’ plan, including identifying ‘friendly’ and ‘enemy’ villages, distributing bows and arrows to people to help them fight, dividing the entire area into clusters and permanently resettling villages next to police stations.⁴⁵ Since the rules by which government operates hinder it from acting unlawfully, he suggests jettisoning the rules and modelling government on the guerrillas instead:

At each cluster level, one village defence squad should be formed. If we look at Naxalite organisation, they have one dalam or squad over every 75-80 villages. The Naxalites have erected this structure after 25 years experience. We need to learn from this. If we want to destroy the Naxalites totally, we will have to adopt their strategies, or else we will not be successful. However many police forces we get, we will find they are inadequate. ...From where will we get so many forces that we can station them in every village or cluster? Ultimately we will have to take the help of the villagers. We should also think of how to get the village youth and the village headmen involved in this. For this we too, will have to form village defence squads like the Naxalites. For this SPOs and trustworthy people from the village defence committees will have to be given licenses and guns. Such a squad of 15-20 armed villagers and 50-60 villagers

their actions, even if they have not actually issued instructions for particular acts.

⁴⁵ Interview with K.R. Pisda, 28.1105; Naxaliyo ke khilaf Aam Janata ka Jan Jagran Abhiyan Varsh 2005, Abhiyan ko Safal Banane ke liye Karya Yojana, Zilla Dakshin Bastar Dantewada (henceforth Collector’s Work Proposal), p. 3; MHA 2006, p. 9-10

with bows and arrows should patrol the villages in their areas for 3-4 months continuously. They should be given wireless sets to be in touch with the police at all times. It would be appropriate to give them some police powers as well.⁴⁶

Whatever the government's intentions, many youth signed up to become Special Police Officers (SPOs) thinking it was 'just another government job' or simply because 'everyone else was joining'. It is not uncommon to find one brother with the Maoists and another with the Salwa Judum as an SPO. When people are singled out or killed by SPOs for being 'Maoist supporters', a large part of the resentment is because everyone in the area had had some contact with the Maoists, including Salwa Judum leaders. For many of the SPO youth, barely adult, getting access to weapons was important, and camp evenings are spent comparing 'manhood stories' on how many people each SPO had killed.⁴⁷ At the same time, these SPOs serve as cannon fodder for the government, lacking the kind of insurance a regular policeman gets, or comparable salaries. Forced to take on the role of guides or guard the outer perimeter of camps, they are easy prey to Maoist counter-attacks.

While the government insists — and a faithful media replays their line — that the villagers fled out of fear of Maoist retaliation for having dared to participate in a movement against them, villagers across the district say they were coerced into camp, and then taken on Salwa Judum processions elsewhere. A letter written by villagers who are now refugees begins by saying: "Two years ago, the headmen (mukhia) of our village and neighbouring villages who had joined the Salwa Judum came and threatened us that if we did not leave

⁴⁶ Collector's Work Proposal on the Jan Jagran Abhiyan, 2005, pg. 25 (emphasis mine).

⁴⁷ I was told this by the brother of an SPO who was subsequently killed on a Maoist ambush.

our villages and join the Salwa Judum camps in Geedam, then the police, SPOs, Naga forces and Salwa Judum would jointly kill us. Therefore, all of us out of fear, left our homes and came to the Salwa Judum camp established in Geedam bazaar.” While some villages stayed put, promising to attend Salwa Judum meetings whenever called, others were burnt out of their houses. Several have tried to creep back from camps to their own villages, only to be repeatedly attacked by the Salwa Judum, on the logic that ‘either you’re in camp or you’re with the Maoists’. Konta sub-division, where the Salwa Judum ‘came’ in February 2006, is almost emptied.⁴⁸

Many villagers fled into the forests, hiding whatever stocks of grain they could, but several reported that the Salwa Judum found and burnt those too. When food in the forest finished, many of them were then forced to emigrate to the neighbouring state of Andhra Pradesh, where the chilli harvest has traditionally created a demand for labour. But even there, they live in mortal fear of being found and forced to return by the Salwa Judum, pretending instead that they had come in earlier waves of migration looking for land.

The widespread arson by the Salwa Judum serves a number of purposes — burning people’s houses not only constitutes economic punishment, but it ensures that they can’t return and must stay in camps. People were never rich to begin with — and the list of their losses makes pitiable reading. For example in village Tolampalli, Kosaki Karma who was hit with a belt and whose wife was raped, for allegedly giving rice to Naxalites, lost five sacks of paddy, five kg of rice, five kg of oil, 4 aluminium pots, 4 plates and 3 spoons,

⁴⁸ Villagers use the same grammar to describe pestilence — as something which moves unbidden.

brick tiles worth Rs 1500, 2 pigs, all other things in the home and Rs. 5000 in cash. Many villages report that their entire livestock, their major form of investment — goats, pigs, poultry, cattle — had been plundered or eaten on the spot by the Salwa Judum. The Naga paramilitaries became notorious for their butchering of cattle and dogs.

In any situation, getting accounts of rapes is difficult — and even where petitions mention mass rapes — 25 women raped in village BP, 20 raped in village PB, 19 raped in village KG, and so on, we are rarely told their names. In one village, I was told of two young women who had had the misfortune to be in the village when the Salwa Judum attacked. One had been ill, and the other had stayed to take care of her, and they were therefore unable to flee with the others to the forest when they heard the Salwa Judum was on its way. They were both raped and then arrested, their hut cut short and dressed in Maoist uniforms for public viewership. The father of another girl who had been similarly raped and arrested the previous year had paid a lawyer Rs. 10,000 to have her freed, but with no luck. Many of the so-called Naxalite inmates of Jagdalpur jail — both men and women - have no idea why they are there, and no way of letting their families know where they are.

Young women, old men, the physically and mentally infirm are inevitably easy targets — like Koda Harma of village Malanpalli, who was mad and did not run away, and was thrown alive into his burning hut; or old man Badda of village Vechapad, who was conscripted by the SPOs to carry the poultry they had looted and then carelessly killed by the river en route. Despite running for their lives, however, the other villagers always return, searching for the abandoned bodies for days if necessary, and ensuring they get a

decent burial.

In many places, the villagers have regrouped with the Maoists, helping them to carry out attacks on camps or kill individual SPOs.⁴⁹ However, large parts of the district suffer from an economic blockade by the government — weekly markets no longer function, and even where they do, villagers from so-called Maoist villages are not allowed to access them; health and educational services are with-held from these areas. Paramilitaries comb through villages, and occupy civilians spaces like school buildings, and the Maoists have in turn blasted these buildings. While the government has ostensibly shifted all the schools to camps, many of the children are missing. One school teacher said that every night the population of children in the camp hostel varied by a hundred, since parents deposited them in the hostel when the combing got intense and later took them back.

Not all policemen enjoy their work. On the bus to Dantewada, a co-passenger who had been in the police briefly, told me that he left because his life had been miserable. “The force looks attractive from the outside, but it’s not what you think it is. There are constant encounters. In three months last summer we shot 60-70 people on patrol in Bijapur.”

⁴⁹ According to *People’s March*, “The revolutionary masses of DK, while taking up counter offensive operations did not neglect measures either for self defense or production work. People of many villages have set up sentry posts along the four corners of their village to maintain a twenty four hour vigil. Some others constructed temporary shelters in deep forest pockets. People removed all their grain, livestock, money and other valuables to safe dumps in the forest. They are continuing their agricultural activities under the protection of the people’s militia and other wings of the PLGA. It will not be an exaggeration to say that almost each and every village from Kotrapal to Kunta have become bastions of mass resistance.” *People’s March*, January 2007, 8 (1): 14.

“Were all these Naxalites”, I asked? “Of course not”, he said. “None of them were Naxalites. Sometimes an SPO would point out someone and tell us to shoot, sometimes we shot simply because the villager was running away and refused to stop when we called out.” “Did you record these deaths somewhere”, I asked. Now it was his turn to be shocked: “Our jobs would be in trouble if we did. We left the bodies in the jungles. We recorded it as an encounter only if someone was actually wearing a uniform or carrying a weapon.”⁵⁰

Life in the camps is only marginally better than life in the jungles. People lie around vacantly, with nothing to do, easy recruits for the Hindu chauvinist organisation, the RSS. Ironically for a BJP controlled state which is trying to enact a law against Christian conversion, at least ‘a hundred lives have been saved for Christ’ by Christian evangelicals working in two camps under the protection of the staunchly Christian Naga and Mizo paramilitaries. While the government periodically announces its plans to convert these camps into permanent villages, most people are longing to go home.

There is a sad sameness to counterinsurgency efforts across the world, whether Guatemala, El Salvador, Vietnam, or the Philippines: the burning of villages, forced relocation—first into transitional camps and then model villages or strategic hamlets, the creation and arming of civil patrols or volunteer self defense organisations—which are claimed to be autonomous bodies of villagers but are completely run by the army or security forces, and the hunt for survivors and guerrillas who are in flight in the forest.⁵¹

⁵⁰ This is, no doubt, what explains an internal Chhattisgarh police report which lists 325 encounters in 2006, 250 Naxalites killed but only 69 bodies recovered.

Blood mining

While one history of the Salwa Judum places it within the context of a standard counter-insurgency tactic directed against communist guerillas, the version lately preferred by the Maoists and a number of human rights activists is that the Salwa Judum is part of a 'ground clearing exercise' for industry and mining.⁵² The Dandakaranya region, and Dantewada district in particular, are said to have 18% of India's iron ore deposits, along with large reserves of graphite ore, limestone, uranium and other minerals. They point to the coincidence that the Chhattisgarh government signed an agreement with both the Tata and Essar groups to invest in steel plants in Bastar and Dantewada on the same day that Salwa Judum started, June 4th 2005. Both MoUs (memorandum of understanding) were initially kept secret. Both the Tata steel plant at Lohandiguda, for which the company is trying to acquire some 2161 ha, and the Essar Steel plant at Bhansi for which Essar wants 900 ha have been strongly opposed by villagers who will lose their lands to the project. Under PESA 1996, a special law for scheduled areas (areas dominated by indigenous people or adivasis), the government is required to gain the consent of the villagers. In both cases, villages were forced to give their 'consent' at gunpoint. Both the plants, however,

⁵¹ Victoria Sanford, 2003, *Buried Secrets, Truth and Human Rights in Guatemala*, NY: Palgrave Macmillan. See also, Lawyers Committee for Human Rights, 1998, *Vigilantes in the Phillipines*, New York: LCHR 1998; David Kowalewski, Vigilante Counterinsurgency and Human Rights in the Phillipines: A Statistical Analysis, *Human Rights Quarterly* 12 (1990): 246-264; *The Pentagon Papers*, Gravel Edition, Boston, Beacon Press, 1971, p. 128; P. Sundarayya *Telengana People's Struggle and its Lessons*. 1972, New Delhi: Foundation Books.

⁵² See, e.g., Ilina Sen, Ground Clearing with Salwa Judum, *Himal Southasian*, November 2006: 42-44.

have the support of non-tribal emigrants, who see the prospect of business expanding and their children getting whatever limited jobs come on offer.

While nationwide the anxiety about Maoists is connected to SEZs, the connections in Bastar seem too quickly drawn. Of course, there are links in the person of Mahendra Karma, who leads the Salwa Judum and who is acting as an agent for both Tata and Essar in acquiring land, and in the fact that Essar is funding the permanent resettlement of villages. However, both the large steel plants proposed for this region are in villages where people have not been forcibly evacuated and elsewhere in the country, displacement is taking place without strategic hamletting. Maoist influence had not reached Lohandiguda, and protests against both plants are currently being led not by the Maoists, but by the parliamentary left, the CPI.

The real connections perhaps lie in the silence that now surrounds whatever happens in the region and the atmosphere of impunity that has been created. Now that villages have been emptied, there is a great deal of smaller scale prospecting and felling that goes unchecked. In a government guesthouse on the Andhra side of the border, waiting to cross over to Chhattisgarh, I met a businessman from Andhra Pradesh who had just acquired 3 ha of land for a granite quarry in a village, all of whose inhabitants had been moved to camp. While their permission was required under PESA, they were no longer there to give it. He said he sniffed opportunity at times of conflict, when competition was low - his company had acquired some 100 ha in different villages in small lots and under different names to circumvent the laws requiring federal clearance for forest clearance.

Forced relocation creates other advantages for the leaders — the inflation of relief rolls, the siphoning of essential commodities and so on. Some Salwa Judum camp leaders have, within the space of a year or two, built themselves palatial houses. And then there is also the thriving police industry of rewards and honours for ‘fake encounters’ (otherwise known as extra-judicial killings),⁵³ as well as ‘fake surrenders’ of Maoists and their supporters.

Media Complicity

The degree to which the Chhattisgarh government has been able to marshal popular consent to its worldview, and to blank out the scale of state terror is remarkable. What the newspapers report is only a total count of deaths and violent attacks, mostly by the Maoists and some killings of Maoist guerrillas by the police or CRPF creating the impression of endless one-sided violence and just deserts. The hundreds of murders and forced disappearances perpetrated by the security forces and vigilantes do not figure at all in official reports and barely even in media coverage.⁵⁴ The one-sided coverage sets up a structure of emotion where the gruesome Maoist attacks on SPOs and camps exercise a

⁵³ Nitin Mahajan, Chhattisgarh police fudged data to project win against Naxals. *Indian Express*, April 24, 2007.

⁵⁴ The foreign press, e.g. *The Guardian*, *New York Times* and BBC were quicker to pick up the story of Salwa Judum than the Indian national press, which took almost a year to visit Dantewada. However, their reporting has focussed mostly on the anachronism of Maoist guerrilla struggle and the contrast between the poverty of India’s villages and its phenomenal urban economic growth, a convenient stick with which to keep down India’s international pretensions, as if inequality was a phenomena only of the third world.

strong hold on popular imagination, without a parallel revulsion being created towards state violence.⁵⁵ News coverage of the Maoists is, however, a double-edged sword for the administration, with front-page coverage of Maoist violence in local newspapers creating the impression of growing Maoist strength.⁵⁶

While some of the silence on state repression might be explained by the fact that Salwa Judum activists and the paramilitary make it difficult for independent observers to visit villages and investigate incidents of violence, it does not account for the media refusal to carry Maoist press releases including visual evidence of burnt houses and dead people, which is hard to invent. The Chhattisgarh Special Public Security Act 2005, which banned the CPI (Maoist) and its front organizations, as well as Salwa Judum attacks on local journalists who tried to report objectively⁵⁷ may have made reporting more dangerous, but does not account for the degree of self-censorship practised. Perhaps some of the money spent on anti-Naxalite propaganda finds its way into the willing hands of corrupt journalists.⁵⁸ But beyond all this, as Stuart Hall et al, point out, the media is structurally

⁵⁵ For media coverage of violence in which their governments are involved, see Daniel C. Hallin, 1994, *We Keep America on Top of the World: Television Journalism and the Public Sphere*, London, Routledge; Edward Said, 1981, *Covering Islam: How the media and the experts determine how we see the rest of the world*, New York, Pantheon Books; Siddharth Varadarajan, 2003, Weapons of Mass Deception: Iraq and the American Media, *India International Centre Quarterly* 30 (1): 131-141.

⁵⁶ This is one of the reasons advanced by the Collector for advocating controls on the media. Collector's work proposal, p. 25.

⁵⁷ See articles on www.cgnet.in re Afzal khan and Kamlesh Paikra.

⁵⁸ MHA 2006, p. 6-10 provides for expenditure on propaganda. Several Chhattisgarh journalists were flown to the region in state helicopters, in the local version of embedded journalism.

poised to reproduce the state's viewpoint, despite its self-definition of being independent and objective.⁵⁹

Media dependence on 'accredited', and regular news sources, and the relationship between beat reporters and the police this creates, leads to a situation in which the police are the 'primary definers' of crime news. Their 'primary definition sets the limit for all subsequent discussion by framing what the problem is.'⁶⁰ Despite the numerous opinion pieces criticizing the Salwa Judum, news reports carrying a far greater appearance of 'facticity' routinely reproduce and iteratively inscribe the government's description of the Salwa Judum as a 'people's movement' and 'peace campaign'.⁶¹

Decontextualized presentation also plays a critical role in reproducing the status quo, providing no background to explain the rise of Maoism in the area. Even when the media reports on poverty stories, it is largely in human-interest mode, and villager-as-victim makes good reporting, while villager-turning-violent to defend her or his rights, is less appealing to the credit ratings. Except of course, when it serves the media to focus on the 'threat' posed by India's 'red corridor'. The Maoists have provided their own guided tours

⁵⁹ Stuart Hall et al, 1978; see also Herbert Gans, *Decoding Whats News*, 1980, Vintage Books.

⁶⁰ Ibid, pp. 59, 69.

⁶¹ See for instance, Rediffnews, 28 September 2006 "Naxals had stepped up attacks against villagers after the launch of Salwa Judum (peace campaign) with the participation of the local population,," or the *Times of India*, 30 October 2006, where again they uncritically reproduce the phrase 'Salwa Judum (people's movement against Naxals).' These are fairly typical.

to reporters — who invariably highlight the rivers they crossed and the long treks they took in the forests to reach the Naxalite stronghold, building up a picture of a romantic but anachronistic gang of men and women. When 60,000 people marched in Dantewada, walking 200 km and several days in November 2006 to demand an end to Salwa Judum and dialogue with the Maoists, it did not make national news, since they did it peacefully and stories coming out of Naxalite areas must have blood and gore.

Till recently, Maoists or the issues they represented - impoverishment and exploitation - were within the political framework of the Indian state. Increasingly, however, the Naxalites are getting externalised and rendered unintelligible. As Huysmans argues, the issue is not just the capacity of the state to meet daily threats to security, which in the Naxalite case, it could perhaps have done through efficient policing and intelligence gathering, but its power to provide ‘ontological security’ by ordering society: ‘This requires that those ‘elements’ which cannot be classified, which are ambivalent, and thus have a capacity to render problematic this ontological function of the state system, have to be eliminated, possibly through enemy construction’.⁶² Adivasis and dalits who refuse to lie down and await their ‘trickle’, be patient when their Constitutional rights are violated with impunity, or engage in private petitioning which is the acceptable mode of electoral democracy, and who take to armed struggle instead, are clearly ‘bad victims’.

The role of the media in shielding the Chhattisgarh state government, and the right wing Bharatiya Janata Party more specifically, becomes glaringly obvious when placed against

⁶² Huysmans, 1998, op cit., p. 242.

the huge coverage of widespread protests against land acquisition by the Left Front government in Singur and Nandigram in West Bengal. But what is more worrying is the degree to which human rights groups, and the entire spectrum of the ‘independent’ left in India — ranging from the Narmada Bachao Andolan to various NGOs are so easily influenced by media coverage, and their silence on Chhattisgarh compared to their vocal protest in West Bengal. To be sure, both for the media and the ‘independent left’, the ‘betrayal’ by the Parliamentary left is far more newsworthy than ongoing violations by the BJP. Yet, there are other reasons too, which I shall discuss in the next section.

Human Rights and the State

For nearly three months after Salwa Judum started, no human rights organisation visited the area. Subsequently, there have been several fact-finding reports by civil liberties organisations and independent groups from different parts of the country, but their findings have been comprehensively ignored by the government.⁶³ Every independent institution set up under the Constitution to protect people’s rights has refused to take action — including the National Commission for Human Rights and the National Commission for Scheduled Tribes. In response to the widespread reports of rape, The National Commission for

Women visited for a day. In conversations with senior members of the government, like the

⁶³ Open Letter from the CPI to the Prime Minister, 16.11.2005; PUCL, PUDR et al, April 2006, *When the State Makes War on its own Citizens*, 2006; Independent Citizens Initiative, July 2006, *War in the Heart of India* (henceforth ICI 2006); Asian Centre for Human Rights, February 2006 *The Adivasis of Chhattisgarh: Victims of the Naxalite Movement and Salwa Judum Campaign* (henceforth ACHR 2006), CAVOW, December 2006, *Salwa Judum and Violence on Women in Dantewara*; Human Rights Forum, December 2006, *Death, Displacement and Deprivation in Dantewara*, and several articles on www.cgnet.in

Home Minister or the National Security Advisor, they have acted amazed that the state government would want to burn people's homes, although at least one faction of the Congress under former Chief Minister Ajit Jogi has publicly condemned the Salwa Judum, along with the Minister for Tribal Welfare. This refusal to act on the growing evidence of human rights violations suggests that in matters involving Naxalites, the internal security division of the Home Ministry calls the shots over other 'soft' ministries.

While the silence by the state is painful but not surprising, what is far more interesting is the failure of civil society organisations to take up the issue on the scale required. Much of this can of course be blamed on the media, but even this needs to be further explained in terms of the lack of the appropriate kind of organisations to feed the media. Nandigram and the Gujarat genocide of 2002 both became front page news, in part because they were located next to major cities with concentrations of journalists (Ahmedabad and Calcutta), in part because of the presence of middle class local activists, in part because the issue was taken up by parliamentary parties. Chhattisgarh, by contrast, lacks a tribal middle class or a density of civil/political society organisations; many national newspapers do not have correspondents there since it is a new state; in an unprecedented show of unity, both the Congress and the BJP are jointly prosecuting the counterinsurgency.

It may be, as Agamben writes, that in the state of exception marked by the force of ~~law~~, a situation where law is suspended but simultaneously enforced, the options for those at the receiving end of enforcement get progressively reduced to 'civil war and revolutionary violence'.⁶⁴ Civil liberties may become irrelevant in this context, since they are claimed

against a legitimate state. But contra Agamben, this is not a situation where 'human action..has shed every relation to law' but one which maintains a practical relation to the idea of law, if nothing else to the idea of instituting a new law.

Culpability

This brings me finally, to the question of culpability and accountability. In Guatemala, where armed conflict took place between the government and guerrillas, the Commission for Historical Clarification found that the army was responsible for ninety-three percent of the human rights violations and the guerrillas for three percent. The guerrillas apologized publicly but the army did not.⁶⁵ One may ask, on the one hand, by what standards these violations were judged and whether the balance includes years of exploitation; and yet on the other hand, a formal judicial system which allowed for retaliatory violence would be undercutting its own *raison d'être*. Both sides in an armed conflict are responsible for protecting non-combatants and respecting international humanitarian law, and non-adherence by one party does not release the other.

While a truth and reconciliation process seems to many, in the light of experiences elsewhere, the only serious chance for peace, there is also the danger that it may amount to impunity for some. Past experience in India with prosecuting those who orchestrated the large-scale murders of Sikhs in 1984, or Muslims in 2002, or any one of the numerous politicians indicted by successive Commissions of Enquiry on 'communal' riots gives no

⁶⁴ Giorgio Agamben, *State of Exception*, 2005, University of Chicago Press, p. 59.

⁶⁵ Sanford, 2003, p. 19.

room for hope that they will ever be punished. But even for the low level operatives, the Maoists are reluctant to forgive: “For outsiders”, they have said, responding to a question on the killing of special police officers (SPOs), who have been sucked into a war not of their own making, “ the SPOs might appear as poor adivasis, but to the masses of adivasis who had borne the brunt of their cruel attacks, the hardcore among the SPOs are even more dangerous and brutal than the police.”⁶⁶ In the people’s courts held by the Maoists, this principle of individual responsibility has been upheld in the ‘death penalties’ meted out to individuals. There seems little hope, in this kind of situation, where both Maoist and state notions of justice are based on retribution, to go back to the indigenous system of justice in the area, which is based on reparation and reconciliation.

Vigilante led counterinsurgency, in which ordinary people are mobilised in civilian self-defense patrols, has several uses for the state, and not only because it displaces direct culpability onto a section of the victims themselves. ‘A weakened state structure’, says Gramsci, “is like a flagging army; the commandos—i.e. the private armed organizations enter the field and they have two tasks: to make use of illegal means, while the State appears to remain within legality, and thus to reorganize the State itself.”⁶⁷ Across India - in the North-East, Kashmir, and Andhra Pradesh - renegade militants under the charming names of SULFA (surrendered ULFA), Ikhwan (Brotherhood) or Green Tigers and the Kakatiya Cobras are invited by the police to kill their former comrades. Of the approximately 109 groups in the North-east Sanjib Baruah write, ‘Not all armed groups are

⁶⁶ Ganapathi, 2007, p. 71

⁶⁷ Antonio Gramsci, *Selections from the Prison Notebooks*, 1971, ed. Quintin Hoare and Geoffrey Nowell Smith, International Publishers, p. 232.

rebels. For instance, many locals believe that some of them have come into being at the behest of security and intelligence agencies combating insurgency. Although it is hard to confirm such charges, warfare between rival militias — especially following ceasefire agreements signed by a militia faction and the security forces — sometimes neatly serves official counterinsurgency ends of the moment'.⁶⁸

The state simultaneously, however, asserts its monopoly on legitimate violence and thus its claims to state-ness (cf Weber) by asking insurgent groups to hand over their arms and asserting that it will not negotiate with them unless they 'give up violence'. What we see here in the government's support for vigilantism, is not an abdication of the claim to being a legitimate state, but an expansion of options or greater market choice in the use of violence. In the Indian case, the private armed organisations co-exist alongside a million-strong army, several well-equipped paramilitary forces and a regular police force to deal with any violations or militancy by the victims. They act together, the state and the non-state, the police and their agents, with the latter visibly degenerate but the police often no less so, with a repertoire ranging from extra-judicial killings and torture to routine rent-seeking.

Unlike counter-insurgency under military rule, in the Indian context, counter-insurgency efforts underpinned by vigilantism are positively celebrated as a defense of democracy, a flowering of plural (pro-government) sentiments, or 'local resistance groups' against the tyrannies of the communists. 'Democracy' thus comes to take on a specific character,

⁶⁸ Sanjib Baruah, 2007

requiring the creation of a new political community, if necessary by suppressing choice. In 'states of exception', this tendency is enhanced, as when the top police chief of Chhattisgarh says that the only problem in the government's war against the Maoists is that the people support the Maoists. As Huysmans says: 'rather than a technique of mediating the gap between an existing people and political elite, representation becomes a technique through which the leaders call into being a people.'⁶⁹ What remains then, is the 'mystical' state, a Hegelian 'ethical being'. But unlike the mediating associations that Hegel envisaged, which would provide spaces for the individual within the state,⁷⁰ at such times of siege associations are created in the image of the state.

Much of this is in keeping with the networked practices of neo-liberalism, where the state works through 'partnership and participation' where 'degrees of agreement, or apparent agreement, within such normative frameworks establish lines of inclusion and exclusion'.⁷¹ The agreement the Indian state brokers, however, is not even necessarily to a

shared ideology, but to a share in the spoils from those defeated, a mercenary arrangement

⁶⁹ J. Huysmans, *Minding Exceptions: the Politics of Insecurity and Liberal Democracy*, *Contemporary Political Theory*, 2004, 3, 321-341, p. 333.

p. 333)I am reminded here of Brecht's poem, *The Solution: After the uprising of the 17th June*, The Secretary of the Writer's Union, had leaflets distributed in the Stalinallee, Stating that the people had forfeited the confidence of the government, And could win it back only by redoubled efforts. Would it not be easier in that case for the government, to dissolve the people and elect another? Brecht, *Poems 1913-1956*, p. 440.

⁷⁰ Hegel, *Philosophy of Right*, 1977, Oxford University Press.

⁷¹ Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security*, 2001, Zed Books; see also A.Gupta, and A. Sharma, Globalisation and Postcolonial States. In *Current Anthropology*, 2006, 47, 2, pp. 277-304.

of immediate advantage. And the people with whom it makes these arrangements are often those whom it sought first to destroy, inviting political movements to feed upon themselves. In the process, citizens at large lose their voice, becoming faceless ciphers clutching their insecurities to their naked selves, for they no longer have a state to turn to, that thin cloak of legality that liberal democracy afforded. And 'civil society', too, loses its innocence.