

Naxalite Terrorists and Benign Policemen

K Balagopal

Naxalite Terrorism: Social and Legal Issues by K Aravinda Rao, East and West Books, Chennai, 1996.

THE naxalite movement in Andhra Pradesh is now nearly three decades old. It has many victories and much unanswered criticism to its discredit. It has shaped thousands of activists and inspired people a hundred times more in number. It therefore claims that it is the realisation of 'the people's' subjectivity, notwithstanding the qualms of sceptics who can see no way that the people can impose their will on it. Its cadre have died and killed in numbers of the same order, if not in precisely equal number, and whether they have died or killed it has been an equally merciless death. The terror it inspires is no less than that of the police, though unlike the police it also inspires a lot of affection. Outside the tribal areas it has not really succeeded in realising its principal slogan of 'land to the tiller' (which in practice usually means land to the landless, a difference that is neither understood nor theorised), but it has succeeded in turning the power relations of rural Telengana society upside down. It has produced innumerable poets and singers from the toiling communities, given briefs and a purpose to many young lawyers, and inspired the ideas of teacher-intellectuals in provincial universities, colleges and schools as well as other white-collar sections of society in the small towns. This intellectual outcrop has perhaps distinguished itself more in passionate commitment than in intellect, but its very existence is an achievement of sorts and a bulwark against the kind of reaction which newly educated sections are else where co-opted or themselves prone to. It has put power in the hands of raw youth of traditionally powerless communities, given them bombs and guns and a world-view to guide their use, but left hanging in the air the uncomfortable questions stemming from the often arbitrary and always ruthless way that power is being exercised. More vitally, perhaps, it has no real answer to the question how the revolution it plans to bring about is going to differ in its shape and its fate from all the communist revolutions that have been and gone in this century, except to reiterate to its own evident satisfaction that 'the people' will solve all problems, which anyway appear insuperable only to intellectuals, or (alternately) that some difficulties do not exist and the residue will be taken care of by the 'cultural revolution'.

Quite surprisingly, there is no study worth mentioning about this very remarkable

phenomenon. No intellectual working in any of the universities of AP including those inspired by the naxalite movement, has taken the trouble of making a serious study of the naxalite phenomenon. The dilemma of the inspired ones is understandable, for they have learnt from the communist revolutionary movement a theory of society and social change but are yet to craft for themselves the equipment necessary to apply it creatively to complex contemporary events. Moreover, they have not yet learnt to face the subject-object - or commitment-objectivity - dilemma that is characteristic of philosophies such as Marxism for which the analysis is part of the act and every act is an analysis. They have learnt that it is not enough to write history but one must be part of the making of history; that to be part of it is to be partisan with the revolution that is making it, and in particular with the vanguard of the revolution; and that the true partisan is the true scientist and the true scientist is the true partisan. This view does not altogether rule out the possibility of criticism, but where the act and the reflection are in truth aspects of one and the same, criticism can only be self-criticism. To realise and remedy the inadequacy of this *in full* requires a multilinear, humanist (and perhaps also contingent) revision of Marxism. But even without that, Marxist intellectuals elsewhere have led themselves through the philosophical churning that makes possible liberation from political tutelage while keeping one within history. Such a churning is yet to take place among the ranks of revolutionary partisans in Andhra Pradesh.

But if the partisans are not writing history because of their own dilemmas, neither have the intellectual opponents and critics of the communist revolutionaries produced any work of substance criticising it. What exist are the documents and understandably one-sided reports produced by the revolutionaries themselves, the equally one-sided and abusive leaflets produced by other political parties (including one naxalite group about another) and the 'benami' publications of the police who have a penchant for producing (very abusive) pamphlets in the name of 'the people', 'the people's voice', etc.

But one book has now come into existence. It is by a policeman, and not an ordinary one at that. Aravinda Rao is inspector general of police, presently head of the Special Intelligence Bureau (SIB) of the AP Police, the plainclothes sleuths and murderers

deployed to apprehend and kill naxalites, their sympathisers, and whoever else is perceived as obstructing the anti-naxalite operations of the police. This SIB includes the armed hatchetmen called 'greyhounds', a specially trained and equipped anti-guerrilla police force. That the first analytical study of the naxalites of AP should come from the head of these human hounds is a testimony to the sad state of affairs prevalent in the slate. The social system which the communist revolutionaries are out to overthrow has allotted the entire task of meeting the challenge to the police: not only the challenge to society's orderly life, which is understandable, but the challenge to its politics, its ethics and its philosophy as well. Policemen are by training and orientation ill-equipped to undertake this task, but the police of Andhra Pradesh are quite merrily engaging themselves in it, much to the discomfiture of even moderately sensitive souls. A viewpoint that begins with order as the central good and searches in all unconventional behaviour - individual or group - for its potential for disorder, hidden or explicit, is singularly ill-suited for understanding social or political rebellions, or even the sociology of crime, for that matter. But it has been the fate of Andhra Pradesh that the voice of the police is the loudest and most confident in analysing and explaining the naxalites and their struggles. The day-to-day expressions of police pedantry are usually very embarrassing. This book is not quite as crude, but is nevertheless unmistakably khaki in its tenor.

That the politicians who lack the slightest vestige of moral authority to face the naxalites or any other principled political dissenters, have given up the task of meeting the naxalite challenge politically is perfectly understandable, though not excusable, for whatever their degeneration they happen to represent the legitimate face of society's politics. But what is difficult to comprehend is the abdication of all responsibility by society as a whole to engage the naxalite movement in a rational debate about its methods and its means, its theory and its practice, its analysis of society's problems and its idea of their resolution. Society as a whole (its official face) and all parts of it minus the police have withdrawn into total silence and let the men in uniform conduct the debate at the crude level which alone is possible for them. One cannot blame the police for filling this vacuum, for once their

gun is set up as the only answer to naxalism, the gun must necessarily acquire a philosophy and a morality to match those professed by the communist revolutionaries. One can of course rue it, for the only philosophy and morality possible for the police is a reductionist exercise that brings everything down to order and disorder, as intellectuals who find themselves caught in philosophical discussion with policemen who have been allowed to become society's total answer to all dissent discover soon to their frustration. For to be under constant pressure to engage in such a dialogue can quickly deaden all that is subtle and sensitive in the human potential.

The blame however should be put on what is usually called public opinion, which watches in silence as the battle between the two guns goes on and allows the guns to appropriate for themselves the sole right to speak on behalf of society and its future. The vision of the communist revolutionaries, the theory of human existence that supports it, and the strategic means that are supposed to realise it go unquestioned, and the moral and intellectual authority of the police to answer this vision goes unchallenged. A constant problem with weapons is that they dominate not merely physically but soon also intellectually and morally. Such is the nature of the impact of power in general on human beings, and weapons whether intended for good or bad are a sure source of power. Though, to recognise this aspect of human frailty is not to condone the cowardice that allows, it to pass and makes no effort to overcome it. The human species distinguishes itself as a moral creature, and it is an important moral principle evolved in the course of civilisation that truth shall not be exclusively declared by power and authority.

NAXALISM AND TERRORISM

The title of the book is *Naxalite Terrorism*, which is itself indicative of the central theme of Aravinda Rao's thesis; naxalism is terrorism, and that is that. That the naxalites, in particular the CPI(ML) (People's War), employ terror as a political instrument is a fact, and quite often an unpleasant fact, but that is not to say that it is not a political movement. It is primarily and centrally a political movement, that is a movement concerned with fighting and altering the existing status of and relations between classes in society. Terror is one of the means it employs. Its social base is the poor and the oppressed, not in the sense that all the poor and the oppressed are its supporters, nor that it takes approval from those people for its strategies and decisions, but in the sense that its politics is oriented in their favour and the considerable support it has is among them. But perhaps to see the poor as the 'base' of the naxalites is to make them an attribute of the naxalite movement:

something that it has. That is not an entirely wrong way of seeing it, but misses out a very important fact, that behind the naxalite movement is a strong aspiration of the oppressed for a more tolerable existence. This is the positive sense in which 'the masses' enter (the naxalite phenomenon, which is not equivalent to saying that the politics of the naxalites is the highest political expression of popular aspirations, a claim that the communist revolutionaries make and on which is based their appropriation of permanent justification for all that they do in the name of the 'objective' interests of the people. A given popular aspiration can have different possible political expressions, and it cannot be assumed a priori that one of them must necessarily be 'objectively' the highest expression, though judgment of the relative merits - on the whole or in matters of detail - cannot be precluded on grounds of dogmatic relativism and epistemological nothingness, if and when it is possible.

Thus, when we speak of naxalism we speak of three elements mixed in a particular way: a specific politics, a rather extensive social base, and ruthless terror as a means. The social base has two faces: on the one hand it is the support of the naxalites and on the other it signifies aspirations of the subjugated masses. In Aravinda Rao's analysis, the first of the three is totally missing. The third, that is terror, is dominant. The movement is terror and its politics is only a pretence, an excuse. As for the popular base it has, yes that is acknowledged at a couple of points, and even the economic and social causes espoused by the naxalites are listed out in detail, but the people enter the picture only in the form of a gullible mass whose problems are 'used' by the terrorists to further their nefarious aim which is (it appeals from his account) to terrorise and terrorise and terrorise. "Ideology is only a pretext for terror". As against this, there is the attitude of the naxalites themselves: we are the people and the people are us. The reality is not located somewhere between these notions, but rather it swings between them. The naxalites do not just 'use' the people. They have genuine sympathy for and identification with them (which does not preclude lording it over them on occasion); they genuinely reflect the aspirations of the people, though as argued above there is nothing to justify the appropriation of those aspirations for a permanent justification of all their politics; most of their cadre and leaders come from the very same people whom they claim to speak exclusively on behalf of, though that circumstance does not necessarily justify the claim. The struggles led and waged by the naxalites, and even part of the terror employed by them, has benefited the poor and the oppressed immensely, a benefit that is perverse to

describe as a mere 'pretext' for terror. Yet the decisions taken and the strategies and tactics adopted by the naxalites are their own and not those of 'the people' except by virtue of the grossly reductionist analysis adopted by them in the name of Marxism-Leninism. In devising the strategies and tactics they are fully conscious of the needs and hopes of the people, but can be dogmatically uncaring and ruthless to the point of coming close to 'using' the people. Most of their decisions are taken and implemented over the heads of the people, but are justified in the name of the people with the theoretical argument that they represent the most class conscious vanguard of the masses, and therefore are as a matter of theory entitled to speak on their behalf even if the actual masses have little say in the matter.

The naxalites' fight against the landlords and the state is not just for the immediate direct benefit of the masses (that would be called economism) but also for the capture of political power, which is described as workers and peasants power and is theorised as the scientific framework for the realisation of all egalitarian aspirations. That may be so and it may not be so, but whether or not the masses are greatly moved by this promise and this theory, they must put up with the consequences of the decisions taken and the acts perpetrated in the name of their own empowerment, like it or not. And the violence, the fear and the terror that the naxalites employ is not aimed only at the rich and the evil but at all those (of whichever social class) designated enemies of the movement by the movement. This subjectivity in deciding who are the 'enemies of the people' allows for the degree of arbitrariness that is necessary to make terror an efficacious instalment, if one can at all accept it as a legitimate instrument, for terror not accompanied by some degree of arbitrariness is no terror at all, a fact that intellectuals who defend terror in the name of high ideals are too shame-faced to admit. The most visible sign of this *effect* is the curtain of tear that soon descends over society at large, and affects even those sections of the poor who are not supporters of the naxalites.

All this makes for a much more complex picture than either the communist revolutionaries or the police would like to admit. The author of what is happening in Telengana is neither 'the people' nor 'terrorism' but a particular political agent which has a complex relation with the people and their very real aspirations, and uses terror among other instruments as a means.

Aravinda Rao has of course read enough of the literature on terrorism to know that the kind of naming he indulges in is not unproblematic. He knows well the adage - usually quoted in the very first page of books on terrorism - that one person's terrorist is

another's 'mujahid' This is not an excuse for justifying all the terror indulged in in the name of liberation in Telangana or else where. but the recognition of a basic problem in understanding and coming to terms with political terror: that it is politics as much as it is terror, and therefore has a base in genuine human aspirations, represents it genuinely to some extent or other, even if it is not the sole or highest representative as it usually claims, for no necessarily greater reason than that it has more effective weapon power than the others. But Aravinda Rao gets around this difficulty by a simple means: there are and there may well be situations that call for revolution or violent liberation, but there is no such situation in India. He is not just saying that there is no evidence that the poor people of the Telangana districts are all or in a majority convinced that for the betterment of their lives they should be prepared for a violent overthrow of the present social order and the establishment of what the Maoists call a new democratic order. That would be a serious criticism of the naxalites and their claims. He is saying that there is no space at all for any violent revolution in India and there is no question of the people ever wanting it because India is a democracy which responds to people's problems and aspirations. That Indian democracy is genuine enough to some degree will be acknowledged, but the burden of proving that the degree is such as is claimed by Aravinda Rao should in fact be upon him and people in power like him, for the lack of such a degree of accountability and responsiveness has been a very basic charge of responsible critics, who have identified it as one of the main causes of political militancy and terror in different parts of the country. Aravinda Rao on the other hand merely declares blandly that it is so and therefore concludes that there can be no reason for any violent revolution in India.

This attitude forecloses the one genuine question that could fruitfully occupy anyone who like Aravinda Rao advocates the protection of the Indian polity against the violence of the naxalites: how to make the Indian state accountable to the people, and to democratic principles, to the degree necessary to rebut the arguments of the naxalites, that is to say how to make it sufficiently democratic to create a popular climate against violent options. Such an analysis would have been much more useful than this polemic that presupposes a non-existent answer to that dilemma and indulges in ridicule of the revolutionaries. It could have aided the cause of progress by helping to democratise the Indian polity further, just as the naxalites, whatever their faults, have in their own way served the cause of progress by helping to improve the livelihood of the poor and instilling greater self-confidence in them. But it is perhaps too much to expect

a policeman to really wish to improve the democratic content of the polity to forestall violent options, for few policemen really love democracy, though they never tire of calling upon it to rebut the arguments of revolutionaries.

One can imagine an immediate response to this argument: that it is unrealistic to and of the Indian polity that it provide instant solutions to all problems and instant gratification of all desires. That is of course impossible and nobody is asking for any such thing. Quite balanced and responsible critics are asking for much less, and even that is lacking. Of course, for the masters of the Indian polity, balanced and responsible critics may be those alone who make allowance for all the difficulties professed by the rulers. A different interpretation would require a sense of balance and responsibility in the demands of sacrifice that one makes upon the people in the cause of progress, Quick solutions are in any case difficult, and any attempt to justify contemporary acts of violence and terror by appealing to the very human craving for a short cut to happiness is an irresponsible political attitude, though one prevalent widely in radical circles. What one could on the other hand demand with

l sense of responsibility towards the people is that the polity develop sufficiently genuine responsiveness to the aspirations of life, liberty and equality before criticising the people for supporting or tolerating violent options. It is a question of creating honest faith rather than creating instant paradise. It is not that there is a rational agent called 'the people' that weighs meticulously the probable costs of the option of violent change against the probable cost of waiting for progress, assuming at all that anybody knows the two costs. The reasons why human beings are attracted to violent options are much more complex than such a model of rational choice - or one of militant class consciousness, for that matter - would imply. But nevertheless, lack of faith in the potential for justice contained in the present arrangement of things is a very important impelling factor behind political violence, or at any rate it is the one factor which those who are on the side of the status quo should be prepared to account for, as a matter of moral responsibility, whether or not that will automatically rule out violent options. If they have honestly accounted for it, then they at least acquire a moral right to ask the people to give them a little more time. But not otherwise.

This police officer, instead, denies the existence of the one problem anyone - bureaucrat or politician - in power should answer in reply to the naxalites, and thereby leaves naxalism hanging in a vacuum, bereft of a rationale and hence a mere concentrate of irresponsible terror that only 'uses' human aspirations to further its goal, which is nothing

but itself. Apolitical terror can only have terror as its goal. Political terror, on the other hand, can well have a very benign political goal, whether or not realistic, whether or not in fact realisable by means of terror. And to say that human aspirations are only 'used' is to deny the human dimension of the politics - which is itself denied anyway - and to reduce the human beings to mere objects. That the revolutionaries themselves tend to sometimes use people, a fact only painfully in evidence, cannot and should not lead to the denial of the actuality of the people's hopes and aspirations and the manifold ways in which they are linked to the revolutionaries and their violence, of which being 'used' is only one dimension.

The book carries the subtitle 'Social and Legal Issues', but the social and legal are the two aspects its analysis singularly lacks, indeed, any true analysis of the naxalite movement would acknowledge that its greatest achievement is not economic - that would have probably come about even without the naxalites, though perhaps more slowly - but social: it has hit fatally at the power relations of rural Telangana society and has endowed the poor, the dalits and the tribals with a voice of their own and the courage to speak out. This development has already exhibited signs of turning into an embarrassment for the naxalites themselves - for the social slaves they have liberated are not all in a mood to accept a new political master, a fact that would have perhaps exhibited itself more visibly by now if the master had been less heavily armed - but however that may be, the achievement is something for which the people of Telangana will forever be grateful to the communist revolutionaries.

When the political and social dimensions of terror are denied, what remains is just violence, cynical and irresponsible violence. Depicting political terror this way carries a strategic advantage for the policeman's argument. It creates legitimate space for introducing police terror as an excusable or even necessary thing, whose lawlessness would otherwise worry the kind of person who is likely to read a book such as this. It is alright, the argument implies, to say that the police should deal lawfully with the violence based upon genuine social need and political requirement, but that demand loses rational and ethical force when it is applied to illegitimate and whimsical violence. This is the strategic advantage that Aravinda Rao's argument gains from the depiction of naxalism as violence minus political content and social *raison detre*. Of course, those such as human rights activists who have genuine respect for rule of law would still say that even such violence must be dealt with only by lawful means, and the law should be fair and reasonable, not because



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of any fundamentalism of spirit, but because otherwise the cure would be worse than the disease, but there are bound to be many in society who would be willing to accept the implied suggestion that such qualms amount to irrational hypersensitivity.

POLICE LAWLESSNESS

Having crafted his framework to provide space for appealing to such opinion, Aravinda Rao can freely argue in favour of condoning what are usually called 'police excesses'. Of course, for form's sake he denies the excesses. He even says that the expression 'state terror' which not only the revolutionaries but also human rights activists use, is inappropriate for a democracy wedded to rule of law such as India. It is valid only for totalitarian states. It is not my case that Indian democracy and rule of law are entirely fraudulent. They are not, as a general proposition. But there are many situations in which the description fraudulent is quite apt to describe Indian democracy. The handling of armed militancy - in Kashmir, Nagaland or Telengana - is one such situation. Aravinda Rao's statement that 'the state governments in India have not created and trained any secret police apparatus for eliminating the terrorists except by the process of law' is a laughable falsehood. He himself heads a force of policemen that is secret for all practical purposes (for its men move around with weapons but without insignia or name plates and do not record their movements in any diary open to inspection) and has been created specifically to eliminate the terrorists classified and identified by itself, not by the process of any known law but by the lawless norms of arbitrary power. At another point he says that the poor policeman who confronts the naxalites perpetually risks his neck at 'the altar of the National Human Rights Commission'. The compliment should bring a blush to the prematurely wrinkled cheeks of that infant institution! The sad fact is that the only 'altar' at which the policemen involved in anti-naxalite operations risk their necks is the landmines of the naxalites themselves. This is sad for two reasons. One, that vengeful retaliation of a particularly brutal kind should be the only justice perceived to be available against police violence in a reasonably civilised country such as ours; and two, because the landmines their victims very indiscriminately: any policeman travelling in any jeep on any rural track of Telengana risks his life, quite irrespective of his own character and conduct. There have been instances of jeeps of forest, revenue and election officials being hit by naxalite landmines due to mistaken identity.

Apart from the NHRC, the magisterial enquiries held under Section 176 of Cr P C into police excesses are cited by this author as a real restraint on police lawlessness. The

one is as ridiculous as the other. This is not meant to show disrespect to lawful procedures restraining the police, a charge that Aravinda Rao levels at civil liberties activists. What the civil liberties groups would like to see is real and effective restraints and not ineffective ones put on exhibition for form's sake. What they seek is not to discredit the institutions of law and justice to make the way clear for the revolutionaries, as Aravinda Rao insinuates, but genuine accountability of the state machinery to the law and to the rights of the people. If the magisterial enquiries did in fact 'act as a check on possible police excesses' (only possible, and not real), if in fact Injured persons and independent witnesses' did appear before all such enquiries to make their depositions, if in fact there were 'several cases in which the magistrates found fault with the police for excessive use of force and in those cases the police have been prosecuted' - all these are assertions made by this senior officer of the Andhra Pradesh police - civil liberties organisations would be only too happy, Aravinda Rao knows perfectly well that none of these statements is true as far as police excesses *vis-a-vis* the naxalite movement go. Even regarding police excesses in other situations, the most one can say is that magisterial enquiries to take place, victims (if they are alive) and the more courageous among the witnesses (if any) do depose, if not in all cases, then frequently enough to allow policemen writing books to cite these enquiries as instances of their accountability to the law. Some report is then sent to the home ministry by the enquiring executive magistrate, which rarely takes any other than purely departmental action on erring policemen, assuming that is that the report has found fault with policemen, which is not common since the executive magistrates who do these enquiries are not judicial officers but revenue officials whose vocation makes them nearly as cynical and insensitive as the policemen whom they work cheek by jowl with. Prosecutions of police officers are very very few, and hence punishment in accordance with law is very very rare. In the case of police atrocities in naxalite areas, all that one can say is that magisterial enquiries are ordered whenever the law requires them to be. And that is about all that happens. Witnesses are only rarely allowed to depose. Policemen are known to wait at the gate of the enquiring magistrate's office and abduct intending witnesses. They are known to guard all the roads leaving the village which is the scene of the offence and physically stop people from going to the enquiry. There are cases where the police have entered the enquiring magistrate's chamber with weapons in the hand and brandished them at the deponents. If, after all this, the enquiry does find fault with the police for violating

the law, the report is either stored in the home ministry's archives or rejected and a fresh enquiry ordered.

Aravinda Rao will probably feel he is being hit below the belt (for when one discusses a policeman's book, one is supposed to refrain politely from referring to what he does when he is not writing books) if he and his readers are reminded that one of the very few cases where the magisterial enquiry held into an 'encounter' killing held it to be fake happened in Warangal district at a time (in 1985) when he was superintendent of police of that district, and that he successfully managed to get the report rejected by the government and a fresh enquiry ordered after the enquiring executive magistrate, a sub-collector, was transferred out of the district at his behest.

Let us return briefly to the National Human Rights Commission, and the respect it is accorded by the Andhra Pradesh police. The Andhra Pradesh Civil Liberties Committee (APCLC) sent a complaint in March 1994 to the NHRC about 'encounter' killings in the state. This state has been notorious for that particular form of extra-judicial killing for nearly three decades now. But the 1990s have seen an unprecedented escalation in the magnitude of the killings. More than 60 per cent of the encounter killings of the three decades have taken place in the last six years. APCLC described and tabulated the details of this ugly phenomenon and sought from the NHRC nothing more complicated than a re- of the law: an 'encounter' is a self-confessed act of killing committed with the full knowledge and intention of the policemen, and is therefore a crime of murder. Genuine defence of the body is of course an extenuating circumstance in law. But that is to be proved in a court. The mere statement of the killer that he has killed in self-defence does not suffice to condone the killing. Hence each case of 'encounter' must be registered as a crime of wilful homicide, investigated by an agency independent (to the extent possible) of the police, and tested in a court of law to decide whether the plea of self-defence is well taken. This is the plain law, and it requires no judicial activism to unearth it. And yet civil liberties organisations have until recently failed consistently in their effort to cajole the courts to state this position of law in so many words.

The AP High Court finally did so in 1995, and the NHRC in 1996 in response to APCLC's complaint. This year, the NHRC has directed all state governments to realise that its direction in the APCLC complaint applies to 'encounters' everywhere in the country. But this was preceded by much mayhem in Andhra Pradesh, which is pertinent to Aravinda Rao's claim that the AP police live in perpetual fear of the NHRC. Soon after receiving APCLC's complaint in

March 1994, the NHRC decided to first of all get a feel of the 'naxalite problem' in AP. And so it paid a visit to the state in August 1994 to gather public opinion in the affected areas, about the naxalite movement and the government's response to it. They thought - and one cannot complain, for that is what common sense as well as the judicial instinct would recommend - that the best way to gather public opinion - visit the affected districts and hold open enquiries to which people would be invited to come and express their views and grievances. The government was expected to encourage the people to attend the sessions and express their views. It in fact did no such thing. It did not even give a press release informing the people of the NHRC's visit. Instead, the police machinery was geared to exert itself utmost to hijack the sittings. This they did with the ease born of their contempt for anything judicial. They mobilised large numbers of victims of naxalite violence (including not only men of the exploiting classes or others who may be reasonably described as enemies of the poor, but also victims of arbitrary and unreasonable acts of violence by the naxalites) plus paid informers of the police, kith and kin of policemen slain by the naxalites, professional criminals who live at the behest of the police and plainclothes policemen themselves. This crowd thronged the place of the sittings and created with their shouting and shoving such an atmosphere of terror that anyone not friendly with the police felt deterred from going there. The only exception was the handful of civil liberties activists from the complainant organisation and the few victims of police violence that they had brought with them. They found themselves surrounded by a hostile crowd which booed them with offensive slogans and manhandled them right in the presence of the dignitaries of the NHRC, as the entire lot of superior police officers of the district looked on in ill-disguised glee. This happened on successive days at Karimnagar Warangal and Nalgonda.

That is how much respect the Andhra Pradesh police have for the NHRC.

Later the NHRC came back to Andhra Pradesh to pursue the matter. This time it came, not to gather public opinion but to record evidence concerning six selected cases of 'encounters' from out of the list submitted by APCLC. The police once again did their best to threaten, cajole or buy off witnesses. They succeeded fully in one case and partially in another. In the remaining cases, the kith and kin of the dead men and other witnesses did appear before the NHRC, braving considerable police pressure. After hearing the evidence and the arguments concerning the question whether the law allows impunity to the police to torture and kill, the NHRC gave its report in November 1996 telling the government of Andhra Pradesh in quite plain

language that an 'encounter' is an act of culpable homicide which must be registered as a crime, investigated by an agency as independent as possible of the local police force, the report of which is to be placed before a court that is to judge whether the killing in fact took place in self-defence. This was, as said above, in November 1996. As this review is written, about 70 persons have been killed in encounters by the Andhra Pradesh police since the publication of the NHRC's report but in not a single case have the police superiors - and that includes the author of this book - of Andhra Pradesh directed their subordinates to act in accordance with the directions of the NHRC, and they evidently have no qualms about not doing so.

That, once again, is how much the Andhra Pradesh police respect the NHRC, and how much in awe they stand of its powers.

But one need not belabour the point too much. Nowhere in the world do policemen like the idea that they too are accountable to the law. That, they believe, is like telling god that he too is bound by the Holy Book that he has pronounced to keep mortals in check. It would not have mattered what individual policemen - or an entire police force, for that matter - thought, but for the fact that this attitude is a sanctioned part of the notion of sovereignty of the state. The rhetoric of democracy says that the people are the true Sovereigns, but while in democracies the people do have some degree of control over the political masters, the state as a whole is as yet very reluctant, and more so in third world countries, to allow itself to be held accountable to the people, or even to the law, which is a partial mode of accountability to the people.

Aravinda Rao points to the enquiries held by the executive magistrates and the directions and recommendations of the NHRC as the two checks upon police misbehaviour provided by the system (the implication being that there is no need to make any further noise about police, atrocities), but apart from the contempt with which the police habitually treat these institutions and their proceedings, it must be recognised that neither of them has the power to pronounce judicially on anybody's guilt and award mandatory punishment. As a police officer, Aravinda Rao would certainly not countenance the suggestion that all criminals should have this facility of being held accountable to the law only through the mechanism of an executive magistrate's enquiry which ends in nothing more harmful than a report that is never acted upon, and a direction by the NHRC which amounts to nothing more serious than an admonition. Policemen, of course, will not find this comparison amusing. Not just policemen, the sovereign as such does not like to be equated with common mortals, however,

democratic it may claim to be. But since human beings will always require some policing - the state is never going to wither away - it remains a problem of civilisation to make its police swallow the idea that they ply their nasty role within the strict limits of the norms set by society. The most important norm, of course, is that the role of the police in society will be severely, limited and circumscribed within the narrowest limits necessary. Today, unfortunately, it is expanding to fill the vacuum left by decaying political institutions and diminishing social responsibility. What is happening in Telengana is only an instance of this general disease.

CIVIL LIBERTIES MOVEMENT

Finally, a word or two about Aravinda Rao's treatment of the civil liberties movement, in particular his *bete noir*, the Andhra Pradesh Civil Liberties Committee. A writer who wishes to be taken seriously must beware of bad blood, for it makes for a poor critique. Aravinda Rao's account of APCLC is an example. He is willing to concede some virtues, however reluctantly, to the naxalite movement, but to the civil liberties movement, none. He does not concede even the minimal virtues of reason and common sense. It is of course true that the civil liberties movement was initially a creature of the CPI(ML). Whether or not the first generation office-bearers were actually members of the CPI(ML), they were very much part of its ethos and political discipline. It is also true that the various CPI(ML) groups in Andhra Pradesh would still like it to be that way, and therefore motivate their sympathisers, and intellectuals amenable to their way of thinking and their discipline, to join the APCLC, so that the organisation may better serve their needs. What Aravinda Rao knows but does not wish to acknowledge is that right in the midst of this pressure - and of course the very brutal pressure excited by the police, of which Aravinda Rao knows quite well, for he was the superintendent of police of Warangal district when the first killing by the police of an APCLC activist, the elderly paediatrician A Ramanadham, took place in that town - APCLC has carved for itself a unique identity and a wide-ranging agenda. It is not a question of moderates vs extremists vis-a-vis naxalite violence, as he says at one point. That makes it seem as if the worry is only about the quantum of violence the civil liberties movement may uncritically countenance on the part of rebel movements. It is rather whether movements which arise from the injustices of society and speak and act in the name of justice shall themselves be allowed to behave unjustly and get away without any censure from the human rights movement. But more than this, the debate and the differences within the

human rights movement pertains to recognising - or denying - a specific role for the movement within each sphere of social iniquity, struggle and transformation, a role that is not merely supportive of 'people's struggles' but has an agenda of its own, an agenda of furtherance of democratic norms and values in social relations and institutions,

To make the civil liberties movement look ridiculous he says that mere arrest and interrogation of a naxalite is denounced state terror by the civil liberties movement. That is not true, and he knows it to be not true. Notwithstanding pressure from the revolutionaries and their ideologues that the crimes of violence committed by them are not crimes but acts of liberation, the civil liberties movement has taken the stand that it will not oppose the law taking its course in the matter of revolutionary violence, for that is part of the rule of law. What we have opposed is extra-legal suppression of the naxalites or anybody for that matter; the enactment of statutes such as TADA which cannot be called law at all it that expression includes respect for natural justice and civic freedoms; and the refusal to recognise that behind the violence is a politics with its specific social base and *raison d'être*.

Aravinda Rao knowingly makes the false allegation that torture of ordinary criminal suspects does not evoke the kind of response that torture of the radical activist does. On the contrary, it is the civil liberties movement that first drew the attention of social concern to custodial deaths in which it is mostly non-political crime suspects that die. If today in Andhra Pradesh and some other states even otherwise insensitive political parties have learnt to react to custodial deaths, and if the courts and NHRC are responding positively to complaints of custodial torture and killing, the credit goes to the civil liberties movement, I may recall an incident of nearly a decade ago that is likely to again embarrass Aravinda Rao. One can of course comprehend the embarrassment, unless one is of the Utopian persuasion that policing as such (and not the degree and kind of policing) is an artificial creature of human pre-history, which is bound to vanish once the epoch of true human history begins. Policemen habitually complain that society leaves them the most nasty job of dealing with explicit expressions of the evil in the human potential, and repays by preaching morality at them for their alleged insensitivity in doing the job that the rest of society is not prepared to do. One can sympathise with this complaint, but only when it comes from policemen who restrain themselves to act within the norms set by civilisation for handling human evil by means of force rather than persuasion, and tell society honestly that this is all the police can do, and the rest is society's civilisational burden. But not when it comes from those who

regard the civilisational restraints on policing with contempt and enjoy the power that flows from their regular violation.

Aravinda Rao was, at the juncture of the incident, the SP of Cuddapah district of the Rayalaseema region. He took personal initiative in apprehending and interrogating a professional housebreaker by name Venkateshwarlu of Badvel. The man was detained for more than 50 days in a series of police stations on either side of the Cuddapah and Prakasam districts and tortured to confess to a number of robberies and thefts, and to reveal the names of the persons the stolen goods were sold to. All the while the wife and infant daughter of the man were also - totally without the sanction of law - detained in the various police stations. The child contracted infection in course of this ill-treatment and died of diarrhoea almost at the time the police succeeded in 'cracking' the series of thefts and robberies the child's father had committed. Both the success of the investigation (publicised by the SP) and the death of the child (publicised by APCLC) received prominent attention from the press. Aravinda Rao's furious reaction (as stated to press reporters) was to call civil liberties activists 'birds of prey that are perpetually in search of corpses'. Today he says they are interested only in the corpses of naxalites.

What, in the end, is this policeman's prescription for curing what he regards as the naxalite disease? Since he believes that there is no real reason for its existence he probably expects that it will eventually fade out. There is no evil in hoping so. But in actual practice, the state is not waiting for the alleged irrelevance of naxalism to drive it out. The state and its police are committing more and more gruesome acts to eliminate the naxalites and are doing so as a matter of deliberate political policy. The quantum of injury they are causing in the process to the people as well as to democratic civitiation is incalculable. But they will not succeed - at least not easily. It does not matter whether the new democratic revolution of the naxalites is relevant or irrelevant as a prescription for our ills. Notwithstanding that, there is space in our polity for an effective popular counter-weight to the unresponsive and unheeding executive and the very inadequate mechanisms of adjudication, that respond if at all on the side of the rich and the powerful and against the poor. That is the main role the naxalites are playing today, and though it has nothing much to do with their theory of agrarian struggle as the axis of the revolution, it can well sustain itself, even if it will probably find it difficult to move out of the undeveloped areas of the state. Of course, the fact that the naxalite counter-weight functions on behalf of the poor and the oppressed as against the rich and the powerful does not mean that it is without

risk or harm to those classes. Firstly, as a parallel adjudicatory and executive mechanism, the revolutionaries adjudicate matters not only between the oppressed and the oppressors but also between different sections of the oppressed or the middle classes. And their procedures and their norms being determined by whatever political consciousness the local activists possess plus raw weapon power, their administrative of justice and their executive directives are sometimes more harsh and brutal than those of bourgeois law, apart from being amenable or liable to the common ills of power, any power. Secondly, it is a notorious truth about armed political militancy that it is perpetually involved in the brutal act of weeding out agents of its enemy within its social base, to such an extent that it soon is found killing more of its own people than the enemy. Kashmiri militants have killed more Kashmiri Muslims than either Hindus or the officers of the union of India; the same is true of Khalistani militants who have killed more of the Sikh 'agents' or 'informers' of the union of India than their systemic enemies. The naxalites, similarly, have killed more of the poor and the rural middle classes than the landlords, the other exploiters or the police. This is a very unpleasant fact about political terror which its practitioners and sympathisers are hard put to defend, except to point - for the benefit of whoever is willing to find that a satisfactory reply - to the promise of what the people will attain after liberation.

But notwithstanding all this, the naxalites do fill the space that really exists in Indian society and democracy for a popular and effective counter-weight to the force of the state's bureaucracy and the police, and the social power of the dominant classes. No amount of curses delivered by Aravinda Rao is going to drive out this gap and the force that fills it. Genuine democratisation and reform may do it, but nobody is thinking of it, and instead our rulers are opting for the dictates of international capital which only make things much worse. Let us remind ourselves that the might of the police forces of Karnataka, Tamil Nadu and the central paramilitary are finding it impossible to apprehend the single brigand called Veerappan who seems to have created some kind of a popular base for himself by appealing to ties of community and providing some employment and income to forest dwellers around. The reason is not that our police are all that inefficient, nor only that whether it is Veerappan or naxalites their terror is no mean thing for the people in whose midst they live, a factor which the state makes much of.

More than all these factors is the simple truth that very few people in this country have much love and affection for the 'sarkar', at any rate not enough to help it to apprehend

any and all challengers of its monopoly of law and force, especially if the challenger, out of cleverness (as in the case of Veerappan) or political principle and social sympathy (as in the case of naxalites), keeps his force on the right side of the masses.

The conclusion a reasonable person would draw from this is that what we have here is a situation that the police and the armed forces cannot handle. That it can, if at all, be handled only politically, or even better, by reasoned societal interaction with the parallel sovereign and its aspiration to replace the actual sovereign. The role of the police should be strictly confined to the control and investigation of crimes. Those who are political sympathisers of the naxalites need not put themselves outside this process of interaction, for they too presumably realise that social transformation is not unproblematic and needs a helping hand from all concerned to keep it on the proper track.

But instead, Aravinda Rao and his ilk ask for more powers to the police. He makes at one point a very curious argument for condoning police lawlessness, or vigilantism as he calls it. The word vigilantism has shades of meaning, both positive and negative, but this author uses it in a positive sense. Judges, he

says, go beyond the law to advance the law and that is allowed and respected by society in the name of judicial activism. Vigilantism, then, is the act of police going beyond the law to enforce the law, and why does not society respect it? I do not know whether this Andhra police officer is the originator of this novelty or it has its origin in the intellectual output of the international fraternity of policemen. The trick lies in saying only that both judges and policemen go 'beyond the law' without adding that the one expands rights when it does so (though we seem to be in for some reverse judicial activism in the coming days) and the other violates rights in doing so.

Apart from this, the only other legal issue raised by this author is the lamented demise of TADA. He wants it back with the same powers and less ambiguity in its definitions. He will probably have his wish once the political instability at Delhi goes. There is no need now to go into the reasons for opposing that non-existent statute, and whether they are all born of ignorance as Aravinda Rao seems to think, but it is necessary to answer the comparison he draws with western democracies and the greater powers they allow the police in general, or in dealing with terrorism. Apart from the

question whether such powers should be allowed, anywhere and at any time, it must be remarked that the police force in those countries is more amenable to self-discipline and discipline of the law than is ours by any stretch of imagination. The common rhetorical comparison of the Indian police with a licensed gang of ruffians may not reflect the whole truth, for policemen perform quite a few difficult and necessary duties, but in matters of amenability to lawful control and discipline the comparison is very apt. They are as unruly as a gang of ruffians, with the added disadvantage of being consecrated by the law to discipline others. To trust such a force with more powers than at present, in the name of what is given in Britain or Sweden would be suicidal for India, irrespective of whether it is right in those countries. If Aravinda Rao knows nothing else, he should know at least one thing, that whether it is in Telengana or Punjab or Kashmir, not everybody may love the militants, but everybody without exception hates the police and the armed forces. Such is the character of policing in India, and nobody other than a policeman would argue that the Indian police deserve more powers, or that such a conferment of additional powers would solve any problem whatsoever.

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