

'Law and Order' on Lease

K Balagopal

What has given operational seriousness to the decade-old demand for arming 'villages' against naxalites is a combination of better organised strength of the naxalites and a certain generalisation of the problem. While the kind of arms and organisation the naxalite groups have built up in recent years puts them beyond the range of private armies, landlords will now form themselves into village self-protection committees and inflict violence upon ordinary peasants and labourers.

PRIVATISATION of one kind—the opening up of the economy to foreign and native private capital—is very much in the news today. It is being discussed, admired, derided and condemned, and either way it is Rajiv Gandhi and his man Pitroda who are being held responsible for it. But it appears that the spirit of *laissez-faire* has infected the world in this, the late part of the twentieth century, and Pitroda alone cannot be blamed for it; witness the ridiculous naivete with which Gorbachev is rediscovering the virtues of the market; or witness our own N T Rama Rao,

An advertisement, designed to look like a circus poster, was put in by the government of Andhra Pradesh in the *Indian Express* dated April 29 (see box). The policy, whose philosophical masthead proclaims that "to an extremist a weapon implies destruction; to a law-abiding citizen, a means of protection" and whose objective is to "ensure that individuals defend themselves, their families and their villages" from anti-social elements, envisages the setting up of a village Self-Protection Committee (*Grama Swayam Samrakshana Samiti*) consisting of five individuals in each village. They will be chosen by the government on the basis of education, integrity, moral character and commitment to social service. One position, however, is reserved for women, scheduled castes, scheduled tribes and minorities (put together!). The president and vice-president of the committee will be given licences to purchase and hold arms (which automatically rules out any poor person, even if education and integrity do not: the cheapest revolver costs

Rs 12,000). The duties of the committee are (a) to keep vigil on the activities of those who violate excise and commercial tax laws and indulge in offences relating to forests, civil supplies, etc, and report them to higher authorities; (b) to patrol the village to prevent the commission of offences; (c) to assist the police in the apprehension of offenders and in the prevention of crime; and (d) to pass on information to the police about the occurrence of any crime, or any apprehension of breach of peace.

Separated from its preamble the policy can only seem to be a gratuitous condemnation of the Andhra Pradesh police, for it reads like an SOS to the citizens to save themselves from the inefficacy of the police. The preamble is a story by itself, however. It goes back to the days when the Congress ruled the Telugu people; when political leaders and police officers frequently mooted the idea of forming village 'self-protection' committees against the naxalites. With the evolution of the Congress as an opposition party—which must need be more loyal to the ruling classes than the party in power, for it has a failure to live down—a competitive clamour was set up, and joined on occasion by the lesser parties in the assembly, in particular the BJP and the CPI(M). From the year 1985—when the current brutal repression on the CPI(ML) groups began—there have been many inconclusive debates in the assembly about the necessity, advisability and constitutionality of such committees. Perhaps none of them was very serious, and the discussion was only meant as an act of faith on behalf of their constituents, for all

the violence that they wanted to be perpetrated was being perpetrated anyway. Without the need of any declared official policy, landlords—especially in the Velama-dominated taluks of Karimnagar—were given liberal arms licences, and have been using them liberally against the masses and their activists. And more importantly the police have always been there, supplied with arms and infrastructure of increasing sophistication and a licence that is increasingly free. No formal policy or structure of Village self-protection' was felt necessary then, for more than one reason: anything done to suppress 'extremism' was in any case legitimate in the eyes of articulate public opinion, and there was no need to borrow the statutory legitimacy that comes with a formal structure or the ideological legitimacy of protecting 'self, family and village'; secondly, the armed strength of the enemy in those days consisted mainly of poor peasant youth carrying the most archaic weapons imaginable (and even taking pride in that), and it is only now that the transmutation to a better organised, better equipped and ruthlessly efficient force is taking place; thirdly, in those days the 'problem', though by no means very slight, was nevertheless not yet a problem for the most articulate and influential sections of the regional elite, being confined mainly to landlords of pre-green revolution vintage plus forest contractors, and though the awareness that it *could* spread to other areas if unattended to was there, not much urgency was attached to it; and fourthly, the 'problem' was as yet not compounded by a generalised increase in the self-assertion of the poor, or the decreasing possibility of democratic governance, or the increasing intra-ruling class violence.

In other words, what has given operational seriousness to the decade-old demand for arming 'villages' against naxalites is a combination of better organised strength of the naxalites, and a certain generalisation of the problem. The generalisation consists of three dimensions. One, the growing tendency of the poor even in areas not 'infected by extremism' to resist oppression, in some cases without any conceptualised identity, and in some cases with a 'dalit' identity; two, the growing need to generally suppress the poor, partly as an aspect of the ongoing fascisation of the Indian polity, partly as a necessary concomitant of the consolidation and entrenchment of the power of diverse sections of the ruling classes in conflict with each other, and partly as an inevitable consequence of the severe economic crisis which makes it impossible to meet the slightest of their aspirations; and three, the replacement of political manipulation, accommodation and appeasement with violence in the internal squabbles of the propertied classes.

IMMEDIATE PROVOCATION

The immediate provocation for the recent decision, a murder that took place at Karamchedu on the night of April 6, testifies to

**Protect yourself! Guard your village!!
from anti-social elements**

**To put an end to anti-social elements
To teach a lesson to gangsters
To curb vandalism
To protect women from molestation
To maintain law and order**

Andhra Pradesh -state government under the dynamic leadership of Sri N T Rama Rao, chief minister, announces a revolutionary policy emphasising self-defence, to ensure safety of the common man from the atrocities of anti-social elements.

all these dimensions. The victim was Daggubati Chenchuramaiah, father of NTR's currently most influential son-in-law, D Venkateswara Rao. A group of unfamiliar youth accosted him at his home, on the plea of seeking his help in getting a job, and after coming close to him, shot him dead point-blank and went away shouting pro-naxalite slogans. They have neither been identified nor apprehended till now, but a new (probably non-existent) dalit organisation immediately claimed responsibility for the murder, and said that it was done in retaliation to the Karamchedu killing of July 17, 1985. But a day later, a statement issued by the People's War group of CPI(ML) claimed that it was *they* who were responsible for the deed.

The killing occasioned more surprise than shock, for the AP Dalit Mahasabha, which has been spearheading the protest movement of the victims of Karamchedu—and has filed a private complaint implicating Chenchuramaiah as the first accused—is an organisation avowedly disinclined to violence, and none of the naxalites have ever had more than a nominal presence in the area. Nevertheless the administration has reacted with uncharacteristic calm. It knows perfectly well that whoever may have been the killers, and however limited their local mass base, any hasty action in retaliation would have unpleasant consequences. The Karamchedu killing was followed by such a tardy investigation and such an unsatisfactory charge-sheet that the Dalit Mahasabha was forced to file a private complaint implicating all the influential and powerful persons left out in the police charge-sheet. Wui nearly four years later, the trial is yet to start. It has been delayed by such vexatious means that it would be tiresome to recapitulate them. Meanwhile, the killings have continued. Neerukonda (Guntur district), Dontali (Nellore district), Gudiada (Vizianagaram district), Bandlapalli (Chittoor district), Kollipara (Guntur district) and Jabbargudem (Ranga Reddy district) are villages where fatal assaults on dalits have taken place after Karamchedu. In most of these cases, behind the seemingly local tensions of wages, land and electoral conflict can be clearly discerned a certain process of consolidation and entrenchment of the land-and-business-based regional elite, whose political strategy is to consolidate an obedient village community behind it in its struggle with monopoly capital. This murderous politics has created such an aversion among the democratic masses that even ruling class spokespersons are vary of expressing anything more than a routine shock and condemnation of Chenchuramaiah's murder.

The fact that the murder was avowedly committed by a naxalite group came in handy for NTR. This is perhaps the first murder in many years committed by any naxalite group in the paddy-tobacco-cotton belt of coastal Andhra, the social hinterland of NTR's politics, and the victim was not

anybody but a close relative-by-marriage of the chief minister. The murder has undoubtedly given a much-needed shock to the landed gentry of coastal Andhra, who have been continuing their assaults on the poor in utter contempt of all peaceful protest. On the other hand, if the killers had not been naxalites, it is doubtful that NTR would have found it possible to make an excuse of it to formulate a policy of creating armed self-defence squads constituted by persons chosen by the government, and if he did he would have found it difficult to legitimise it. Hut now he can do it in the name of 'extremist violence', for the killing of poor people in the name of curbing 'extremism' has long been legitimised in this state, and even those who are otherwise democratic do not protest much about it: NTR after coming to power, has already killed about 180 naxalite cadre and sympathisers in 'encounters', almost all of them peasant or tribal youth, and very few people have spoken out against this record. This pre-existing legitimacy he

can now use to justify his policy of arming dominant landholders with fire-arms and policing powers, an act that can have devastating consequences for the oppressed classes, especially outside the 'extremist-infested' north Telangana districts^ for outside these five districts the resistance of the poor is in no position to take on armed attacks from the landlords. But since control of the rural masses is an essential part of NTR's politics, he must be only too happy that he can legitimately proceed with the scheme.

Along a different political dimension, the landlords of the north Telangana districts are also in dire need of more arms to fight the naxalites whose strength is, by all accounts, increasing in spite of the endless 'encounter' killings; and NTR has no doubt been wistfully admiring licentious Bihar, where the government is free to allow landlords to maintain their own private armies. Presumably now some of the landlords of Warangal and Karimnagar will form them-

INDIAN COUNCIL OF SOCIAL SCIENCE RESEARCH

Applications are invited for the following Fellowships:

I CENTRALLY ADMINISTERED DOCTORAL FELLOWSHIPS IN SPECIFIED AREAS

(a) Women's Studies; (B) Medical Sociology/Medical Anthropology; and (C) For Scholars who are physically Handicapped/Disabled.

II OPEN DOCTORAL FELLOWSHIPS

Open for scholars both in Research Institutes and Universities, preferably on topics with inter-disciplinary orientation.

III ICSSR FOUNDATION DAY DOCTORAL FELLOWSHIP

IV FELLOWSHIPS FOR STUDENTS OF NORTHEAST REGION

The fellowships are for a period of 4 years inclusive from all sources for Ph.D.

CONDITIONS OF ELIGIBILITY

Candidates must have cleared the National Educational Test held by the University Grants Commission.

Applicant must be registered for Ph.D or should be able to complete the registration formalities within 6 months of the period before he is allowed to take up the fellowship.

For further details and application form kindly send a self-addressed, stamped envelop (Rs. 2/-) to **Director (Fellowship), 35 Ferozeshah Road, New Delhi** so as to reach him **latest by 14th August, 1989**. No request for application form will be entertained after the date.

selves into village self-protection committees and inflict violence upon the peasants and labourers. But the principal agency of anti-naxalite operations will however continue to be the special police, recently consolidated as a Special Task Force armed with anonymity and automatic weapons and commanded by the most notorious and powerful policeman in the state, deputy inspector general of police, K S Vyas. The kind of arms and organisation the naxalite groups have built up in the recent years put them beyond the range of private armies.

CONGRESS RESPONSE

The Congressmen have a very different reason for being upset over NTR's scheme. The Congress is at present engaged in a serious conflict with parties like Telugu Desam in attracting to itself the loyalty of the rural rich. It is a vulgar understanding that sees the Congress as a representative of monopoly capital as against parties like TDP which represent the regional elite. Whichever class may at present dominate this or that political formation, and whatever may be the self-perceptions of those classes and formations, the fact is that the Congress represents a certain paradigm, a certain model for the resolution of the question of balancing the interests of the various sections of the ruling classes, and formations like TDP represent not so much a different paradigm as a temporary phase of self-assertion of the regional elite in the process of consolidation and definition of a new paradigm. While the TDP therefore asserts the power of the rural rich by acting as the political vehicle through which they suppress the rural masses and force the 'village' to fall in line behind them, the Congress tries to attract the very same rural rich by wooing them through measures like the Panchayat Raj Bill. In the process violent clashes between the two formations continue to take place, resulting in frequent incidents of booth-capturing, rigging, rioting, arson and murder. As the general elections come near the violence increases in proportion. It is against this background that Congressmen are agitated over the village self-protection scheme, for as they have been unabashedly saying, they are afraid that all the arms licences will go to Telugu Desam men, who are going to use them to rig the coming elections. One Congressman from Guntur—the district which has seen the most violent Congress-TDP clashes, especially in the constituency of the previous home minister—has even gone to court challenging the constitutionality of the scheme.

The court will probably hold the scheme unconstitutional, at least in its present form. Self-defence as an exceptional plea taken by a person who has caused injury to another is recognised by law, but that is a very different thing from the state going around forming armed squads of persons chosen by it and delegating policing powers to them. NTR bemoans that in the good old days

villages used to have self-protection committees consisting of respectable inhabitants, a habit that has unaccountably died out in recent times, and hence claims in justification of his scheme that he is only reviving an ancient institution. But in the meanwhile, to NTR's misfortune, we have acquired a modern constitution and rudimentary notions of Rule of Law, which must need be formally adhered to. And quite apart from the fact that persons of "good conduct, education, integrity and commitment to social service" who are supplied with enough cash to purchase a revolver withal can only come from the landholding classes, it is doubtful that Article 21 as it is presently interpreted will accept the leasing out of the job of policing to private parties, rich or poor. Informing the police and keeping vigil over the violation of excise and civil supplies laws is alright, and no smuggler has ever been hurt by vigilance in any case, but the power to patrol the village with arms to prevent the commission of offences is a different thing

altogether. On the one hand, and as it is, most of the offences the official police commit are during the purported prevention of other people's offences, and secondly the term 'offence' as classified by the Indian Penal Code and other penal laws is a dangerously vague thing. A landlord given policing powers may very well decide that it is breach of peace if his labourers strike work and gherao him, and may set about preventing it with fire-arms. Or a poor woman gathering firewood from the village wasteland, a peasant catching fish in a tank or stream auctioned by the gram panchayat to a contractor, a landless family ploughing unused common land Or putting up a hut on it, peasants abusing a corrupt revenue official or belabouring an extortionate electricity supervisor, are all guilty of offences like theft, encroachment, intimidation and assault; imagine the consequence of giving the rural gentry fire-arms licences and the authority to prevent such 'offences' and apprehend the offenders!

Communal Propaganda in Elections A Landmark Judgment

Asghar Ali Engineer

At a time when communal forces are asserting themselves in the country's politics with renewed vigour, the judgment of the Bombay High Court setting aside the election of a Shiv Sena candidate to the Maharashtra assembly on the ground that he and his party had relied on communal propaganda in their election campaign must be considered a landmark.

IN Bombay North-West constituency a bye-election in December 1987 saw a triangular contest between the Congress(I), the Shiv Sena and the Janata Party. The main contest was between the Congress(I) and the Shiv Sena candidates. Prabhakar Kunte, the Congress(I) candidate, was considered quite strong and has a reputation of holding secular views. When the election result was declared Kunte lost to the Shiv Sena candidate by a margin of more than 10,000 votes. The Sena candidate secured 29,547 votes whereas the Congress candidate secured only 18,783 votes.

Prabhakar Kunte alleged that the Shiv Sena not only indulged in virulent communal propaganda but also prevented a large number of people from voting through intimidatory tactics. Kunte, therefore, filed a petition in the Bombay High Court to set aside the election under Section 123(3) of the Representation of the People Act, 1951 on grounds of corrupt practices and appealing to the electorate in the name of religion. The Bombay High Court heard the arguments and finally delivered its judgment setting aside the election of the Shiv Sena candidate. It is a historic judgment.

Section 123(3) of the Representation of People Act prohibits promoting of or attempting to promote feelings of enmity and hatred between different classes of the citizens of India on the ground of religion and community. Section 123(2) prohibits intimidation of voters by the use of undue influence. After hearing of arguments and after evidence in the election petition had been recorded before Justice Bharucha, a notice under Section 99 of the act was issued to Balasaheb Thackeray, leader of the Shiv Sena, and Thackeray appeared before the court.

Thackeray had publicly stated that he did not believe in the present democracy but in "a democracy like that of Shivaji Maharaj" The Shiv Sena candidate Ramesh Prabhu also subscribed to this view. Thackeray reiterated this view on May 24, 1987 at a Rotary Club meeting in Bombay. He is reported to have said that elections were a major ailment affecting the country and declared that he would extend total support to prime minister Rajiv Gandhi if the latter decided to do away with elections in the interest of the development of the country.

Justice Bharucha remarks in his judgment