

Naxalism just cannot be crushed by force

INTERVIEW

K BALAGOPAL

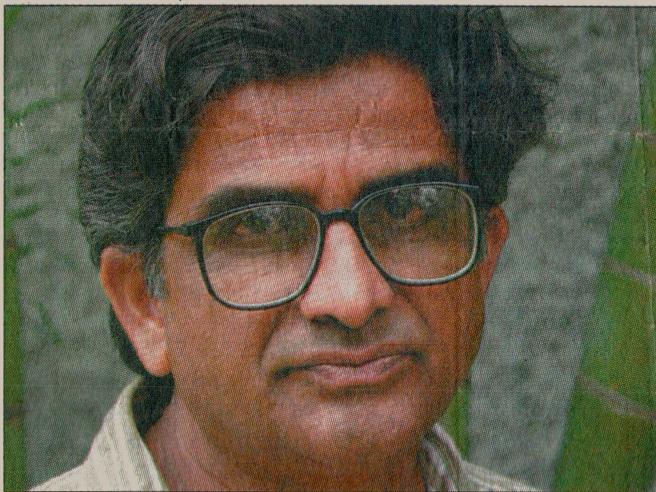
In an astonishing development in Andhra Pradesh, the police have not killed a single Naxalite and the Naxalites have not killed a single policeman in the last four months. There are no 'encounters' but it is not a formal ceasefire, at least not yet as both sides are now set to negotiate a truce in the 35-year-old conflict. Even the Centre is wondering if what is happening in Andhra Pradesh can occur throughout the Nepal-Andhra Pradesh Naxal corridor which passes through Bihar, Jharkhand, Chhattisgarh and Orissa. It is possible provided the central and state governments do not flex their muscles and allow Naxals to organise tribals and other downtrodden people in a perfectly lawful manner, according to human rights activists like K Balagopal of the Hyderabad-based Human Rights Forum.

Balagopal has been through the thick and thin of the decades-long Naxalite move-

ment in Andhra Pradesh for over a quarter of a century now. A PhD in mathematics, he analyses with great precision the circumstances which made the Congress government, which succeeded the Chandrababu Naidu regime, to offer the Naxalite People's War and Janashakthi talks on honourable terms. Excerpts of the interview:

The President of India has issued ordinances to repeal POTA and amend the Unlawful Activities (Prevention) Act (UAPA). Does this improve the human rights situation?

We gather from newspaper reports that the most objectionable provision of POTA and the now defunct TADA that confessions made to a police officer (mostly under duress or due to torture, needless to say) are admissible in a court of law will be erased. So far so good. Till now, the UAPA was meant only for banning organisations. Now it seems it is going to be applicable to individuals as well. It is now not clear whether two other objectionable provisions of POTA and TADA would also be done away



K Balagopal, convenor of the Hyderabad-based Human Rights Forum

with. One concerns the extreme, almost impossible chance of obtaining bail under POTA. The court has to be satisfied that the accused are innocent if they are to be granted bail. Under ordinary criminal law, it is enough if the court is satisfied that the accused will not obstruct investigation or jump bail – maybe, flee the country. This means that bail can be given only in flimsy cases! The second objectionable

provision is that the burden of proof is on the accused. But natural justice demands that the burden of proof be on the prosecution.

Now that the AP government has come forward to hold talks with leaders of People's War and Janashakthi, how different will it be from Chandrababu Naidu's dispensation?

The Chandrababu Naidu government took the stand that

it would not hold any talks with the Naxalites unless they laid down arms – or probably even if they did. The Naxals were not prepared to lay down arms for nothing. Every year, the police would kill 200-odd Naxalites and the Naxalites would take an equal toll of policemen. The cycle of violence was horrific. The Congress Government led by Rajashekhara Reddy has dropped the precondition that Naxalites should disarm themselves first. Three emissaries of the PW – Kalyan Rao, Varavara Rao and Gaddar – negotiated the ceasefire terms and the agenda for talks. But what has come to be known as Clause 7 (of the ceasefire draft) led to a stalemate. According to Clause 7, the Naxalites should not carry arms when they go to villages for political campaigning. The government and the police have assured them of protection but the clause is not acceptable to the Naxalites because they have other armed enemies in villages.

Since it looked this stalemate would continue for ever, the emissaries and the human rights activists proposed that

the PW and Janashakthi leaders hold talks directly with the Government and discuss the question of carrying arms as the first item on the agenda. The Government has now called them for talks.

In Hyderabad a few days ago, Union Home Minister Shivaraj Patil held a meeting with chief ministers/home ministers of nine states (Karnataka not included) where the Naxalites are strong. The states preferred a composite dialogue with all the Naxalite groups.

The Naxalites prefer state-level negotiations because centralised negotiations will be unwieldy. Besides, different states have different situations and levels of engagement with the Naxals.

What about the nascent Naxalite movement in Karnataka?

The Karnataka government should realise that Naxalism cannot be crushed by force. Look at the Andhra experience. All attempts to crush Naxalites by force have failed. The Naxal movement has gone on for over 35 years. Karnataka should try

to avoid that by allowing Naxalites to organise the poor labouring classes without police oppression. Then there will be no violence. Now that even the Andhra Pradesh government has realised this, Karnataka should not repeat the historical mistake.

What are the civil liberty organisations doing about the Manipur situation?

A team of human rights activists from different states will go on a fact-finding mission to Manipur in a week. We have requested the Karnataka's People's Democratic Forum to join us. The Armed Forces (Special Powers) Act is a particularly draconian law. It's just a two-page law, without proper foundation in jurisprudence, which gives powers to the armed forces to arrest and kill people at will. It has been on the statute book since 1958. It got attention because some Manipuri women resorted to an extraordinary act to condemn the rape and killing of a young woman by Central forces.

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