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HUMAN RIGHTS VIOLATION IN RED CORRIDOR OF INDIA

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Abstract: Since the last five decades, India has been grappling with the threat of Naxalism. The Naxal movement in India was founded upon Mao-Tse-Tung's radical philosophy. Its impact is growing steadily through the mobilization of rural India's discouraged, oppressed, vulnerable, and underprivileged people. In India, about 223 districts in 20 states have been affected by Naxal violence. In this movement, more than 20,000 armed cadres are operating. Its primary goals are to challenge the exploitative nature of state machinery and combat the security forces' brutal oppression. In return, the state wishes to re-establish law and order by encountering the Naxalites violently without caring for their human rights. This paper is divided into four parts in this context. The initial segment explores the origin and evolution of Naxalism in India. The next segment is concerned with the sensitivity and strategies of Naxalites. The third section delineates the state's violent suppression to neutralize the Naxal insurgency. And the last section consists of 'Salwa Judum' and violations of human rights in the 'Red Corridor' of India, and it also proposes several remedies.

Keywords: Naxalism, Red Corridor, Counterinsurgency, Salwa Judum, Human Rights.

I. INTRODUCTION

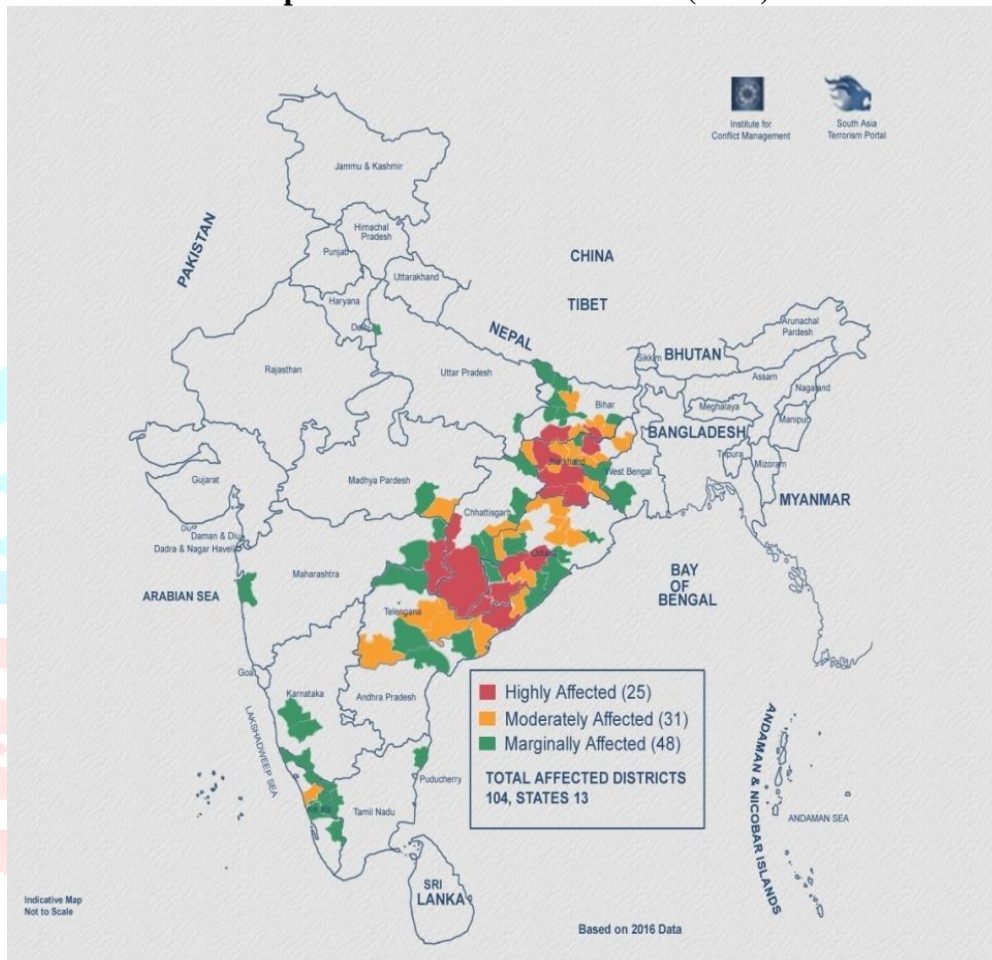
In recent decades, the interest of scholars, researchers, and think tanks has been centered on 'Human Rights.' Although the United Nations recognized the Universal Declaration of Human Rights (UDHR) in 1948, it has recently gained academic momentum (Bhuyan, 2018, p.4). Its significance has been multiplied because of its capacity to fix the standard for fundamental equality and human dignity in the world. Hence, those rights that help provide necessary facilities for a dignified life to the individuals and their groups by the states and non-state actors are called human rights. Human rights have guaranteed human prosperity, dignity, individual freedom, natural rights, and social justice against exploitation and oppression. Still, there are certain regions in the world where human rights have been challenging.

In the Indian context, one such region is the 'Red Corridor' (Refer Map 2.1), otherwise known as the Naxal affected region. In this region, because of the regular confrontation between security forces and Naxalites, innocent people's human rights are at stake. From both the side, they have been suffering from immense pain, torture, and exploitation (Ananda, 2015). A brief sketch on human rights violations in the 'Red Corridor' is the core theme of this paper.

II. NAXALISM

The term 'Naxalism,' otherwise known as 'Left Wing Extremism,' is used to explain the ideology of specific groups who prefer to choose the method of violent armed struggle and follow the principles of Mao-Tse Tung. They are called Naxalites or Naxals or Maovadi. They organize the armed struggle against landlords, capitalists, corrupted bureaucrats, apathetic governmental machinery, and others on behalf of landless poor laborers, peasants, and tribal people. The Naxals argue that their goal is to establish a classless society and fight against oppression and exploitation (Singh, 1995). On the other hand, government and government authorities brand Naxals as terrorists who oppress innocent tribal and marginalized people in the name of 'class war.'

Map 2.1 - Red Corridor in India (2018)



Source: ICM, New Delhi; Accessed at <https://www.satp.org>

2.1. Genesis of Naxalism in India

For the first time in India, the left ideology took the shape of a movement in July 1948, popularly known as 'Telengana Struggle.' The ideology of Karl Marx influenced this struggle heavily. Its primary target was to create 'Left-Revolution' in India under the banner of CPI (Marxist). But only after some CPI (Marxist) party split up to form the CPI (Marxist-Leninist) party did the left movement take its proper shape. The split in the CPI (Marxist) occurred because some of its members agreed to participate in the elections and form a coalition government in West Bengal rather than follow the 'Radical Left Revolution.' Charu Mazumdar of Naxalbari, West Bengal, led the split (Ramana, 2012). The ideology of Mao-Tse-Tung of China was influencing him.

The landmark revolution in left ideology was witnessed in 1967. On May 25, 1967, a tribal was attacked by local goons appointed by landlords. It happened in Naxalbari village of Darjeeling district, West Bengal. Under the tenancy law, the courts gave the land to a tribal person, and goons tried to capture that land. The landlords were attacked by the tribals in retaliation and reclaimed their land. It was commonly referred to as the "Naxalbari uprising". The word 'Naxal' came from this "Naxalbari Uprising" (Chatterjee, 2012).

2.2. Trend of Naxalism

In the late 1960s and 1970s, the Naxalite movement was able to gather public support and popularity. Many brilliant scholars and students from the IITs, NITs, and Central Universities had participated in this movement to fight for the tribals' rights and landless peasants. As time passed, the movement slowly lost its vision and compromised its principles. But even today, think tanks, students, professors from various educational institutions support the idea of communism. Apart from that, the enormous participation of men and women in different ranks of the CPI (Maoist) party proves that many still believe in its motive (Banerjee, 2006).

2.3. Claim of Naxalism

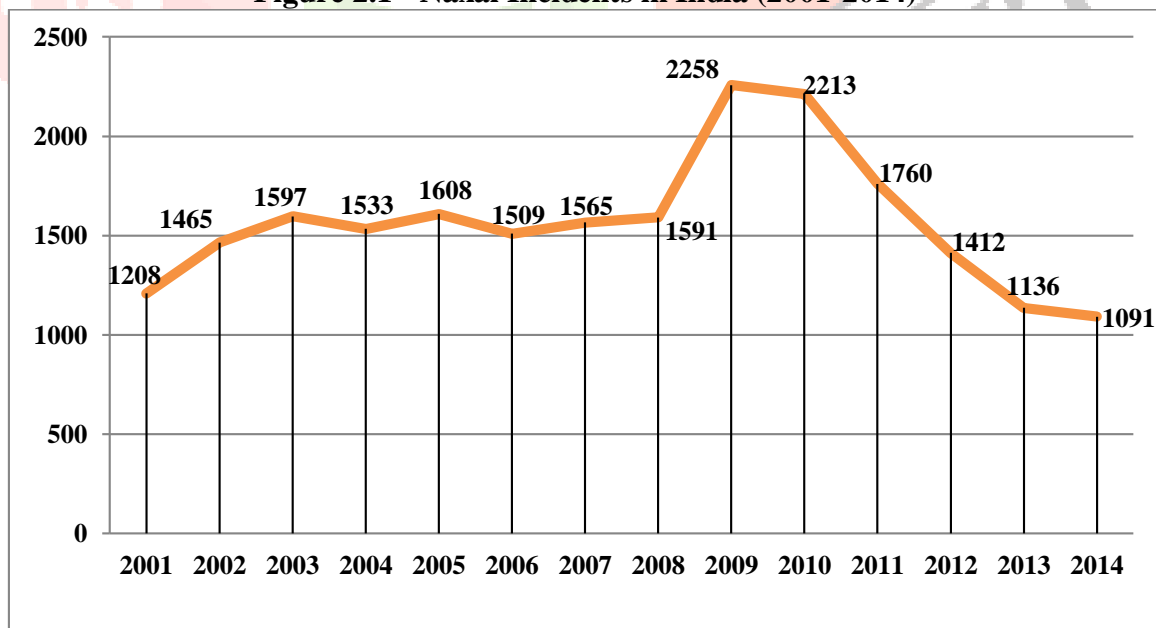
Naxalites claim to represent the voice of the Indian tribals and oppressed people. Even after seventy-two years of independence, there are sections of citizens who are often left untouched by India's development. Invariably, they are Dalits, Adivasis, Peasants, and Landless Workers, whose daily income is often below the minimum wage mandated by the Indian government. Thus, Naxalism claims to represent these people's demands and genuine rights before the government through armed resistance (Anand, 2015).

2.4. Naxalism in the Organizational Structure

In India, many left-wing organizations have been operating under different names. Among them, the Communist Party of India (Marxist-Leninist) worked as the political outfit that propagated the radical left ideology until 2004. On 21 September 2004, the Communist Party of India (Marxist-Leninist), the People's War Group (PWG), and the Maoist Communist Center of India (MCC) merged and formed a distinctive left party called the Communist Party of India (Maoist) (Ramana, 2012). The merger was made public on 14 October 2004.

After the merger, the provisional Central Committee was formed with 32-35 members. Muppala Lakshmana Rao, alias Ganapathi, leader of the former People's War Group, was appointed as the Party's General Secretary (Ramana, 2012). The objective of this party was to overthrow the 'Government of India' through armed resistance. As a result, the party has been declared as a terrorist organization by the Indian government to organize mass killings to further its ideology.

Figure 2.1 - Naxal Incidents in India (2001-2014)



Source: GoI, Ministry of Home Affairs, (Annual Reports: 2013-14)

2.5. Operation Grounds of Naxalites

Naxalites always prefer the least developed regions of the state as their land of operation. They mostly operate in the rural and tribal regions. They also prefer regions with dense forests and hilly terrains to use as their hiding places. Their operations are most prominent in Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Telengana, etc (Indian Express, 2010). It will be noted that these areas are all inland, far from the coastline. Slowly Naxalites have been spreading throughout the country. As per the Government of India's annual reports, the numbers of Naxal incidents are increasing day by day, as shown in the following figure (Refer Figure 2.1).

III. NAXAL AND 'ANTI-NAXAL OPERATIONS'

Today, the Naxalites have upgraded their firepower and technical knowledge by adopting sophisticated weapons and communication systems. They have transformed themselves into a modern "Guerilla Force." With the composition of the CPI (Maoist) party and the boosting of the military wing, i.e., People's Liberation Guerrilla Army (PLGA), Naxalites have not only managed to challenge the security forces of the country, but the movement has also experienced a shift in its focus and strategy (Singh, 2015).

3.1. Counterinsurgency Strategy

The Indian Government has adopted "Military-Centric Strategies" to prevent Naxalism. It has formulated an "Empowered Group of Ministers" to address the issue of Naxalism headed by the Home Minister and selected Chief Ministers of different states. Indian Government has also prohibited the Communist Party of India (Maoist) and its front organizations under the 'Unlawful Activities Prevention Act (UAPA) of 1967' (Ibid, 2015). The Government has prepared a '14-Point Policy' to resolve Naxalism. Some of the essential points of that policy have been elaborated here.

1. Deal stridently with the Naxalites indulge in insurgency,
2. Ensure better coordination between states to counter Naxalism,
3. Pursue sustained action by the police against Naxalites,
4. No peace talk with the Naxalites unless they agree to give up brutality and arms,
5. Keeping young people away from radical left-wing ideology,
6. Reestablish people's trust and faith in legitimate state machinery,
7. Appointment of special officers for the Naxal affected districts,
8. Effectual 'Surrender and Rehabilitation policy' for Naxal affected states,
9. Adequate security to facilitate uninterrupted development activities in the 'Red Corridor',
10. Greater coordination among Naxal affected states (Hussain , 2015, p.148)

It is clear from the government policies that the Indian states have focused on countering Naxalism by military means. Still, less has been done to address the legitimate economic and social grievances of tribal peoples, marginalized dalits, and peasants.

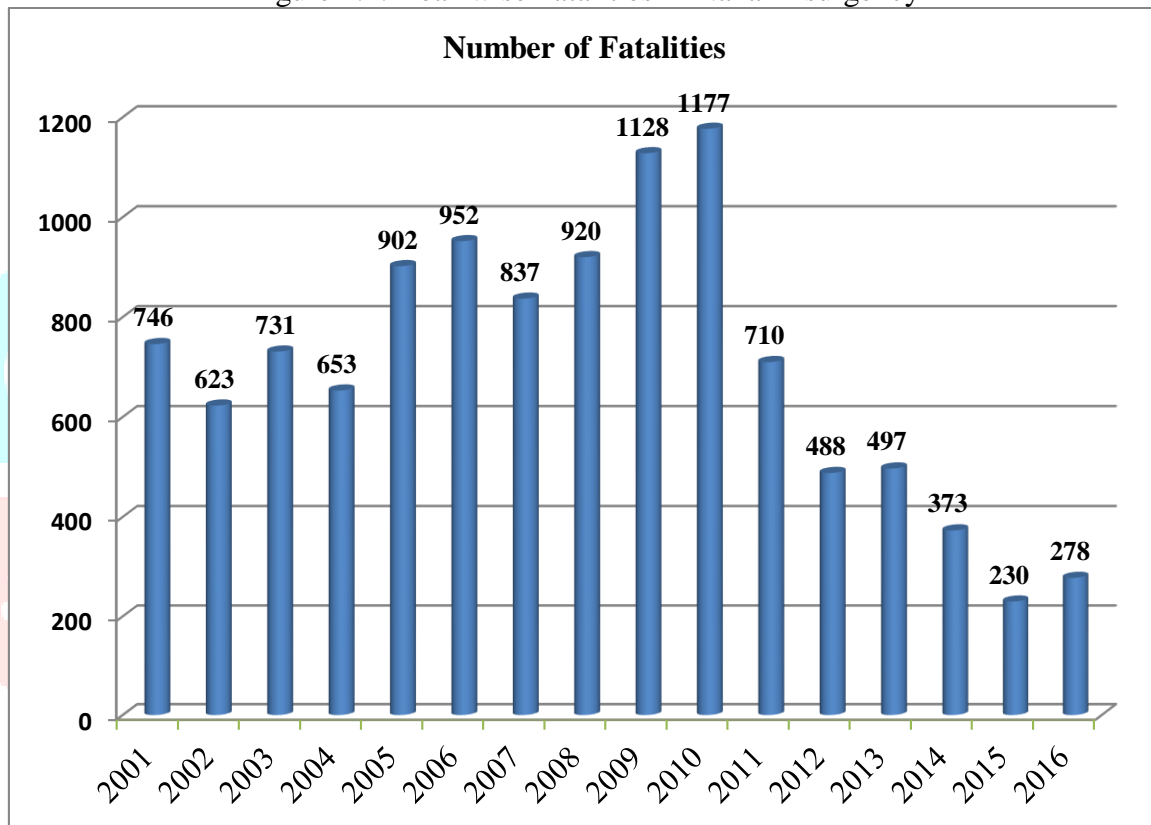
3.2. Anti-Naxal Operation and 'Salwa Judum'

Apart from the strategies mentioned above, 'Salwa Judum' also played an essential role in 'Counter-Naxal Operation.' It is a 'Gondi' term, which implies 'Purification Hunt' in the local Adivasi dialect. 'Salwa' means 'Group as per Naxalites, and 'Judum means 'Hunting.' Thus, collectively, 'Salwa Judum' stands for 'Group Hunting' of innocent tribals who support Naxalites. The concept of 'Salwa Judum' is assumed to have been first enforced in June 2005 in the Dantewada district of Chhattisgarh (Sharma, 2015, p.160). The media and government official reports have asserted it as "a spontaneous and self-initiated response to Naxal Insurgency." But the real picture is a different one.

Reports from different NGOs and Civil Societies indicate that many people have been displaced and kept in other security camps in miserable conditions because of 'Salwa Judum' (Balagopal, 2008). Government officials justify the displacement as the result of Naxalite threats. There is also some news about the forced emptying of villages as part of the government's anti-Naxal policy. Three facts came out based on factual analysis that challenged all the governmental claims. For example:

- Firstly, it is evident that the 'Salwa Judum' is not a spontaneous people's movement but a state-organized anti-Naxalite campaign.
- Secondly, in this campaign, the common man has suffered immensely between the Naxals and the Security Forces. The Naxalites have widespread support as long as people continue to live in the tribal areas without basic amenities and facilities. But it was hard for the government to differentiate Naxalites from the common people. Rather than questioning its failure to perform essential developments, the government has resorted to clear villages on a large scale to counter Naxalism.
- Finally, although 'Salwa Judum' was explained by the government as a peace campaign, it only escalated violence. However, only fatalities by Naxalites' were recognized, and the 'Salwa Judum' and paramilitary forces were operating with complete impunity (Chari, 2010). The rule of law has also been completely broken (Sharma, 2015, p.164). (For the total fatalities [Naxals, Security forces and Common man] from all sides in Naxal insurgency in India, refer Figure 2.2).

Figure 2.2. Year-wise Fatalities in Naxal Insurgency



Source: GoI, Ministry of Home Affairs, (Annual Reports: 2016-17)

IV. HUMAN RIGHTS VIOLATIONS IN 'RED CORRIDOR'

Universal Declaration of Human Rights (UDHR) was prepared and promoted on 16th February 1946 by the United Nations (UN) whereas; they were implemented on 10th December 1948. Since implementation, its standard has been consistently upgrading. International Communities and organisations have been adding new dynamic concepts in its scope area.

In this context, one needs to understand, “what are human rights actually”? In our world, each human being possesses dignity and respect. Through dignity, an individual secures the ability to flourish comprehensively. He becomes able to use various human qualities like Talent, Intelligence, and Conscience to lead a happy and prosperous life. Hence, human rights are those minimal rights, which every human being must have against the state and other public authorities. Every individual should enjoy these rights by virtue of being a member of the human family irrespective of any discrimination.

In a systematic way, one can concisely state that human rights are primarily based on respect, dignity and moral worth of every individual. They are inherently universal. They are applied in just way to all and without any discrimination. The denial of human rights and fundamental freedoms is not only an individual and personal tragedy but also creates conditions of social and political unrest. Human rights violation further sows the seeds of violence and conflict within and between societies and nations. Therefore, Human Rights have been made obligatory for all the signatories of the UDHR and the member states of the UN.

India is also a signatory of UDHR as well as a member country of the UN. But in India, certain areas or regions are marked as 'conflict zone'. The 'Red Corridor' of India is one of them where the human rights of common people are openly breached. The consistent engagement between security forces and Naxalites in 'Red Corridor' has resulted in human rights violation of innocent people.

It is ironical that even after seventy-three years of independence, many remote and tribal areas of 'Red Corridor' are yet to be seen any sign of development. Such underdevelopment, combined with other socio-economic problems, has contributed towards the rise of Naxalism in the region where the value of human rights is challenged every day. Some of the instances have been analysed here.

4.1. Right to Standard of Living (Art.25)

As per World Bank, "Poverty is pronounced deprivation in well-being and comprises many dimensions. It includes low incomes and inability to acquire the basic goods and services necessary for survival with dignity." Poverty is the lack of basic need that is necessary for one to lead a standard of life. Such requirements may include shelter, cloth and food, education and health care etc. The UDHR has guaranteed these basic requirements in its article 25. It ensures that "Everyone has the right to a standard of living adequate for the health and well being of himself and of his family including food, clothing, housing and medical care and necessary social services".

But these human rights are minimally available in the 'Red Corridor' of India. Due to Poverty, people find difficulty to meet the minimum requirements of acceptable living standard. To fulfil their basic need, poor and deprived people follow the path of violence. They even engage themselves in the Naxal activity, which ultimately leads them towards destruction. So government failure to eradicate Poverty in these regions is responsible for human rights violation of the people.

4.2. Right to protection against Unemployment (Art.23)

Article 23 of the UDHR guarantees that, "Everyone has the right to work, to free choice of employment, to just and favorable condition of work and to protection against unemployment." But the employment scenario in 'Red Corridor' of India is something different. The old caste system, slow economic development, high population growth, failure of a cottage industry, and slow growth of industrialization are the core obstacles of employment in 'Red Corridor'.

As per Planning Commission, unemployment is the 'result of the failure of Indian Economy to create a sufficient number of additional high-quality employments for the new entrants into Labour force, apart from the existing labors in the agricultural sector'. It implies that the Indian government has failed to produce a sufficient number of employments in 'Red Corridor' which is the violation of human rights under article 23 of the UDHR. Hence, the absence of jobs and employment in the private and public sector respectively has forced the tribal youths to get attracted towards Naxal movement.

4.3. Right against arbitrary deprivation of property (Art.17)

UDHR in its article- 17 speaks that, "No one shall be arbitrarily deprived of his property". It would be the responsibility of every legitimate government to protect such rights of a citizen. After Indian independence, there is a rapid growth of industrialization through the establishment of new industries, factories and mines. The multi-national companies (MNCs) have preferred the states and regions which are rich in minerals and metals. Similarly, MNCs have invested their capital in the areas where the tribal population is higher.

According to the 2011 Census, “There is 10.42 crore tribal people constitute about 8.6 percent of total population of India”. For the establishment of MNCs, the major portion of tribals of “Red Corridor” has been forcefully displaced from their lands without proper rehabilitation and resettlement. The forceful displacement breaches the human rights of tribals. The tribals in “Red Corridor” has been resisting for the core concepts like “Jal, Jungle and Jammeeen”(Behera, 2018). Hence, the Naxalite activities in the “Red Corridor” can be directly linked to the issues related to development, forceful displacement and arbitrary deprivation of property.

4.4. Right to Access of Public Service (Art.21)

State bureaucracy is the platform between the common man and a legitimate government. It is expected to operate as a “grievance redress mechanism” for general people, apart from implementing different government’s policies and projects. Article-21 of the UDHR also speaks that “Everyone has the right of equal access to public service in his country” (Bhuyan, 2018, p.23). But due to the continuous conflict in “Red Corridor”, the access of public service has been limited. The amplified confrontation between the Naxalites and armed forces has made the civil institution as a part of the armed conflict. Available services are denied. Sometimes the civil administration also works against the general public. The common people at the end of such treatment are those who have genuinely no direct exposure to legal assistance, and maybe no awareness of their human rights (Human Rights Watch, 2018).

4.5. Right against Torture, Cruel and Inhuman Treatment (Art. 5)

Article-5 of the UDHR assures that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Bhuyan, 2018, p.22). The breach of this human right is evident in the “Red Corridor” during Counterinsurgency campaigns. ‘Anti-Naxal Operations’ by the IRB, the CRPF Jawans and ‘Salwa Judum’ leaves many people dead and injured here. Apart from killings, several individuals accused of being Naxalites or Naxal sympathisers are arrested by the administration. Most of these arrests and atrocities are illegal, unmentioned and unrecorded. Hence, in ‘Anti-Naxal Operations’, all three parties, i.e. Naxalites, security forces and members of ‘Salwa Judum’ are accused of violating the human rights of the people. Some examples of human right violation in “Red Corridor” have been mentioned here.

4.5.1. Security Force Context

Since the beginning of ‘Salwa Judum’ in 2005, the Chhattisgarh police have been accused of recruiting, training, and arming tribal children from their camp residents. Apart from Chhattisgarh police, another state polices also recruit Adivasi children as ‘Special Police Officers (SPOs)’, spies, and informers in “Red Corridor”. Tribal children are also deployed with other state polices, paramilitary forces in different joint ‘Anti-Naxal Operations’ (Sundar, 2006). This exposes the underage SPOs directly to life-threatening dangers. For example,

1. Naxalites’ violent armed attacks,
2. The blast caused by Landmines,
3. Exposure to ‘Improvised Explosive Devices’ and
4. Retaliation killings by Naxals etc.

Although the ‘Chhattisgarh Police Act, 2007’ fixes the minimum age for SPOs at 18 years, no special provision is there to verify that all the applicants were aged 18 or above. These activities violate different National and International Conventions on human rights. For examples:

1. Article-3 of the Universal Declaration of Human Rights, 1945,
2. Article 24 and 39(e) of the Indian Constitution, 1947,
3. Child Labour (Prohibition & Regulation) Act, 1986,
4. UN Convention on the Rights of the Child, 1989, and
5. International Labour Organisation Convention No.182, 1999.

All these human rights guaranteeing mechanisms prohibit the employment of children in any hazardous and life-threatening activities. They also assure the right to life and liberty to every human being of the world. Article-21 of the Indian constitution and article-3 of UDHR ensures that “Everyone has the right to life, liberty and security”. It means, “No person shall be deprived of his life and personal liberty except according to the procedure establish by Law” (Bhuyan, 2018, p.24).

4.5.2. Naxalite Context:

Most of the time, the Naxalites abduct Adivasi children to the guerilla training camps where they are taught to deal with explosives and use of weapons. They force each Adivasi family to give one family member (Kujur, 2008). Such members, including minor boys and girls, are also recruited in one of their frontline organisations such as:

1. 'Bal Sangham' (Children Division)
2. 'Chetna Naatya Mandal',
3. 'Mahila Mandal' etc.

At the minor age, tribal children also learn 'confrontation tactics' and 'guerrilla warfare' may be forced by Naxalites or maybe for a personal cause. Article-26 of the UDHR, which pronounces that "Everyone has the right to education and education shall be free at least in the elementary and fundamental stages", seems to be lacking in "Red Corridor" (ibid).

4.5.3. 'Salwa Judum' Context

Various causes of extreme violence against women, including abduction, gang-rapes, miming, beating and killing by the 'Salwa Judum' members and even by Security Forces have been reported by local NGOs and other human rights activists (Mishra, 2015). The Naxalites had also released a list of women who were allegedly gang-raped and severely brutalized by the police, security forces and the 'Salwa Judum' in Chhattisgarh. Same issues are noticed in the Naxal affected areas of every state and region. The state and central administration has failed to secure the human rights of the common man mentioned in article 9 of the UDHR. It deals that "No one shall be subjected to arbitrary arrest, detention or exile" (Bhuyan, 2018, p.22). But these human rights seem only valid in conventional papers of the UDHR and their application and execution in "Red Corridor" are very limited.

V. CONCLUSION

Any "Anti-Naxal Operation" based on the force in response to violence is entirely unsustainable, and less fruitful, particularly if it fails to differentiate between Naxals and uninvolved tribals. After a close analysis of the past and ideological beginnings of Naxalism, it is evident that the movement flourished on the ground of discontent of the oppressed and marginalised people. The socio-economic perspective of Naxalism discusses how the resistance group was formed by the failure of government strategies and frameworks to implement socio-economic justice and rights in the "Red Corridor".

The erstwhile Planning Commission of India had also warned the government to treat Naxalism as a mere "law and order" issue ignoring its socio-economic dimensions. The Naxalism is, therefore, essentially a socio-economic and pastoral concern. It is not terrorism, so it cannot be resolved by a military solution alone. The government's three-pronged strategies may demise the influence of Naxalism in the "Red Corridor". Such strategies are:

1. The use of force against Naxalites keeping human rights in mind,
2. dialogues with Naxalites for peaceful resolution of the conflicts and
3. Sustainable Inclusive Human Development in "Red Corridor" (Bajwa, 2013).

Government and security forces should keep in mind that the human rights of all must be respected and protected during the implementation of such strategies.

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