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BACKGROUND CASE NOTE

SOME NOTES ON CONFLICT AND DECENTRALISATION IN INDIA

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Some Notes on Conflict and Decentralisation in India

This is not a formal paper but more a set of talking points in relation to three kinds of conflict: secession, Naxalism, and representation. It is not exhaustive, but tries to briefly express some of the issues.

Introduction

1. Conflicts have a variety of causes: political, cultural, social or economic. But the *form* in which conflicts express themselves are almost always the work of politics. The potential causes of conflict do not tell us about the forms of mediation through which conflict is expressed: the forms in which it will be ideologically articulated (or articulated at all), the methods it will deploy, the bottom lines that will mark it, the passions it will generate, the character of leadership it will throw up. In this sense, the expression of conflict is *contingent*. It is the work of political *agency*, not over-determined structural causes.
2. The most difficult part in managing conflict is managing and dealing with the structures of mediation through which conflict is expressed: their symbolic articulations, organisational forms, leadership, management of narratives, intelligent management of interests of leaders, and so forth. These structures of mediation can thwart even attempts to address so called root causes of conflict. For this reason, the management of conflict has to almost always be profoundly political.
3. It is too easy to list a series of interventions that will purportedly address the root causes of conflict. For example in the Indian case, whether it be Naxalism, or ethnic conflict, there is a standard toolkit for addressing root causes that is often articulated: investing in development, providing social services, lifting a sense of siege, or in some cases overcoming geographical isolation, providing cultural protection, and so forth. This list is relatively easy to conjure up. But what is harder to diagnose is why this wish list is difficult to implement even by well-meaning governments? At this stage in studying conflict, the analytical pay-off of creating more “need to do lists” are less obvious. The list of desirable measures is widely known and acknowledged. *The question is why is it so difficult?*
4. The following will offer a series of reflections on different types of conflict in India. It will focus less on providing solutions than on articulating what might be called “wicked problems” in conflict resolution. These problems turn out to be wicked in two senses. They are wicked in the sense of being difficult to deal with, but also wicked in the sense that they exemplify Polubiyus’ definition of a wicked problem: where you can neither endure a condition of conflict, nor the means to overcome it.

One: Some Issues in Indian Federalism and Incorporation of Diversity

5. Indian Federalism “succeeds” because of a variety of reasons. First, it has to be acknowledged that size is an advantage for India. It makes it very difficult for any single ethnic group to seriously challenge the state in a way that fundamentally jeopardises its existence. Taking on a large state is difficult, and this often reduces incentives to engage in state subverting secessionism, though it does not eradicate them entirely, particularly when the state itself begins to pose a threat.

6. State-subverting secessionism in India tends often to be the product of the authoritarian moments in the conduct of the central government. Punjab, Kashmir and the North East were in equal measure fuelled by the Centre's meddling and authoritarianism. Whenever the state has tried broadly "democratic" incorporation it has succeeded.
7. The particular conception of national identity that underlies incorporation of diversity plays a subtle part in this incorporation. Briefly put, whenever there is an attempt to benchmark Indian nationalism in terms of some attribute – language or religion – there is a likelihood of conflict generating resistance. When the state "lets be" as it were, it usually does not generate conflict. It is the threat of benchmarking what counts as national identity that generates anxiety.
8. In order to mitigate the threat of benchmarking, Indian nationalism has to innovate by abandoning classical attributes of nation states. India's language policy is a perfect example, where the dream of a single indigenous language serving as a marker of Indian identity was long given up. Indian federalism succeeded not only because it allowed linguistic regions and states, but also because the idea of Hindi as a national language project was more or less abandoned. In short, the Indian federation succeeded as much because its official policies were not implemented.
9. The informal mechanisms of creating trust and negotiating amongst elites of different parts of the country was probably an even more powerful mechanism than the formal constitutional design. The Congress party's great success was in incorporating different regional power structures into its fold, with a constant political negotiation amongst them. Without this long history of political negotiation within the structure of ongoing politics, federalism would not have succeeded. Indeed, the case of countries like Nepal is instructive. There, the constitution is expected to bear all the political load of negotiations between different parts of the country. There is no credible political mechanism outside of the Assembly that fosters trust. When the Congress party declined in India, forms of coalition government allowed a different mechanism of power sharing and political negotiation to take place.
10. It is important to remember that more than the formal guarantees, it is informal mechanisms that sustain incorporation and diversity. It is impossible to do constitutional engineering without a political process that creates the experience of working together.
11. Three of India's most significant challenges to Indian Federalism are Kashmir, the North East and Punjab. All of the movements in these regions had a violent separatist element and they have continually exposed the vulnerability of the Indian state.
12. The Punjab crisis has been "managed." The history of the crisis is not relevant here. But it was a classic case of a serious crisis being engineered without "root causes," and inept and often brutal handling by a state exacerbating it. The Punjab crisis cannot easily be located in any of the standard litany of root causes: Punjab was enormously prosperous, relatively egalitarian, well-represented in the upper echelons of power in India, had all the functioning mechanisms of autonomy (linguistic state, incredible autonomy to religious organisations, including special status to the SGPC, the main organisation of the Sikhs), and a deep history of interreligious social connection across community lines. It is an example of a crisis that can be politically generated.
13. Essentially, the Centre and the Congress party waded their way into intra-sectarian disputes with the hope of gaining political leverage and altering power equations within the state. There was

substantial outside support to militant groups as well. But the Congress decided to take sides in choppy debates over the identity of the Sikh community, actively supporting some militant groups to displace existing power holders. It gave credence to the fact that the central government was no longer a neutral arbiter in local power struggles. It actively turned a blind eye to the build-up of arms and ammunition amongst local groups who were initially targeting each other rather than the state and it consistently misjudged what proportionate state responses to violence should be, resulting in an ever-escalating cycle of violence and counter-violence (including storming of the Golden Temple, assassination of Indira Gandhi and the bloody pogroms that followed).

14. Eventually, the crisis was brought under control by massive application of force and counter-insurgency operations. This “succeeded” in part because the social structure of the armed forces and police were never wholly delegitimized in the state, and drew on considerable numbers from the Sikh community. In short, the policing functions, for all their limitations, had a deep local social base. Second, there was a parallel process of negotiation that led to the signing of the Lognawal – Rajiv accord. Mr. Longawal was assassinated. Ironically, many of the provisions of the accord remain unimplemented.
15. But four general lessons remain vitally important for the state: a) the role of “political entrepreneurship” in fostering grievance without significant root cause; b) the state’s misjudgements on the application of force being a crucial variable in escalating conflict with both sins of omission and commission; c) radicalisation of demands within groups to outflank their own brethren – often conflict is fostered to displace existing power holders within communities; d) the necessity of political risk in settling conflict. Most would be peacemakers do not risk making peace because of fear of being assassinated. In Punjab, despite several problems, there were political leaders willing to take the risk. Such interlocutors are often not available in the Kashmir and North East.
16. The North East and Kashmir are somewhat different cases for a number of reasons: a) despite Nehru being “Kashmiri”, the political elites of these states were never incorporated into the central power structures of national elites for a variety of sociological and historical reasons. The absence of cross-cutting elite penetration between state-level politicians and the centre makes political management different; b) these regions, unlike Punjab, were, at least in principle, examples of “asymmetric” federalism. Many of these states had, ironically, stronger protections of their special status and identities than other states (e.g restrictions on immigration in many states of the North East and Kashmir); c) the transnational dimension to conflict is significant and plays out differently; d) the central states had a more protracted and brutal history of suppression of violence, suspension of democracy and so forth. Indeed, these states are classic combinations where the Indian state has both been extremely accommodating and repressive at the same time, producing what might, in Machiavelli’s words, be called a state that is neither feared nor loved.
17. A history of negotiations with different political groups in these regions would be hugely instructive, for it would reveal a pattern of indecisiveness and missed opportunities amongst the different groups concerned, including the state. But here I want to make a few general remarks on the mistakes the Indian government made in terms of the framework with which it approached the North East.
18. The North East itself is a highly differentiated region: the problems of Assam have their roots in a very different sociology than those of Manipur. But a few general thoughts are in order.

19. The framework for negotiation that the Indian government used in the North East was almost always “bilateral,” i.e. it negotiated with one ethnic group at a time. In the North East this tactic was counterproductive because the concessions granted to one ethnic group always had repercussions for other groups in the state. So any negotiation with one group generated anxiety and uncertainty in the others. If the state negotiated with the Nagas, the Manipuris had reason to worry and so forth. In areas where populations are “mixed” you need frameworks like “All Party Talks” rather than bilateral negotiations. In many other areas the alignment of territoriality and ethnicity could provide a framework for dealing with demands. In the North East, the alignment of territoriality and ethnicity functioned to generate more demands. In the fifties, India was facing possibly two insurgencies in the North East. By the nineties, despite settlements in Mizoram, there were more than a dozen ethnic groups that had taken to arms. Once the dominant framework became territoriality, it led to more conflicts because: a) it made minorities in each potential state insecure; b) led to conflicting claims over territoriality; c) gave a greater incentive to mobilise around territorial self determination. The region remained trapped in conflicting territorial claims. The simple truth is that no territorially-based solutions alone are likely to work in the North East. Among alternatives that were suggested were mechanisms like non-territorially based representation in the assemblies of particular states. It was felt that the structures of representation needed to move away from a fixation with territoriality, making it easier to accommodate various competing interests. For instance, it is not going to be possible to redraw the boundaries of a given state substantially without risking more unrest from other groups. But it is more possible that people of similar ethnicity in other states be represented in that state’s assembly.
20. There has been no shortage of analysis of the policy measures that need to be undertaken to “restore” the North East. The region has long been a “frontier” zone, cut off from its natural geography, under the security imperatives of the Indian state. The central element in most analysis of the state point to this as a central dimension the North East’s sense of siege. It needs access to traditional trade routes, opening of transport corridors and so forth. This is a worthwhile objective; altered patterns of trade have the potential to life a sense of siege and change local political economy. But we need to ask the conditions under which such measures are likely to succeed or even attempted.
21. The blunt truth is that the Indian state has a paradoxical attitude to political risk. On the one hand it is willing to risk continued internal alienation but not willing to risk, in the slightest degree, any potential foreign interference. While Indo-Bangladesh relations have improved, Sino-Indian relations remain an issue. And neither relationship is sufficiently robust for considerable internal liberalisation to happen. The future of the North East (and Kashmir) is as much a challenge of international relations, of regions caught in the crossfire between states. After years of advocating precisely such liberalization measures, it is difficult not to conclude that the fate of these regions depends on India’s external relationships more than anything else. In the short to medium run the prospects of these relationships improving to the degree required to “open” up these regions remains slim. It is worth advocating that resting all hopes on the mechanism of opening would be inadvisable. Indeed, this is a bit like saying, “economic development” is the answer. At a high level of abstraction this is true. But what are the concrete mechanisms by which development is carried out? What are the mediating structures? In almost every conflict zone “development” has not bypassed existing structures of violence. Perhaps one lesson is that development has to take a form of such overwhelming power that there is a visible demonstration effect, rather than slow osmosis. Most states are not able to capitalise politically on development projects.

22. The second premise of the Indian states strategy has to do with migration. Migration, from both within, but also from outside India's borders, is a considerable source of conflict putting immense pressure on land and jobs. In many ways migrants are now an integral part of the economy of the North East, and in the new economy much more labour is coming in. While migrants had become an integral part of the economy, their political rights and status could not officially be acknowledged because many were considered illegal. The states approach to managing illegal migration has been largely to assume that stopping it is simply a problem of policing: more border fences, border guards and periodic hunts would deter migrants. But the fundamental fact is that the economy and ecology of the North East is deeply intertwined with that of Bangladesh, and both the demand side and the supply side factors (e.g., lack of economic opportunities in the border areas of Bangladesh) make it unlikely that migration will stop any time soon.
23. The question is how to manage this migration. One of the themes that have forcefully emerged is that it is time to think creatively about managing this migration. Instead of operating with unsustainable categories like citizen and non-citizen it would be desirable to introduce a system of work permits, that would more frankly acknowledge the realities on the ground, would allow migration to be documented and managed better, but would still preserve the sense that there is a distinction between citizens and people who come here for work. It would protect the rights of both groups better.
24. The other blunt truth is that the Central government will have to take some political risk. The single most potent symbol of alienation in the North East remains the Armed Forces Special Powers Act, and despite a concerted campaign over the last five years, this Act is no closer to being repealed than it was several years ago. What will it take to repeal it? The boring answer is an act of great political courage. And an ability to assure the Armed Forces that a meaningful legal framework can be put in place that meets their operational needs without consigning the North East to a permanent state of emergency.
25. A better understanding of political discourse amongst various groups in the region is also needed. They also remain trapped in paradigms of negotiating conflict that are dead ends. There are two big obstacles to creating new political discourses. First, the fear leaders have of being outbid in radicalism by other groups. Often this makes them vulnerable to violence from within. A state needs a political strategy to defuse this threat; and political leaders who are willing to take the risk. Without addressing this issue no conflict can be resolved. Second, almost all the measures states propose to alleviate grievances, like development, opening the economy, and infrastructure do not address political narratives around identity. The great strength of territorial demands, and demands for representation is that they tap into a collective politics of self-esteem. Development and so forth provide resources and escape mechanisms to individuals. These are important, but they need a political accompaniment that can, as it were, replace the romance of identity politics with a new narrative of integration and economic advancement. There are depressingly few examples of politicians who have been able to convert a narrative of identity, resentment and fear into a narrative of hope and change.
26. There will be two new challenges to Indian Federalism. The first is exemplified by the phenomenon of sub-state nationalism, and the second is mega cities.
27. With regard to the challenge of sub-state nationalism, exemplified by the Telangana movement, a couple of general lessons bear consideration. First, there is no principled basis for determining the

optimal size of states. While an intuitive case can be made that several of India's states are too big to provide accessible governance, what counts as an optimal or viable state does not lend itself to delineation in terms of necessary and sufficient conditions. But intrastate inequalities are pronounced. Ideally these can be addressed through normal policy instruments. But increasingly – sometimes even without justification – intrastate inequality will be attributed to active discrimination by the state, rather than a product of complex economic processes. In this sense, intrastate inequality poses a political challenge. When intrastate inequality is cast as a political challenge the “bring development” slogan may not be sufficient. Development is a long term process; in the short run these movements seek visible manifestation of an instrument of development – control of political structures. But the state will be in a bind. Forms of political mobilisation mirror the principles of representation a state is willing to legitimise. If a state, for instance, is willing to normatively concede linguistic demands rather than religious one, mobilization along those lines will be incentivised. The state's conundrum is that once it deeply legitimises the principle of sub-regional nationalism, it could have cascade effects, as happened in the North East. There are in principle other solutions, between the formation of new states or local government. This is to experiment with intermediate structures like Regional Boards, like the Ladakh Hill Council for instance. These regional representative structures have been often put on paper and talked about, but seldom implemented. But there is another lesson in the demand for sub-regional governments. While movements like Telangana have a long history, they acquired new life because *mechanisms* of political incorporation broke down. For instance, there is a widely shared political assessment that if the Congress had, within its party structures, created imaginative power sharing arrangements through informal mechanisms, it would have defused the movement considerably.

28. While a Commission Report on the Telangana demand is awaited, this movement highlights the second big emerging challenge for Indian Federalism: the place of mega cities. The fact is that mega cities like Hyderabad and Mumbai are sources of immense economic power. The great conflict is over the resources these cities provide. Even in Telangana, part of the ambition is to diminish the alleged control of outsiders over the resources of Hyderabad. States like UP, where there is no dominant urban centre, will be easier to divide into smaller states. India simply does not have a framework for mega city governance. But these cities are increasingly going to be sites of conflict: who controls their vast resources, who is allowed into these cities, and so forth. This is an issue in both Mumbai and Hyderabad. Can the existing framework of states and local government do justice to the governance needs of mega cities, in a way compatible with their economic dynamism and cosmopolitan identities?

Two: Notes on Adivasis, Naxals and Decentralisation

29. Adivasis are the truly marginalised citizens of Indian democracy. Not only have they been ignored or victimised, but even policy instruments to address their needs end up entrapping them.
30. Unlike other hitherto marginalised groups like the Dalits, the Adivasis have no emancipatory narrative, no effective political leadership, and no capacity to mobilise in politically significant ways.
31. There have been hitherto two mechanisms for Adivasi political representation. The first was reserved constituencies. This mechanism has, predictably, been not an effective tool of economic empowerment for the following reason: it is well known amongst political scientists that representatives of particular communities that rise through territorially-based reserved constituencies are less effective articulators of the interest of that community. This is because to get

elected they need, in reserved constituencies, the votes of other groups, which makes them less assertive. This is in contrast to situations where marginalised groups hold the key to deciding votes amongst other candidates. In fact, the most significant Dalit empowerment has not come from reserved constituencies, but from constituencies where they can act as the deciding vote. Adivasis do not have much presence outside of territorially designated areas and cannot exercise the kind of leverage Dalits do.

32. The second mechanism was the creation of states in “tribal” belts like Jharkhand and Chattisgarh that would in principle be more responsive to tribal concerns. But the contingent formations of politics in these states have exacerbated rather than addressed the governance deficits. Jharkhand is one of the few states founded on tribal sub-nationalism; yet it has been floundering – slowly descending into a quagmire of rent seeking. This leads back to a larger issue: more than constitutional engineering, it is the concrete processes of daily politics that matter. But in short, the two vehicles for enhancing Adivasi representation have proved to be ineffectual. This is partly because they were not accompanied by forms of political mobilisation that could set new paradigms in Adivasi politics.
33. The political marginalisation story of course reinforces an economic marginalisation story, where Adivasis have been victims from all sides.
34. Part of the difficulty with Adivasi policy (as with Aboriginal People’s policies in several places), has been a genuine indecision about their economic trajectory. For a long time states have not been clear on whether the primary function of state policy should be to promote gradual integration and access of Adivasis to the wider economy; or whether it should be to create enclaves where traditional ways of life can be, to a certain degree, preserved. This ambiguity between long term integration on the one hand, and exclusivity on the other, between assimilation and arcadia, resulted in an equilibrium that was largely one of indifference.
35. This equilibrium was not sustainable, since exogenous pressures were always going to make it difficult for traditional ways of life to be preserved. But the Adivasis were caught in the nether zone of history: not equipped to fully participate or take advantages of modern economic opportunity on the one hand, and dependent on livelihoods, lands, and forests that were increasingly being taken away from them.
36. Legislation, such as the Indian Forest Act, Wildlife Protection Act, and the Forest Conservation Act, among others, constituted without taking into account the needs and sensibilities of the tribal populace, have created widespread resentment and discontent. These legislations, formulated with the intent of increasing state revenue and protecting state property, have made it illegal for tribes to draw livelihood from forests; an activity that these populations have engaged in, in a symbiotic and harmonious manner, for generations. In many cases, land cultivated by the Adivasis was not recognised as agricultural land and clubbed under Forest and Protected areas.
37. Although well meaning, the highlighted the fact that the state was increasingly unable to take decisions that were all things considered. In fact the simplistic legislation governing forests that had an adverse impact on Adivasi well being were themselves products of prior failures on the environmental governance front. The Courts in particular were exercised by the fact that India’s

forests were being depleted. But because they did not trust the state to craft properly calibrated policies, they resorted to blunt instruments like banning of livelihoods from the forest.

38. The single most important piece of legislation for the Adivasis was PESA, the Panchayat Extension to Scheduled Areas Act. This Act would have gives Adivasis, in principle control over common property resources, and a mechanism of local governance that is their own. This Act has been observed mostly in the breach by most state governments. The principle mechanism, by which Adivasis were denied control over forest management, was by keeping the Joint Forest Management Council (JFMC) under the tutelage of the State Forest Department. Elected Local Representatives had no control over local natural resources.
39. The big step in empowerment of local representatives is to move the JFMC to the control of local elected bodies. The big legislative challenge is to create a structure of forest protection and wildlife protection that is compatible with local control over natural resources as envisaged by PESA. Local control has the potential of mitigating two problems: it provides a mechanism for ensuring that local livelihoods are not taken away without local consent. And it has the potential for providing local bodies that are meaningful rather than merely formal.
40. However, there should not be any illusion that the imperatives of development and environment on the one hand, and the requirements of maintaining traditional livelihoods will be easily resolved with the introduction of PESA and local government. Local government in India is still very weak and shall remain so for reasons well known in the decentralisation literature. As the experience of Jharkhand State demonstrates, local politics can take on different hues in different circumstances. Under some circumstances, the potential for local rent seeking can actually exacerbate local conflicts in the short run rather than diminish them. Even in Panchayt Raj Systems, as the stakes in local government get higher forms of local conflict get more pronounced. From the point of view of the state, this conflict could be beneficial. It redirects the conflict away from the state, to local issue; it is a conflict that takes place against the backdrop of a sense of political agency and empowerment, and it has the potential of strengthening accountability (for all the reasons mentioned in the decentralisation literature). But there is also a great risk that things get worse before they get better.
41. While there are lot of reasons to advocate local empowerment of Adviasis, there is no unequivocal evidence that these local bodies will find it easy to cope and negotiate with other branches of government or outside economic interests. Even if they are armed with greater formal powers they will have to negotiate with outside economic interests like corporations, and other higher branches of the state. We do not have much evidence of how local bodies can carry out negotiations under conditions of asymmetries of power and influence.
42. The empowerment of local bodies will have to address the issues of existential alienation as well. Part of the challenge Adivasis face is not just exploitation in the classical sense but a form of estrangement as well. In the case of most other communities, development means being empowered to access those resources that allow agents to function in a modern economy and access its opportunities. In a sense, assimilation is the self identified goal of development. For Adivasis, this is a more difficult choice: assimilation often runs counter to the self definitions on the basis of which they are afforded rights in the first place. We should be under no illusion that this form of estrangement can be easily overcome without protracted social engagement.

43. Left Wing Extremism (LWE) and Naxalites are loose terms. Within the LWE umbrella, there are the Communist Party of India – Maoist (CPI–Maoist), the Maoist Communist Centre (MCC), the Communist Party of India (Marxist Leninist) Janashakti, the People's War Group and the People's Guerrilla Army.¹ The People's War Group (PWG), or more formally, the Communist Party of India (Marxist-Leninist, People's War) or CPI–ML (PW), was an offshoot of the erstwhile CPI-ML and was formally constituted in Andhra Pradesh in 1980. It has a presence in Andhra Pradesh, Bihar², Jharkhand³, Orissa⁴, Maharashtra⁵, Chhattisgarh⁶, Madhya Pradesh⁷ and West Bengal⁸. The People's Guerrilla Army is the military wing of the PWG and was formed in 2000. Several diverse Maoist groups merged to form the erstwhile CPI-ML (Communist Party of India Marxist-Leninist) in 1969. A group named “Dakshin Desh” stayed away from this merger and formed the Maoist Communist Centre (MCC) in 1975. The MCC has a presence in Bihar⁹, Jharkhand¹⁰, West Bengal¹¹ and Uttar Pradesh¹². The PWG and the MCC merged to form the Communist Party of India-Maoist (CPI-Maoist) in 2004 and the synergies from this merger are partly responsible for the escalation in LWE violence. Since CPI–ML (PW) or PWG and MCC were both banned under the Unlawful Activities (Prevention) Act, the CPI-Maoist was also banned in 2009 by the Centre, though States have independent powers to ban organizations. The combined CPI-Maoist influence now straddles several States, with MCC especially active in Bihar, Jharkhand, Uttar Pradesh, Chhattisgarh, Orissa, West Bengal, Uttarakhand and Madhya Pradesh and the PWG especially active in Andhra Pradesh, Orissa, Chhattisgarh, Karnataka, Maharashtra and Tamil Nadu. There have also been attempts to penetrate Gujarat, Haryana, Punjab, Rajasthan and Himachal Pradesh. This leaves the Communist Party of India (Marxist Leninist) Janashakti, formed in 1992 by merging several different factions. However, it divided again, with some factions opting for electoral forays and others opting for violent struggle. Compared to CPI-Maoist, Janashakti's geographical presence is limited, with a strong base in Andhra Pradesh and a limited presence in Maharashtra and Chhattisgarh. There have been preliminary discussions about a merger between CPI-Maoist and Janashakti.
44. Three further points need to be made. First, all these parties have front organizations catering to students, youth, industrial workers, agricultural labourers, women, miners, writers and cultural artistes. Second, there are international links too, particularly in South Asia, such as with Maoist parties in Bangladesh¹³, Nepal¹⁴ and Sri Lanka¹⁵. In 2001, Maoist groups from India, Bangladesh,

1 Information about these groups has been collated from the South Asia Terrorism Portal (SATP), http://www.satp.org/satporgtp/countries/india/terroristoutfits/left_wing_extremists.htm

2 Districts like Patna, Aurangabad, Gaya, Jehanabad, Rohtas, Buxur, Saharsha, Khagaria, Banka and Jamui. The Bihar presence increased after the merger with the CPI-ML (Party Unity) in 1998.

3 Districts like Palamau, Garhwah, Latehar, Gumla, Chatra Hazaribag and Koderma.

4 Districts like Malkangiri, Koraput, Gajapati, Rayagada, Nowrangpur and Mayurbhanj.

5 Districts like Gadchiroli, Bhandara and Chandrapur.

6 Districts like Jagdalpur, Bastar, Kanker, Rajnada, Dantewada, Sarguja, Kawardha and Jashpur.

7 Districts like Balaghat, Dhindoli and Mandla.

8 Districts like Midnapore, Purulia and Bankura.

9 Districts like Gaya, Aurangabad, Camoor (Bhabhua), Rohtas, Darbhanga, Muzaffarpur, Bettiah and Sitamarhi.

10 Districts like Chatra, Daltangonj, Hazaribagh, Palamu, Giridih, Dhanbad, Bokaro, Ranchi, Garhwa, Lohardaga, Gumla, East Singhbhum, West Singhbhum and Latehar.

11 Districts like Burdwan, Nadia, Howrah and North 24-Parganas.

12 Districts like Mirzapur, Chandauli and Sonbhadra.

13 Purba Bangla Sarbahara Party (Maoist Punargathan Kendra), Purba Bangla Sarbahara Party and Bangladesh Samyawadi Party (ML).

Nepal and Sri Lanka got together to form the Coordination Committee of Maoist Parties and Organizations in South Asia (CCOMPOSA). Third, the intention is to establish a contiguous compact revolutionary zone (CRZ) that extends throughout the heart of the South Asia region.

45. The various groups in the movement are loosely linked. But the movement divides on parameters of environment, ideology, organization and strategy. For instance, environment brings in region-specific factors in Naxalbari (West Bengal), Srikakulam (Andhra Pradesh), Mushahari (Bihar), Debra-Gopiballavpur (West Bengal), Ganjam-Koraput (Orissa) and Lakhmipur-Kheri (Uttar Pradesh). For example, it is difficult to appreciate the nuances of LWE in Andhra Pradesh without the context and historicity of the Telengana revolt of the 1940s. Would the Naxalite movement have taken root in the late-1960s had it not been for the general economic crisis and food crisis of the mid-1960s? Would it have had a support base now had it not been for the agricultural problem India has confronted since the late-1980s, compounded by problems of land, natural resources and forest rights? The ideology is for the most part a mechanistic application of the taxonomy of imperialism, colonialism and feudalism and has never really evolved into something that is India-specific. The organizational structures have mostly evolved as reactions to State, clamping down on insurgency. Finally, on strategy, three elements cut across all varieties of LWE – a complete rejection of electoral politics, an immediate resort to armed struggle and the building of underground party organizations. Having said this, beyond ego issues and conflicts between individuals, what has often led to splintering across groups seems to be nitty-gritty trivia on strategy. Having accepted that armed struggle must be the principal form of struggle, what is the role of the armed guerrilla squad? Will this be rural or urban? How does one build up a mass organization and undertake mass mobilization in rural areas? Should it be overt or covert? To what extent does one cooperate with entities and organizations that don't have similar aims, but address the same causes of deprivation and inequity?
46. A full analysis of the Naxal movement is beyond the scope of this paper. But this paper wants to offer a few analytical observations about the movement. First, as the last three paragraphs suggest, Naxalism is a specific political form of conflict and struggle. It feeds on certain background conditions of landlessness and alienation. But it is a specific form of armed revolutionary ideology.
47. Second, although there is a family resemblance between different Naxal groups, their tactics and political viability depend largely on the oxygen provided by local variations. What is astonishing is the great variance in the strength of Naxalism even in its core areas across space and time. Andhra Pradesh for instance, had experienced great Naxal violence till early 2000, but then managed to bring it under control. In Bihar, all the data show that Naxal violence has varied considerably across districts, almost disappearing for years on end. The same is true of West Bengal. In most of these instances, the state decided to intervene in various forms: a combination of coercion and development. The puzzling question is: what determines the state's resolve to intervene? The blunt truth is that in India the state has often been able to control violence when it has wanted it. What is less clear is why there is enormous variation in state response? ¹⁶

14 [Communist Party of Nepal \(Maoist\)](#).

15 Communist Party of Ceylon (Maoist) and even with the LTTE.

¹⁶ The government has itself a long list of "to do" things. The 2006 Status Paper stated the following. "The Government has a clearly defined policy to combat the challenge posed by the naxalite menace. This policy comprises the following components:- (i) The Government will deal sternly with the naxalites indulging in violence. (ii) Keeping in view that naxalism is not merely a law & order problem, the policy of the Govt. is to address this menace simultaneously on political security, development and public perception management

48. The Maoist movement also seems very adept at exploiting weaknesses in the resolve of the state. For instance, recently Naxalism has once again powerfully made its presence felt in West Bengal, because it senses politics in the state is weakening the resolve of the government to combat it. The current opposition party is willing to politically use Naxal violence to impugn the governance credentials of the CPM; while some CPM cadres, as they see themselves losing their power are hedging their bets on extreme Left Wing groups. This example points to one crucial element in the politics of combating Naxalism: it thrives on ambiguous political messages.
49. The shape of Naxal movements also is determined very much by local politics. Andhra Naxalism has its roots in the Telangana movement; in Bihar there is considerable variation by cluster of districts and the particular case configurations; Midnapore and Nandigram inflected the texture of Naxal response. To this extent, management of local level politics is absolutely essential. The great vacuum in Indian political structures of negotiation is that the credibility, links, and attention of state-level or higher leaders in a local context is often thinner than we assume. A robust participatory response requires robust local politics, in political party structures as well, in addition to formal institutions of the state.

fronts in a holistic manner. (iii) Naxalism being an inter-state problem, the states will adopt a collective approach and pursue a coordinated response to counter it. (iv) The states will need to further improve police response and pursue effective and sustained police action against naxalites and their infrastructure individually and jointly. (v) There will be no peace dialogue by the affected states with the naxal groups unless the latter agree to give up violence and arms. (vi) Political parties must strengthen their cadre base in naxal affected areas so that the potential youth there can be weaned away from the path of naxal ideology. (vii) The states from where naxal activity/influence, and not naxal violence, is reported should have a different approach with special focus on accelerated socio-economic development of the backward areas and regular inter action with NGOs, intelligencia (*sic*), civil liberties groups etc. to minimize over ground support for the naxalite ideology and activity. (viii) Efforts will continue to be made to promote local resistance groups against naxalites but in a manner that the villagers are provided adequate security cover and provided adequate security cover and the area is effectively dominated by the security forces. (ix) Mass media should also be extensively used to highlight the futility of naxal violence and loss of life and property caused by it and developmental schemes of the Government in the affected areas so as to restore people's faith and confidence in the Government machinery. (x) The states should announce a suitable transfer policy for the naxal affected districts. Willing, committed and competent officers will need to be posted with a stable tenure in the naxal affected districts, These officers will also need to be given greater delegation and flexibility to deliver better and step up Government presence in these areas. (xi) The Government of Andhra Pradesh has an effective surrender and rehabilitation policy for naxalites and has produced good results over the years. The other states should adopt a similar policy. (xii) The State Governments will need to accord a higher priority in their annual plans to ensure faster socio- economic development of the naxal affected areas. The focus areas should be to distribute land to the landless poor as part of the speedy implementation of the land reforms, ensure development of physical infrastructure like roads, communication, power etc. and provide employment opportunities to the youth in these areas. (xiii) Another related issue is that development activities are not undertaken in some of the naxalite affected areas mainly due to extortion, threat or fear from the naxalite cadres. In these areas, even contractors are not coming forward to take up developmental work. Adequate security and other measures would need to be taken to facilitate uninterrupted developmental activities in the naxal affected areas. (xiv) The Central Government will continue to supplement the efforts and resources of the affected states on both security and development fronts and bring greater coordination between the states to successfully tackle the problem."

50. One of the weakness of Indian decentralisation is that governance decentralisation has no links to the structure of political power in parties. Performance at the local level does not get rewarded with upward mobility up the party cadre. So the links between top party leaders and local party leaders remain very weak.
51. The standard response of the state in combating Naxalism is a combination of “law and order” approaches and development. Two crucial questions on the law and order front are this. First, in a federal system, inter-state coordination between police forces is very weak. Indeed, there is evidence that Naxals do a form of forum shopping, escaping from states that are taking concerted action into bordering districts of other states. Indeed, precisely the success of anti-Naxal operations in some areas can produce more violence in others. A challenge for federal systems is whether policing of this kind should be a local function?
52. The second issue is this. The state often relies on anti-insurgency operations. These are successful to varying degrees. But one common thread running through conflict management in India is that there is still no serious attempt at making the presence of the state more effective in its routine policing functions. One of the big political economy puzzles is: why will states not invest more resources and institutional energy in police reform? The politics of Naxalism is crucially linked to this larger question. There is a real danger that even where counter-insurgency operations are successful, the state will not invest in creating routine policing functions. In developing country democracies police reforms are the lowest priority item. Again, almost every single report on Naxalism talks about strengthening civilian administration. But there is little political economy pressure to do so.
53. Land has been the central axis of contention in all Naxal areas. Ironically, the state was pretty assiduous about enforcing Forest Acts that prevented Adivasi access to livelihoods, but relatively weak at promoting Land Reform or enforcing the land ceiling act. Land is a bone of contention in three ways: the demand for land reform, the opposition to land acquisition and contest over forests.
54. The poorer the region, the greater the conflict over land. In more prosperous parts of India, for example, land acquisition is less of a problem for two reasons. First, the acquisition prices make it more attractive for farmers to sell; in states like Haryana and Tamil Nadu, there is clamour to have land acquired. But second and more importantly, in states of relatively high growth, there is a sense of an alternative lifestyle trajectory. There background conditions to participate in an alternative economic trajectory are also accessible. The challenge in Naxal dominated areas is that there is still no palpable alternative economic trajectory other than access to land; so the conflict around land is more intense.
55. Land reforms have been a persistent problem for democracies. No democracy has a record of drastic land reform. India’s land reform has also been incremental at best. But there is a peculiar challenge that land reform poses in states like Bihar, Jharkhand, and Orissa. This has to do with land records, which is one of the challenges in land reform. When the Zamindari system was abolished, a whole series of intermediate use and occupancy rights were never systematised. It became very difficult for Courts to resolve land title cases because the records were so poor. In the state of Bihar, for example, the docket is crowded with unresolved land dispute cases. But the point is that the Courts *could not* resolve these cases. There is some evidence to suggest that the rise of private caste armies in states like Bihar has something to do with the fact that the formal state system was unable to adjudicate land related disputes. So there was a premium on mechanisms of self enforcement. In

short, the structure of property rights created incentives for autonomous structures of violence outside the state.

56. This will continue to be a problem as we are witnessing in Bihar's attempts at land reform. The problem is simply that when traditional rights like the rights of sharecroppers are being regularised, there is an issue of how to identify potential beneficiaries. In West Bengal, during operation Barga, the party was essentially able to identify and impose its identifications as binding. In many other states, the lack of identification and records makes the systematising of land rights very difficult. But the difficulty is that the systematisation of rights requires machinery that is capable of enforcement without generating conflict, and with an ability to sort out competing claims. So the issue of land reform (even assuming Land Ceiling Acts can be implemented, and land is available) is not going to be easy. It requires a political authority whose writ can run in the first place, and that is not self evident in most states. In fact, that is the one thing a cadre-based party managed to do in West Bengal.
57. One last thought on negotiations. Negotiations with militant groups are a good idea if you have a realistic chance of "bringing them in" or creating enough divisions amongst them. While the government needs a massive political outreach effort to Adivasis, there is reason to be pessimistic about talks being a medium of reducing conflict. This is so for the following reason. First, we have to admit that some Naxal are ideological hardcore revolutionaries, for whom the romance of revolution is non-negotiable. Denying this fact does not produce peace. Second and perhaps more importantly, a negotiation can succeed only if there is an honourable way out for the interlocutors. In most cases negotiations succeed only if you can incorporate militants into normal structures of power --- political parties or the democratic process. The difficulty is that there are no mechanisms for guaranteeing Naxals a shot at any reasonable amount of power within the democratic process. In which case, they have no incentive to give up armed struggle. In short, the truth is that most negotiations do not have a structure where preferences of the state and Naxals can be reconciled. And everyone seems to know this.

Three: The Wicked Problem of Representation

58. A modern democratic society unleashes aspirations about representation. At the minimum, citizens expect, not only that the government will, in some senses, be responsive, but that they can feel minimally at home in the society they inhabit. This means can mean several things: people should not be targeted for being who they are, they must not be discriminated against and so forth. But often, there is a demand that "Who finds representation within it?" A political order can claim more justly to represent a people when the diverse constituencies within it are represented in the sense that the political order gives, or at any rate allows, full expression to their identities' need and wants. Such representation allows more constituencies to feel at home in that political order, it enables them to think of this political order as, in some senses, their own.
59. The introduction of representative government introduces a large question. How is this representation going to be organized? This question becomes more rather than less acute under conditions of universal suffrage. If there is a significant minority, with some legitimate vestment in its identity, it fears being swamped by simple numerical majority rules. It therefore seeks forms of representation that can protect its interests, or give expression to its identity. But here arises a dilemma. If they are given representation in excess of their numbers or some special protections, there is a fear of a majority backlash. The majority fears the entrenchment and institutionalization

of what it thinks are unfair concessions to the minority. Their vestments in identity turn out to be in at least in tension with the majority's vestments that the state be its own. Take for instance the case of pre-partition India.

60. What we think of as Hindu-Muslim politics in India was born squarely in the crucible of representative politics. To simplify a complicated story for the purposes of illustration, Syed Ahmed Khan had early on sensed that the gradual introduction of representative government might prove to be a threat to Muslims, because it would naturally advantage Hindus numerically. Thus began a complex debate over Muslim representation that was never quite solved. Various proposals were floated: separate electorates, the grouping of Muslim majority provinces and so forth. But in retrospect it is clear that no stable solution to this conundrum was forthcoming. Any "extra" concessions to safeguard minority interests would provoke a backlash from some section of the Hindus. Why give Muslims representation in excess of their numbers? This was the crux of the Hindu Mahasabha's and the Congress' own right wing critiques of various representative schemes. A different, more regionally-oriented solution was also proposed. This was premised on something like a mutual hostage theory. The interests of Muslims in Hindu majority provinces would be safe guarded by the fact that there would be a Hindu minority in Muslim majority provinces. But the question then arose: what about the Centre? If Muslims did not have something close to parity or some veto power at the Centre would not the Centre be partial to Hindus? But if some such provisions were made for Muslims, some cried back, won't that violate some principle of equality, giving Muslims special status in excess of numbers? Why should they get parity at the centre? And so the argument went back on forth. Whatever one may think of the history of Hindu-Muslim relations, the almost sixty years of negotiations did not produce a single representative scheme that was internally stable and fair, that did not run the risk of leaning in one direction or the other. Meanwhile the aspiration had been unleashed that the state that succeeds empire be representative. But who shall it represent? "All Indians" would be an obvious answer. But that answer would not solve the problem: how would the identities that differentiate Indians be represented, at least along this axis? Partition was a non-solution, but a non-solution to a problem that had proven insoluble. That it resulted in the context of an empire of long duration, and on the backs of a nationalist movement as liberal and progressive as they come, does not augur well for similar problems elsewhere. Alfred Cobban's pithy formulation: India could neither be united nor divided remains an unassailable account of the post-colonial condition.
61. There is a cautionary tale in all this. It has proved to be almost impossible to find a solution to the conundrum of representation in societies where groups think of themselves as permanent majorities or permanent minorities and demand that representation protect the vestments of these identities. Consociational democracy and some form of power sharing has been one possible solution, but its sorry history in places like Lebanon suggests it is a fragile one.
62. It is perhaps a sobering thought to remember that very few authoritarian regimes or empires have made the transition to representative government without these dilemmas over representation fomenting some kind of violence, often leading to partitions. The issue of whether countries have democratic values is a misleading way of posing the question. The more appropriate question is: Can there be representative arrangements that allow all parties concerned to feel that those arrangements are, in some senses, their own, and protect the vestments they have in their identities?
63. *Unfortunately the only stable answer to this question turns out to be paradoxical. Representative*

institutions function best when there are no permanent identities to be protected; when the question of identity becomes detached from the question of citizenship. There are many paths to this condition: sheer coercion, gradual evolution or forced territorial consolidation that makes the question of representation irrelevant by completely fusing identity and citizenship. But none of them has ever been brought about by a straightforward democratic solution.

64. It could be argued, optimistically, that democratic deliberation or debate itself can produce the terms on which the different constituents of the polity can relate to each other. There is a sense in which democratic incorporation is a possibility. Groups can develop common attachments through the process of democratic debate and struggle itself, and certainly many democratic mass movements have brought about this result, weaving together different strands of identity, by knitting them into a common framework. But this is rarer than one supposes for it goes back to the conundrum this section started with.
65. What is at issue is just this: what counts as democracy? It is easy enough to argue that whatever counts as democracy, it should not be equated with simple majoritarianism. This means guaranteeing equal rights, non discrimination, and in some cases special rights and so forth. It also often leads to a search for formulas for power sharing, so that these guarantees become enshrined in the structure of power. But as I have suggested, power sharing formulas run the risk of being an inherently unstable equilibrium, veering between too little protection or such power as might generate a political backlash.
66. The most formidable challenge turns out to be the trustworthiness of the structures of representation. Who does the political community represent? *And the ensuing dilemma is that structures of representation can be most trusted when they are least tested by the burden of identities.* It is a sobering thought that there is possibly not a single transition from imperial rule (or authoritarian rule more generally) that has not involved this identity quagmire. From India to Iraq, from Fiji to Sri Lanka, the structure of the dilemma is uncannily the same.
67. It is an obvious fact that the fetish of numbers that democracy can represent can often be the tool of domination. But beyond this warning everything else is up for grabs. For can the meaning of democracy be filled out independently of the structures of representation it presupposes. But what does it mean to be represented adequately in any given context? *Who decides when the terms of representation are fair? This is not a question that can be settled through representation itself.* One can appeal to some abstract moral argument to allocate the fair terms of representation. But the range of available options that are plausible in terms of any theory of fairness are vast. In principle “one person, one vote” sounds as fair as parity between communities.
68. This history is necessarily simplified. But there are some general lessons from these historical episodes that are still relevant to contemporary India.
 - a) Once the problem of representation is posed as a problem of representation of permanently identifiable communities, chances of a conflict are very high indeed. If there is trust between communities, then standard constitutional guarantees like protection of rights should be enough. If there is not trust between communities, then carving out community-based representation may exacerbate the conflict, not mitigate it. This phenomenon is still at work in the North East and has, arguably, produced a quagmire in Nepal.

- b) The best way of conflict mitigation or prevention is the creation of political structures and identities where questions of rights and citizenship are progressively detached from questions of which particular communities people belong to. The identification of communities and representation is a recipe for an unstable equilibrium.