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WEAPONIZING CULTURE: MAOIST INSURGENCY AND TRIBAL SELF RULE

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ABSTRACT:

The link between left-wing extremism and tribal discontent is attested by the entrenchment of the Maoist or Naxalite activities in the Dandakaranya forest region of Central India, which is predominantly inhabited by various tribal communities. Counting on the popular support of the *adivasis*, the Maoist party has managed to spread its influence and activities across as many as 10 states forming what is being dubbed as 'The Red Corridor'.

There is connection between the tribal discontent and phenomenal growth of Naxalism in the three states namely, Chhattisgarh, Jharkhand, and Odisha. Compared to other states in India, these three states have a substantial presence of *Adivasi* population and the high occurrence of Naxal violence. The central aim of the study is to investigate if the effective implementation of the provisions of the PESA Act would help in curbing the extremism of the left wing in the specified areas. It investigates the contextual basis behind the entrenchment of Maoist insurgency in the tribal areas of the three states.

As our field data indicates, areas which have a functional and efficient Gram Sabha also see comparatively lower Naxal impact and influence. In areas with greater Naxal impact and influence, the Gram Sabha does not function well. As a long term solution, the effective functioning of the Gram Sabha is crucial to tackling Naxalism. Concrete steps needs to be taken to enforce the implementation of PESA and FRA, which are two of most important legislations for the entitlement of rights and for development at the grass root. It is important to make the concept of self governance an equally significant part of the integrated approach apart from security and development. Therefore a joint initiative could be conducted at central, state, district and Gram levels wherein the administrative as well as law enforcement units are provided with a platform to review the situation jointly and create a joint action plan for each level. Apart from enforcement of such laws, concrete steps need to be taken to enhance communication between the people and the state.

Key Words: Tribal Discontent, LWE, PESA, FRA

1. INTRODUCTION

The phenomenal growth of Left-Wing Extremism (LEW) in India is increasingly attributed to the exploitation and alienation experienced by the marginalized section of the population particularly, the tribes at the hand of the state machinery, landlords, industrial enterprises and various other agencies. Such understanding can be hardly dismissed as a speculation without any basis¹. The link between left-wing extremism and tribal discontent is attested by the entrenchment of the Maoist or Naxalite activities in the Dandakaranya² forest region of Central India, which is predominantly inhabited by various tribal communities. Counting on the popular support of the adivasis, the Maoist party has managed to spread its influence and activities across as many as 10 states forming what is being dubbed as ‘The Red Corridor’.³

It is crucial to note that the history of tribal exploitation and alienation goes back to the colonial period when the British enacted legislations to control and manage the forests for commercial purpose.⁴ The outcome of such British intervention was the outbreak of the Bhumkal rebellion. Today, the Bhumkal is both a historical legacy and a memory to tribes in Bastar. It is the first tribal resistance movement against the coloniser, yet it remains an unrecorded aspect in the history of the Indian freedom struggle. Though the Bhumkal rebellion was crushed, the colonial administration never succeeded in colonising the Central Indian tribes even after they colonised the rest of the Indian subcontinent region. The colonial administration did succeed in introducing an abstract form of market economy into the tribal region. This was further accompanied by the influx of moneylenders, landlords and other plainsmen who began to exercise their dominance and control over the tribal population. Such experience of exploitation under the colonial

¹ According to Marxian views and its theoretical base, the history of the world is linked to a clash between the *haves* and the *have not's* in various socio-political systems. As history unfolded, the victory of one class affects the freedom of the rest of society. Marx has viewed the history unfolding in this manner: First, in ancient and mediaeval society, the landed and wealthy had oppressed the slaves and the poorest plebeians and labourers. Then, as new technologies were invented and market forces grew stronger, everything changed. The middle classes, -gaining wealth and power from trade and manufacture, challenged the power and authority of the old rulers. At this stage, a new struggle arose between the bourgeoisie (the property owning class) and the proletariat (the industrial working class). In each epoch of this history, the *haves* occupy the position of the comfort-owned wealthy class and the *have nots* occupy the status of the exploited working population. See, The Communist Manifesto - Bourgeoisie and Proletariat, [Online Web] <http://www.bl.uk/learning/histcitizen/21cc/utopia/methods1/bourgeoisie1/bourgeoisie.html>

² Dandakaranya region is a stretch of forest area that expanses across the intersecting parts of Chhattisgarh, Andhra Pradesh and Orissa.

³ The States are Andhra Pradesh, Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh, Bihar, West Bengal, Uttar Pradesh, Maharashtra and Telangana.

⁴ Ramachandran Guha and Madhav Gadgil, “State Forestry and Social Conflict in British India,” *Past and Present*, no. 123 (May, 1989).

administration and subsequently under the plainsmen, locally known as dikus, gave rise to numerous tribal rebellions.⁵

In fact, the tribal insurrection undoubtedly testified their resistance against the encroachment and violation of their autonomy and their way of life. It also led the British to evolve a policy on how to administer the restive tribal areas perceived as distinct from the other parts of India. Accordingly, a policy entailing exclusion of the tribal areas from the standard colonial administration was envisaged, notably ensconced in the Government of India Act, 1919 and Government of India Act, 1935.⁶ However, the question over which policy should be adopted vis-à-vis the tribes continued to be intensely debated among the colonial administrators and anthropologists. The onset of the Independence only brought forth the urgency to frame a concrete policy. Consequently, the Fifth Schedule and Sixth Schedule were introduced in the Indian Constitution with the former pertaining to the tribal areas in central India region and Sixth Schedule to tribal areas in the North East.⁷ The Sixth Schedule envisaged a creation of Autonomous District Council (ADC) while the Fifth Schedule stipulated for the formation of Tribes Advisory Council (TAC). The rationale behind the Schedules, in spite of the qualitative difference between the two, was to involve the tribals in the governance of affairs and matters bearing upon their own well-being.

Notwithstanding the Constitutional safeguards, the tribals particularly in the Fifth Schedule areas and Central India continued to remain deprived, exploited and alienated in various forms, in the issues of forest rights, land, water, etc. In fact, the development paradigm of the Indian state in the post-Independence period has only worsened the condition of the tribals rather than creating enabling conditions for them. Being rich in mineral and natural resources, the areas inhabited by the tribes became the target of the developmental agenda of the new Indian state. The rampant extraction of natural resources and building of dams to fuel the 'national growth' invariably rendered the tribals displaced, impoverished and alienated. The developmental strategy of the state not only excluded the tribals but also left them utterly destitute and vulnerable. The post-1991 liberalization of Indian economy only exacerbated the pressure on the tribal lands and livelihood. The arrival of multinational/private companies and manufacturing industries resulted in large-scale displacement, exploitation of the tribals- not to mention about the spread of diseases and the deaths, as result of contamination and pollution caused by dumping of

⁵ Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Duke University Press, 1999).

⁶ The Government of India Act, 1919 declared the tribal areas as 'Backward Tracts' and stipulated against application of any Act of Indian Legislature without being directed so by the Governor-General. Following on this, the Government of India Act, 1935 declared the tribal areas as 'Excluded Areas' and 'Partially Excluded Areas' and prohibited the extension of legislation functioning in other parts of India to these areas.

⁷ Savyasaachi, *Tribal Forest-Dwellers and Self-Rule: The Constituent Assembly Debates on the Fifth and Sixth Schedules* (New Delhi: Indian Social Institute, 1998).

industrial wastes. The tribals also had to face the increasing alienation of their lands to the demand of urbanization to accommodate the outsiders who came to share the spoils of the neo-liberal development. What has added to the misery of the adivasis is the complicity of the administration in the unchecked onslaught of the private companies and industries. The flipside of this scheme of exploitation is the helplessness and powerlessness of the victims- the tribal people. The much-vaunted popular support enjoyed by the Maoist party is mainly derived from the experience of exploitation and alienation suffered by the tribal population. Given the injustices meted out to them, what more could be appealing to the adivasis than the promise of dismantling the structures of oppression, domination, and exploitation?

It is in recognition of the need to address the intertwined problem of Naxalism and tribal discontent that Bhuria Committee was constituted in 1994. The Committee sought to explore and make recommendations on the matter of extending the provisions of Part XI of the Indian Constitution to the Scheduled Areas. Based on the report of the Bhuria Committee, the PESA (Panchayat Extension to Scheduled Areas) Act was enacted by Parliament in December 1996. The PESA Act covers the Fifth Scheduled Areas of nine States, namely, Chhattisgarh, Jharkhand, Orissa (Odisha) Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Andhra Pradesh. The rationale for the enactment of PESA Act was that, through the qualified extension of the provisions of self-governance enumerated in Part IX of the Constitution to the Scheduled Areas, the problems faced by the tribals could be addressed and mitigated.

The optimism infused by the PESA Act has, however, failed to take a substantive root. Among various problems, the biggest stumbling block has been the failure or rather the reluctance on the part of the states to implement the Act in letter and spirit.⁸ The lackadaisical attitude towards the implementation of the Act means that the tribal population continues to remain wretched and alienated. Meanwhile, the intensity of the Maoist violence remains unabated. In fact, the violence has escalated in the recent years so much so that Naxalism has been termed by the Prime Minister of the time as ‘the biggest internal security challenge’.⁹ Conversely, the response of the government to Naxalism has, at most times, betrayed the absence of a cohesive policy to address the spiraling extremism as well as the lack of a deeper understanding of the structural problems that have generated a ‘nexus’ between the adivasis and the Maoists. This has often facilitated the emergence of an unwarranted

⁸ This has been underscored in the report on each state submitted by Enviro Legal Defence Firm to the Ministry of Panchayati Raj. A damning assessment of PESA implementation in the states has been made by Ajay Dandekar and Chitrangada Choudhury in ‘PESA, Left-Wing Extremism: Concerns and Challenges in India’s Tribal’s Districts’. <http://www.downtoearth.org.in/dte/userfiles/images/PESAchapter.pdf>

⁹ The Naxal violence has been on the spiral increase since the People’s War Group and Maoist Communist Centre merged to form Community Party of India (Maoist) in 2004. It prompted Prime Minister Manmohan Singh to make the statement in 2006.

and inhuman campaign such as ‘Salwa Judum’¹⁰ which, rather than addressing the root of the problem, ended up exacerbating the predicament of the adivasis.

1.1. BETWEEN THE STATE AND THE MAOISTS

On the flipside, skepticism lingers on the question of the motive of the Maoist party in mobilizing and radicalizing the adivasis. Is the action of the party an expression of a genuine concern for the cause of adivasis? Or are the adivasis being perceived as means to achieve a bigger end? Echoing this point, Ramachandra Guha writes: ‘the principal aim of the Maoists is not the social or economic advancement of the adivasis, but the capture of power in Delhi through a process of armed struggle. In this larger endeavour, the tribals are a stepping stone...merely cannon fodder.’¹¹ Nirmalangshu Mukerji has belittled the much talked about achievements of the Maoists such as increasing the wages for the collection of the forest produce like tendu leaves and bamboo culms as well as elimination of the social evils. Terming these achievements as meagre and at the most basic and routine, Mukerji chides the Maoists for not following up their critique of lopsided development with alternative development programmes to substantially alleviate the condition of the adivasis. What has rather transpired is that ‘Taking advantage of the historical neglect and exploitation of the adivasis by the state...the Maoist leadership ensured the support of hapless adivasis with token welfare measures while directing most of the attention secretly to construct guerrilla bases’.¹² The CPI-Maoist evokes the collective memories of tribes associated with the Bhumkal and seeks to link Bhumkal with the present People’s War in Dandakaranya region. Such attempts of the CPI Maoist are to be seen as the calculated attempts to translate their guerrilla war into the language of tribal struggle/resurgence. This localisation of the Naxalite guerrilla war is often taking place through the means of politicising tribal culture, propagandising their cultural agencies (language and rituals) and of course, distorting the tribe’s history. The village named Abujmarh in Narayanpur district of Chhattisgarh is a good case in point as it used to be the home for the famous Abujmariya, a sub-clan of the Gonds. However, at present, Abujmarh is a ‘liberated zone’ of the Naxalites under the command of the CPI-Maoist. Regardless of the ruling the Jantana Sarkar, the extent

¹⁰ Salwa Judum, also known as ‘Purification Hunt’, was orchestrated as a ‘People’s resistant movement’ against the Maoists in the state of Chhattisgarh roughly from the year 2005 onwards. However, it soon became clear that the adivasis were the hapless victims caught between the State-sponsored violent campaign and the counter-violence unleashed by the Maoists. For detailed report on the Salwa Judum campaign, see, People’s Union of Civil Liberties (PUCL), *When the State Makes War on its Own People: A report on violations of people’s rights during the Salwa Judum Campaign in Dantewada, Chhattisgarh* (2006) and Ramachandra Guha et al., *War in the Heart of India: An Enquiry into the Ground Situation in the Dantewara District, Chhattisgarh* (Independent Citizens’ Initiative, 2006). In 2011, the Supreme Court disbanded ‘Salwa Judum’ branding it illegal and unconstitutional.

¹¹ Ramachandra Guha, “Naxalites and Indian Democracy”, *EPW*, vol. 42, no. 32 (Aug. 11-17, 2007): 3309.

¹² Nirmalangshu Mukerji, “Arms Over the People: What Have the Maoists Achieved in Dandakaranya”, *EPW*, vol. XLV, no. 45, (June 19, 2010): 20.

of deprivation and backwardness of the Abujmariyas and other tribes residing in Abujmarh remains unabated. The important question is, therefore, how effective is the Naxalite Order in terms of resolving tribal issues?

The understanding that the adivasis are caught in the grand design of the Maoists begets a belief that they can be weaned from the hold of the party. It is this belief that informs the Government's initiative of 'two-pronged strategy' wherein sustained security operations would clear the tribal areas of the Maoist influence on the one hand while infusing effective governance and development in the Maoist affected areas on the other hand. The security discourse aims to counter the violent extremism while the agenda of development is geared towards mollifying those neglected millions who have been hitherto marginalized and excluded. This 'two-pronged strategy' of the Indian state has been considered problematic for the very fact that developmental goals are conceived along security imperatives.¹³ In this context, Ipshita Basu has argued that the recourse to two-pronged policy has to be viewed in the context of the neo-liberal restructuring of the Indian economy, which invariably favours private investment and industrial growth to the detriment of the agrarian concerns such as land reform and interest and well-being of the wretched rural mass. Basu, therefore, reproaches the Indian state for perceiving the proliferation of the Naxalite movement 'as obstacles to the successful functioning of its economic order' rather than as an indication of the problem with that order. The continued level of violence despite the initiatives of the two-pronged policy of security and development is perceived as symptomatic of the misreading or misrepresentation of the movement. Against the policy of linking development along the security imperatives, she suggests a meaningful response to the rise of Left Wing Extremism that proceeds through democratic politics entailing 'a tighter link between development and guarantees for socio-economic justice'.¹⁴

In fact, the need for structuring development on the basis of realizing socio-economic justice is a vision markedly embedded in Panchayati Raj (Extension to the Scheduled Areas) Act or PESA Act.

1.2. PESA: A Beacon of Hope?

It is in this context the significance of the enactment of PESA Act in 1996 can be foregrounded. Departing from the Fifth Schedule, PESA recognizes the agency of the tribes to decide on matters affecting their well-being and livelihood. As tribal societies are mostly homogeneous and monolithic, a participatory democracy constitutionally provided through Gram Sabha is very appropriate for them. Keeping this in view, the Bhuria Committee has recommended to make fulcrum of the entire scheme of Decentralized governance, planning and development in tribal areas. The state legislatures of the States of the Fifth Scheduled areas were required to amend

¹³Ipshita Basu, "Security and Development-are they two side of the same coin? Investigating India's two-pronged policy towards left wing extremism", *Contemporary South Asia*, vol. 14, no. 3 (2011).

¹⁴ Ibid. 391.

their respective Panchayat Acts in conformity with the Extension Act before the expiry of one year. All the states except Bihar and Rajasthan have amended their Panchayat Acts in consonance with the Extension Act before the deadline. The Odisha Panchayat Act has also made a provision that the customary mode of dispute resolution should be consistent with the 'relevant law in force and in harmony with the tenets of the Constitution and human rights.'

The Extension Act was mainly enacted with the purpose that the Gram Sabhas in the Fifth Scheduled areas would invariably be given approving and sanctioning powers in all matters affecting tribal society and economy. The Panchayats at different levels (keeping in view the local conditions, capacity, and capability of a particular tier) would be required to execute the decisions taken by the Gram Sabhas. But the PESA itself creates confusion by authorizing either the Panchayat or the Gram Sabha to perform certain functions. The confusion is obvious, or we may say, it is deliberate. This flaw in the central act itself is reflected in the laws passed by the various state legislatures. But keeping in view the spirit behind the enactment of the PESA that is entirely based on participatory democracy rather than representative democracy, powers for local governance should have been given to the Gram Sabhas instead of the Panchayats.

It may be stated that the provisions of the different state Panchayat acts have largely been influenced by the biases and mindsets of the state governments. The meetings of the state ministers of Panchayati Raj and tribal welfare held on September 8, 1997, at New Delhi to discuss the implementation of PESA is a testimony to these biases and mindsets. Most of the bureaucrats and ministers from states like Andhra Pradesh and Gujarat raised various questions with the intention to delay the implementation of the act. And states like Rajasthan felt that there was absolutely no need for a central legislation like PESA. N.C. Saxena, Secretary, Rural Development was quoted as saying "...it was unfortunate that certain elements in bureaucracy still had anti-tribal and anti-poor bias. When it comes to helping the rich, laws and policies are flouted easily, whereas meaningless objections were being raised when a pro-poor legislation is sought to be implemented." He continued to say that "in Orissa, control over bamboo forests have been given to the paper mills. Tribal women are not even permitted to process, store or sell hill brooms."

The implementation of PESA has been fraught with problems and difficulties right from its very inception. While all States have enacted requisite compliance legislations by amending the respective Panchayati Raj Acts, certain gaps continue to exist. Further, most States are yet to amend the subject laws and rules, such as those relating to money lending, forest, mining, and excise. Though the provisions of such laws that are inconsistent with those in PESA are legally invalid after December 12, 1997, they continue to be followed by departments and their functionaries for want of clear instructions and guidelines. Vital issues such as the ownership of minor forest produce, planning, and management of minor water bodies and prevention of alienation of tribal lands, duly recognized in PESA as the traditional rights of tribals living in Scheduled Areas, have still not received the attention warranted and the

necessary correctives remain unapplied.¹⁵ Powers statutorily devolved upon the Gram Sabha, and Panchayats are not matched by the concomitant transfer of funds and functionaries resulting in the non-exercise of such powers. In some States, provision has been made for representation of MPs and MLAs in elected Panchayats. In addition, they also provide for MPs and MLAs to nominate their representatives in Panchayats. Apart from such practices being undemocratic, several such nominees are non-tribals, which is unnatural.¹⁶

1.3. Rationale of the Study

The present study is, therefore, undertaken for keeping in sight of this backdrop. It seeks to explore the connection between the phenomenal growth of Naxalism and the tribal discontent in the three states namely, Chhattisgarh, Jharkhand, and Odisha. The central aim of the study is to investigate if the effective implementation of the provisions of the PESA Act would help in curbing the extremism of the left wing in the specified areas. Such investigation demands a prior understanding of the contextual basis behind the entrenchment of Maoist insurgency in the tribal areas of the three states.

The present study seeks to explore the connection between the growth of Naxalism and the tribal discontent in the three scheduled states of Chhattisgarh, Jharkhand, and Odisha. Further, it tries to investigate if the effective implementation of the provisions of the PESA would help in curbing the Left Wing Extremism in the specified areas. Such investigation demands a prior understanding of the contextual basis behind the entrenchment of Maoist insurgency in the tribal areas of the said states.

The states viz Chhattisgarh, Jharkhand, and Odisha are selected based on two correlated criteria- (i) the substantial presence of Adivasi population and (ii) the high occurrence of Naxal violence. As per the 2011 census, the percentage of the tribal population in Chhattisgarh, Jharkhand, and Odisha constitute 30.6%, 26.2%, and 22.8% respectively out of the total tribal population in India. Regarding Naxal violence, these three states have recorded high level consistently over the last 5-6 years. In fact, in both the criteria, i.e., tribal population and Naxal violence, the three states are the highest as compared to the other states in India.

❖ There is correlation between Poor Human Development Indicators and the Degree of Tribal Discontent in the three States of Jharkhand, Odisha, and Chhattisgarh

- 1) The failure of the government in fulfilling the basic expectations of the marginalised tribal population created total disillusionment and popular doubt.

¹⁵ Ramachandran Guha and Madhav Gadgil, "State Forestry and Social Conflict in British India," *Past and Present*, no. 123 (May, 1989)

¹⁶ Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Duke University Press, 1999).

As a result, people started questioning the significance of the State, and found solace in the ideology offered by the Naxalite movement.

- 2) Health, education, employment, and land are considered as a necessary base for the development of society and citizens at large.
- 3) The fieldwork conducted by our research team identified several problems persisting in the **health sector** in all these states, such as low-level child immunization, high rate of maternal mortality, infant mortality and, child malnutrition, less number of public rural health centers, lack of hospital facility in rural areas, long distance of healthcare institutions, failure of rural health system (health centers) at the village level, and high level doctor absenteeism, etc. The state's initiative in the health sector has been negligible and unsatisfactory in all these states.
- 4) Our fieldwork data suggests that **education** is another area of concern in much of these tribal societies as they are extremely backward compared to the non-tribal societies in both urban and rural areas. For example, 41.9% of local population living in the remote rural areas of Bastar district in Chhattisgarh, 39.2% of indigenous population from the districts of Malkhangiri and 27.1% at Koraput in Odisha state are staggeringly unlettered and many are deprived of the fruits of basic school education. It is important to note that many of these unlettered citizens are getting involved with the ongoing Naxalite movement, voluntarily or forcefully.
- 5) In Jharkhand, we found a paradox of educational system- whereas the enrolment rate at the elementary level is increasing, the school dropout rate too is increasing. Moreover, we may note that the state-wise school-dropout rate in Jharkhand, in general, is higher than the national average.
- 6) For example, the government statistics show that the dropout rate at elementary school level is 78.91% in Gumla. The community-wise drop-out rate is alarming- 77.69% of boys and 77.49% of girls belonging to the Dalit (SC) category alone; however, the drop-out rate of tribal students is much higher than Dalit students, constituting 84.62% of boys and 83.22% of girls.¹ From a comparative perspective, the school dropout rate in Khunti is lower than Gumla primarily because of the missionary involvement in the realm of school education.
- 7) The performance in higher education too is very poor in Chhattisgarh, Jharkhand, and Odisha. The percentage of graduate and post-graduate degree holders is less than 1% in both Chhattisgarh and Odisha. Jharkhand has roughly 10% of graduate degree and 0.4% of post-graduate holders.
- 8) In the selected tribal-dominated districts (such as Bastar, Balrampur, Malkhangiri, Koraput, Gumla, and Khunti)- the enrollment of pupil declines from primary level to senior secondary level leading to a much decline in the higher education sector. There is a high-level drop-out of pupil, starting from senior secondary level, in all these states and districts. Reasons for it may attribute to

low financial background of the family, problems in the school education system and the impact of Naxal's cadre activities.

- 9) A vast majority of villagers in the states of Chhattisgarh (90.7%), Jharkhand (70.8%), and Odisha (93.5%) engage in agrestic labours. Their occupational status involves hard labour but less earning. The working population largely constitute a traditional base of production process- cultivation, farming, and agriculture.
- 10) Most of these self-employed people in Gumla belong to non-tribal background and the tribes largely perform agricultural job and several forestry produce. The non-tribal self-employed are acquiring a relatively much higher socio-economic mobility compared to their tribal counterparts.
- 11) Among the tribes, the number of earning members in the family is either 1 or 2. Their income is very low to live a decent life. Their daily earnings do not improve their economic condition and they feel disillusioned with the political economy of the state as well as with its economic policies. This reflects both the material and emotional base of the economic alienation of the tribes.
- 12) People in Chhattisgarh rural areas are poorer than their Jharkhandi and Odiya counterparts. Due to extreme poverty, these citizens are economically alienated and marginalised from the mainstream society. Their belief in the state system is getting obliterated, leaving a sympathetic space in their minds towards the Naxalites who ideologically blame the government as the sole creator of socio-economic exploitation as well as the retainer of class contradictions in the society.
- 13) The annual income of various categories of residents in the Naxalite-affected areas suggests that money is mainly circulating in the hands of a few self-employed and upper middle-class sections, excluding the rest of the population in the economic mobility progress. Such economic alienation amidst poverty results in high level of disillusionment amongst the general population.

❖ **It is the people's disillusionment with the existing government, and the state system which constitutes the emotional base for providing local support to the Naxalites in the selected states**

- 1) Apart from economic alienation, the alienation of tribal land and the displacement of tribes from their ancestral land are other vital issues that cause tribal discontent in the fifth scheduled states of Chhattisgarh, Jharkhand, and Odisha.
- 2) Furthermore, the post-colonial Indian government failed to distribute land to tribes and the agenda of land reform became an unattained dream. Several forest acts created by the state further prevented the tribes from collecting certain

forestry products which forms the main source of their income. Even at present, the tribes are getting evacuated and displaced from their ancestral lands to other areas in the pretext of development projects. As a result, land alienation became a crucial issue in these scheduled states leading to a situation in which the tribes started protesting against the state. At present, many Central Indian tribes living in the states of Chhattisgarh, Jharkhand, and Odisha are landless.

- 3) Unlike the government, the Naxalite movement in the scheduled states, however, pays serious attention to the issue of **land alienation of tribes** and the subsequent tribal displacement. It is well known that the present Naxalite movement have an indigenous social base, claiming the status of an indigenous tribal/subaltern movement. The landless tribes constitute the social foundation of the Naxalites- we observe that *gram sadasyay, local militia, Sangam and dalam* members are all replaced by local tribal population now. The Naxalites often direct these landless tribes to cultivate in forest land and distribute forest land. They also help the tribal population to practice shifting agriculture collectively. All these political moves enable the Naxalites to gain some amount of trust from the local tribes, which the government has failed to achieve so far.
- 4) About a quarter (25.3%) in Jharkhand, 86.0% in Chhattisgarh, and 61.0% Odisha of tribal people are landless. This means roughly 60.0% of people in these states are landless. We also found that non-tribal communities exploit many tribes on issues of land possession. The non-tribal communities often take advantage of uneducated tribes and deceive them in land possession documents.
- 5) Our study indicates that more tribes from Chhattisgarh and Odisha are landless and displaced compared to their Jharkhand counterparts. The alienation of tribal land, hence, is more acute in Chhattisgarh and Odisha than Jharkhand.
- 6) Interestingly, in Chhattisgarh, the percentage of tribal land acquisition seems to be minimal (3.2%) after the *Salwa Judum*.
- 7) The state governments in the concerned states are responsible for such massive acquisition of tribal lands, and much of the land comes under the category of the Fifth Scheduled Districts/Areas. The specific purpose of such land acquisition is often unclear, and the only answer that a common person would get from the competent authority in this regard is “Development”. However, our field work indicates that “Development” is just a routine term uttered by the state when it comes to tribal land acquisition. For instance, massive amount of land has been taken away by the government in Jharkhand and Chhattisgarh and people who have lost their land were not even aware of the purpose of such land acquisition.
- 8) The Government needs to examine the functioning of PESA in these states as the Act empowers the Gram Sabha to serve as a consultative body concerning

tribal land acquisition. However, the PESA Act in the said states remains a total failure, and as a result, the land alienation of the tribes worsens and their political manifestation of disillusionment becomes more violent in association with the Naxalite movement.

❖ **There is an Ideological degradation within the Naxalites movement, and thus they use a considerable amount of violence over local citizenry to sustain the support.**

1) Contrary to the popular perception created by the Indian State, this study identifies that Naxalism in the states of Chhattisgarh, Jharkhand, and Odisha are not the same regarding its nature, characteristic, and function.

2) The Indian State calls these outfits as Left Wing Extremist (LWE) organisations. The term, however, by itself is bewildering as it does not provide any clear definition regarding what Left Wing Extremism is- 'the core agenda of the Naxalite movement in Bastar and the agenda of the militarisation of society often done by splinter groups like PLFI in the districts of Gumla and Khunti is not same.

3) Our study suggests that the programmes of both PLFI and CPI (Maoist) are not same at all. Therefore, the splinter groups working in the Fifth Scheduled states in the pretext of Naxalism are not the typical Naxalites. These groups are rather leader-centric breakaway factions of Naxalites which does not, however, follow the ideology adhere to by the so-called Naxalites, today's Maoists.

4) The major difference between them is, however, the Maoist' aim to destroy the state through people's revolution while the splinter groups seek to capture the power of local administration to control the local social settings from an invisible position and destruction of the Indian Political State is no longer their major concern.

5) Naxalism, being a political movement, is always associated with land, peasant, and agrestic labour. Right from the time of the Naxalbari uprising in West Bengal to the present time of the Maoist guerilla war in Bastar, land alienation and land rights has become major concerns of the movement.

6) Naxalism is at least some kind of a political expression of the subaltern sections in our society, inspired by the ideology of Maoism-Marxism. The Naxalites managed to gain the trust of the local population in the states of Chhattisgarh and Jharkhand, ideologically directed and taught people that only through people's war, their problems could be solved.

7) The intensity of such trust gained by the Naxalites from local residents metaphorically symbolizes the socioeconomic alienation and disillusionment local people face throughout their life. The frustration and discontent serve the emotional base; accordingly, a local person starts associating himself with the Naxalite's struggle and support the cause of the Naxalites uphold. The Naxalite

ideology strives to destroy the power structures of the state apparatus- the law, police, administrative and political institutions.

8) Areas such as Gumla and Khunti in Jharkhand, Bastar and Balrampur in Chhattisgarh, and Malkhangiri and Koraput in Odisha are distinctive not only because of the active Naxalite movement, but also because of the perception held by the predominant tribal population who are living under the shadow of constant alienation, exploitation, and neglect for more than half a decade.

9) **Naxalism People's perception-** People's perceptions about the Naxalites are numerous. Some believe that Naxalites fight for social and economic justice for the poor. However, a vast majority of the common populace living in the Naxal-affected areas do not agree with this perception. In Gumla and Bastar, we found a minuscule section of people who believe that the Naxalites struggle for the poor believing that the fight they unleashed against the state ultimately brought good things to the poor

In the later period witnessed the distortion of this ideology as Naxals turned out to be mere extortionists who unleash savage attacks on their enemies

- 1) The popular perception documented from Gumla admits the degradation of Naxalite ideology over the time. Local people realize that the demands of the Naxalites are genuine, but the means they adopt to achieve their demands does not appear to be right. This is the dominant perception reflected among the tribal population in Jharkhand and Chhattisgarh (Bastar). However, in Odisha, people are mostly frightened of the Naxalites, and are, therefore, not willing to share any information related to the Naxal movement in the state
- 2) **Ideological degradation-** The result is the emergence of more splinter groups and the distancing of Naxalite ideology from the common mass. This common situation is applicable to almost all the Naxalite organisations, yet there are a few places where Naxalites work for the poor. People in places like Bastar reports that Naxalites work hand in hand with the poor. This views shows people's intimacy and familiarity with the Naxalite philosophy.
- 3) For example, People's opinion from Malkhangiri and Koraput districts of Odisha reflects that the Naxalites work for overthrowing the established government through revolution. The popular perception reflected in Khunti district (Jharkhand) shows an extremity of the distortion of Naxalite philosophy by various splinter groups. Most people here believe that the Naxalites work to make money and terrorize the society. Many people in Bastar and Balrampur districts of Chhattisgarh also hold that the main agenda of Naxalites nowadays is to get money and power by unleashing terror in the society.
- 4) **Impact of Naxalism on Tribal Life-** The functioning of Naxalism has reduced the influence of 'customary mode of addressing disputes' within the tribal societies through the institutionalization of its centered problem-solving systems like *Jantana Adalats*. In a way, political mechanisms like Jantana

Adalats have destroyed one of the integral parts of tribe's internal governance system, which formed a part of their cultural tradition too.

- 5) Naxalism has a negative impact on education and development in some areas. The school dropout rate has increased alarmingly in some places. Youths get recruited to Naxalite outfits. In Bastar, forceful recruitment to PLGA is mandatory for the tribal youths while in Gumla and Khunti, the splinter groups lure the youths by providing money and drugs.
- 6) Thus we may say that the linkage between Naxalism and school dropout is fragile as it is linked to Jharkhand alone, according to our study. Therefore, the argument that Naxalism destroys the educational sector is case-specific as this argument cannot be applied to Odisha and Chhattisgarh
- 7) There is no doubt that Naxalism has escalated insecurity in the villages and thereby destroyed the real peace. The cadre activities of the Naxalites bestowed a militaristic character to the tribal societies, and such violence would not be a means of bringing peace and order.
- 8) The fieldwork conducted in the Naxalite-affected areas of Jharkhand, Chhattisgarh and Odisha further attest this fact as many people have expressed their concern that they live under constant surveillance and apprehension.
- 9) The Naxalites often attack people who do not obey their orders. Due to fear of losing popular support base, the Naxalites do not usually kill the villagers, but on certain occasions, with an aim to create the feeling of terror, they publically execute their enemies by referring it to as *Janatana Adalat*. In Khunti district of Jharkhand, people feel extremely insecure because of the cadre activities of the PLFI, and a considerable number of villages in Khunti district are under the command of the PLFI. Similarly, Balrampur, a Naxalite-affected village in the state of Chhattisgarh comes as a second position regarding the mounting of insecurity in tribal villages due to the Naxal activity. Most villages in Balrampur district fall under the direct influence of the CPI (Maoist)
- 10) Both Koraput and Malkhangiri districts of Odisha occupy the next position, considering the situation of insecurity in the Naxalite-controlled tribal villages. In Koraput, the feeling of insecurity is higher compared to Malkhangiri, the adjacent district where the Naxalites have a dangerous position at the local level. It seems both Koraput and Malkhangiri are controlled by the CPI (Maoist) or its front organisations and breakaway factions. Interestingly, Bastar district of Chhattisgarh and Gumla district of Jharkhand are the two areas where people experience less insecurity than the rest.
- 11) The local population in Gumla and Bastar does not feel insecure as they are well aware of the fact that local citizens are not the target of the Naxalites. It is rather the armed forces, bureaucrats, semi-capitalists, industrialists, and politicians, etc. that form the major targets of the Naxalites as these are the

people who hold power and influence but their contributions are none for solving the problems of the poor

- 12) It is a fact that many tribal villages under the Naxal command (*Red Corridor*) are extremely underdeveloped in every sense. Moreover, Naxalism itself becomes a challenge for the state to undertake the development activities in the affected tribal villages and thus end up constructing the transportation and communication facilities.
- 13) The Naxalites, however, prevent the villagers from availing government funds, sometimes with a certain amount of force and violence. At the same time, the preferences of the government regarding the model of development are not very suitable to tribal development because it promotes empowerment of market, industrialisation, and liberalization of government affairs.
- 14) The results of our field work present an identical situation as stated above. People from Bastar have vociferously raised the problem of underdevelopment and its close association with the Naxalite movement in the state. According to them, due to Naxalism, underdevelopment in the villages is escalating. Other districts such as Malkhangiri and Koraput in Odisha, Balrampur in Chhattisgarh, and Gumla in Jharkhand shares the same opinion- that Naxalism brings extreme underdevelopment.
- 15) Whereas in the district of Khunti, people hold a different opinion; for them, more than underdevelopment, their daily problems itself reflects the augmentation of insecurity and destruction of peace in their social life due to Naxalism.
- 16) Balrampur district of Chhattisgarh and Khunti district of Jharkhand have a high rate of illegal activities as the Naxalites are engaged in buying and producing of arms, undertaking of drug trafficking, and massive levying on every house and shops, etc. To some degree, in Gumla district of Jharkhand, the Naxalites are engaged in illicit activities. The rest of the selected districts for field visit such as Malkhangiri and Koraput in Odisha, as well as Bastar in Chhattisgarh, have reported lesser illicit activities carried out by the Naxalites.
- 17) It is a fact that Naxalism has a negative impact on the family and individual spheres. In many Naxal-affected villages, individual freedom is strictly restricted, and as a result, local people have to obey whatever the Janatana Sarkar says. The actions of the *Janatana Sarkar* are executed publically by referring to *Jan Adalat* in the adjudication process. Violence is a preferable method used in *Janatana Sarkar*, which invariably affects the individual and family spheres in the village.
- 18) Chhattisgarh falls in second position regarding the level of Naxal violence in the spheres of individual and family life. In Balrampur district, most of the local

population admitted that Naxalism had shattered their individual and family life completely.

- 19) The nature of Naxal violence differs from one zone to another. Nonetheless, the most frequently used methods of resorting to violence by the Naxalites are- killing of civilians, abduction of local people, threatening of local citizens, and extortion.
- 20) In the above-mentioned forms of Naxal violence, extortion activities are widespread in Jharkhand compared to other selected states. Within Jharkhand, Gumla district leads with nearly half of the population facing threats from the Naxalite groups. In Balrampur district of Chhattisgarh as well, threats from Naxalites have impaired individual and family life.
- 21) Extortion is another method of using passive violence in almost all the states. The extortionist robs the people, and at many times, local villagers come into contact with the extortionist. Balrampur district of Chhattisgarh has a high rate of extortion often organised by the Naxalite groups. Gumla district of Jharkhand comes as a second position to extortionist activities led by the Naxalites, which has its impact on people's life
- 22) Gumla, for instance, is found to be the area where more killings, as well as abductions of the civilian population, are reported. Naxalism in Gumla is considered to be more violent than anywhere else if we look at how it has trespassed into the family life of citizens. However, an overwhelming majority of people has not given any response about the way Naxalism had trespassed into their family and individual life. This kind of collective unresponsiveness of people seems to arise from fear.
- 23) **Frequency of Naxalite activities-** cadre activity is a pre-requisite for better functioning of their movement and the frequency of cadre activities, therefore, emerge as an important matter for the Naxalites.
- 24) **The term 'frequency'** here represents the continuity of Naxalite's patrolling in the village, the consistency of Naxalite's interaction with the villagers, and the persistence of Naxalites in reviewing and updating events and occasions taking place in the village.
- 25) The possible conclusion we can arrive at is that their cadre activities in the villages is irregularly taking place, which cannot be mapped precisely or generally. A vast majority of people in the selected states reported that much of the Naxal cadre activities takes place irregularly, except in the district of Malkhangiri in Odisha, where the local citizens do not share a single piece of information concerning Naxal activities presumably due to fearfulness
- 26) In Malkhangiri- the frequency is on a daily basis.

- 27) In Gumla- the frequency is taking place in a monthly basis.
- 28) In Balrampur- the frequency is taking place in a weekly basis
- 29) **The new Naxalite tactics in Khunti-** This new tactic of the Naxalites can be referred as an astonishing shift that has happened in the political activity of Naxalites in Khunti. According to this new tactic, the Naxalites do engage in the democratic political process while keeping the use of violence as an integral part of their political struggle. The rationale behind such political shift among the Naxalites is nothing but the capturing of the power vested in the local self-government institutions in the state. This new strategy poses a great question to the very process of decentralization and the functioning of the local self government institutions in the district.
- 30) According to the popular opinion of people from Gumla, the Naxals in Gumla work for the Dalits and Adivasis in its initial stages and thereby got quite a mass acceptance during the 1980s- 1990s. However, later the Naxalite movement eventually deteriorated ideologically because the active fractions later paved the way for the creation of splinter groups such as PLFI and JLT. At present, Jharkhand has several active Naxal splinter groups, which apparently does not have any ideological base or indebtedness with the Naxalite-Maoist ideology.
- 31) Our fieldwork observation shows that Naxalism in Khunti apparently does not have any relation with Maoism and Left Wing Extremism. This is contrary to what the state sources are trying to project at the national level. Whatever goes on in Khunti in the pretext of Naxalism is not Naxalism at all. What is going on in the name of Naxalism is the dominance and terror of the PLFI, marked by a strong distortion of Maoist ideology in Khunti. Thus, the popular support of the splinter group (PLFI in this case) mainly emerged from fear, not from people's ideological understanding.
- 32) We observed that Naxalites in Malkhangiri still have a considerable influence on the poorest section of the society and the frequency of Naxalite activities is very much grounded here.
- 33) Koraput, another Naxal-affected district in Odisha, represents data indicating that the Naxals have a firm ground in the district. 44 percent of the population does not have any interest to comment on the Naxalite movement. The fieldwork data also shows Naxalite's deep relation with the villages with 37.7 percent of people commenting that the Naxalites work for bringing revolution by overthrowing the established government.
- 34) This shows the ideological clarity of the indigenous people regarding the Naxalite movement in Koraput. In addition, it also directly points out the active cadre propaganda that the Naxalites unleashed among the local citizenry. However, we identified that people's expectations have a little scope when

considering the crux of the Naxalite ideology as it stands for destroying the democratic system which they see as the mere extension of neocolonialism

❖ **PESA is a promising legal mechanism, but the success of its implementation process rests squarely on the State Governments who, in turn, have not shown the desired level of commitment in performing the same.**

- 1) PESA is a path breaking Act as it extends the concept of self-governance to the Scheduled Areas. One must note that the Scheduled areas do not have strong provisions to empower the local people. Unlike the regions under the Sixth Schedule, the areas of the Fifth Schedule are provided with Tribal Advisory Council which acts more as an advisory body to the Governor without any effective legislative or executive powers. The real powers are vested in the Governor. There is also a lack of an effective monitoring mechanism to check the development status of the Scheduled Areas.
- 2) We realized that security measures alone would not be a viable long term solution. To regain the faith of the tribal communities, it is, therefore, necessary to devolve powers at the lowest level of administration—the village level. It is also important to ensure that such a measure does not impinge on the tradition and customs of such groups. Thus, it is necessary to create a mechanism that extends the traditional Panchayati Raj system to these areas and simultaneously protect and preserve their unique heritage, traditions, and customs.
- 3) While previous laws have focused more on schemes and poverty alleviation programmes, PESA is distinct because it seeks to put back the concept of tribal autonomy at the heart of tribal development. PESA recognises the need for autonomy in governance and aims to empower the people at the grassroots to become active participants in their own development. The focus on Gram Sabha rather than the Gram Panchayat reflects the recognition of participatory democracy. Here, instead of empowering a small group of select individuals, the whole community is sought to be politically empowered.
- 4) Under PESA the objective is to empower the Gram Sabha. The Gram Sabha has been recognized as competent to safeguard and preserve the heritage, identity, and traditions of the community. The Gram Sabha has also been given the power to resolve disputes, approve plans and projects for village development, issue certificates for fund utilization for village development programs to the Gram Panchayat. The Gram Sabha is also given the responsibility to identify and select beneficiaries for poverty alleviation programmes. The Gram Sabha is also to be mandatorily consulted in matters related to land acquisition. The Gram Sabha is also given the power of mandatory recommendation in matters of granting prospecting license and license for exploitation of minor minerals.

- 5) The major reason for the poor performance of village institutions is the half-hearted implementation of the provisions of the Act. While PESA is a central legislation, Panchayati Raj is a State subject. The status of implementation is thus inconsistent and is lacking uniformity across the states. In some states, most of the PESA provisions have not been incorporated into state laws.
- 6) In Jharkhand, a number of important provisions related to land acquisition, granting of prospecting license for mining, etc. have not been incorporated even on paper. Chhattisgarh has incorporated most of the provisions either into its Panchayat laws or subject laws, but it is yet to frame laws according to PESA on ownership of minor forest produce.
- 7) Concerning the dispute resolution, it is observed that in Jharkhand and Odisha, the provision has been added, but it has been made subject to any laws made by the state legislature.
- 8) Panchayats are elected, but the decisions of the Panchayat and the Gram Sabha get overlooked. PESA has not been able to become part of the national policy discourse, and its implementation has been severely affected by the reluctance of state governments to implement it in full force.
- 9) Despite the provisions of PESA which make the prior recommendation of the Gram Sabha or the Panchayats at various levels mandatory before granting prospecting license or exploitation of minerals by auction, state officials either remain ignorant about such provisions or even if they know, they do not implement these properly.
- 10) One of the major problems with the implementation of PESA is also the role of the district administration. Despite the intent of devolution of power to the Panchayats, it has been observed in several studies that the power continues to remain with the district administration, in particular with the Collector. The contradiction with subject to laws in matters MFP, land acquisition, regulation of intoxication, also makes PESA a challenge.

❖ The Gram Sabhas have shown number of initiatives towards participatory development and there is local support with the activities of Gram Panchayat, but the Failure of PESA implementation process has adversely undermined the local decision-making powers of the Gram Sabha.

- 1) Awareness of PESA goes beyond mere knowledge of its existence to the efficient use of its provisions in addressing developmental challenges. Our quantitative data indicates that a fair percentage of people seem to be aware of PESA, although the responses are uneven across the districts in the three states.
- 2) But having said that, it can be identified that the tribes, including tribal leaders are not well versed with PESA provisions yet

- 3) Moreover, around 30 to 40% of respondents in the districts do not know about PESA.
- 4) A significant number of respondents could not respond on the impact of PESA or Panchayat Governance.
- 5) Our qualitative data also indicate that significant number of respondents had no knowledge about the impact of PESA while those who had heard of it said that they are unable to comment since PESA has not been implemented fully. Some respondents have pointed out that Panchayat governance has not been implemented properly and there is a lack of awareness about it. Respondents have also suggested that there should be more programmes and workshops that can provide information and training on Panchayat governance.
- 6) Field data indicates that in all six districts surveyed, the Gram Sabha is a functioning body, as far as the organisation of meetings is concerned. According to the majority of the respondents, Gram Sabha meetings in all districts take place regularly, and few sessions are held once or twice a year. Minutes of the meetings are usually prepared, and a significant number of respondents have agreed that they are open to all Gram Sabha members
- 7) Gram sabha has taken lots of initiatives like Village Market development, Road Initiative, Dam Construction initiative, School construction Initiative, Initiative against Intoxication to serve the people of their respective gram sabha, but its implementation and awareness of its existence is lacking.
- 8) People know of road initiative more than the village market initiative. More than 70% people in all the 3 states in our sample have awareness about Gram Sabha's Road initiatives.
- 9) Chhattisgarh which has least awareness among the 3 states about village market initiative and road initiative ,has the highest awareness of dam construction initiative as about 74.87% of the respondents confirmed it , while other two states has near 60% awareness about the Gram Sabha's Dam construction initiative
- 10) Awareness about School Construction initiative by Gram Sabha is also highest in Chhattisgarh among the 3 states
- 11) A large percentage of respondents have stated that they are happy with the activities of the Gram Panchayat.
- 12) The level of satisfaction may come from the initiatives undertaken by the Gram Sabha and the Panchayat on the construction of roads and schools. Most respondents are aware of these initiatives. However, one must also note that in these districts, PESA has not been fully implemented. Therefore the powers and functions of the Panchayat are still limited as devolution of powers is incomplete. Despite these challenges, the Panchayat is functioning to some extent

in these districts if one considers the regularity of meetings and the initiatives taken in the village. Perhaps this accounts for the satisfaction with the functioning of Panchayat.

- 13) From the survey data, it is visible that the Gram Sabha has retained the traditions and customs of the community. The use of the customary mode for resolving disputes shows that the Gram Sabha has successfully integrated traditional methods into the Panchayat system. A high number of respondents in each state have indicated that community resources are managed by the Gram Sabha through traditional methods.
- 14) Our qualitative data also reflects the same, as stated by the respondents, that it is the elders who are usually consulted in matters of dispute resolution. but in Odisha, government officials play the dominating role in gram Sabha
- 15) According to near 100% people in Chhattisgarh and Odisha and near 90% people in Jharkhand, gram sabha promotes participation in village development programmes. More than 90% people in Chhattisgarh and Odisha responded that Peace can come through gram sabha while 64% people in Jharkhand feels the same.
- 16) When asked about alternatives to check the spread of extremism, people responded that empowering of gram sabha and development through panchayat governance are good strategy while people clearly rejected the use of police and force for this purpose. When asked about the process to bring peace and development in villages, near 50% people in Jharkhand and Odisha and near 80% people in Chattisgarh responded that by giving more power to gram sabha in land, water and forests matters ,and rest of the people also asked for more executive and legislative powers from gram sabha.
- 17) Our qualitative data suggests that procedure for land acquisition is uneven in the PESA districts.
- 18) Even though the Panchayat controls minor forest produce and its sale, field data indicates that most of the time, people do not get fair value for their collected produce in the market, even in Odisha where this provision is available on paper.
- 19) Except for Jharkhand, the other two states have incorporated the provision of management of village markets in their state Panchayat acts. As per our field data, even though initiatives have been taken on village markets by the Gram Sabha, it is observed that respondents have stated that facilities are still lacking such as the provision of enough stalls, provision of drinking water, etc.
- 20) One must also note that while the Gram Sabha works to resolve disputes, the powers of the Panchayat are severely limited in matters of addressing grievances
- 21) Some respondents have stated that the government needs to consult all members of the Gram Sabha and take their advice into account and

should not acquire land without permission. This implies that the government does not always follow due procedure. Some have also directly criticized the government of alienating tribal people from their land. Some respondents have stated that land belonging to tribal persons is often acquired without taking permission.

- 22) However, most respondents have stated that the priority assigned to Gram Sabha decisions in most matters such as land, forest, water, is not high. Decision of Gram Sabha on Land priority as affirmed by people in districts is poor in nearly all the districts
- 23) The districts of Odisha which are least satisfied in terms of decisions of Gram Sabha in land priority are found to be most satisfied in terms of water priority
- 24) While in the districts of Jharkhand and Odisha, near 70% people either rated the water priority as poor or very poor. Very few people here rated it average, good or very good each.
- 25) The most dissatisfied district in terms of Priority assigned to gram sabha decisions on forest is Bastar where 23.9% people rated it poor and 30.6% people rated it very poor. In Malkangiri, 31.3% people and In Koraput 47.5% people rated it poor. In Gumla, 24.1% people rated it poor and 15.2% people rated it very poor while in Khunti 18.7% people rated it poor and 15.7% people rated it very poor
- 26) It appears that Gram Sabha is taking initiatives in areas such as the construction of roads, schools, and dams. However, priority given to decisions of the Gram Sabha in matters of land, water, forests is not high, according to the respondents.
- 27) As far as initiatives are concerned, only half the respondents in the two districts of Jharkhand are aware especially about the initiatives taken by the Gram Sabha on roads, intoxicant control, money lending, village market, etc. Respondents who are aware of the situation have pointed out a number of important initiatives taken up by the Gram Sabha
- 28) Our qualitative data indicates that the Gram Sabha also takes steps to control intoxication. Some respondents have pointed out the use of street theatre ('Nukkad Naatak dwara'); other respondents have talked about the Gram Sabha engaging in extensive discussions and meetings ('Nasha control per visheshcharcha'). Respondents have also spoken of the planning of intoxication eradication programs ('Nasha Mukti Abhiyan') and frequent awareness programs on the consequences of intoxication. There are also provisions for penalties on manufacturers as well as consumers

❖ **Successful implementation of PESA in a phased manner has the potential to bring participatory development and countermand the influence of the Naxalites in the Naxal Affected regions.**

- 1) PESA puts forward a model of tribal development. A model that has the potential to address the core problems the tribes face in everyday life. This model emphasizes empowerment of Gram Sabha in a tribal village with more consultative, legislative and executive powers to manage the community resources and tribal tradition. It entrusts consultancy power to the Gram Sabha regarding acquiring of tribal land for development projects. In addition, PESA also directs the Government in the Scheduled States to amend the existing Panchayati Raj Act and Forest Right Act in consonance with the Central PESA provisions. Thus, the PESA Act in itself is a revolutionary legislation compared to the previous legislations introduced by the government for tribal welfare.
- 2) Our fieldwork suggests that people living in the Scheduled States often hear of PESA, but they are not aware of either the provisions or the implementation status of the said act in the state. However, In Gumla district of Jharkhand, 48.7 percent felt that the proper implementation of Panchayat governance can lead to self-governance.. According to 60.0 percent of people from Khunti, proper implementation of Panchayat governance can certainly lead to the empowerment of tribal self-governance.
- 3) A large section of Tribal population believe that the proper implementation of Panchayat Governance can lead to the improvement of the *self-governance*. Overall, people in the Naxal affected areas, in general, support the empowerment of Panchayat Governance through which key issues of the local population can be addressed. The overall analysis shows that the status of tribal self-governance can be improved by implementing the Panchayat governance properly in all the scheduled states, but only if this PESA is implemented in Letter and spirit.
- 4) Though all the selected scheduled states have already implemented PESA, the usefulness of such implementation has been questioned severely, as our field data has shown the failure of the Implementation of PESA. This is because the state governments in the Fifth Schedule diluted the crux of PESA with that of the state or subject laws either through improper implementation or through the omission of its principal provisions
- 5) Also, the awareness and dissemination about the PESA provisions does not reach properly in both Local Self Government Institutions and state's bureaucratic institutions. No proper training is given to the PRI members who are supposed to be well versed with the PESA provisions. Further, in some states, the provisions of the state and subject laws seems to be contradicting with the central PESA provisions, and thus amendment of both the state and the subject laws is a necessity
- 6) Public opinion from the selected states shows that better implementation of PESA provisions can reduce the frequency as well as the influence of Naxalite activity in the scheduled states

- 7) Our study has established an understanding that better implementation of the Panchayat governance, in letter and spirit, has the potential to curb the Naxalite movement. We have seen that most people whom we interviewed from Gumla, Khunti, Bastar, Balrampur, and Malkhangiri are attesting the said opinion. Except in the case of Koraput district in Odisha where a small percentage of people suggest Panchayat Governance as an effective tool to curb the Naxalites.
- 8) Based on the public opinion and the finding of the study, there are certain observations regarding what people often *expect in the scheduled states. Often people do not support Naxalism directly in all the selected scheduled states. In some areas, people do support the Naxal cause because of the continuous alienation and dissatisfaction with the successive government policies related to the key issues such as tribal land, forest, and industrialisation.*
- 9) The tribes are not getting any fruits from the rapid industrialisation process going on in many parts of the scheduled states. People often expect peace and harmony in the society which neither the Naxals nor the state police or armed force is capable of providing in so far as. People are pretty much aware that the ongoing clash between insurgency and counterinsurgency is not going to take the tribal communities anywhere than impoverishment, destitution, and above all the criminalisation of tribal culture. Since a large majority of people are not supporting the Naxal cause directly, it becomes a necessary step for the Naxals to rule the local citizenry by force and fear.
- 10) *It is important to note that the percentage of respondents choosing ‘use of police force’ is also mixed in all the districts.* While people do want extremism and violence to be tackled, opinion is divided among the respondents on increased police presence as a long-term solution.
- 11) People are convinced that security alone cannot ensure long term peace in the region. Strengthening of local governance is required in these areas to resolve the challenge of extremism.

1.4. Conclusive Remarks and Recommendations

1. Evidence suggests that areas which have a functional and efficient Gram Sabha, see a comparatively lower Naxal impact and influence.
2. Land alienation and tribal displacement , apart from economic alienation, form vital issues that cause tribal discontent leading to people’s protests against the state in the fifth scheduled states of Chhattisgarh, Jharkhand, and Odisha
3. People’s belief in the state system is getting obliterated, leaving a sympathetic space in their minds towards the Naxalites who ideologically blame the government as the sole creator of socio-economic exploitation as well as the retainer of class contradictions in the society

4. Given the complexity of this situation related to land acquisition and land alienation of tribes, it becomes an important aspect to examine the functioning of PESA in these states as the Act empowers the Gram Sabha to serve as a consultative body concerning tribal land acquisition.
5. However, the PESA Act in these states remains a failure, and as a result, land alienation of the tribes and their political manifestation of disillusionment become violent as it is associated with the Naxalite movement
6. The Maoist strategy is, however, to form a parallel form of government based on Marxist-Leninist-Maoist principles and their ultimate aim is to destroy the state and subsequent institutionalization of the Communist Order.
7. However, there is an ideological difference of the splinter groups like PLFI with that of the Maoist- the CPI (Maoist).
8. The PLFI's political manifesto is leaning more towards ~~the poor, often taking up~~ issues such as administrative/political corruption, unemployment, and casteism, etc. The cardinal matters such as land struggle, land reform, protection of forest and helping people in cultivation are usually not taken up by the PLFI. However, these issues form an integral part of the Naxalite struggle in India.
9. Naxalism, PLFI, in Jharkhand is more non-Maoist at its very core and thus they are not Naxalites in the strict epistemological sense of the term.
10. At present, the PLFI controls the district level local administrative units in Khunti by putting proxy candidates in the areas of civil administration. According to this strategy, the PLFI let people to cast their vote in the local self-government (Panchayati Raj) elections.
11. The Maoists, not the splinter groups, mobilize local tribes against the state model of development and industrialisation as it leads to large level displacement of tribes, acquisition of tribal land, and evacuation of traditional tribal villages for mining and industrialization.
12. As a result, the very development gets lopsided, pushing the tribes to the situation of land alienation first and then to a permanent state of landlessness. This is the juncture when the difference between the Naxalites and splinter groups appear- the Maoist believes in an agrarian struggle where as the splinter groups do not.
13. The Maoists take socio-political, economic, and cultural issues, often neglected by the state administration and mobilize the indigenous tribes to the forefront of their political struggle.
14. They also helped the local tribal population by protecting them from the exploitation of police, forest guard, local landlords, and also started launching the system of land distribution in tribal villages, which enabled them to win the trust

and confidence of the local citizenry, and which the Indian State has failed to achieve so far.

15. However ,Naxalism reduced the influence of the ‘customary mode of addressing disputes’ within the tribal societies as they have institutionalised centered problem-solving systems like Jantana Adalats. In a way, political mechanisms like Jantana Adalats have destroyed one of the integral parts of tribe’s internal governance system, which form a part of their cultural tradition too.
16. Youths get recruited to Naxalite outfits. In Bastar, forceful recruitment to PLGA is mandatory for tribal youths while in Gumla and Khunti, the splinter groups lured the youths by providing money and drugs.
17. Our study reveals that the linkage between Naxalism and school dropout is strong . In Gumla district of Jharkhand, 22.6% of people hold an opinion that the Naxal movement in the district has devastated the school education system.
18. Our study shows that there is an increasing insecurity due to Naxalism.-- almost all the villagers residing in the Naxal affected areas we visited live with fear and insecurity even at their homes. The Naxalites often attack people who do not obey their orders.
19. Due to the fear of losing popular support base, the Naxalites do not usually kill the villagers, but on certain occasions, with an aim to create the feeling of terror, they publically execute their enemies by referring to as Janatana Adalat. In Khunti district of Jharkhand, people feel extremely insecure because of the cadre activities of the PLF.
20. Local population in Gumla and Bastar believe that local citizens are not the target of the Naxalites, but rather the armed forces, bureaucrats, semi-capitalists, industrialists, and politicians, etc. that form major targets of the Naxalites.
21. local people realize that the demands of the Naxalites are genuine, but on the othe side the means they adopt to achieve their demands do not appear to be right. People are mostly frightened of the Naxalites, and are not willing to share any information related to the Naxal movement in the state.

2. NAXALISM AND TRIBAL DEVELOPMENT :

- The Naxalites prevent the villagers from availing government funds, sometimes with a certain amount of force and violence. At the same time, the preferences of the government regarding the model of development are detrimental to tribal development because it promotes empowerment of market, industrialisation, and liberalization of government affairs.

- Example→ People from Bastar, Malkhangiri and Koraput in Odisha, Balrampur in Chhattisgarh, and Gumla in Jharkhand have vociferously raised the problem of underdevelopment and its close association with the Naxalite movement in the state
- There is an increase of illegal activities in these areas. In Balrampur district of Chhattisgarh and Khunti district of Jharkhand, Naxalites are engaged in buying and producing of arms, drug trafficking, and massive levying on every house and shops, etc
- Gumla, for instance, is found to be the area where more killings, as well as abductions of the civilian population, are reported. Naxalism in Gumla is considered to be more violent than anywhere else if we look at how it trespassed into the family life of citizens.
- We could not map cadre activities of Naxalites in the village precisely as it takes place irregularly

3. PESA AND TRIBAL DEVELOPMENT :

- PESA is distinct because it recognises the concept of tribal autonomy at the heart of tribal development. The focus on Gram Sabha rather than the Gram Panchayat reflects the recognition of participatory democracy
- The Gram Sabha has also been given the power to resolve disputes, approve plans and projects for village development, issue certificates for fund utilization for village development programs to the Gram Panchayat.
- It is also given the power of mandatory recommendation in matters of granting prospecting license and license for exploitation of minor minerals.
- Apart from these powers, the Gram Sabha and the Panchayats are also given the power to prevent land alienation of Scheduled Tribe persons and ensure land restoration, manage village markets, regulate or prohibit manufacture and sale of intoxicants, have ownership of minor forest produce, control money-lending, have control over institutions and functionaries in all social sectors and also control over local plans including trial sub-plans
- Nonetheless, the status of its implementation is inconsistent and is lacking uniformity across the states. For instance, in Jharkhand, a number of important provisions related to land acquisition, granting of prospecting license for mining, etc. have not been incorporated even on paper.
- Chhattisgarh has incorporated most of the provisions either into its Panchayat laws or subject laws, but it is yet to frame laws according to PESA on ownership of minor forest produce.

- Moreover, concerning the dispute resolution, it is observed that in Jharkhand and Odisha, the provisions have been added, but it has been made subject to any laws made by the state legislature.
- What this implies is that the traditional modes of resolving disputes by the Gram Sabha are subordinate to any law made by the state legislature on dispute resolution, which automatically impinges on the power and autonomy of the Gram Sabha, and not as envisioned in the PESA Act.
- Panchayats are elected, but the decisions of the Panchayat and the Gram Sabha get overlooked. With regard to approval of plans and projects by the Gram Sabha, Jharkhand has made suitable provisions but has done this subject to laws made by the state government.
- Tribals are often forced to sell their land due to acute conditions of poverty and financial distress. Often, village headmen settle lands for non-tribals for small benefits. The state officials either remain ignorant about such provisions or even if they know, they do not implement these properly.
- Despite the intent of devolution of power to the Panchayats, it has been observed in several studies that the power continues to remain with the district administration, in particular with the Collector.
- While the Gram Sabha works to resolve disputes, the powers of the Panchayat are severely limited in matters of addressing grievances. Some respondents have stated that the government needs to consult all members of the Gram Sabha and take their advice into account and should not acquire land without permission when it comes to giving priority to the decisions of the Gram Sabha.
- The Gram Sabha require more legislative as well as executive powers so that its decisions on crucial areas that impact tribal life may be followed stringently.
- Our overall analysis shows that the status of tribal self-governance can be improved by implementing the Panchayat governance properly in all the scheduled states.

3.1. Opinion on increased police presence as a long-term solution

- *It is important to note that the percentage of respondents choosing ‘use of police force’ is also mixed in all the districts.* While people do want extremism and violence to be tackled, opinion is divided among the respondents on increased police presence as a long-term solution.
- For instance, In Gumla, the more Naxal affected district, around 60% of respondents justify the use of force by the government and around 74% respondents feel that peace through the police is a possibility.

- However, in Khunti, around 74% of the interviewees do not justify the use of force by the government and only around 34% respondents believe that the police can bring peace to the region.
- In Balrampur, 83% of respondents stated that the police could restore peace while in Bastar, only 50% of respondents believe that the police action can bring peace.
- Similarly, in Malkhangiri, roughly 50% of respondents opined that police could maintain peace whereas, in Koraput, 38% percentage of people believes in the police involvement for restoring peace.
- This indicates that people are convinced that security alone cannot ensure long term peace in the region. Strengthening of local governance is required in these areas to resolve the challenge of extremism.

3.2. Gradual distancing from the Naxalite if the Gram Sabha is functioning properly:

- Though the common population is living in the shadow of Naxalism over the last three decades or so, they have a strong opinion that the system self-governance can produce a radical change in the society.
- Often, people find that the better functioning of Panchayat Governance is the prerequisite for the strengthening of the self-governance system. In Gumla district of Jharkhand, a large percentage of people hold an opinion that the proper implementation of Panchayat Governance enables self-governance in the society which is also a necessity for the mitigation of Naxalite problem and of improving the socio-economic and cultural backwardness of the people.
- The residents in the Naxal-affected areas, in general, are in support of the Panchayat Governance and self-governance. Thus, the empowerment of Panchayat Governance can lead to the improvement of the self-governance system, and it is through the Panchayat Governance the key issue of the local population can be addressed
- The problem we identified in all the selected districts is that, a considerable number of people who expressed their opinion to the fieldwork team are frightened of the Naxalites.
- Also, the study shows that there is a massive failure of the local and civil administration in addressing the fundamental problems faced by the tribes in the day to day life, which further contributed towards socio-economic and political discontentment among the tribal population.
- Often people do not support Naxalism directly in all the selected scheduled states. In some areas, people do support the Naxal cause because of the continuous

alienation and dissatisfaction with the successive government policies related to the key issues such as tribal land, forest, and industrialization

- People are pretty much aware that the ongoing clash between insurgency and counter-insurgency is not going to take the tribal communities anywhere than impoverishment, destitution, and above all the criminalisation of tribal culture. Since a large majority of people are not supporting the Naxal cause directly, it becomes a necessary step for the Naxals to rule the local citizenry by force and fear.
- But having said that, the increasing public participation in Gram Sabha meetings, the improvement of peace in the village where Gram Sabha is functioning properly, the emerging people's participation in the spheres of civic and associational life, and as the essential tools for reducing the extremist's violence; indirectly signifies that the local population is gradual distancing from the Naxalite's propaganda
- Considering the present functioning of both Gram Sabhas and Panchayats, the local population expects that the ongoing Naxalite violence can be gradually reduced by improving the existing quality as well as the efficiency of the local self-government institutions at the village, block, and district levels.
- Our study has established an understanding that better implementation of the Panchayat governance, in letter and spirit, has the potential to wean the people away from Naxalism and curb the Naxalite movement, in Phase-wise manner.
- The integrated approach is talking about massive development through industrialisation, improvement in transportation and communication technology, etc. It does not speak about the diminishing price of tendu leaves and the real problems the tribes face in everyday life. In fact, the integrated approach of development alone cannot solve the small problems of the tribals living in the LWE areas.

4. RECOMMENDATIONS

“The study suggests that successful implementation of PESA in a phased manner and empowered Gram Sabha has the potential to bring participatory development and countermand the influence of the Naxalites in the Naxal-affected regions”

Based on the findings, the list of recommendations that we put forward relate to alterations of the present laws and its effective implementation to address the basic causes of tribal discontent, political disillusionment, and social unrest. We cannot deny that both socio-economic and political backwardness, as well as governance failure, constitute the material base of the Naxalite movement, which secure popular support in Jharkhand, Chhattisgarh, and Odisha. Such an alarming local support attests the distancing of the local population from the administrative structures of the State. In some places, the local support of the Naxalites emerge out of fear, for example, Malkhangiri and Koraput. Nevertheless, our study finds that majority of the

Central Indian tribes belonging to Jharkhand, Chhattisgarh, and Odisha maintain a perception that the state apparatus is highly undemocratic and politico-bureaucracy oriented.

- Our report suggests that there is need for a structural alternation of the administrative apparatus to resolve conflicts and initiate peace-building in the Naxalite-affected areas of Jharkhand, Chhattisgarh, and Odisha. By 'structural alteration', we mean the need for incorporating few more critical clauses in the existing PESA provisions.
- In the states of Chhattisgarh, Jharkhand, and Odisha where PESA Act is implemented, anomalies and uncertainties exist in such implementation, making PESA ineffective. Given this present condition of PESA implementation, the study, therefore, suggests for the proper empowerment of Gram Sabhas, amendments in the state Panchayati Raj laws and subject laws, and some modification of the existing PESA provisions.
- Our study suggests that the Naxalite problem, occurring due to governance failure and persisting tribal discontent in the Scheduled Areas, can be addressed by empowering the Gram Sabhas, according to PESA guidelines.

In our study recommendations,

- Part 1 deals with certain alterations of the present laws.
- Part 2 deals with measures for Trust building and Development through Gram Sabhas for removing Tribal discontent and
- Part 3 deals with security and policing issues to resolve conflict and initiate peace building. Finally
- Part 4 deals with giving gram sabha a significant importance for self-governance and participatory development in the present integrated approach of government apart from security and development.

4.1. Part I: Alterations of the present laws and its effective implementation

- ***Incorporate PESA provisions and reduce contradictions:*** The compliance of state laws with the provisions of PESA is still incomplete especially in ***Jharkhand*** where most crucial provisions relating to ***land acquisition, mining of minor minerals, and prevention of land alienation*** of Scheduled Tribes are yet to be incorporated. In Chhattisgarh, there are still no adequate legal provisions for the ownership of minor forest produce. In Odisha, state Panchayat laws have incorporated PESA provisions, but there are several subject laws that contradict these provisions.

- Field data indicate that even where laws are in place, ***the transfer of funds, institutions, and functionaries is not complete.*** While the respondents are positive about the activities of the Gram Panchayat and the Gram Sabha, they still have issues with the lack of basic amenities and proper infrastructure. This indicates that the Panchayat has been empowered to some extent on paper, but the effective devolution of powers through the transfer of functionaries and funds has not taken place properly.

The Study, therefore suggests: -

- ***Compliance and harmonization of state laws with PESA provisions need to be completed at the earliest.*** There is a need to harmonise the various legislations and government policies being implemented in tribal areas with the provisions of PESA. The relevant ***Central (e.g. Land Acquisition, Mines, Forest) & State (e.g. Panchayati Raj, Money Lending, Forest, Mining, Excise)*** laws still need to be amended in conformity with PESA
- The Governor's Annual Report submitted to the President ***must contain an exhaustive and detailed section on the status of implementation of PESA*** in the Scheduled Areas. Such a section should also cover contradictions with any state laws or regulations as well as gaps in the central act that may be hindering its implementation.
- As per Section 4(b) of PESA Act, the definition of a village implies a community which manages its affairs according to its own traditions and customs. This definition relate to 'village' not in an administrative sense but in a socio-cultural sense of the community. It must be ensured that this specific definition of a village is used for Scheduled Areas and not that of a revenue village.
- Powers should be clearly defined so that the autonomy of the Gram Sabha does not get affected by the powers of the Gram Panchayat.
- ***Procedure for land acquisition*** - Our primary data from Jharkhand indicates that the ***procedure for land acquisition*** is uneven in the two districts.
- ***The study Recommends that-- Only the Gram Sabha may have the power of consultation in matters of land acquisition, which may not be binding on the parties seeking the acquisition.*** The term consultation needs to be further clarified or replaced by the term '***prior mandatory approval.***'
- Recommendations of the Gram Sabha on the types of rehabilitation and compensation to affected parties must be made binding. The state government may establish a grievance redress cell to address cases of violation of Gram Sabha recommendations of rehabilitation and compensation
- PESA provisions should incorporate a mandatory interaction between the Trans-National Corporations/Companies and the Gram Sabha/Panchayat in the

presence of the District Collector, regarding tribal land acquisition. In this meeting, Trans-National Corporations/Companies have to submit the detailed blue print of the proposed project before the Gram Sabha/Panchayat for discussion. Trans-National Corporations/Companies working under Fifth Scheduled Districts have to undertake the CSR activities before the initiation of the project- such as constructing schools, hospitals, anganwadis, health centers in the respective tribal village/block where the mining or industrial projects are taking place.

- The allotment of land among tribal persons in Scheduled Areas has to be accompanied by the issue of '**pattas**' or land possession certificates. Tribal people must be provided assistance in taking physical possession of allotted land.
- Land acquired for developmental purposes should be acquired on lease and not by purchase. Persons affected would include all persons whose livelihoods and/or habitats are affected by the project. Compensation should not only be monetary since the loss of land implies the loss of livelihood, but should cover by allotting cultivable land or by ensuring meaningful employment.
- Members of the tribal family whose land has been acquired has to be made shareholders in the company with these benefits also passing to their future generations.
- **Minor Forest Produce** - Majority of the respondents of this study reported that they do not get fair value for MFP, which indicates that the community has very little control over it.
- **The study recommends that-** - The Gram Sabha may chalk out an action plan about the use or exploitation of MFP in consultation with the Forest Officers concerned. The role of the Gram Sabha in fixing minimum prices should be made central. One or more Gram Sabhas together, in consultation with the Forest Department, should decide the minimum price for the purchase or exchange rates of MFP. The Gram Sabha should also determine the royalty payable by the trader on MFP.
- It should be made mandatory for all departments and institutions to give details to Gram Sabha before taking any MFP collected on the basis of any Act, rule or administrative instructions and to obtain a clearance certificate from the Gram Sabha.
- The state government must be made responsible for providing the full value of minor forest produce to the primary collector. The cost of marketing, storage and transportation should also be borne by the government.
- There is a need of legal procedure for standardizing the price of *tendu leaves* in the respective state in consultation with selected members of Gram Sabha/Panchayat, Block and District level Panchayats.

- ***Prevention of land alienation and restoration of alienated land*** - Our Field data informs us that the problem of land alienation among tribal persons has not been effectively addressed through PESA, despite the fact that all three states have included this provision either in Panchayati Raj Acts or in the subject laws.
- ***Therefore the study recommends that-*** - The Gram Sabha should be empowered to ensure that no land belonging to STs is transferred to non ST persons. This may be done by first authorizing the Gram Sabha to look into any complaints related to land transactions.
- If the Gram Sabha is of the opinion that attempts are being made to alienate lands belonging to STs, it should be empowered to issue instructions to prohibit the transaction. Such instructions must be made binding on the parties concerned.
- The Gram Sabha should be empowered to ensure the restoration of alienated land to the affected persons. It may be made mandatory to carry out any Gram Sabha orders to restore such land within a specific time limit.
- Further, there should be a provision to provide free legal aid to tribes who put judicial complaints in matters related to the tribal land acquisition.
- ***Money Lending-*** Our study indicates that priority assigned to the decisions of Gram Sabha on the issue of money lending is poor, as reported by majority of the respondents. This indicates that the Gram Sabha does not have the requisite powers to regulate money-lending.
- ***The study recommends that-*** The Gram Sabha and the PAL have been given the power to exercise control over money-lending under PESA, but this has not been clearly outlined. Therefore, the Gram Sabha should be empowered to inspect the licenses of money-lenders operating in the area. The Gram Sabha should also be given the power to regulate the number of money lenders operating in a village. The Gram Sabha should also be empowered with monitoring the accounts and records maintained by the money lenders.
- If required, ***Tribal Co-operative Societies*** can be created for providing loans and financial assistance to the tribes under the authority of both State and Central Government ministries and link the same with the Gram Panchayat by adding new clauses in PESA provision dealing with money lending. One may take the example of the Kerala model with regard to an establishment of ***Co-operative Societies Act***. A new Ministerial Department can be created headed by a newly appointed minister. The activities of this ministerial department could be linked with the Local Self-Government Institutions and Gram Sabhas. Private money lending should be strictly discouraged.
- ***Management of Community Resources-*** The Gram Sabha is given the power to manage community resources under PESA. However, it is seen that

Gram Sabha decisions related to land, water, and forests are not given much priority, as evidenced by this study.

- Majority of the respondents suggested that the ***Gram Sabha and the Panchayat should be given more control over land, water, and forest resources***. Any overlaps or conflicts in term of jurisdiction with other authorities (for instance forest committees) should be immediately examined, and except in exceptional cases it should be ruled in favour of the Gram Sabha and the Panchayat. ***Consultation with Gram Sabha should be made obligatory*** for all concerning management of forests. This should include the forest protection committees as well as the forest officers.
- ***Legal Recognition of Traditional Methods of Managing Resources and Dispute Resolution-*** Our data suggest that the Gram Sabha adopts traditional methods for managing resources and also follows the customary mode for dispute resolution. However, it must be noted that within PESA, there is no ***clarity*** over traditional methods and traditions and customs.

4.2. Part II: General trust building and Development through Gram Sabhas for removing Tribal discontent

- **Panchayats and Gram Sabhas should have mandatory monitoring power for providing basic services**
 - ***Health Services***
 1. Health Services in the tribal areas has to be given top priority and it is to be monitored monthly at Panchayat level, at District level, at State level, and at Central level.
 2. Para medical staff from the local youth i.e. male and female both, should be imparted training under skill development programme at Tehsil and District headquarter
 3. The youth of Naxal affected districts and tribal districts should be imparted training in healthcare, food preservation, environment preservation, and local cottage industries.
 4. The Value addition of natural products should be done locally at panchayat and district level.
 5. As these Naxal affected areas are rich in mineral resources and natural food resources so cottage industries and food preservation will enhance economic status of tribal people.
 - ***Education Services***
 1. Teachers recruited for primary and higher education preferably should be local and this should be compulsorily for primary education.

2. These teachers should be trained in tribal values and ethos.
3. Education should be imparted in tribal language at primary level.
4. Generally, there are no science teachers in the tribal areas so the dropout problem is more in these areas. This should be tackled with more recruitment of science teachers.

- ***General Administration***

1. We have all the acts, laws, regulations and social practices for tribal areas but empathy, sensitiveness and will to implement is not present in general administration.
2. Whatever good schemes we may have but if we don't have attitude to implement it, result will be same as we are witnessing in present scenario.
3. There should be monthly district level meeting among the Panchayat, Education department, Health department, Industry department, Forest department, Police department and District administration.
4. There is a circular of MHA regarding the meeting of DM, SP, Forest officer but it is not implemented on the field so we should have less number of Schemes and rather should have sensitive machinery to implement so that to achieve good results on the field.

- ***General trust building through Gram Sabhas***

1. Tribals have a special status, special history, culture and social values and historically they are inhabiting in these areas which are rich in mineral and forest wealth.
2. By different sets of rules and regulations, they are exploited economically, socially and culturally. Thus their trust deficit on the administration is present.
3. So now we have to develop trust and should have vertically and horizontally clear laws for the definite period and sensitive machinery to implement them clearly.
4. Bureaucrats and administrators had made tribal areas as their experimental labs and in this process, created more problems.

- ***Communication between the people and the state.-***

1. Apart from enforcement of such laws, concrete steps need to be taken to enhance ***communication between the people and the state***. A viable initiative could be taken to organize special 'Sabhas' between members of the Gram Sabha, the Gram Panchayat and central and state officials. These could

be in the form of annual special meetings to discuss development agendas, projects and schemes and their impact on the local population.

2. Further Efforts should be initiated to bring transparency related to the use of funds often handled by the elected members and other administrative committees functioning at the Panchayat level

- ***Naxal controlled Panchayat institutions***

The fieldwork has identified that in some districts, like Khunti, the Left Wing Extremists control the local self-government institutions while in some other places like Rania village, they put up their own candidates. This kind of situation creates a crucial threat to PESA and empowerment of Gram Sabha/Panchayats.

The study recommends that- The personal profile of all candidates contesting in the local body elections should be checked thoroughly. Arrangements should be made to conduct free and fair elections in all local self-government institutions/bodies and thereby promote Panchayat Governance, wherein 50 % of reservation for tribes should be implemented in all bodies of Panchayat Governance. System Efforts should be initiated to bring transparency related to the use of funds often handled by the elected members and other administrative committees functioning at the Panchayat level.

- ***Development related Issues through Gram Panchayats***

1. Retrieved areas in the 'guise' of developmental process should not be handed over to any MNC for so called rapid industrialization or to provide jobs for displaced persons. -Displaced persons must be encouraged to return to their accepted form of livelihood be it agriculture and any other local activity. These people should be gradually brought to understand the gains of development and not on an overnight shock manner.
2. A false sense of urgency to bring about rapid industrialization and depriving the residents of their piece of agricultural land and vesting this piece of land in the hands of a select few would lead to these people returning to the lap of Maoists who will not hesitate to spread the message of exploitation
3. Among the issue to be addressed on a priority basis in such areas would include implementation of PDS scheme to ensure food security, provision of clean drinking water, health facilities, education, and employment in that order. These services could be best provided through Gram Panchayats
4. The level of desperation on part of CPI (Maoist) in asking for levy is on the rise and is showing up in MNREGA and Watershed Management and other people oriented developmental projects. However, Gram Panchayats and empowered Gram Sabhas has the potential to watch it closely, as it can be a serious trend.

4.3. Part III: Issues of Peacekeeping activities, Policing and Paramilitary deployment

1. Our study reveals that much of the paramilitary personnel come from outside Jharkhand, Chhattisgarh, Odisha. Their knowledge of tribal culture, geography, local language/dialects is very poor. They are unable to identify and locate the Naxalites who often mix-up with the local population, and often these paramilitary personnel unleashes attacks against innocent tribes who may no longer have any affiliation with the Naxalite movement. Such attacks of the paramilitary eventually turn the local tribal population against the State and thus encouraging their silent association with the Naxals.
2. Heavy paramilitary deployment can cause the gradual regrouping and re-emergence of the Naxalite activities. There should not be very heavy paramilitary deployment.

- ***Manpower planning:***

1. Many police stations have only 1-2-8 strength, the newly started police districts do not have D.R.P. lines, and few of the old D.R.P. Lines do not have sufficient strength. It is important to strengthen these police stations with more staffs and new police stations should be made functional. It is important to Fill in the vacancies of SIs and inspectors, constables in affected areas , on urgent basis. There should be more incentives for doing better security and developmental work for Military personnel

- ***Arms and ammunition equipment:***

1. Resources play a vital role in fighting left wing extremists. Naxalites are regularly upgrading their arms and ammunition equipment. In order to match the Naxalites in their sophistication & firepower, Police forces have endeavored to garner adequate resources.
2. The resources pertaining to (1) Communication (2) Surveillance (3) Arms/Ammunition (4) Protective equipment (5) Computer (6) Medical (7) Maps (8) Printing Machines (9) Non-lethal Weapons have been prioritized. Some of the resources have already been procured; some are in the process of procurement. The principle of criticality & necessity adhered to while procuring the equipment is immediately provided to the field for use

- ***Special intelligence unit:***

A dedicated special intelligence branch has been established to collect, collate & analyze Naxalite information & intelligence. There should be Strengthening of intelligence units. Further there should be Strong vigilance action to plug the drainage of resources to Naxal.

- ***Hit a smash” operations:***

Naxalites have developed Guerilla Zones, Guerrilla bases; they have established hideouts in interior places. Police had been raiding few of these hideouts & camps in the past. Systematically these camps have to be destroyed. Some of these hideouts of Naxalites are located at more than 200 KMs away from the nearest police stations in very difficult terrain .Also strongly defended. Central forces, air support, aerial reconnaissance with sustained efforts are required to destroy these hideouts. After clearing, these areas need to be physically held by security forces.

- ***Counter propaganda and sustaining public resistance movement***

Effective counter propaganda can bring public awakening against the evil designs and actions of Naxalites, the consequences of Naxalite depredation. The threat to democracy and the nation posed by Naxalites need to be disseminated amongst the masses regularly.

- ***Comprehensive Relief and Rehabilitation Policy***- Improving the relief camps

Comprehensive Relief and Rehabilitation Policy has been in place since 2004, which not only gives them financial relief but also enables them to get government jobs as per the eligibility of the victims. There is a need to gain the confidence of the people by a policy of rehabilitation and compensation to the victims of Naxals violence. Further, female surrendered Naxalites shall be rehabilitated under child and women development schemes for employment

- ***Confidence Building Measures***

Several confidence building measures should be undertaken to improve police-public relationship, which includes community policing, civic action programmes, sports activities, medical camps, mobile police stations and formation of village Defence societies. **It is important to isolate and crush Salwa Judum at all India level.**

- ***Financial Sourcings To Naxals In Forest Produce Specially Through Tendu Leaves (Biri Leaves) Trade Should Be Stopped***

Naxal affected areas are mainly backward forest areas where the local laborers villagers “adivasis” are involved in collection of forest produce. The states in which the Government is carrying the business of collection of forest produce through contractor ship system in those areas Naxalites are strengthening their strong hold and command amongst the villagers. Naxals through contractors are getting villagers paid excess Labour charges than the said Govt. rates and the village youths get income through contractors under their pressure. The youths are also associated with Naxalites under this system. These systems originated from Andhra Pradesh and now are prevalent in Tendu Leaves contractor ship in Chhattisgarh, Maharashtra, Orissa, Madhya Pradesh and Jharkhand.

It was found that the tendu leaves collection forms the backbone of Naxal finances. If the control on this trade is managed by the government, Naxal powers can be cut by more than 50%. It is important to stop financial sourcing to the naxals in forest produce, especially the trading of Tendu Leaves (Biri Leaves).

- ***Jungle Warfare College***

Recently a Jungle Warfare College has been established at Kanker. This unit has trained two batches consisting of 700 staff of Chhattisgarh (figure is as per our discussion in field and may not be correct). Besides training policemen of Chhattisgarh it has started training policemen of Orissa, Bihar & Jharkhand. More of such colleges should be started for Tactic training.

- ***Community Policing***

Ministry of Home Affairs is already operating a scheme of redressal of deficiencies in police infrastructure. But the role of community policing needs to be strengthened through the mechanism of Gram Sabha. MHA should accordingly issue suitable guidelines for revival and strengthening of Chowkidari system.

- **Other Recommendations-**

1. The functioning of Gram Sabha and peace-keeping activities of the state police department should be linked in such a way that the Gram Sabha can approach police whenever required. In so doing, the Gram Sabha can monitor and assess the activities of community police in tribal areas and in case the Gram Sabha finds something counterproductive regarding the community policing system, it can call for an immediate meeting with the DC and report the same.
2. The existing political vacuum in tribal societies is the result of inactive civil society sphere. Thus, active involvements of civil society can gradually usher non-violent political culture through the process of political socialization and political communication. One way is to promote Self Help Groups (SHG) and use it as a community platform to sell tribal products , properly linked with Gram sabha.
3. Efforts should be made for skill development of tribes, such as training to artisan tribes, and all required arrangements to establish tribal self-sufficiency through Gram Sabha.

4.4. PART IV: Concept of self-governance (Gram Samba) should form a significant part of the integrated approach, apart from issues of security and development

The integrated approach put forward by the central government is yet another version of the liberal model of development as it contains militarism and development as the counter-insurgency strategies. The Tribal concerns are primary like health, mortality rate, malnutrition, skin problems, dirtiness, unemployment,

displacement, violence in day to day life. However, the integrated approach is talking about massive development through industrialisation, improvement in transportation and communication technology, etc. It does not speak about the diminishing price of tendu leaves and the real problems the tribes face in everyday life. In fact, the integrated approach of development alone cannot solve the small problems of the tribals living in the LWE areas.

At present, the central government is already working with a four pronged approach to peace and development in the Naxal affected districts in the three states under study. This includes ***security, development, the entitlement of tribal rights and perception management and dissemination of information***. However, despite the existence of such an approach, lack of development and presence of violence continue to exist. The issue at hand is about creating a balance between the four aspects. The situation is complex and is almost like a vicious cycle.

One must note that while the approach of the state is integrated, the emphasis is strong on the construction of roads and setting up of mobile towers to improve connectivity (which would also enable security forces to function more efficiently). There is little concrete steps taken to enforce the implementation of PESA and FRA, which are two of the most important legislations for the entitlement of rights and for development at the grassroots.

The IAP as a scheme was introduced with the intention to focus on the implementation of important legislations such as PESA and FRA and to ensure that states adhere to providing minimum support price for minor forest produce. **However, the district component of the scheme was managed by the Ministry of Panchayati Raj and the state component by the Planning Commission.** Thus there appears to be no role for the local bodies here. **Another important point to note about the IAP is that when it was established, the focus seemed to be the empowerment of tribal communities. However, the composition of the committee in charge of the implementation of IAP indicates otherwise. The three member committee is headed by the District Collector or the District Magistrate with the Superintendent of Police and the District Forest Officer as the two other members.**

Development in the tribal areas should not be solely in the hands of the state and the district administration. As our field study indicates, ***areas which have a functional and efficient Gram Sabha also see comparatively lower Naxal impact and influence***. One also has to note that as a long term solution, the effective functioning of the Gram Sabha is crucial to tackling Naxalism but the Gram Sabha can function only when there is a minimal level of peace. Therefore, the requirement of state security cannot be done away with completely.

It is important to make the ***concept of self- governance an equally significant part of the integrated approach apart from security and development***.

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NOTES

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