

Repression Garbed as Security

Recent reports by journalists visiting Chhattisgarh have offered the first independent insights into how the government is waging a war in the state under the garb of dealing with the Naxalite movement there. The ‘Salwa Judum’ or the so-called people’s resistance to Naxalites is by all accounts state-supported, state-sponsored and perhaps even state-organised, and far from bringing peace to the Bastar region, has created an atmosphere of terror. The Naxalite groups are by no means free of the charges of perpetrating terror of their own kind—as witnessed in a number of landmine blasts that have killed groups of villagers who have had nothing to do with either the state or the Salwa Judum. Yet, when the district collector makes statements such as “If you are not a Naxalite, you must be (sic) Salwa Judum. There is no third choice here” (*Outlook*, May 15, 2006), the state is clearly organising a war-like situation.

Legislation such as the Chhattisgarh Special Public Security Act (CSPSA), 2006 has only contributed to the atmosphere of repression in the region. Firstly, the CSPSA widens the scope of what can be deemed by the representatives of the state to constitute “unlawful activity”. Even an act or verbal, or written or pictorial communication that is considered to have “a tendency” to pose an obstacle to the maintenance of law and order or is deemed to “encourage” disobedience of the established law can be declared “unlawful”. It follows that an organisation that is considered to be engaged in such activity can thus arbitrarily be declared an “unlawful organisation”. That criminal law in a decent society should adhere to the principle of certainty of offence seems to be of no consequence to the powers that be. So subjective interpretation is given a carte blanche; the doors are wide open to further abuse and/or misuse of the legal system. Through the enactment of the CSPSA, the state is quite simply, as a People’s Union for Democratic Rights (PUDR) pamphlet aptly puts it, “casting the net wider”.

If the designated representative of the state even deems a person to have a tendency to commit acts or to engage in communication that threatens law and order or encourages disobedience of the law, then she faces the possibility of seven years in jail. The district magistrate, representing the executive, has been given powers of seizure and forfeiture of the place and assets of organisations and individuals considered to be involved in “unlawful activity”, with no provision for a judicial review. This makes possible the seizure and forfeiture of livestock, agricultural implements and other means of production in order to destroy the livelihood of those who are struggling for social justice.

Now clearly, if selectively singled out, verbal, written or pictorial communication that is deemed to have “a tendency” to pose an obstacle to the maintenance of law and order or

is deemed to “encourage” disobedience of the established law and thus branded “unlawful”, the freedom of expression is threatened. For such a provision can be used against media/press persons, writers, artists, poets, actors, civil libertarians, academicians and their organisations. A recent report of the PUDR and other civil liberties and democratic rights organisations entitled ‘When the State Makes War on Its Own People’ that focuses on the violation of people’s rights during the Salwa Judum campaign in Dantewada, Chhattisgarh, mentions the case of two independent journalists harassed and threatened for their honest reporting. We mention this because what is usually reported in the mainstream press about the Naxalite movement is largely based on home and police department handouts. So the muzzling of independent reporting has made it all the more difficult to uncover the root causes of the political violence in Dantewada district from June last year up to the present.

Reports, even poems, about the oppression of tribals by forest, revenue and police department officials or their exploitation by contractors, traders and moneylenders can very well be considered as encouragement of the victims to get back at their exploiters. Even an organisation taking up, through Gandhian tactics of civil disobedience, the question of pattas (instrument of ownership right) for tribals on forest land brought under cultivation or ensuring that the collection and sale of minor forest produce is in favour of the poor can be deemed to pose an obstacle to the maintenance of law and order and be declared an “unlawful organisation”. The CSPSA, 2006 is one more instrument in the hands of the state to destroy the economic, socio-political and cultural network of legitimate opposition in Chhattisgarh. **[77]**