

# THE MAOIST MOVEMENT AND THE INDIAN STATE: MEDIATING PEACE

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*This note is an account of the mediation/ negotiation at two separate kidnapping incidents- in Gurtendu in Andhra Pradesh in 1987 and in Malkangiri in Orissa in February 2011 (in which the author was personally involved). It examines the response of the State, the ensuing peace talks and analyzes whether any democratic spaces were opened up consequently.*

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## I. BRIEF BACKGROUND AND HISTORY OF THE NAXALITE MOVEMENT

### 1. The Origin of the Movement

The Naxalite Movement started out as an outburst against an exploitative system which has remained almost unchanged since independence. It marked the beginning of militant politics as a solution to the age old problems that continue to plague rural India, especially the tribal areas. The struggle started against the local landlords and moneylenders at Naxalbari village in West Bengal in 1967, and what was described by the then Darjeeling superintendent of police as “mosquito menace” is today described by Prime Minister Manmohan Singh as “the greatest internal security threat”.<sup>1</sup>

This metamorphosis needs to be analyzed and looked at in the backdrop of the changing contours of the movement and its encounter with the Indian State. While the Indian State is determined to put down the Naxalite Movement by all means, the latter looks equally determined to overthrow the State through armed struggle. Neither possibility, however, exists at this juncture. The confrontation has lasted for more than four decades and the Indian State has failed to contain it. On the contrary, the movement has spread to more areas. Yet, the might of the State is so formidable that its overthrow is not likely to be an easy proposition in the near future. This fact of protracted struggle is even admitted by the Naxalite Movement itself. In a historical situation of this kind, there is bound to be a variety of experiences and experiments which provide a clue to comprehend the complexities of the phenomenon.

The Naxalite Movement that started in West Bengal soon found its echo in the tribal areas of Srikakulam in Andhra Pradesh and spread to the plains of the Karimnagar district of Northern Telengana of the State. The movement, in the late sixties to the mid-eighties, with Charu Mujamdar as its first ideologue, was primarily directed against the landlords and moneylenders, being premised on the philosophy of annihilation of class enemies. However, serious ideological differences within the movement soon resulted in splits and counter-splits, with the

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1 Rahi Gaikwad, *Manmohan: Naxalism the Greatest Internal Threat*, THE HINDU, October 11, 2009, available at <http://www.thehindu.com/news/national/article32290.ece?service=mobile>.

Peoples War, which later became the Maoist Party, emerging as the most influential of all factions. Although all factions believed in a protracted armed struggle against the State, they differed in their approaches, methods and understanding of the complex socio-political formations and conditions on ground. Thus, while the leader of each ideological faction was a name of repute and sacrifice, it was Kondapally Seetaramaiah who proved to be a far better organizer and strategist, which is evidenced by the fact that his party [Communist Party of India (Marxist-Leninist) People's War, generally referred to as People's War Group] survived longer and spread the farthest, to the extent that its very existence is considered to be one of the greatest threats facing modern India.

The Naxalite Movement pushed several questions to the forefront of the national agenda. These related to the nature of the State, the modes of production and strategies of change. The movement, emerging as a response to deep socio-political crisis in the various parts of the country, was born out of a belief that there were no political options open to the people except organized and violent struggle. The political response, both at the central and state level, displayed an ambivalent attitude which ranged from terming the Naxalite Movement as addressing socio-economic concerns, to treating it as a law and order question.<sup>2</sup>

## **2. The Politics of the State's Response**

Nevertheless, the mid-eighties witnessed a change of stance of the police and the home ministry: heralded by the tenure of Vengal Rao as the Chief Minister of Andhra Pradesh in the 1970s, the police and the home ministry became more aggressive and started adopting a hard line stance against the Naxalite Movement, believing that the Naxals should not be given due protection under the rule of law and the Indian Constitution. This period was thus characterized by many cases of fake encounters, custodial deaths, disappearance of party activists and

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2 The Congress Ministers, including the Chief Ministers, went on record to state that the Naxalite "problem" was not a law and order problem. The former Prime Minister, P. V. Narsimha Rao, in a personal discussion with the author, forcefully argued that the Naxalite problem was a socio-economic problem (This was, of course, before he assumed the role of Prime Minister). There are others as per the experience of the author, particularly the home ministers, under the guidance of the police in Andhra Pradesh who have been consistently taking an exclusively law and order view of the issue.

sympathizers, attacks and raids on villages and the killing of countless civil liberties activists. It was this lawlessness propagated, or at least unchecked by the State, that qualitatively changed the political context and the character of the Naxalite Movement.

It has been the tragedy of India's feeble democratic system that the question of the lawlessness of the State failed to create or sustain healthy public pressure and debate, with a large section of the educated middle-classes believing that the State should be empowered beyond questionable limits. Encouraged by such a disposition of the otherwise articulate class and the indifference of the society in general, the State became even more repressive. It was this lawlessness, coupled with an absence of socio-economic measures to improve the conditions of the marginalized and dispossessed, which had a multiplier effect on the deteriorating conditions in society.

Another contributing factor is the way in which the police force lets loose its violence on political movements such as those of the Naxalites in the name of "law and order", while not tackling other forms of violence in a similar fashion. For instance, the violence that parliamentary factionalism or communal riots trigger is not handled in such a callous manner, and is in fact often backed by State-protection, if not State-participation; a case in point is the Godhra riots.<sup>3</sup> Even the violence perpetrated against the marginalized, dispossessed and the disadvantaged in the name of parliamentary politics goes totally unchecked. The law in such cases is rendered totally ineffective, and as it becomes increasingly ineffective, it is substituted by the lawless brute power. In such a situation, men who wield the guns become the crucial decision-makers. Such a situation is regressive, not only because it neutralizes the control of the civil bureaucracy, the political elite, the elected representatives and the judicial process, but more so because these controls were a product of the advancement of civilizations which endeavoured to regulate the (threat of) use of physical force, particularly the brutality and arbitrariness associated with it.

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3 The Godhra riots are the most striking, tragic and ghastly experience that the nation has witnessed. In the riots, one did not hear of reports of either encounter deaths or use of brutal state force against the majority Hindus. However, it should be noted that this point is made only to highlight the contrast in State (in)action and does not constitute an endorsement of any kind.

The contradictory approaches of the State to violence<sup>4</sup> are reflective of the premium paid to different problems of the society and the differing approaches to each of these problems. Thus, while those who are responsible for, say the Bhopal Gas tragedy or the Gujarat riots or financial offences get state protection, the poor are subjected to the most inhuman and brutal torture, an alternative worse than the prevailing apathy. This difference in approach indicates that what the State or the police is opposed to is not violence *per se*, but a *particular* type of violence; the violence which is associated with alternative politics. The Naxalite Movement has been raising and fighting for issues related to land, water, forest rights, livelihood, minimum wages, dignity and self-reliance; issues which do not fall outside Part IV of the Indian Constitution relating to Directive Principles of State Policy, or for that matter, even the manifestos of different parliamentary political groups. However, the Naxalites are far more serious in their approach to these issues. Therefore, even though there has been severe criticism of their methods, this does not extend to criticism of their goals. Instead of taking their own political promises with greater seriousness, ruling parties depend on brute physical force to tackle and silence serious political questions. This is the political tragedy of our times.

The shift to greater dependence on physical force is becoming increasingly evident now. During the last two decades, especially after the introduction of the New Economic Policy, the manoeuvrability that the State earlier enjoyed is almost lost and this could be one of the reasons for banning the People's War [now the Communist Party of India (Maoist), generally referred to as Maoist Party]. Furthermore, this shift has resulted in conceding greater arbitrary powers to the police apparatus. It is believed that the successive Chief Ministers in their confidential meetings with police officers have been pledging their total and unconditional support to approving all the arbitrary and ruthless actions that the police "initiate" to "contain" the Naxalite challenge.<sup>5</sup> Such a political culture has resulted in the police force becoming extremely powerful, especially in certain domains, with the political system unable to retain any effective control over it.

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4 The violence here refers to violence by the Naxals in contrast with violence associated with participatory/electoral/communal politics.

5 This information has been communicated to the author by many sources.

The police are also simultaneously being used for personal and partisan ends. In this context, political control and political interference need to be differentiated. In the normal logic of the cabinet system of government, the home minister is in charge of controlling the police. However, in translation to practice, the home ministers have been reduced to public relations officers of the police department. While they exercise control and even interfere with their functioning when it is in line with their own political interests, when it comes to the problems of the masses, these ministers allow the police to suppress every democratic demand that people make. The resulting situation has rendered political control, considered to be amongst the major advancements in the wake of liberalism and constitutional governance, ineffective, if not completely irrelevant. The politicians and the police together are responsible for this degeneration.

As the political system has largely come to depend on the police to tackle certain serious political questions such as the Naxalite problem (which in turn has been fostered by the serious development issues in tribal regions), the police has increasingly started occupying political space. The earlier buffers that the political and legal systems provided and are expected to provide, such as the rule of law, due process and democratic discussions, are no longer available. Consequently, the Naxalite Movement is subjected to greater repression. The Naxalites in turn have subjected the MLAs, MPs, Ministers, Mandal Presidents and Sarpanches to pressure, in order to contain the arbitrary police violence. A political system which has given up its political role and has withdrawn from the public sphere is in no position to handle the situation. In fact, its inability is demonstrated by the fact that several public representatives have moved to the towns, particularly to the capital city, Hyderabad, which they consider safer, and those who have stayed back in the more backward or tribal regions have been provided with armed bodyguards. This protection by armed guards has been extended to several categories of persons, including the Vice-Chancellors. It is worth recalling that immediately after independence when Gandhi was offered police protection, he declined. Gandhi perhaps, paid a price for it. But he was willing to pay that price as part of his public duty.<sup>6</sup> Now every big and small leader is provided with

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6 Gandhi addressing the Banaras Hindu University students observed, “While the viceroy was going through the streets of Banaras there were detectives stationed in many places. We asked ourselves why this distrust? Is it not that even Lord Holdings should die than live a living death?” Lecture of Gandhi at Banares Hindu University, Banares, Feb, 1916. *See* Rudrangshu Mukherjee, *THE GREAT SPEECHES OF MODERN INDIA* (2001).

bodyguards. In fact, the institution of bodyguards has come to represent the dividing line between important and “unimportant” persons and positions.

As the police have assumed the responsibility of containing the Naxalite Movement and protecting the lives of the political representatives, the conventional role of the politician as a legitimiser of power is no longer valid. In the process of violence and counter-violence, there has been a loss of life on both sides. The scale and level of violence has been rapidly rising. In the recent past, Naxalites have lost some of their important leaders and the police have lost their own personnel such as senior IPS officers, including those officers of the DIG (Deputy Inspector General) rank.

### **3. Background and Aim of the Paper**

The People’s War that carried the struggle against the landlords and local exploiters seems to have changed its strategy from the mid-eighties onwards, by deciding to directly hit out at the State, particularly the police. This began with the killing of a sub-inspector in Warangal, which in turn led to the killing of an unarmed civil liberties leader, Dr. Ramanatham, in “retaliation”. It is in this changing context that the kidnapping of civilian officers has become a method of resistance in confronting the State. This method, which came to be used in 1986, continued till 1993 in Andhra Pradesh and after a gap of almost two decades, was repeated in Orissa. In these two and half decades, the pattern, the process and the demands of the Naxalites underwent a change, but the striking aspect of the entire episode is the response of the State, which for the first time, employed means other than naked violence. The Naxalite movements on their part, put forward certain demands and agreed to negotiate with a State, in which they claimed they had no faith or belief. This whole process is striking because there was no physical violence from either side, both of whom believed in mediation as a method of resolving the issues. It is this space that is construed as “democratic space” in this paper.

This paper is essentially an attempt to look at two separate incidents of kidnapping – in Gurtedu in Andhra Pradesh and in Malkangiri in Orissa, in addition to the peace talks held between the Maoist Party and Government of Andhra Pradesh in the year 2004. The significance of the kidnaps and peace

talks has been that there were attempts on both the sides to avert loss of human life or avoid violence, if violence in its essential sense means loss of human life. Analyzing the factors that contributed to this process and the democratic spaces that opened up constitute the central concern of this paper.

## II. UNRAVELLING THE GURTEDU KIDNAP

### 1. The Kidnapping and Subsequent Negotiations

On December 27, 1987, the People's War dalam of East Godavari district in Andhra Pradesh abducted seven IAS officers, including S.R. Sankaran (a legendary civil servant)<sup>7</sup> and demanded the release of eight of their comrades who were lodged in Rajahmundry Jail, along with the return of the weapons which had been seized by the police during the raid. Although this kidnapping was not the first, it attracted national and international attention. In the same district in 1984, B.S. Bishnu, a revenue divisional officer of Peddapuram was taken hostage. At that time, their demand of the release of their comrade Perumal alias Nallanna, had been readily conceded by the Government.

This method of confronting the State and putting the demands on the very State which the movement seeks to overthrow raises new questions and issues. The People's War in their official organ *kranti* observed that "any revolutionary party, which is dedicated to overthrow[ing] the exploitative regime world [should] strive to resist the fascist oppression unleashed by the Government at present. It [must] follow self-defence policies to protect the victories of the peoples' struggles."<sup>8</sup> They further added that,

*"In the early days of the anti-feudal struggle in northern Telangana, many forms of struggle like social boycott came to the fore to weaken the economic and social dominance of the landlords and thereby make them to yield ... It is inevitable that new forms of struggles emerge as the class struggle deepens. When a government which is relatively stronger in military and organizational spheres declared an unjust war against the masses they fight it out in their own possible methods. They discover new forms of struggle. Gurtedu incident is one such new form of struggle."*

7 See G. Haragopal & S. R. Sankaran, *A Humane Public Servant, Social Change*, 41(1) JOURNAL OF COUNCIL FOR SOCIAL DEVELOPMENT (2011).

8 N. Venugopal cited it in his reply to Kancha Illaiah's comments, confusion over Gurthedu, Calcutta. See FRONTIER, April 2, 1988.

9 *Supra* note 9.



For the State which was well equipped with armed police and paramilitary forces, used to dealing with resistance movements through coercive force, this method of kidnapping as a form of resistance and putting in jeopardy the life of their civilian officers was totally new. Any armed action by the State in such a situation would result in loss of human life. This in turn would mean that the State, which was mandated by the Constitution to protect the life and liberty of its citizens, and was unable to protect its own officers', would have failed in its primary responsibility. Such a result would not only demoralize the entire civilian bureaucracy engaged in welfare and developmental activities, but also erode the people's faith in the State. This becomes all the more crucial when the abducted officers were men and women of integrity and committed to the service of the marginalized sections. It is these dilemmas that unfolded in the Gurtedu kidnapping.

The seven IAS officers, in fact, had gone to the tribal areas to discuss the progress of tribal welfare programmes and had been without police protection when they were abducted. Having been caught unawares by such an unexpected development, the State was in a "crisis" of a different kind. In the whole process, however, S.R. Sankaran, an IAS officer who kept track of the Naxalite Movement, its ideological positions and its methods of resistance, perhaps came to recognize the existence of a "democratic space". He thus pleaded with the *dalam* to set one of them free to negotiate on their demands. The *dalam* agreed to this suggestion and let Pushpa Thampi, the only woman IAS officer amongst the seven hostages and T. Radha, the joint collector of East Godavari go for this task. Sankaran then briefed the officers to contact only Yugandhar, the then Secretary of Industries and a close confidant of his and K.G. Kannabiran, the then President of the Andhra Pradesh Civil Liberties Committee [*hereinafter*, the "APCLC"], and no-one else.<sup>10</sup>

Yugandhar, a popular civil servant of the All India Services, was known for his good work in Srikalulam (primarily a tribal district) as a district collector and was equally well acquainted with the politics of the People's War. He enjoyed considerable goodwill in administrative and political circles and consequently, he briefed Nandamuri Taraka Rama Rao (more popularly known as NTR), the

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10 This was told to the author by Sankaran himself.

then Chief Minister, that the only way to resolve the crisis was to involve the civil liberties leader K.G. Kannabiran in the negotiations. NTR agreed to this suggestion<sup>11</sup> and Yugandhar then approached Kannabiran, who, being appreciative of the work of S.R. Sankaran and other IAS officers, was inclined to intervene.

Kannabiran later observed that “*these officers were known for their unremitting efforts to translate into reality policies and legislation regarding tribals.*” He further complimented Sankaran, noting that “*I knew personally Mr. Sankaran as an officer dedicated to the cause of the weaker sections ... a rare officer who had spurred all perquisites and fanfare attached to the office.*”<sup>12</sup> However, another factor playing on his mind was his concern not only about the officers, “but also the villagers who I feared would be subjected to heavy repression.”<sup>13</sup> In spite of this personal appreciation for the work of the officers, Kannabiran insisted on an official endorsement for his intervention. As a civil liberties leader, he was deeply suspicious of the intentions of the State, which he always believed was Kautilyan. Yugandhar subsequently took the requisite official permission and convinced Kannabiran not to insist on such technicalities nor have any apprehensions on that count.<sup>14</sup> It is this context that took Kannabiran to Gurtedu.

As Yugandhar and Kannabiran reached Rajahmundry, the police officers camped there assured them that no police force would be used and that they would extend all help in the smooth solving of the problem. This restraint on the part of the police (who mostly used brutal methods) was something unusual. The modalities that were agreed to were that Yugandhar and Kannabiran would take charge of the prisoners while the police would be stationed nearby. However, they would not be present at the spot where the eight Naxalite prisoners would be handed over to the dalam in exchange for the IAS officers. The police told Kannabiran to verify whether the names sent by the dalam tallied with the persons in lockup. Kannabiran went to the police lockup and spoke to the prisoners, only to find that one name was duplicated. When he introduced himself, all of

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11 NTR, being a film actor and having played mythological roles, had a grain of concern for life and respect for honest officers.

12 K. G. Kannabiran, *Commando action would have been disastrous*, INDIAN EXPRESS, January 2, 1988.

13 *Supra* note 13.

14 *Supra* note 13.

them recognized him and said that they trusted him. Of the incident, one of the observers notes that “it was Kannabiran’s presence on the scene that made all the difference. For the first time he found himself acceptable to both the parties involved.”<sup>15</sup>

At one point during the negotiations and handing over, All India Radio announced that commandos were arriving for an armed operation to rescue the IAS officers. This led to a terrible situation inside the forest where the officers were being kept.<sup>16</sup> The *dalam* got infuriated and almost decided to execute the officers. They were terribly upset and Sankaran was worried, not very much about his own life but for the life of the younger officers who were married and had families to care for. That was the stage where he suggested that M.V.P.C. Sastry, the District Collector of West Godavari and one of the hostages, would send a clear message to the government not to resort to any commando action. Thus, he asked that one of the officers be allowed to carry the written message, to which the *dalam* members agreed. They permitted Nansing Rao, the Assistant Collector, to carry the letter. However, since the State had already taken a policy decision not to use force, the same was later announced on All India Radio, thus easing the situation. That the State kept such options open is characteristic of the intrinsically dualistic nature of the State.

The time of exchange was fixed at 11:00 a.m. on December 30, 1987. The Naxalite prisoners were brought to Darlagadda by 4:15 p.m. and handed over to K.G. Kannabiran. As they got into the vehicle to go with Kannabiran, they were accompanied by a plain clothes policeman, and to this, the prisoners took exception. They were pacified and the policeman was asked to go back to Darlagadda. Finally, they reached Gurtedu at 8:15 p.m.; but the abducted officers had still not been brought. At that point, Kannabiran told the police not to go back on their promise, despite the delays in the process. Even the prisoners told Kannabiran that if the exchange did not take place, they would go back to the central prison. At about 9:30 p.m., two members of the *dalam* came and verified the identity of the prisoners and asked Kannabiran and Yugandhar to accompany

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15 Sudarsan, *Gurtedu and After*, FRONTIER, January 30, 1988.

16 Sankaran, in a personal account of the incident, told the author that the People’s War had planned to execute the remaining IAS officers at one stage.

them to receive the IAS officers who had been kept one furlong away. As the officers were handed over, they left Darlagadda and the episode of the kidnapping came to an end.

Observations made by Kannabiran, way back in 1987 while reflecting on the whole episode, are as relevant, if not more, to the present day model of development. He wrote that “[w]hat shocked me most throughout the journey was the acute poverty in the tribal areas. The tribals were undernourished, in spite of the excellent work of persons like Sankaran and Sastry.”<sup>17</sup> Questioning how long such excellent officers would last in the system and how long they would be allowed to do their work, his suggested solution was that “[i]f the industrial use of forests is rationally regulated and afforestation schemes are implemented sincerely it is possible to save the environment and also ensure a decent living standard for the tribals.”<sup>18</sup>

## 2. The Ensuing Debate

The intervention of Kannabiran, however, provoked a serious debate in the Andhra Pradesh Civil Liberties Committee- a debate which was to continue for almost a decade. The controversy was essentially around the question of state violence versus private violence. It is true that all over the world, civil rights groups were formed when the State transgressed the limits of the law or enacted laws which conferred arbitrary powers on the state machinery; the APCLC was no exception to this rule. The kidnapping by People’s War was construed as private violence and the feeling was that the civil liberties leader ought to have not intervened since it was against the very mandate of a civil liberties organization. There was another reason for the debate. The civil right organization included, apart from those who were exclusively interested in the rights question, sympathizers of different Naxal groups that were active in the state. These groups not only had ideological differences with each other, but also serious confrontations bordering on physical attacks for territorial dominance, and these differences were reflected even in the APCLC. Since this incident involved

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17 *Supra* note 13.

18 *Supra* note 13.

People's War, the sympathisers of the other groups, particularly the Janasakti, were not happy. Yet the issues raised by them are of serious theoretical significance.

In a reply to the questions raised by two members of the APCLC, sympathetic to the Janasakti group regarding Kannabiran's propriety to intervene in the kidnapping incident, Kannabiran told them that he would offer his explanation once the matter had been raised in the executive committee. Recounting the event to his biographer, he observed:

*I am a lawyer and a lawyer in public life. People do come to me with varied requests and demands, as I am available and accessible. When somebody asks me the question that Sankaran has been abducted and what would you do? I cannot say that I am indifferent to the situation. Is there such a possibility? I cannot tell them that I will convene the meetings of our executive and then reply to the question. The questions about propriety can, of course, be raised in the executive and if the executive opines that what I have done is wrong, either they have the power to drop me from the organization or I have the liberty to step down ... When people approach me I have got to do something and also believe that it would promote the cause of civil liberties organizations.<sup>19</sup>*

This position of Kannabiran, who fought relentlessly in the courts and outside the courts, is a testament to his moral strength. In the history of an organization, perhaps it is this type of moral personality that breaks new grounds in theory and practice. Similarly, Kannabiran's creative practice led to a fresh conceptualisation of the role of the civil rights movement and enlarged the democratic concerns and the democratic space.

Moving on from the response of the civil rights movement to that of the State Executive, it is interesting to note the variance in the responses of the civilian bureaucracy and the police to the incident of kidnapping, which was suggestive of the growing gulf between the civilian bureaucracy and the armed wing of the State. The police and a section of the press felt that the IAS officers should take an escort whenever they visited a tribal or problematic area. For the IAS officers in the field, however, not taking armed escorts was both a matter of faith and crucial to garnering the confidence of the tribals, without which no policy on

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19 N. VENUGOPAL, *24 Hours, KG Kannabiran's Memoirs* in PERSONALIZED SOCIAL HISTORY 168 (2010).

tribals could succeed. Interestingly, these arguments hold ground even today.<sup>20</sup> Even during the days of the Telangana uprising, no IAS officer took an armed escort and this attitude is best explained by the following statement by a senior bureaucrat: “[i]f you insist on us taking armed escorts you might as well write off the tribals”.<sup>21</sup> Both Sankaran and Sastry talked about how they would rather risk another abduction than take a police escort to tribal villages. As they argued, the purpose of these meetings was to establish rapport with the tribals, which is necessary for the success of the government’s developmental effort; that objective would be defeated if an armed guard were to stand next to the collector while a discussion was going on.<sup>22</sup>

Commenting on the Gurtedu incident and how the web of extremism embeds itself within the rural community through the medium of fear and deterrence, police officer Lokendra Sharma admitted that the kidnapping was a temporary setback in the effort to root out extremists in the state. Nonetheless, he observed that “the kidnapping will widen the gap between extremists and tribals [and] it is tribal interests that suffer. ... Such incidents expose the desperation of the extremists and the absence of a mass base.”<sup>23</sup>

The Central Government adopted a similar stand and “strongly condemned” the abduction, stating that it was totally unacceptable for government officials to become victims of this kind of terrorism and warning all “terrorists and extremist elements” in the country that such acts would be met with the strongest counter measures.<sup>24</sup>

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20 In fact, as the kidnapping of Chattisgarh Collector Alex Paul Menon demonstrates, IAS officers and the civil bureaucracy is still hesitant about travelling around with armed escorts for fear of attracting needless attention and dissuading the tribals from coming and talking about their problems. See Aman Sethi, *Chhattisgarh to negotiate with Maoists for Collector’s Release*, THE HINDU, April 24, 2012 available at < <http://www.thehindu.com/news/national/article3346389.ece?homepage=true>> and Aman Sethi, *Its a catch-22 situation for high ranking officials in Maoist areas*, THE HINDU, April 22, 2012 available at < <http://www.thehindu.com/news/national/article3343001.ece>>.

21 THE TIMES OF INDIA, New Delhi, Saturday, January 2, 1988.

22 Rajendra Prasad, *A.P. Kidnappings*, FRONTLINE, January 9-22, 1988.

23 Venu Menon, *Fear is the lay*, ILLUSTRATED WEEKLY OF INDIA, January 24, 1988.

24 *Supra* note 24.

Kondapally Seetaramaiah in an interview, three months after the kidnapping, said that the People's War used the method of kidnap to bring round the State and clarified that there was no categorical policy not to resort to kidnapping. He also said that they would not hesitate to kidnap Rajiv Gandhi or any other minister if they got the opportunity. What was most insightful about the interview, however, was his remark about the difference in the approach which the People's War would have adopted had they abducted the police, in which case perhaps, they would have not spared their lives.<sup>25</sup> At the same time he declared that kidnapping was only a part of their tactics and not the strategy of the party, since it cannot bring about a revolution. The State was militarily stronger and its power could not be underestimated. However, the strength of the People's War lay, not with armed forces, but in the support of the people. Despite being aware that Sankaran was a good officer, they went ahead with the kidnapping because their primary cause was confrontation with the State, and in such cases the good and the bad are not the questions. In this case, Sankaran formed a part of the State and therefore, the People's War cadre acted in broad conformity with the party policy, in spite of no directions from above.

Justifying the actions of his people, he focused on the fact that the kidnapers did not harm the officers or take away their lives, despite being in a position to do so. Instead, they adopted a more appropriate route and got their demands fulfilled without causing any harm to the civilian officers.<sup>26</sup> Outlining the movement's strategy further, Seetaramaiah said that even in the case of police officers being abducted, the party gave a benefit of doubt to "reasonable" officers or "lower level officers" who came from very poor families.

In an interview, a top People's War leader replied to a question on how he justified the kidnapping of IAS officers like Sankaran and Sastry who were committed to tribal upliftment by saying that "do you really think that we would have killed the IAS hostages even if our prisoners were not released. No we would have never done it."<sup>27</sup> He reiterated Seetaramaiah's stance that if the hostage

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25 K. S. Udayam in a Telugu daily dated 24<sup>th</sup> March, 1988 [on file with the author].

26 *Supra* note 26.

27 *Supra* note 26.

had been a police officer, he would have been executed. To another question on violence, the reply was “[o]urs is only counter-violence. When the landlords continue their traditional exploitation and plunder the hapless tribals with the help of their private armies and police officials, we counter it with people’s violence. It is reciprocal and a historical necessity.”<sup>28</sup>

### 3. Debates and Discussions on the Kidnapping

The progressive media carried a debate on the whole issue and there was criticism and counter criticism, support and opposition, to kidnapping as a method of resistance. The media’s prescription for ridding the country of Naxalism included a multi-prong strategy which involved *first*, strengthening the police force and *secondly*, stepping up the tribal development programmes, especially land reforms, to ensure that there was no longer a sub-stratum for the movement to flourish.

Responding to the incident, the mainstream media expressed its displeasure and even anger, with the Illustrated Weekly naming Kondappali Seetaramaiah as the messiah of annihilation. It lamented about how the second half of 1987 was drenched with the blood of slain policemen, with the trigger being pulled at each instance by members of the People’s War Group reigniting symbols of terror. The report concluded by observing that “the menace of the Naxalites hangs in the air.”<sup>29</sup>

In another report in 1988, the Illustrated Weekly reported “that the thunder of Naxalbari resonated with angry fury when Naxalites kidnapped seven IAS officers”.<sup>30</sup> It went on to criticise the Andhra model by noting that while the revolutionaries in West Bengal and Kerala had renounced the path of annihilation and accepted the Westminster model, their contemporaries in Andhra had continued to wage a lonely and bloody war against the State, which in turn had triggered off harsh governmental retaliation. Describing the Naxalites simultaneously as “brutal, ruthless, nihilists” who lived in a tableau of blood and terror, fear and revolution and who as “the armed zealots of Kondapally

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28 *Supra* note 26.

29 N.S. Sakshena, *INDIA TOWARDS ANARCHY 1967-1992*, 77-78 (1993).

30 *Supra* note 24.



Seetaramaiah ringed a bevy of defenceless government officials”, it captured how they had struck at the soft underbelly of the system.<sup>31</sup> The report went on to opine that it thought that the Naxalite Movement in the recent months (in 1987) had begun to lose its ideological veneer and was sliding rapidly into a pattern of senseless killing and rampant terror that belied any claim to social commitment. Similar reports could be seen in the Western world as well.<sup>32</sup>

Economic and Political Weekly in its columns published a brief note on the kidnapping<sup>33</sup> which evoked a series of questions and debate. The note disagreed with the comments of the mainstream media (calling it the “bourgeois press” for out-rightly condemning the movement and terming it “terrorist”<sup>34</sup>) and said that it was “rushing to judgment.” The note observed that “instead of condemning and branding them as murderers, bandits and desperadoes, a more reasonable approach would be to view it in the perspective of the praxis of a revolutionary group with reportedly well-established mass base, a well-knit organization in the context of increasing state repression.”<sup>35</sup> It further challenged the labelling of the Naxalite Movement as a terrorist adventure and instead opined that in the circumstances, the kidnapping should be viewed as a “political act” which was presenting a direct challenge to State authority. It however cautioned the State and the mainstream media that “for the present it is necessary to stress that there is need to use discretion in responding to acts such as this.”<sup>36</sup>

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31 *Supra* note 24.

32 THE TIMES in its reports dated December 29, 30, 1987 talked about the kidnapping as being a demand from the guerrillas to release eight members of the guerilla band, deriving its legitimacy from the poorest classes and more than 5000 activists. Tracing the history of the Naxalite movement from West Bengal (and how it was put down by the then Chief Minister), the reports criticized the government for yielded quickly to the demands of the Naxalite rebel group and for having its hand was forced by the kidnapping. Calling the Peoples War group one of the “most determined and violent” of the Naxalite factions dedicated to the “annihilation of class enemies”, the newspaper reports concluded by bringing out the fact that the People’s War group had been behind 43 violent outrages in the East Godavari district alone.

33 Vasanth Kannabiran, *Uneasy Questions must be Asked*, 23(7) ECONOMIC AND POLITICAL WEEKLY 278 (1988).

34 As the EPW report observed, the mainstream media had condemned the kidnapping in no uncertain terms, calling it a “terrorist act” and demanding that the Naxalites must not be allowed to get away with similar actions elsewhere.

35 *Ibid.*

36 *Ibid.*

Responding to this note, Vasanta Kannabiran wrote a letter to the Editor stating that “uneasy questions must be asked.”<sup>37</sup> She took an exception to the comment that the act of kidnapping be viewed as a political act and observed that one could not afford to overlook the fact that after the commandoes had arrived, the kidnapped IAS officers were told that no alternative was left but to execute them, with there being a fifty percent chance of the settlement falling through. She took equally strong exception to the comment that the incident sent “the chill down the spine among the bourgeois liberals”, instead arguing that “this comment dismissed serious questions merely because it was liberal or bourgeois ... [even though] there are countless democratic liberal supporters of revolutionary movements and well meaning administrators like Sankaran who [have been] labelled by the State as Naxalite.”<sup>38</sup> Adding that the support of such liberals, whether in terms of their intellectual inputs or their solid work at bourgeois institutions, was invaluable to these revolutionary groups, Vasanta Kannabiran further observed that “the problem many of us whose intellectual commitment springs from the left is that we exist in an uncritical unholy wedlock that does not permit us to raise genuine doubts and fears publicly ... there is all pervading confusion between loyalty and commitment.”<sup>39</sup>

In a response to the above comment by Vasanta Kannabiran, K.G. Balagopal in a note in the Economic and Political Weekly titled “*To Judge, but How to Judge*” lamented about the virulent campaign which had been launched against the CPI (ML) movement by the State and the “articulate public”<sup>40</sup> and had resulted in a major sphere of their activity, being the politicization of the masses and their organisation for struggle, being blacked out. Given that the acts of violence- given and taken- were decked out in bright print, with a “discourse” being built around them, he attempted “to set the terms of discourse right [by] restor[ing] all that the paradigm has blacked out.” He undertook this unenviable task by recounting the surprise felt by some of the kidnapped IAS officers in East Godavari district with respect to the level and detail of knowledge possessed by the Naxalites regarding the problems of the tribals in each and every village and their excellent system of communication, which stretched from the interior of the forest to the inhabited

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37 *Supra* note 33.

38 *Supra* note 38.

39 *Supra* note 38.

40 K. Balagopal, *To Judge but How to Judge*, 23(9) ECONOMIC AND POLITICAL WEEKLY 407 (1988).

villages.” He further added that “a truth that is unusually left unsaid in reporting and discussing the acts of revolutionary groups is that the activists and leaders who allegedly use the people are themselves from the people and are a part of the people and they share the cost with their people.”<sup>41</sup> What was unique about Balagopal’s piece was his admission that it was in the nature of things that the Naxalites would probably do more things wrong than right and that while they had “the right and even the duty to criticize and question, but the framework of the questioning must arise from fidelity to the same history and not from any of the extraneous considerations that are determining the criticism today.”<sup>42</sup>

Kancha Ilaiah, a civil rights activist, described the whole event as a “tactical blunder” and took the opposing view by contending that the kidnapping signalled a victory for the police, who had now gained an upper hand over the civilian bureaucracy since even progressive IAS officers could not move without their protection. “This is the case”, he further argued,

*‘that it was the gun which was controlling the Naxal politics and not the other way round as, one would wonder why pro-poor IAS officers who took on the State and had not approved the police excesses were abducted. This has given a handle to the State to portray the Naxals as terrorists.’*<sup>43</sup>

Thus, his view was that while IAS Officers constituted a part of the State which the Naxalites were fighting, they should have made a distinction between officers concerned with the welfare of the poor and others, especially since the former category provided relief to the poor people. Taking on Ilaiah’s argument, N. Venugopal, associated with the Revolutionary Writers Association, argued that since police supremacy was already existent, the question of whether this particular kidnap incident would further contribute to that process needed to be questioned and re-examined. In fact:

*‘[a]s a class struggle deepens, it is but natural that the armed wing gets the upper hand. And calling it a ‘tactical blunder’ is something which a sympathetic intellectual, passing a judgment without as thorough analysis as People’s War, only could do by asserting that kidnapping was a new form of protest.’*<sup>44</sup>

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41 *Supra* note 41.

42 *Supra* note. 41.

43 Kancha Ilaiah, *Tactical Blunder: More on Gurtbedu*, FRONTIER, February 13, 1988.

44 *Supra* note 9.

Frontier in its editorial made the following pertinent remarks:<sup>45</sup>

*The daring daylight abduction of seven (sic) IAS officials has thrown the tribal problems of Andhra Pradesh in bold relief... and only the utterly complacent will be able to write off this act of the People's War as one of sheer outlawry. The kidnapping is situated in the increasing and inhuman exploitation of the tribals and the mounting terror tactics adopted by the Government machinery which include the burning of entire tribal villages, rape, pillage and plunder as common occurrences. Therefore, there are some justifications in these acts and such counter-terror (of hostage exchanges) on the part of the People's War was to an extent inevitable given the kind of arrests and massive 'encounter killings' that the government has been indulging in for a considerable period of time... [After all] a movement committed to changing the socio-political structure through armed struggle can hardly afford to sit idle while its activists are butchered by ruthless state machinery.'*

Furthermore, in its response to N.T. Rama Rao's remark that "let these so called Naxalites come to me I will solve their problems" the Frontier observed that the Naxalite Movement was one of the first which completely rejected the carrot and stick policies pursued by the government and that its aim was to change the society and transform the nature of Indian politics. However, it was felt that terror and repression were not long term solutions, often becoming counter-productive and that, while the exchange of prisoners and IAS officers succeeded this time, thing would "never again be the same in India so far as outlawed are concerned."<sup>46</sup>

The foregoing detailed account aims to bring out the dilemmas and complexities that occur in the course of advancement of militant political movements. The movements promote different methods and forms of resistance in their confrontation with a powerful state. Kidnapping, as admitted by the Naxalite Movement itself, is yet another method of struggle. After the 1987 kidnap incident in Gurtedu, there were a number of incidents of kidnapping; but the next major incident was in the year 1993, of an IAS officer, one MLA and five district level officers in Koyyur forest of Andhra Pradesh. This episode lasted for more than three weeks, drawing a major public debate. In this hostage situation, unlike the Gurtedu kidnap incident, it was the government of Andhra Pradesh that sought the help of civil liberty leaders. The public debate raised several questions

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45 *Editorial Comment* in FRONTIER, January 09, 1988.

46 *Supra* note 46.

and the civil liberties leaders themselves questioned the relevance and desirability of such a method. The then People's War Party at one stage decided not to use the method and from 1993 onwards, there were no further incidents of kidnapping. Thus, the kidnap of the district collector in Orissa in February 2011 came as a bit of a surprise. But this kidnap and the demands put forward were of a different kind, unfolding the changing focus of the Maoist Movement and response of the State.

### III. MALKANGIRI KIDNAP IN ORISSA

The Maoists' kidnap of district collector R. Vineel Krishna and junior engineer Pabitra Mohan Majhi took place on February 16, 2011, in the state of Orissa.<sup>47</sup>

Orissa is one of the poorer states in India with very rich natural resources, particularly water and minerals. It has some of the largest deposits of quality bauxite, estimated to be worth more than two trillion dollars, nearly twice that of India's GDP. In a very perceptive and insightful work "Out of this Earth", Felix Padel and Samarendra Das brought out graphically the deepening crisis in the tribal areas of Orissa.<sup>48</sup> The neo-liberal model of development that is out to loot has been slapped on the area, and this is hitting hard the tribals who have been living in the region for centuries. The MNCs are dangerously engaged in the exploitation of natural resources in all corners of the globe and this has turned out to be a "resource curse to the tribals of the region", who are being robbed of their life and livelihood while the Earth is being ripped of its resources. It is this brutal and naked exploitation of resources that has led to resistance from the tribals, who do not want to just let their age-old cultures die any more. To contextualise the problem, it can be better understood that the "the trouble is, they face huge repression by security forces and company mafias, and their movements get confused in the popular imagination with the Maoist insurgency, which is growing in the region because of people's outrage at the increasing

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47 This part substantially draws from the author's article in *Malkangiri Kidnap in Orissa*, 46(26-27) ECONOMIC AND POLITICAL WEEKLY 23 (2011).

48 See FELIX PADEL & SAMARENDRAS DAS, *OUT OF THIS EARTH: EAST INDIA ADIVASIS AND THE ALUMINIUM CARTEL*. viii (2010).

repression and exploitation.”<sup>49</sup> Thus, if anything can save our Earth for us, it is the uncompromising struggles of the Adivasi activists, who are continuously protesting the exploitation of the eastern regions of India by a form of ruthless capitalism, without heed to the costs.<sup>50</sup>

It is in this backdrop that the Malkangiri kidnap has to be analysed and understood. The episode is sketched out below to present the developments that followed the kidnap, which show the democratic space available for mediation and peaceful resolution of issues, in an otherwise totally confrontationist volcanic situation.

In the wake of this kidnap, the Maoist Party suggested three persons, R.S. Rao, G. Haragopal (the author) and Dandapani Mohanty, whom the media prefer to call “interlocutors”, to mediate on a charter of demands. The “interlocutors” learnt about the mediation through the media. Varavara Rao, a well-known revolutionary poet informed all the three mediators about the Maoist choice and advised that they partake in the mediation. The Orissa Government through its Home Secretary conveyed its endorsement for mediation and the mediators. The discussion on the demands between the three mediators and two government representatives (U.N. Behra, Principal Secretary, Home and S. N. Tripathi, Secretary, Panchayati Raj) commenced on February 20, 2011. The Maoist Party nominated two leaders, namely Sriramalu Srinivasulu and Ganti Prasadam in Korput jail for consultation on behalf of the party. The Orissa Government for its own reasons agreed for consultation with Ganti Prasadam and not Sriramulu Srinivasulu.<sup>51</sup> In order to not lose time in the procedural rigmarole, the Government of Orissa agreed to the proposal of the mediators that Ganti Prasadam be shifted from Koraput to Bhubaneswar jail for ready consultations.

When the mediators met Ganti Prasadam in Bhubaneswar jail to discuss the technicalities and difficulties in the charter of demands, he took a broad democratic view and suggested that the release of the tribals languishing in the

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49 *Supra* note 49 at xxiii.

50 *Supra* note 49 at xxiv.

51 The mediators got an impression that the Orissa government was taking the decisions under pressure from the Central Home Ministry.

jails be prioritised over the other demands. He also felt that the demand for release of the leaders as a top priority may not be democratic as the leaders and activists can always voice their views and take recourse to legal battles while the voice of the tribals, for whom their party was fighting, was not often heard or remained unrepresented. On his own, in addition to the charter of demands, he suggested that a judicial enquiry into all the encounter deaths could be put forth, not as a demand but as his suggestion. This interaction consequently made the task of the mediators and the process of mediation easier and smoother.

As the charter of demands was taken up, the government representatives put them in an order that they felt was easy to deal with. The mediators chose to not object to the ordering of the demands. On February 21, eight demands were taken up; these included *first*, declaring Nookadora and Konda Reddy communities as Scheduled Tribes; *secondly*, stopping the Polavaram project; *thirdly*, issuance of pattas to the tribals of Koraput, Malkangiri, Narayanapatnam and Vishakapatnam areas; *fourthly*, constructing a canal from Kotapalli to Maneguda; *fifthly*, paying compensation to the families of Tadangi Gangulu and Ratanu Sirika who had died due to torture in the jail; *sixthly*, releasing the Central Committee members Sheela di and Padma due to their ill health; the final two demands related to the cancellation of the mining leases and withdrawing the MOUs with various MNCs.

A mere perusal of the demands makes one realize that most of these demands fell either in the domain of development or welfare, both of which the State Government should be carrying on as its obligations to its own citizens. The State representatives obviously did not have much difficulty in readily conceding to four to five of their demands. They not only agreed to the demand for recognizing Nookadora and Konda Reddy communities as Scheduled Tribes, but also informed the mediators that they had already initiated steps by way of consultation with the Orissa Tribal Advisory Council and had recommended the Konda Reddy community to the Ministry of Tribal Welfare, Government of India, for their inclusion in the list of Scheduled Tribes. They promised that similar steps would also be taken up in the case of the Nookadora community, to pressurize the central government for early consideration of this proposal. With regard to the Polavaram project that would submerge villages in Orissa and Telangana,

the Orissa Assembly had already unanimously passed a resolution opposing the project and also filed a case against the project in the Supreme Court.

The third demand, about giving pattas to the tribals and restoring the land from non-tribals, was not as simple to handle as the first two demands. However, the government agreed to protect the land rights of the tribals, and further agreed to constitute a high level committee under the chairmanship of a senior officer (in the rank of Member, Board of Revenue) and post officers of the rank of Additional / Joint Secretary with statutory powers under the land laws, to expeditiously dispose the cases relating to land rights of the tribal persons.

With respect to the demand for the construction of a canal from Kotapally to Maribada for providing irrigation facilities to Kalmela farmers, the government promised to construct an aqueduct for extension of Kotapally Minor canal to Maribada village, which would have the capacity to irrigate about 500 hectares of additional land. Regarding the related issue of providing irrigation facilities to the left out land of Manemkonda village, the State felt that it was not feasible because of higher elevation and difficult topography, but promised that it would take up a lift irrigation project on a priority basis.

The fifth demand related to the payment of compensation to the families of Tadangi Gangulu and Ratanu Sirika, who died due to neglect of health care and torture by the Koraput jail authorities. The government stated that they had died while under treatment in the hospital, and not due to torture in jail. Since a writ petition had already been filed in the High Court by the family members, the State agreed to abide by whatever order the Hon'ble High Court passed.<sup>52</sup> The sixth demand was about the ill health of Shaeela di and Padma. In the course of discussion it was learnt that they were not in Orissa jails. However, it was promised that the Orissa Government would write to the Chhattisgarh and Jharkhand State Governments, where these two were detained, and request the respective Governments to take care of their health.

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52 Now the Orissa High Court has given a reasonably favourable judgment ordering the Orissa government to pay a compensation of Rs. 3.5 lakh to the victims. The Orissa government, hopefully, will abide by the judgment.



The seventh and eighth demands taken up on the first day were difficult to negotiate. These related to the cancellation of mining leases and withdrawal of MOUs with various MNCs. This concerned the very “development model” that the State Government was committed to. As a response to this demand, the government promised to abide by all the relevant laws and rules such as the Panchayats (Extension to the Scheduled Areas) Act, Forest Conservation Act, Forest Rights Act and various environment laws, in lieu of scrapping of the leases and MOUs. It also promised that the displacement of tribals would be confined to the minimum and adequate compensation and proper rehabilitation would be ensured to the affected persons. As the mediators were unsure about how far this demand could be stretched, it was thought that the response of the government under the given conditions was tolerable enough. This issue was taken up for a serious discussion when the mediators met the Chief Minister on February 25.

This particular demand (regarding the cancellation of mining leases and withdrawal of MOUs) has something to do with the political and ideological position of the State and the brutal path of development that the Indian ruling classes have come to pursue during the last two to three decades. Almost all the political parties, irrespective of their allegiance to caste (including the oppressed castes), creed, colour, religion, region, sub-region or proclaimed ideologies, have hammered out a consensus on the model of development. There is no single political party (except the left parties) openly opposed to the model as a part of its opportunistic politics. With the Singur and Nandigram episodes however, the CPM party also lost its credibility. The major failure of the left parties was that they did not mobilise the masses against the developmental model. It appears that the political character of the elite either remained comprador or got denationalized in the course of time. Thus, the Maoists, located as they are outside the entire parliamentary politics system, seem to be a political force to reckon with in the light of their opposition of the development and corporate-profits model. In that sense, this demand for cancellation of MOUs signifies their politics, but goes beyond such negotiations.

The other six demands were taken up on February 22, 2011. Some of these demands were complex but had serious political import. The easier to handle demands were payment of compensation to the farmers of cut off and

submerged areas of Balimela reservoir and providing alternative facilities to the project affected persons, as also providing justice to the displaced persons of NALCO project in Damanjodi (demands ten and eleven). The difficult case was that of the disappearance of Sitanna and the demand to indicate his whereabouts (demand nine). The other three demands (twelve, thirteen and fourteen) were critical in the negotiations and much depended on the outcome of mediation on these demands. These were as follows: stopping Operation Green Hunt, releasing Central Committee members and others and withdrawal of the cases against the tribals and Chasi Mulia workers in Koraput and Malkangiri Jails.

The governmental response to the demand for payment of compensation to the farmers of cut off and submerged areas of Balimela reservoir was that no complaints had been received from the affected persons. They promised that they would inquire into the matter and take action as per the prevailing guidelines. With regard to the alternative facilities to be provided in view of the possibility of submergence, the government held that there was no proposal to raise the height of the dam and there need not be any apprehensions of further submergence of the villagers. Similarly, regarding the demand for justice for the NALCO project affected persons, they held that there were no grievances reported, but if any grievance was brought to notice, the government would redress it.

In the case of disappearance of Sitanna, a tribal, the government not only flatly denied the incident, but further said that Sitanna was very much alive and was in a hideout as he was afraid of the Maoist Party which he had chosen to desert. They asserted that he was in constant touch with his wife and family members.<sup>53</sup> They agreed to order an administrative inquiry to investigate further into this matter. On the crucial demand of stopping Green Hunt operations, the government agreed not to take recourse to coercive action as long as the Maoists did not indulge in any unlawful activities. When the mediators suggested the initiation of peace talks on the lines of the Andhra experiment, they government did not seem enthusiastic.

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53 Sitanna's wife filed a habeas corpus petition which the court did not admit. The fact of the matter seems to be that Sitanna was picked up by the BSF, and ever since his whereabouts are not known. In all possibility he might have been killed.

With respect to withdrawing the cases against the tribals (demand thirteen), the Orissa government stated that it had taken *suo moto* action for withdrawal of minor cases and in the past, 9,013 of such cases had been dropped. In keeping with this precedent, the State agreed to initiate the process within fifteen days, review the cases against tribals held on charges of Maoist activities and land related disputes in Narayanapatna area, and complete the whole process of release within three months. They agreed to the suggestion of the mediators that Professor Radha Mohan, a well-respected Gandhian and Sudhakar Patnaik, a senior journalist from Orissa would oversee the process of review and release of the tribals.

The last but most important demand (fourteen) was the release of Central Committee member Ashutosh Sen and other members, Sriramalu Sreenivasulu, Gana Nayak, Jeevan Bose, Ganti Prasadam, Sirisha, Eshwari, Sarita and Gokul (the truck driver). In the mediation, as the other cases were far more complicated, the list was confined to Sriramulu Srinivasulu, Ganti Prasadam, Sirisha, Eshwari, Sarita, and Gokul (the last five being part of Similiguda P. S. Case No. 78). The Similiguda case was onewhere the three women and the truck driver were arrested when they were entering the forest to meet members of the Maoist Party. Sirisha, alias Padma, was to meet RK (her spouse) who was the party secretary. The charge against Ganti Prasadam was that he facilitated their going into the forest. The mediators argued that this was no serious offence as the attempt to meet family members was not a crime in itself. In response, the government agreed to take steps for withdrawal of the case and all the five implicated in the case would be released soon. In the negotiations on this issue, the Government of Orissa initially was favourably inclined to withdraw the cases against Sriramalu Sreenivasulu, but backtracked on this promise later.

As this agreement was finalised, keeping in view all the logistics, the mediators appealed to the Maoist Party through a press conference held on the evening of February 22 for the release of Vineel Krishna, the district collector and Pabitra Majhi, the junior engineer in forty eight hours. This appeal did not reach the Maoist Party as the print and electronic media had no reach to the remote hilly tribal tracks. In the meanwhile, the Maoists released the junior engineer and sent a message with him that the mediators should personally go to a venue suggested by

them along with the freed Maoist leaders and other members when the collector will be freed; they also suggested the presence of Swami Agnivesh. Puzzled by this unexpected development, the mediators took exception to the adding of new demands and sought the advice and help of Varavara Rao and Ganti Prasadam. Both of them agreed that given the distance and other complications, it was not feasible at that stage. This was conveyed to the Maoists through All India Radio and BBC; this message also reached them after twelve hours. It should, however, be noted that the Maoists expedited the release of the collector to keep their word to the mediators, and handed over the collector to media persons and local tribals two hours ahead of the set deadline.

The role of the media, both print and electronic, calls for deeper but separate analysis. The credibility and reliability of the entire national and regional electronic media was deeply eroded as telecasts concerning information that the district collector and the junior engineer were released, and that the district collector had reached his residence, started being relayed on the evening of February 22. The media started interrogating the mediators on the news that they had engendered on their own and would not care to listen that the forty eight hour deadline had been set after considerable deliberation. In their competition for sensationalism and 'first to announce' obsession, each channel committed the same blunder. The mediators, including the author, had to repeatedly clarify that the information was not correct. The next morning, some of the electronic media channels apologized to the viewers. During the whole episode, the media did not conduct itself with self-respect and dignity, nor was it committed to transmitting reliable information to build public opinion for peaceful resolution of a crisis. This approach of the media has serious implications to the making and working of the liberal framework of Indian democracy and promoting public reasoning and informed debate on sensitive issues.

The three month period for taking action on the demands by the government lapsed on May 24, 2011. There were questions from different quarters as to what happened to the agreement. When contacted, the authorities sounded agreeable to enforcing the agreement.<sup>54</sup> The mediators had to address a letter to Naveen

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54 For instance, the government after some pressure called Prof. Radha Mohan and Sudhakar Patnaik and completed the formality of a meeting; neither was the government willing to give them the details about the tribals in prisons, nor allowing them any access to the prisons or prisoners. When insisted upon, the government took a position that these visits did not form a part of the agreement.

Patnaik, the Chief Minister, reminding him of the commitment he gave to the mediators on February 25, 2011; the letter stressed that “non-implementation of the agreement would erode the confidence of the people in peaceful resolution of crisis which in turn adversely affects the credibility and legitimacy of the State power.”

In the meanwhile, the ceasefire agreement<sup>55</sup> was violated. Both the parties blamed each other. A list of violations by the government, brought to the notice of the mediators, was enclosed in a letter to the Chief Minister.<sup>56</sup> There was a long list of violations by the security forces during the last three months, vitiating the overall atmosphere. There was also loss of human life. The Orissa Government could have taken advantage of the opportunity to initiate peace talks on the lines that the government of Andhra Pradesh took, to avoid the loss of human life on either side.<sup>57</sup>

On May 24, after the lapse of the three month deadline, the mediators along with Varavara Rao, Prof. Radha Mohan and Sudhakar Patnaik met the Chief Minister and had a discussion on the fourteen point agreement. The Chief Secretary and the Home Secretary recounted the steps that they had initiated or proposed to take. This time, to be more specific, the mediators prioritised four issues: *one*, respect of the peace agreement; *two*, the release of Ganti Prasad and others; *three*, the release of the six hundred tribals; and *four*, protection of the land rights of the tribals. It was also suggested to bring in a tribal land rights legislation on the lines of 1/70 Act of Andhra Pradesh. In fact, in the first meeting on February 25, the devastation that the neo-liberal model had been causing was highlighted by the mediators. It was also pleaded that the Orissa

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55 It must be noted that the Orissa government is not comfortable with this expression.

56 This list included an incident of the killing of Lalit Kumar Dehuri, who was under police custody at the time of mediation. His detention along with four other persons was brought to the notice of the Home Secretary, who did not pay serious attention to the issue. The life of this young man could not be saved.

57 In fact, the idea of peace talks had been in the air as the Central Home Minister at least vaguely mentioned about it here and there. The Maoist Party seems to be favourably inclined for peace tasks in West Bengal after the recent elections. There was such an initiative at an all India level by the democratic minded and peace loving individuals drawn from different walks of national life. At the national level, the prospect of peace talks is evasive, but awaited.

government should shift the development paradigm, and take tribals and their progress as the touchstone of any development. These concerns were reiterated in this meeting as well.

The Chief Minister who sat all through the discussion lasting for two hours promised that Ganti Prasad and four others would be released in two weeks time and the release of at least 169 tribals detained in land related and Maoist cases would be completed by the end of June. With regard to protecting the land rights of the tribals, they would abide by their promise to constitute a high power committee and complete the process in six months. With respect to violations of the peace agreement, the government came out with an equally long list of violations by the Maoist Party. The mediators expressed their readiness to appeal to the Maoists to exercise restraint from their side; the chances of peace, of course, do depend on both the sides observing restraint. During the peace talks in Andhra Pradesh, both the sides –the Maoists and the government- observed remarkable restraint and there was no loss of human life for about ten months. That it did not last is a different story; the Rajashekhara Reddy government derailed the process for its own reasons.

#### **IV. IN RETROSPECT**

The striking difference between the 1987 kidnap and the 2011 kidnap is the changing approach of the Indian State and the Maoist Movement. In the first kidnap, it was the exchange of the party members for the kidnapped officers; in contrast, in the Orissa kidnap, there was a charter of demands. In the 1987 kidnap, the intervention of the members of civil liberties organisations was on the request of the hostages, whereas in the 1993 kidnap, it was on the request of the government. In 2011 and 2012, it was the Maoists who asked for the intervention of members of civil liberties organizations. This change can be partly attributed to the 2004 peace talks in Andhra Pradesh between the State and the Maoist Movement. Many lessons can be drawn from this experience of peace negotiations in the two and a half decades.

Having witnessed the way the Rajashekhara Reddy government went back on the peace agreement, the way the Home Minister Chidambaram broke his word

to Swami Agnivesh, the manner in which the Maoist leader Cherukuri Rajkumar alias Azad, engaged in finalising the process of peace talks, was killed and the way the agreement in Orissa was treated, the peace initiative does not seem to hold much promise at this point of time; yet the historical possibility of such an experiment persists.

Kidnap as a method of resistance has multiple facets, which require a separate and detailed analysis. This kidnap was able to throw up a debate on the concerns of Maoists and their approach to the development model. The media in the country has been debating and propagating their methods of resistance more, and not their politics. The State, in the process of containing or countering the movement, is becoming increasingly repressive and lawless in its behaviour; it is this lawlessness of the State that makes the people not totally disapprove of methods like kidnap. A responsive and law abiding culture on the part of the State in dealing with the deprivation of the rights of tribals and their resistance would have had a far reaching positive impact, as compared to responding to such contingencies and not abiding by its own commitments. The Maoist Party should also rethink this method as it cripples the sympathetic civil servants working for the people and the police force starts invading the space legitimately belonging to the civil bureaucracy. This has the danger of causing further brutalization by the state.

The kidnappings and consequent developments raise larger questions, the most basic of which relates to the implications of this method in settling the political issues. This assumes great importance against the backdrop of decline in the quality of governance and the overall erosion of legitimacy of state power. The representative democracy in India has turned into a formalistic arrangement; it does not reach out to the grassroots. As a result there are a range of movements outside the formal structure, pressurizing the system to deliver. The entire debate and fight against corruption is a part of this syndrome. This is a fallout of the model of development which is driven by global economic interests; it leaves no space for consultation with the masses or people's participation. Any resistance against the model in any form is sought to be put down, even through unlawful, anti-social forces all over India, particularly in the hotspots of political confrontation. Kidnapping, in this process, has come to be used as a method for

settlement of political issues. The political potential of this method is limited as it lacks the requisite political capacity to alter the terms and condition of the development model. The charter of demands in the case of the Malkangiri kidnap has something to do with the faulty model, but a kidnap in no way makes the rulers reconsider or re-examine the path of development as their interests get entangled with global interests and not the future of the Indian masses. Kidnapping can at best be a part of the politics of contingency, but cannot be a catalyst in the politics of transformation.