

STATUS OF CIVIL (LIFE AND LIBERTY) RIGHTS OF TRIBALS IN ANTI- NAXAL OPERATIONS: A CASE OF JHARKHAND

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Abstracts:

This article seeks to find out the extent, causes, and suggest remedies on human rights violations of tribals particularly the right to life, and personal liberty guaranteed under Part III of the Indian Constitution. With ratification of various covenants like the ICCPR and ICESCR, India is duty bound for its compliance and domestic adherence. The naxal violence in Jharkhand throws up a number of cases of the violations of human rights in its anti-naxal operations which puts the innocent civilian's life at peril. The study primarily analyses the situation using doctrinal methodology, methods and tools. The literature is varied and diverse picking the important incidents and assessments on the life and liberty in the back drop of the anti-naxal operations. The study questions the kind of approach taken by the state and maoist which put the constitutional safeguards at bay. It takes up the cases of civilians, tribals, who are caught between two guns, and are victims of collateral damage in anti- naxal war. Hence, a reality check on how democratic are the means to ends in world's largest democracy.

Key words- Human rights, Jharkhand, Life, Liberty, Naxal, Schedule tribe

Right to life and personal liberty encompass almost all conceivable human rights. They are the natural rights of the most basic type without which life is unimaginable. Both life and liberty have depth and width in its coverage of the elements which sustains life like, food, water, clothes, shelter, clean environment etc. But today, life is understood to be much beyond these. Right to life does not mean an animalistic existence rather a dignified life. It incorporates all such facets which make lifeworthy. Hence, beyond the basics of food, one would need, right to peaceful environment, marriage, education, privacy, livelihood, family, legal aid, and much more, for dignified human life. The Indian State is constitutionally obliged not to violate the right rather create favorable conditions for its enjoyment. So, it is both a positive and a negative right.

Personal liberty is cherished by all. Liberty does not mean unrestrained freedom to do what one wants. In legal parlance it means enjoying one's freedom without causing inconvenience to others. Liberty prefixed with 'Personal' narrows the scope of the term. It relates to liberty relating to or concerning the person or body of the individual.

Fundamental Rights (Part III), Article 21 of the Indian Constitution states, "*No person shall be deprived of his life or personal liberty except according to procedure established by law.*"¹ It is both for the citizens and non-citizens. The Constitution of India, specifically Part –III, Fundamental Rights (Art. 12-32) and Part IV (Directive Principles of State Policy) consist the best of

¹Bakshi, P.M., *The Constitution of India* 46(Universal Law Publishing co., New Delhi 8th edn. 2008)



human rights jurisprudence. The former is fundamental thus enforceable and the citizens can approach the courts by way of writs (Art. 32 and Art. 226), while the latter are guidelines for the state, non-justiciable and non-enforceable. The Directive principles are the positive obligations requiring the state to conform when formulating and executing policies and principles.

The fundamental rights acknowledge the contribution of various human rights jurisprudence. The Universal Declaration of Human Rights (UDHR), 1948 mentions the Protection of life and personal liberty under Art. 3. Similarly International Covenant on Civil and Political Rights (ICCPR), 1966 under Article 6(1) & 9(1) mention of protection of life and personal liberty. The right to life and personal liberty can only be deprived "by the procedure established by law". So, if at all these fundamental protections are taken off, they must be in conformity with the procedures laid down in law.

In *Maneka Gandhi* case, the Supreme Court has given the widest possible interpretation to the word 'personal liberty'. A valid law interfering with personal liberty must satisfy a 'triple test' (i) it must prescribe a procedure (ii) the procedure must withstand the test prescribed in Art. 19 (iii) it must not infringe Art. 14. Thus, the procedure must be fair, just, and reasonable. The court created a protective shield against any type of arbitrary unreasonable and unjust actions, which seeks to violate the individual freedom and liberties of people, by inter-mixing and correlating the provisions of Arts. 14, 19, and 21.²

The other part of which can be helpful in protecting life and liberty are in the procedures. These procedures are laid down in Art. 22 which provides safeguards against arbitrary arrest and detention. It provides the minimum procedural requirements that must

be included in any law enacted by the legislature in accordance with which a person may be deprived of life and personal liberty. Art. 22, thus, sets out certain limitations upon the powers of the legislature. If a law contravenes the conditions or limitations prescribed by Art. 22 the law would be nullity. Art. 21 has to be read supplemented by Art. 22. Thus law relating to ordinary arrest or a law relating to preventive detention must satisfy requirements of Arts. 14, 19 and 21. They have to be just, fair and reasonable. Art. 22 (1) and (2) guarantees four rights to the persons arrested under ordinary law.³

The UDHR, 1948 provides the Right against arbitrary arrest and detention (Art. 9), which correlates to Indian const. (Art. 22). In the International Covenant on Civil and Political Rights (ICCPR) these are provided in Article 9(2)(3) & (4). The Indian Government has ratified ICCPR, 1966 but not the two Optional protocols. The International Covenant on Civil and Political Rights entered into force on 23 March 1976. Thus, India is under the obligations to ensure that the domestic legislations are in tune with the International Covenants.

Jharkhand the rich land of mineral and natural resources is plagued with the Naxal terror. 18 out of 24 districts are affected by this menace. A sizeable tribal population consists of the naxal base, which are operating from the remote villages, heavily forested and hilly terrain. They project themselves as the protector of the interests of tribals, dalits, farmers, labourers from the exploitative mechanisms of the state. Contrary to their ideology, they have themselves indulged into forcible recruitment, mass killings of both police personnel and innocent civilians for being

² A. K Jain, *Constitutional Law of India* –II 139, 143 (Ascent Publications, Delhi, 2nd edn. 2009).

³ *Ibid.* (The right of (a) information of the ground of arrest, (b) to consult and be represented by a lawyer of his own choice, (c) to be produced before a Magistrate within 24 hours of his arrest (excluding the time of his journey) and (d) no detention beyond 24 hours except by the order of the Magistrate. These are available to both citizens and non-citizens. Clause (3) makes an exception with respect to enemy alien and those detained under preventive detention laws).



informers, blowing off development infrastructure, torture, instituting *janadalat* (kangaroo courts). The innocent people for the fear of Naxal backlash, and fear of death, dare not raise voice against them. The government has started various anti – “anti-naxal operations”⁴. Amidst the exchange of hostilities between the state and the Armed Opposition groups (AOGs), (the Naxalities or Maoists), it is the innocent tribal and non-tribal civilians who become target of suspicious killings from both sides. The constitutional rights guaranteed to every citizen like right to life and liberty are constantly violated by the state and the AOGs. Therefore, the study focuses on a reality check on the enforcement of such constitutional guarantees during the anti-naxal operations.

1. Extent of violation of right to life and personal liberty.

According to a report by Jharkhand Human Rights Movement (JHRM), since the creation of Jharkhand a total of 4,372 people have been arrested on the charge of being Naxalites. Of these, 315 are hardcore Naxals for whom the government had announced prize money. The remaining 4,057 have no record of any criminal offence; even the police have been unable to establish their Naxal involvement.⁵

In other instances, countless innocent people (mostly tribals) have been killed during anti-Naxal operations. The incident that occurred on April 15, 2009 at Latehar, Jharkhand, exposed the dark side of these operations. Five tribals were picked up from their homes by the CRPF and district police, taken to a nearby place and shot dead. The initial police investigation tried to cover up the act, claiming the tribals were Maoists. Following protests, the Jharkhand police finally

accepted that they were ordinary villagers who had no links with Naxalites. So much so that, the recent exposure of anti-Naxal operations in the Saranda jungle, home to over 125,000 tribals, is even more disturbing. Central and state forces deployed here under Operation Monsoon and Operation Anaconda destroyed homes and killed innocent people, not sparing even the food the tribals had. As revealed by JHRM, during Operation Anaconda, 33 villagers were arrested on charges of Naxal involvement. The police have been unable to provide any evidence to support this claim.⁶

While the Jharkhand government has been initiating measures to make sure Naxals surrender and are given handsome rehabilitation packages, the police have been framing hundreds of innocent villagers as Naxalites and putting them in prison. Across prisons in Ranchi, Khunti, Saraikela, Chaibasa and some other districts of Jharkhand, many villagers are hoping to be free one day. Even after being freed, however, hardly any of them will be able to lead a normal life.⁷

According to the Human Rights Law Network, there are 39 villagers lodged in Chaibasa jail against whom the police have not been able to prove charges of them being Naxals. Similarly, KalyanBarjo, Gonda Nag, KujurGargi and many such people have been in jail for almost three years now despite the fact that the police have not been able to prove charges against any of them till date. There are 49 people lodged in the Khunti jail under similar charges, more half of them arrested in 2010-11. There are 20 such people in the Ranchi jail and 16 in the Saraikela-Kharsavan jail against whom the police have not been able to prove the charges.⁸

Besides these, Father Stan Swami, a social activist who has been working on the issues

⁴ Operation green hunt, Operation Monsoon, Operation Eagle, Operation X, Operation Sikhar, Operation Hill Top, and Operation Black Thunder

⁵ Available at: <http://infochangeindia.org/human-rights/analysis/jharkhand-the-failed-promise-of-an-advise-state.html> (Last Visited on Nov. 26, 2015).

⁶ Ibid.

⁷ Available at :<http://gulail.com/author/jacinta?print=pdf-page> (Last Visited on Nov. 26, 2015).

⁸ Ibid.



of tribals in Jharkhand, says there are almost 6,000 youths from tribal, Scheduled Castes (SC) and Other Backward Communities (OBC) who are in jails across Jharkhand for many years on various charges and there is nobody to pay for their bail. In an RTI application he filed in 2010, he asked for the number of people who had been arrested for being Naxals in the state. The reply, which came after a year, said that 441 people had been arrested in such cases, out of which 168 were tribals, 77 Dalits, 161 OBCs and 35 from the upper castes. Many of them had been arrested under charges of helping Naxals. Father Swami says that many have also been jailed for keeping Naxal literature despite the fact that the government and various district administrations have not specified what kind of literature would classify as Naxal literature. He says that the police have also not followed instructions given by the Supreme Court in the D.K. Basu judgment. "The police should have the instructions painted on the walls of the police stations," he says⁹

The NHRC revealed in July 2007 that there were as many as 84,000 cases of human rights violations under consideration of the NHRC out of which 3,000 were from Jharkhand. However, Jharkhand government failed to establish a State Human Rights Commission then. The state human rights commission came into existence on 19.01.2011 vide notification no. 195 on 15.01.2011. In the gap years, The Adivasis continued to face serious human rights abuses. According to the National Crime Records Bureau, a total of 332 cases of crimes against Scheduled Tribes were reported in Jharkhand during 2006. Tribals have been arrested under false charges when they tried to access minor forest produce in Jharkhand. About 12,000 cases have been filed by the state's Forest Department against tribals as of 12 August 2007 for claiming land rights by tribals guaranteed under the Scheduled Tribes (Recognition of Forest Rights) Act. The NHRC received two cases

⁹*Ibid.*

of illegal arrest, two cases of unlawful detention, one case of disappearance and 128 cases of other police excesses in Jharkhand during the period of 1 April to 31 March 2007. The police failed to take action in 144 cases.¹⁰

The police often tortured the accused persons during interrogation. State security forces, frustrated by their inability to track Maoist fighters who slip into the forests in the adjoining states, often direct their attacks against "soft" targets—villagers from areas that support the Maoists and activists who criticize police abuses and state policies.¹¹

On the part of the Non-State Actors

The violation of life and liberty is effected by the naxal or Maoists both against the state forces and the innocent civilians.

Against the state

The police and other paramilitary forces are always at the target of the Left- Wing Extremism. The non- state actors are also involved into the gruesome killings, which include, beheading, public hanging, shooting, etc. of the innocent civilians who they allege to be police informers or anti-maoists. The life and liberty is thus cut short by means not falling under any law, causing grave human right violation. For example, (i) Beheading of an IB officer Francis Induwar in Khuti District (Jharkhand, October 2009)¹²(ii)

¹⁰Available at: <http://openspace.org.in/book/export/html/826> (Last Visited on Nov. 25, 2015).

¹¹Available at: <http://www.hrw.org/sites/default/files/reports/india0712ForUpload.pdf> (p. 28 Last Visited on Nov. 25, 2015).

¹²Available at: <http://www.hindu.com/2009/10/07/stories/2009100757800100.htm> (Last Visited on Nov. 26, 2015). Maoists beheaded Jharkhand police inspector Francis Induwar, who was abducted by them a week ago. Naxalites abducted him, demanding the release of three of their arrested leaders, including Kobad Ghandy, in exchange for him. The Union government condemned the killing and termed it unacceptable. Induwar's body, along with the severed head, was found in the early hours of Tuesday near Raisha Ghati under the Namkom police station area, about 12 km from the spot, Superintendent of Police (Ranchi Rural), Hemant Toppo, said.



CRPF IED incident (Jharkhand, on January 7, 2013)¹³ (iii) Attack on Police Van carrying prisoners: On November 9, 2012.¹⁴ Besides other attacks on the state and paramilitary forces the naxals have also perpetrated attacks on the innocent civilians, civil society members, by executing them in *janadalats* (people's court).

Atrocities against Civilians

Jan Adalat, beheading, killing on ground of being police informer, forcible abduction and recruitment (including female and child soldiers) etc. are some of the worst forms of the human rights violation committed by the Maoists against the civilian population. In one incident, Friday, 12 November 2010, Maoists kill man at 'kangaroo court' in Jharkhand- Pronouncing "death sentence" against a man at its "kangaroo court", members of the CPI (Maoist) chopped off his head and legs at the Naxal-infested Giridih district, police The Maoists claimed responsibility by pasting a poster on the distorted body and said he was killed after being branded a supporter of "reactionary forces at a *janadalat*" staged by the guerrillas at Beluaghati. The Naxalites have perpetrated several crimes at Beluaghati, including massacre of over twenty people about five years ago.¹⁵

In the same breath, the Naxals have also committed worst human rights violations by ordering public execution, on their own, for example - on 5 July Naxals beheaded three members of the *Shanti Sena* (peace squad), a group campaigning against the Naxals, in Khairpani village in Gumla District. Four persons from Turudi in Latehar district died on 31 August following an attack by Naxals belonging to the Jharkhand Sangharsh Jana Mukti Morcha.¹⁶ The number of *Jan Adalats* reported in 2011, 2012 and 2013, were 54, 23, 41.¹⁷ These are few cases of the many that goes unreported, just to highlight the unseen and unheard cases that might have occurred but not noticed.

Attacks on civil society - In Jharkhand in particular there have been repeated allegations that some Maoists, or groups claiming to be Maoists, are engaged in corruption. In the case of Niyamat Ansari, an activist who exposed corruption in the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), was killed by Maoists on March 2, 2011.¹⁸ Another incident was of Killing of Sister Valsa John, Jharkhand¹⁹.

Child rights

As per UN Committee report, there have been mass scale recruitment of children in the maoist cadre under fear. Insurgent groups reportedly used children in militant activities. Insurgents trained children as spies and couriers, and gradually in the use of arms, in planting land mines and bombs, and in intelligence gathering.²⁰ There have been

¹³ Available at: <http://www.satp.org/satporgtp/countries/india/maoist/Assessment/2014/Jharkhand.htm> (Last visited on Nov. 26, 2015). (The Maoists sent shockwaves across the country at the very beginning of 2013, when they killed nine Central Reserve Police Force (CRPF) personnel and one Jharkhand Jaguars trooper in an ambush near Amawatar village in Latehar District, Jharkhand, on January 7, 2013, and then surgically inserted Improvised Explosive Devices (IEDs) inside the abdomen of two dead CRPF troopers).

¹⁴ Jharkhand Assessment, available at: http://www.satp.org/satporgtp/countries/india/maoist/data_sheets/Major_incidents_2012.htm (Last Visited on Nov. 28, 2015). (Three Policemen and a prisoner were killed when about 100 armed CPI-Maoist cadres, including women cadres, attacked a Police van carrying 32 prisoners from Giridih Court to the Divisional Jail, at MahadevChauk in Giridih District. The Maoists succeeded in freeing eight of their comrades from the prison van)

¹⁵ Available at: <http://www.dnaindia.com/india/report-maoists-kill-man-at-kangaroo-court-in-jharkhand-1465536> (Last Visited on Nov. 28, 2015).

¹⁶ Available at: http://www.satp.org/satporgtp/sair/Archives/4_11.htm (Last Visited on Nov. 28, 2015).

¹⁷ *Supra* note 13.

¹⁸ *Supra* note 11 at 25 (Last Visited on Nov. 26, 2015).

¹⁹ *Id.* at 27 (Valsa John, a nun with the Sisters of Charity, had been involved for many years working on behalf of tribal people in Jharkhand, particularly those displaced by mining operations. On November 15, 2011, in Pakur district, a group of about 50 people that reportedly included about 30 Maoists broke into her home and murdered her.

²⁰ Available at: <http://www.state.gov/documents/organization/220604.pdf> (Last Visited on Nov. 26 2015)



cases of forcible recruitment as per cases of Pathari²¹ village of Lohardaga district in Jharkhand, and Mahuatand village of Latehar district.²² There have been umpteen cases of blowing off the school buildings across the state which are used by the security forces as camps in the anti- naxal operations. This is violation of the right to education as guaranteed under Art. 21 A, of the Indian Constitution as fundamental right.

2. Causes and Remedies of violations of life and liberty.

Both the state and the Left wing extremists are causing loss of life and liberty of their warring parties. In the case of the Naxals, there is inter and intra rivalries simply to claim control over economically remunerative territory, and overall hegemony. The splinter groups now clash among themselves which is another aspect where fratricidal deaths are common. The causes for violating right to life and liberty stand differently for the state and the naxals.

For the state

3.1.1. Internal security aids development: The former P.M, Mr Manmohan Singh, declared that Naxalism (Maoism), and left-wing extremism poses the “greatest threat to our national security”, (The Hindu, October 22, 2010). The Union Home Ministry then accepted that 125 districts spread over nine states in central India and adjoining areas have come under the influence of Left radical groups, loosely called Naxalites. Jharkhand is famous for its rich mineral resources²³. The government for the sake of development and mineral resources entered into no. of MOUs with the corporates, which has and would result into displacement if executed. Given the fact, that the tribals constitute 40 per cent of the entire displaced population so far, the tribals vehemently opposed any such repetitions. The maoists came as the messiah of the tribals championing their cause under the derailed ideology. Left forces resist the entry of the government, while govt. insists on. The naxals care nothing about the life and liberty of the citizens and hence would resort to kill and terrorize any one to enforce their dictates. The govt. is on the spree to sanitize the area off naxalism, and would not care less to ascertain maoists form the innocent civilians, as long as that would help in larger goal of capturing the naxal bases. No doubt, the government sees naxalism as the internal security problem, and a hindrance to the development process. In this, the larger issues of poverty, land alienation, displacement, and rehabilitation are left out. In such a hostile situation life and liberty of both the parties, along with the civilians continue to be at stake.

A shadow report to the UN Committee on the Rights of the Child on the Involvement of Children in Armed Conflict released by the Asian Centre for Human Rights (ACHR) in March stated that state governments in Odisha, Jharkhand, and West Bengal recruited thousands of youths as special police officers.

²¹In Pathari village of Lohardaga district in Jharkhand, which remains a stronghold of Tiritiya Prastuti Committee (TPC), a Naxal outfit, school going children remain their main target. The villagers disclosed that TPC cadres compel the children aged 13-14 years-old to join their outfit and strengthen their cadres. The red rebels also exploit them as human shields against security forces and use them to transfer their consignments. Ganesh Lal, a villager, confirmed the truth by saying: “The Naxals are targeting children as they can be easily influenced to join the outfits. There are many instances where rebels are recruiting children to prepare them for anti-national activities”. Poor villagers who have seen their children being snatched away are reluctant to lodge any complaint with the police. They fear they will be attacked by the Naxals

²² In Mahuatand village of Latehar district, the rebels have ordered each family to offer one teenager for their cause. Experts believe that illiteracy and poverty have forced many villagers to silently follow the orders of the Naxals. “The Naxals offer a monthly income and food to the poor children and their families to convince them that what they are doing is in their favour. It is highly condemnable

²³Available at: <http://www.jharkhand.gov.in/about> (Last Visited on Nov. 27, 2015) Like Uranium, Mica, Bauxite, Granite, Gold, Silver, Graphite, Magnetite, Dolomite, Fireclay, Quartz, Feldspar, Coal (32% of India), Iron, Copper (25% of India) etc. Forests and woodlands occupy more than 29% of the state which is amongst the highest in India.



3.1.2. GDP centric Development models: A large part of mineral resources reside in tribal belts of the country.²⁴ Jharkhand accounts for 32% of India's Coal, 25% of India's Copper and Forests and woodlands occupy more than 29% of the state which is amongst the highest in India. India in order to give its GDP (Gross domestic Product) a boost, looks forward to the mineral rich resources to run large industries. For example, The Jharkhand Govt. till Nov. 2007, had signed sixty-six. MOUs with companies, including MNCs for exploiting mineral resources and setting up mineral – based plants in Jharkhand, of which forty-one were in West Singhbhum district alone. No doubt, development is the slogan of the Globalized world. In a race to attain a higher GDP, need we trample the secret of inclusive and sustainable development, the practice of harmonious co- existence by the tribal people. Thus, the forces of pro- development without sustenance would further jeopardized the life and liberty of the tribals who are sandwiched between state and LWE elements.

On the part of the tribals

The problems of unrest in the tribal heart land are related to the exploitation of the land, natural and mineral resources, as well as non-adherence of the protective laws fully.

3.2.1. Land Alienation- B.K Roy Burman (2009) considers systematic dispossession of the tribal people from their land resources which they have been holding for generation to be the most important fact which has pushed them to political extremism in central

India. Here he is referring to the dispossession which is very different from development related displacement. As against involuntary displacement, there are evidences to show that in the predominantly tribal areas the people have been deliberately disposed of their lands and resources in a meticulously planned manner.²⁵

Non-adherence of the legislation: Various legislations and judgments having the traditional right over their land (Samantha v. State of Andhra Pradesh), Provisions of Schedule V of the Constitution, Nehru's Panchseel, Chotanagpur Tenancy Act, 1908 (CNTA), Santhalparagna Tenancy Act, 1949 (SPTA), Forest land, traditional and customary rights, inadequate resettlement and rehabilitation measures, require compliance. Moreover, the International legislations like, ILO Resolution 169, 107, UNDRIP, 2007 etc. have not been acted upon. The Jharkhand Panchayat Act, 2001 (JPA), has not fully incorporated certain sections of the revolutionary Panchayat Extension to Schedule Areas (PESA), 1996 Act. The Forest Right Act 2006, also needs to be complied with.

3. Remedies:

All the stake holders should have to act in accordance to the procedure established by law. The state, the Maoists, tribals, and the civil society etc. have to make sustained efforts to win each other's trust and find a peaceful solution towards ending the menace of Naxal terrorism.

The state

There has been violation of human rights by the State machinery in the forms of arbitrary arrest, unlawful detention, torture etc. This is the gross violation on the part of the State.

²⁴Available at: <http://www.thehindu.com/opinion/op-ed/comment-on-issues-faced-by-tribal-communities/article6749215.ece> (Last Visited on Nov. 27, 2015)

(Sixty per cent of the forest area in the country is in tribal area. Fifty-one of the 58 districts with forest cover greater than 67 per cent are tribal districts. Three States — Odisha, Chhattisgarh and Jharkhand — account for 70 per cent of India's coal reserves, 80 per cent of its high-grade iron ore, 60 per cent of its bauxite and almost 100 per cent of its chromite reserves. Forty per cent of those displaced by dams are tribal peoples)

²⁵JJ. Roy Burman, "Factors of Maoist Movement among the Tribes of Central India" *Mainstream*, November, 26-30 (2013).



(i). Effort should be made to investigate the role of senior police officials and administrative officials to prevent the human rights abuses. Strict and appropriate actions needs to be taken against those responsible (disciplinary measures, suspension, removal and criminal prosecution etc). All this should be done transparently and fairly.(ii). Enforce the Supreme Court guidelines of D.K Basu judgement on arrest and detention, and take disciplinary actions in case of violations.(iii). End filing malicious and politically motivated criminal charges and there should be no detention without evidence. (iv). Guidelines for both the national and state officials not to treat the civil society groups as being Maoist supporters without any concrete evidence and make not generalization. (v). Repeal the colonial-era sedition law used to silence peaceful political dissent in Violation of Supreme Court rulings. Drop all pending sedition cases.(vi). State government should enforce the Guidelines mentioned in the Gopinath Ghosh v. The State of Jharkhand and others W.P. (PIL) NO. 2584 of 2011.(vii). Spread awareness on the protective laws among tribals, speed up the grievance redressal mechanisms at all levels, conduct trust building programmes, and address the root causes etc. can be some of the immediate steps taken by the govt.

The Maoist/ Naxalites should

(i). Make a public commitment to respect international human rights standards, such as the rights to freedom of association and expression, in areas under Maoist control.(ii). End attacks on schools and hospitals.(iii). Cease all reprisals against people who work on government development projects and their family members(iv). End obstruction of development efforts, since this only harms marginalized and deprived communities.

Rather they should

(i). Encourage the participation of the tribals in the development related work, and enforce the constitutional guarantees in a democratic way.(ii). Make people aware of the rights and bring to the appropriate authority in case of any violations.. **The tribals and civil society** should.

Channelize the learnings and education towards spreading awareness among his/her tribesmen about the rights available and seek remedies through proper channels. Refrain from ultra-left ideologies, and not get drifted by the lofty ideals. Take up the atrocities committed on them to the right forum rather than entrusting them to the Naxal justice system.

4. Conclusion

Life and liberty are cherished by all sections of the people worldwide. There cannot be a greater cause than safeguarding, and preserving these rights in the human history. On the contrary these are also the most violated rights. It is to be understood that the life of human beings sustain on the elements of nature, like food, oxygen, environment, natural and mineral resources etc. There is another aspect for our existence that is the life of the nature itself. These are dependent on our ability to strike a harmonious correlation between development and destruction if any for larger development. No doubt, development is essential, but the cost has to be minimized in a way that the section paying the cost becomes part of the development progress and are not weeded out or crushed in the developmental journey. History has been testimony to the fact that as long as there are social inequality, inequitable distribution of the resources, there would be conflict. The case of Jharkhand, is no different. With the vast mineral resource and the deep seated social inequality this has become a case for the Maoists field for representing the cause of the tribals. In process, of sharing the development pie, the state and naxals have sustained their agendas causing massive loss of life and liberty to the common masses.



The civilians are caught between this mess, and the constitutional, judicial guarantees are forgotten. The anti – naxal campaign by the security forces and the mindless violation of life and liberty is detrimental to tribal welfare and for the country as a whole. The insecurity of life, livelihood, of the people caught in the crossfire needs to be respected and restored. Besides, physical security from being the cannon fodder, the community sustenance, needs to be also secured. The insecurity of life, livelihood are the real causes of violations. Therefore, there is a need to start the campaign against poverty and dispossession. One's Life and liberty can be thus secured if we secure others in a democratic manner and by rule of law.

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