India: Hostages to Democracy

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Focussing on the Indian government's counterinsurgency operations against Maoists in Bastar, Nandini Sundar examines how formal democracy works to subvert popular power.

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On May 3, 2017, the police picked up Hadiyam Hadma, [1] a former village headman and human rights activist, near his village. Initially, the police denied holding him in their custody, forcing his wife to file a writ of habeas corpus in the Chhattisgarh High Court. The police then held a press conference in which Hadma was made to "confess" to participating in an attack by cadres of the Communist Party of India (CPI) (Maoist) (henceforth the Maoists) [2] on security forces a few weeks earlier, in which twenty-five government paramilitary soldiers had been killed. Hadma was taken to the High Court under heavy police escort. After he had been hung upside down for days, blindfolded, and shot at, it was scarcely surprising that he told the Court he had voluntarily "surrendered" and come to the police for protection. Hadma is now in indefinite police custody. Like Hadma, hundreds of ordinary villagers across central India caught up in the conflict between the state and Maoists have been shown as having "surrendered." Despite repeated reports in the media exposing the surrenders as fake, [3] the practice goes on. Staged surrenders help the police avoid opprobrium for mass arrests, fudge the rehabilitation money offered under the state's surrender policy, adopt carrot and stick policies with villagers to induce compliance (they are told they can go home after surrendering so long as they cooperate with the police), and divide insurgent village communities.

If "surrenders" are the seemingly benign face of counterinsurgency, democracy plays the same role at a larger level, where the "choice" exercised in an election is used to delegitimize other kinds of non-electoral choices, including which political party or ideology to support and how to live. This article examines the aporias of democracy, drawing on Derrida's aporias of justice. [4] For Derrida, legal indeterminacy constitutes the aporetic aspect of justice: once a case is decided it either revalidates the existing rule, or establishes a new rule, but at the moment of deciding or delivering justice it is neither just nor unjust. Going further back, just as in its founding moment law is neither legal nor illegal for Derrida, democracy in its founding moment is neither democratic nor undemocratic, especially insofar as it also brings together and binds the entity in whose name it rules. [5] The same paradox underlies state violence, law, and democracy, starting with Hobbes's argument that the state's monopoly on violence is legitimate because it enables people to live in security, and thus enables democracy; it underlies as well Benjamin's distinction between law making and law preserving violence. [6] It is in moments when it claims to represent the ruled that the political system most imposes its authority on the ruled, reconfiguring those consenting, the process of consent, and the outcome of consent.

As Foucault has pointed out in his critique of Hobbes, which applies more broadly, to base legitimacy on individual will is to conceal the fact of conquest, of domination without legitimacy. [7] In a postcolonial context, and especially where it concerns indigenous people, whose lives are primarily governed by colonial-era laws designed to expropriate resources, it is not difficult to see

the relationship between government and citizen as one of mere subjugation, such that "peace itself is a coded war." [8] But democratic India in the twenty-first century is different from colonial India in the nineteenth. The Constitution marks the watershed, even if, as K.G. Kannabiran consistently pointed out, those in charge of the state ignored the spirit of the freedom struggle that animated the Constitution and retained the colonial structures of rule they had inherited. [9]

This paper attempts to take seriously the claims of democracy, and to explore how not just the structures but also the *affects* of rule in which democracy is embedded further entrench subjection. I take as my point of departure the ongoing civil war in central India between the Indian state and armed Maoist guerillas. The region at the heart of the war, Bastar, [10] is populated primarily by impoverished Adivasi, or indigenous, people, living among dense forests with rich mineral deposits. They are formally listed as Scheduled Tribes (STs) in the Indian Constitution. The Maoists first arrived in Bastar from neighboring Andhra Pradesh in the early 1980s in the form of a few small squads, composed mainly of non-indigenous plains people. Bastar was chosen initially because of its suitability as a military base, but the squads soon began to take up local grievances, warning officials against taking bribes, enforcing the implementation of minimum wages, and getting fair prices for forest produce. Slowly, under their pressure, the bureaucracy retreated. The Maoists redistributed land from the richer farmers to the poor in the villages, helped the villagers colonize and cultivate new forest land, and set up agricultural collectives. They also took up issues like bigamy and domestic violence, making them popular among women. In many cases, the pressure to act came from the villagers themselves, and was not the imposition of some Maoist ideology. Over the decades, they established their own structures of governance in the villages — village collectives called *sanghams*, which became embryonic forms of village democracy and represented an almost parallel state. [11]

In 2005, the government began active counterinsurgency operations against the Maoists, first by sponsoring a vigilante operation called Salwa Judum (Purification Hunt), and then in the form of regular paramilitary operations, which continue to date, with security camps being set up every five kilometers. In the intervening decade, hundreds of villages have been burned in South Bastar, and a minimum of 2,500 people killed. [12] A Supreme Court judgment banning Salwa Judum in 2011 did not result in the expected redress on the ground. [13]

Over the last ten years or so, in the course of their counterinsurgency, through the skillful use of the media, repeated official references to the Maoists as the "biggest security threat facing the country," and a variety of other instruments, the government has been successful in portraying the Maoists as "terrorists." Traditionally, however, the establishment tended to regard the Naxalites as the Maoists are colloquially called as merely "misguided," with the right cause but the wrong strategy. [14] A common argument made by mainstream politicians and Gandhian activists is that Indian democracy provides enough opportunity for political voice, that Adivasis do not need to engage in armed struggle to get their demands heard, and that the Maoists are imposing their militaristic ideology on Adivasis and are against "democracy." For instance, on October 15, 2017, well-known political scientist turned political activist Yogendra Yadav tweeted an article on the declining Maoist presence, saying: "Welcome news as CPI (Maoist) opposed to democracy and Indian state. Time to address poverty that gave rise to Maoists." What this article explores is the way in which democracy, as currently practiced, is not only not enough of an alternative to armed struggle; it extends the violence of counterinsurgency. Two features which are considered essential functions of democracy are critical in this: elections and, secondly, the provision of welfare and employment.

The Debate Over Indian Democracy

Within the dominant public discourse, voiced by politicians, the mainstream media, and the elite, it would seem that Indian democracy is unique among its neighbors. Commentators celebrate

universal suffrage, federalism, the subordination of the army to civilian rule, an independent judiciary, and a broadly welfare-oriented economic regime. Internal critics of democracy, on the other hand, point to "emergency" laws such as the Armed Forces Special Powers Act (AFSPA) in the northeast and Kashmir, which empowers the army to shoot to kill on mere suspicion; frequent extra-judicial killings; custodial deaths; and torture, rape, and disappearances by the police and armed forces, especially but not only in conflict areas. In addition, there are the organized massacres in which members of the ruling party have played a leading role, targeting minorities like Sikhs (in Delhi in 1984) and Muslims (in Gujarat in 2002). [15]

These contradictions in response to the question of whether a state is a democracy are not, of course, unique to India. As Julia Paley notes, "the discourses labeling certain regimes as democracies are strategically deployed by groups with strong interests in particular definitions and contested by others differently situated in relations of power." [16] While democracy has several meanings, it is most commonly and minimally associated with elections. [17] However, as Barbara Geddes points out, elections are often held in authoritarian regimes as well. [18] To distinguish it from mere electoralism, [19] substantive democracy is often associated with a basket of elements — electoral choice, to be sure, but also a separation of powers and the rule of law, freedom of speech, popular participation in governance, and protection for minorities. In both Brazil and South Asia, survey respondents identified democracy with a system's ability to meet basic social and economic needs rather than with predominantly procedural features. [20] Scholars like Ramachandra Guha or Ashutosh Varshney take a middle path: they try to argue that Indian democracy must be awarded a fifty percent pass mark (Guha) or that the battle is "half won" (Varshney). [21] Niraja Jayal argues that India does better on procedural as against substantive democracy, but that hope for change lies in subaltern struggles. Others, like Subrata Mitra, place more emphasis on elite reticence. [22]

The problem that I attempt to address here is not just the imperfect realization of democratic ideals which, as T. H. Marshall points out, is undoubtedly always a work in progress, [23] or as expressed in Derrida's idea of a "democracy to come." [24] Instead, the conundrum I focus on is the state's ability to deploy democracy — both procedural democracy and a limited conception of substantive democracy — as a weapon against dissenters. The problem arises when, as Raymond Williams puts it, the idea of democracy as popular power (the socialist tradition) and the idea of democracy as electoral representation (the liberal tradition) "confront each other as enemies." [25] Freedom of speech, for instance, may be dismissed as bourgeois democracy, while "an attempt to exercise popular power in the popular interest, for example, by a general strike is described as *antidemocratic*, since *democracy* has already been assured by other means." [26]

Since 2014, when Narendra Modi took charge as prime minister, the slow infiltration and subversion of all democratic institutions — the judiciary, the media, the army — by a right-wing formation, the Rashtriya Swayamsevak Sangh (RSS), or National Volunteer Organization, with the long-term agenda of establishing a Hindu nation, has raised even more serious questions about the ease with which Indian democracy can be subverted and even converted into semi-fascism using an electoral majority. [27] The issue is not just that religious minorities, Adivasis, and others are held hostage to a majoritarian electoral democracy; it involves a more fundamental question that relates to how "democracy" crafts its majorities and why these legitimate a system against their own interests. The quiet acquiescence to and at least initial celebration of demonetization — a move that made eighty-seven percent of Indian currency illegal overnight in November 2016 and deprived the public at large of property in the form of their own money — is perhaps the best example of this "surrender" by the public to the state, in turn read as a marker of the state's legitimacy. [28] As William Reich asked in a book that seems uncannily as if it could have been written for India today, *The Mass Psychology of Fascism*: "What was it in the masses that caused them to follow a party the aims of which were, objectively and subjectively, strictly at variance with their own interests?" [29] In this

paper, however, the overall thrust relates to how democracy works to enhance violence especially, but not only, against minorities.

Violence and Democracy

Violence poses a special problem for democracy to the extent that democratic states are assumed to rest on the consent of the governed, and democracy is seen as a means to resolve and reconcile differences in a non-violent manner. A dominant stream of work within liberal political science on failed states and civil wars sees violence as antithetical to democracy, and views states with high levels of violence — whether in the form of civil wars or in the form of vigilantes, mafias, urban gangs, and so on — as still transitional to some ideal democracy found in the developed countries of the West. [30] In the encounter between ethnically and religiously heterogeneous communities, mostly located in the "second" and "third" worlds, with supposedly universalist, "first world" state forms like democracy, the unruliness of the former is seen as the source of the problem. What is often ignored are the historically complex ways in which communities have lived together, and that it is not the fact of ethnicity per se but the ways in which it is mobilized that is the problem. [31]

A more critical approach argues that high levels of inequality in a society may make violence a necessary part of a democratic practice in the form of strikes or protests. [32] In this understanding, the Maoists are really extending democracy rather than challenging it frontally, since almost all their demands, for Adivasi rights to land and forest resources or minimum wages, are already guaranteed by the Constitution, even if not implemented in practice. Even as violent protest may be suppressed, it forces change on the state by making it accede to similar demands by parallel non-violent groups. For instance, the 2006 Forest Rights Act in India, which aimed to restore indigenous rights over forests, while a product of peaceful campaigning by NGOs and social movements, was also propelled by a desire on the part of the state to undercut the Maoist appeal among Adivasis.

Yet others, such as E. D. Arias and D. M. Goldstein, have pointed to the ways in which neoliberal democracy, with its focus on individuals and procedure at the expense of egalitarian and participatory democracy, has engendered vigilantism, since citizens are increasingly responsible for their own security. Arguing for the concept of "violent pluralism'" where the state does not have a monopoly over violence, they argue for the need to understand new political orders and new political subjectivities in situations where multiple violent actors interact. [33] This is important for understanding how people live under the dual sovereignties of the Maoist state and the Indian state, or, for that matter, the parallel states that function all over India, from Kashmir to Nagaland to the communalized and ghettoized state of Gujarat, which has in many ways become the *Hindu Rashtra* or Hindu nation of the RSS's dreams, where minorities live as second class citizens. [34]

My focus, however, is not on the relationship between violence in civil society (between different groups, or between civil society and the state) and democratic change or democratic outcomes. Instead, my theme is how the structures and processes of formal democracy enable state violence, not so much in a foundational sense (as in my previous discussion on Hobbes, Benjamin, and others), but in terms of the state's everyday claims and practices. Before addressing this theme, however, I want to ask whether democracy makes a difference to the way state violence is deployed in the context of counterinsurgency.

Democracy and Counterinsurgency

Quantitative political science scholars writing on democracy and counterinsurgency are divided. Those who argue that democratic regime types matter to the existence and conduct of counterinsurgency make three broad arguments: (a) that democracies are less likely to spawn internal insurgencies; (b) that when these arise, democracies are constrained in dealing with them

due to the pressure of public opinion, which is thought to react negatively to soldier body counts as well human rights violations; and therefore (c) that democratic states are more likely to take a "balanced" or "moderate" approach, avoiding indiscriminate killing and combining counterinsurgency with welfarism and the co-optation of elites. [35] Other scholars contest this claim, arguing that there is no empirical evidence when comparing regime types to suggest that democracies handle counterinsurgencies differently. [36]

Failing a cross-national comparison, a historical comparison with the tropes of colonial counterinsurgency in India would suggest that democracy appears to make little difference. Quoting Mao on the antonyms used to describe the Hunan uprising of 1927, Ranajit Guha lays out the structural oppositions between official and peasant characterizations of insurgency during colonialism: the "insurgent" in one set of characterizations is a "peasant" in the other; the "fanatic" in one set of accounts is an "Islamic puritan" in the other; what the former accounts call "defying the authority of the state" the latter name "revolts against zamindari"; what from one perspective is "disturbing the public tranquility" is, from another perspective, a "struggle for a better order." [37] We might as well be talking about contemporary India, where, in a game of competitive labeling, Naxalite "terrorists" are by other accounts "martyrs" killed by the Central Reserve Police Force (CRPF) and "inhuman Maoists" are otherwise known as the "heroic guerillas" of the People's Liberation Guerrilla Army (PLGA). As Max Boot writes in *Invisible Armies*, "nothing better illustrates the elasticity of these descriptions than a directive the British government was said to have issued in 1944 after switching its support in Yugoslavia from Mihailovic's Chetniks to Tito's partisans: In the future Mihailovitch forces will be described not as patriots but as terrorist gangs: we shall also drop the phrase 'red bandits' as applied to partisans and substitute 'freedom fighter.'" [38]

Human rights activist K. Balagopal summed up the dilemmas of those seeking democratic change by noting that the Indian state rarely acts unless it is forced to, and peaceful means rarely lead the state to a tipping point. Violent protest, on the other hand, is met with violent repression:

> All strategies, whether violent or peaceful, have found that they are not without success, if by success is meant stemming of local forces of oppression or the local manifestation of global forces, and improving the situation of its victims at the margin or even more. One does not wish to belittle these achievements, and in any case its beneficiaries are grateful, and belittling makes no difference to them. But any attempt to go beyond that has been faced with an insuperable wall which defines the limits of Indian democracy. [39]

Indian security experts also acknowledge that there is a fairly set pattern to the way the Indian state has handled counterinsurgency. Political and administrative failure and misgovernance lead to ethnic, religious, and class mobilizations. The government sets up various commissions to look into popular grievances but does not act on their recommendations. When people take to armed struggle in desperation, the government responds by bringing in paramilitary forces, and, if those fail, the army. Special legislation like the AFSPA is enacted, civilian casualties go up, leading to great support for the insurgents, and the state rides it out over several decades since it has time and resources on its side compared to the insurgents, meanwhile co-opting local elites. Finally, when the insurgency is almost over, the state may come up with some kind of "political solution" like a peace accord. [40] Insurgency is seen as a crime rather than a political grievance that can be met with democratically in a tradition that dates from the colonial state, which blurred policing with counterinsurgency. [41] As Nasser Hussain argues, contemporary US counterinsurgency ignores the fact that many of the measures the British used — and which are adopted today — were possible only because the British were already using them in everyday administration. [42] In any case, whether inherited from a common colonial past or not, counterinsurgency styles across the world today, in both democracies and military regimes, draw on a common pattern of military training and

counterinsurgency manuals. [43]

The Dangers of Democracy in India

While democracy makes less of a difference when it comes to counterinsurgency than one might think, I argue in the following eight theses that the formal structures of Indian democracy often extend the violence of counterinsurgency and thus work against a more substantive democratic outcome. The first three theses are in the context of welfare and relate specifically to the Scheduled Tribes (STs). The second three arguments are in the context of elections and pertain to conflict areas more broadly. The last two are in the context of accountability and apply to India as a whole. These features, however, are not unique to India, and some claims are more uncontested than others.

Of course democracy, especially constitutional democracy, enables dissenting groups to invoke foundational charters, in this case the Indian Constitution. Even as the state attempts to monopolize the discourse on democracy, there are also spaces through which alternative voices can emerge, such as rallies and the media. Moreover, in India, few events can match the excitement of an election, and there is serious investment in voting. [44] On the other hand, democracy also provides mechanisms for unprecedented domination, and as a result movements seeking to implement democracy find themselves at a constant impasse.

Welfare as an Instrument of Counterinsurgency

The first argument is that the welfare policies for STs divert from a critical examination of the laws that actually affect them. The STs comprise 8.6% of India's population according to the 2011 census, and they inhabit concentrated areas across central India and the Northeast. STs are the poorest sections of India's population with forty-three percent living below the poverty line compared to an all-India average of twenty-two percent. [45] The Indian Constitution acknowledges the particularity of the Adivasi situation, and the legislature has passed laws against Adivasi land alienation and stipulated affirmative action in education, jobs, and political representation. Over the years, there have been other attempts to legislate and make policy on their behalf. [46] While protective legislation is rarely enforced, colonial-era laws like the Indian Forest Act, the Indian Penal Code, and the Land Acquisition Act continue to be used to criminalize Adivasis and displace them from their land. One in every four persons who has been displaced in India since 1947 is an Adivasi. [47] Hundreds of thousands of Adivasis have been jailed for minor forest offences, including collecting fuel wood from forest lands that were traditionally theirs and subsequently appropriated by the state. Muslims, Adivasis, and Dalits are the most represented in prison populations nationwide, while in states affected by counterinsurgency the prisons are overflowing, and new ones are being built. [48] Unless these fundamental laws — and the bureaucratic frameworks that support them — are frontally challenged, no amount of specific welfare legislation will work.

Second, how democracy works in India is an example of a more general problem of how modern states work to draw marginal populations into their regimes, reducing democracy to a question of numbers and "beneficiaries." [49] In delivering "services," the state regulates bodies, forcing people to move away from small, scattered habitations to urban centers. In providing education, it devalues certain kinds of life in favor of others, giving them a Hobson's choice between "democratic incorporation" and destitution. In India, ignoring the promise held out by the Constitution of a different governance structure which could accommodate the unique needs of STs, successive governments have claimed that they can only provide basic goods to the STs in conflict-affected areas if: (a) they cut their ties with the insurgents (whether the Mizo National Front in the 1960s or Maoists today), and (b) they change their lifestyle completely and stop living in the forests. Speaking of the integrated action plan launched in 2010 as a corollary to the paramilitary combing operations directed against Adivasis across central India, The Hindu quotes Mr. Chidambaram, then Home

Minister, as saying: "They must know that the government is friendly to their way of life, but wants to help them change their way of life." [50] The current regime under Prime Minister Narendra Modi has only intensified this plan to move people out and to take over the forests for industry and mining. [51]

Third, while ensuring employment is seen as part of the raison d'être of a modern democratic state, the kind of employment offered in an increasingly neoliberal regime presents indigenous youth with a dilemma. The only jobs available in many counterinsurgency-affected areas are in the paramilitary forces and police. [52] When the Salwa Judum started in 2005, many youth were driven to join the Maoists in order to defend their villages. But equally many joined the police as Special Police Officers (SPOs), or as temporary and irregular auxiliaries, believing it would eventually lead to absorption within the regular police forces. They did not realize that this would permanently alienate them from their own people. [53] More recently, there has been considerable interest among Adivasis in joining the Bastar Battalion of the CRPF. Whereas earlier these forces were drawn from other parts of India, giving them a stake in the fight against the Naxalites, [54] increasingly recruitment of these paramilitaries as well as the army is being targeted at the areas of Maoist conflict. As one newspaper report made clear: "The Ministry thinks it is important to recruit youngsters from these districts for the paramilitary forces like CRPF to wean them away from joining the Naxal fold." [55]

The emphasis on providing formal employment also works against Adivasis by presenting them with a dilemma between jobs and land. The states of Chhattisgarh, Odisha, and Jharkhand are among the most forested and mineral-rich in the country. Across these states, demographic change with an influx of non-Adivasi settlers has led to divisions between indigenous populations who risk being displaced by large projects and immigrant youth who see Adivasis as backward and incapable of fully utilizing the advantages of the areas they live in. The immigrant non-Adivasis have slowly taken over Adivasi land, helped by the non-implementation of land alienation laws, and they control the small towns, trade, electoral politics, and the bureaucracy. [56] These immigrant groups are a ready resource in the state's war against Maoists, along with corporate capital. [57] Adivasi families, especially youth, are, however, conflicted. The promise of employment in a factory is often used to buy off protest against displacement, even though only one member of a family that is losing land will be employed. [58]

To summarize, while the repertoire of counterinsurgency is common to different parts of the world, in central India it has been inflected with a particular character that draws on the nature of Indian democracy. This includes: deeming Adivasis a "backward" population that needs to be weaned away from their forest-dependent lifestyles and integrated into urban mainstream society; the constellation of classes, especially the growing middle classes, which want economic growth at all costs; and the attractions of government employment in the paramilitaries or as special police officers, presented as a path to modernity for all youth, regardless of their ethnicity. Counterinsurgency, especially in order to clear the way for mining and industrialization, is justified as a massive employment exercise.

Elections as an Instrument of Counterinsurgency

Much of the literature on democracy and elections is focused on post-conflict areas, developing a list of conditions under which elections can contribute to peace building. [59] South Africa (1994), El Salvador (1994), and Nepal (2006) are held out as successful examples, countries where elections strengthened the agreements that brought an end to the armed conflicts. On the other hand, Iraq, Afghanistan, and Sri Lanka are equally good examples for showing that elections do not automatically translate into democratic processes, especially when conducted under the aegis of an occupying power, or the triumphalist victor in a civil war. In fact, they may even contribute to

further conflict, as in Kenya 2007. [60]

Unlike these other cases, Indian elections have always been held alongside conflict. Taking to heart General Templer's instructions during the Malayan emergency to keep civilian government going at all costs, [61] not only has the government maintained the semblance of a district administration in every insurgency-affected area of the country, but it has religiously held elections over the years.

The relationship between elections, violence, and democracy in India is a complex one. While trouble in Kashmir's relations with India goes back to independence in 1947, the armed movement in 1989 is widely attributed to anger at the rigged elections in 1987. Around the 1980s, elections in some states like Uttar Pradesh and Bihar became notorious for "booth capturing" by armed thugs, who would ensure that legitimate voters were kept out, while they cast votes in their name. The sale of illegal small arms also proliferates around election time, keeping an entire industry occupied. [62] These practices continue, though considerably reduced, under the watch of a succession of vigilant election commissioners, who have made the elections significantly more peaceful. Indeed, one of the reasons that the general elections in 2014 were held in nine distinct phases stretching over two months was to enable the commission to move security forces around the country. [63]

But security forces are also used to ensure that people vote whether they want to or not. While the practice of forcing people to vote at gunpoint in places like Kashmir or Andhra Pradesh (when the Maoist movement was strong there) has decreased, and the addition of a "none of the above" option has provided some choice, separatist leaders have been arrested for calling for a boycott in Kashmir. [64] High voter turnouts in Maoist areas, which show the inefficacy of the Maoist poll boycott, are extensively covered and cheered in the media, [65] regardless of the low turnouts in non-insurgency areas. In the 2013 assembly elections, there was one armed security guard for every nineteen residents in Bastar. [66] Large numbers of people in Maoist areas run away into the forests on polling day to avoid being forced to vote. The Maoists also view elections as war, treating security forces accompanying polling agents as fair game. In 2014, seven poll officials were killed in Bastar, along with five security personnel. [67] Electronic voting machines are looted. Poll booths are often located thirty to fifty kilometers from villages, to ensure the safety of the officials. [68] Few citizens are enthusiastic enough to walk that distance to vote (public transport is absent in these areas), especially in the overall atmosphere of a poll boycott, and yet the final outcome is seen as a representative one. My fourth argument, therefore, is that elections are a precarious marker of democracy in times of counterinsurgency and sometimes act as an instrument to make an already vulnerable population even more fragile.

In some ways, electoral democracies are designed to fail on their promises. Among vulnerable and numerically small populations, in particular, there are structural constraints to appropriate political leadership. Adivasi politicians are dependent on their parties for tickets to contest, and also on the money provided by non-Adivasi business, which means that their ability to genuinely represent the interests of their constituencies is limited. Vaid notes that Adivasis are a full ten percentage points lower than other communities in believing their votes make a difference and that their basic necessities are being met, showing that Adivasi disenchantment with the electoral system is both deeper and more justified than amongst other marginal communities. [69]

My fifth argument is that elections are used to delegitimize other forms of political participation. In 2001, some Adivasi groups in Jharkhand contested the law on local government elections, arguing that it would introduce party divisions amongst hitherto harmonious Adivasi communities, who had been governed by customary consensus. They lost their legal battle, given the central place that elections occupy in the mainstream imagination. [70] The Maoists too have argued that elections for the post of sarpanch, the head of the local government body, the panchayat, are undesirable since individuals are easily corruptible and then function as agents of the state against a unified and

awakened citizenry. In their areas, sarpanches have been made to resign. Instead local government is carried out through village councils which are the bedrock of the Maoist-led "people's government," or the janathana sarkar. The sangham members, or those who run this village government, are elected or chosen by consensus by the villagers from among those, mostly young, people who are willing to work. Inevitably, this attempt to impose participatory democracy in the name of a "new democratic revolution" and to boycott state-run elections is portrayed by mainstream politicians as "anti-democratic."

My sixth argument is that "bourgeois democracy," as Marx described it, is always precarious; there is a basic tension between inequality and political voice. Democracy is rendered even more precarious by the money required for elections. The Indian media has reported on the growing number of millionaire members of parliament who alone can afford the high rates of expenditure that campaigning involves, the phenomenon of "paid news," and the common practice of distributing liquor, cash, or other freebies to incentivize voters in the days, and, especially, the nights before voting. The Bharatiya Janata Party (BJP) spent almost as much in the 2014 elections on media advertising alone as Obama spent under all heads in the 2012 presidential elections. [71] There is a strong relationship between electoral democracy and primitive accumulation, or accumulation by dispossession. In Chhattisgarh, it is an open secret that mining leases are given in exchange for election funding, [72] while the paying off of both media houses and individual journalists in order to ensure favorable coverage for the government is routine. [73] And yet, this lumbering elephant in the room is ignored when politicians claim public support for their actions and delegitimize their opponents.

This is not to say that elections are merely bought. In Chhattisgarh, the BJP's successive victories have been attributed to welfare schemes like the two-rupee rice scheme and the mitanin (village level auxiliary health worker) program, as well as the indoctrination and welfare work put in by the RSS through its fronts like the Ekal Vidyalaya Foundation, the Vanvasi Kalyan Ashram, and the Saraswati Shishu Mandirs, which are seen as disinterested, and are therefore more effective. [74] The Indian National Congress party has also provided little opposition, since it is internally divided. Thachil argues that its style of vertical patronage politics is no match for the BJP's dense organizational presence on the ground through RSS fronts. [75] However, in the context of a Maoist boycott and alternatives like the parliamentary Communist Party of India (CPI), it is not clear that the BJP's organizational work alone would have sufficed had no extra money been deployed to influence the media and polls.

Accountability and Democracy

Democracy, as we know, is in principle not just about elections but also about accountability through a system of checks and balances of powers. My seventh argument is that the institutions of democracy which are meant to provide a check on electoral majoritarianism, such as the media, the courts, or statutory institutions, often themselves become means of suppressing rights, through their acts of omission as much as of commission. [76] For most of the last decade of counterinsurgency in Chhattisgarh, the National Human Rights Commission (NHRC) has failed to respond to complaints of massive human rights violations (taking notice only in 2016 of mass rapes by security forces). In 2008, the NHRC's report whitewashing the mass atrocities of the Salwa Judum was used by the government for propaganda purposes. Indeed, in many cases statutory institutions like the NHRC are designed not to function, with membership in these commissions a sinecure for ruling party members and sympathizers. Even the Supreme Court is invoked when convenient, [77] and ignored when inconvenient — for instance, in cases when the government has to follow the Court's orders on manual scavenging, and on providing pensions and mid-day meals. [78] The ease with which the Chhattisgarh government has ignored the Supreme Court's orders on banning the use of SPOs is a glaring example. All they did was change the nomenclature from SPOs to Armed Auxiliary Forces to

District Reserve Group.

Eighth, I argue that democracies are dangerous because they induce forgetting. Not only does every election hold out promise, but the seduction of new issues obliterates the institutional memory that accountability and the possibility of future democracy demand. People are invited to forgive and forget, when it is not theirs to forgive. [79]

Elections are used as a way of evading judicial accountability, with judges fearful of overstepping their boundaries while calling elected representatives to account. [80] This was evident after the pogroms in Delhi (1984) and Gujarat (2002), when victories for the Congress and BJP respectively, in elections that were held soon after, were treated as forms of absolution. In 2014, when the BJP prime ministerial candidate, Narendra Modi, was questioned about his complicity in the 2002 massacres of Muslims which took place under his watch as Chief Minister of Gujarat, he retorted: "I have said what I had to say ... I have been exonerated by the people's court." [81] In Chhattisgarh, despite the scale of human rights violations in the state during the course of counterinsurgency, the government has been able to harness the war on Maoists to its electoral advantage. The BJP has won for three successive terms. [82] However, a closer look at the 2008 state assembly elections, when Salwa Judum was still going on, shows that all those who were directly affected by Salwa Judum did not vote at all. [83] Elsewhere in the state, the government co-opted and threatened a not unwilling press to ensure a near total blackout of the atrocities committed by the security forces coupled with frequent coverage of Maoist attacks.

In his celebrated work comparing famine in India and China, Amartya Sen argued that while there may be chronic starvation in India, there could never be famine as in China largely because of the checks and balances introduced by electoral democracy, the role of the opposition, and a free press. However, as Dan Banik shows in his study of starvation deaths in Kalahandi, these features of electoral democracy in India need to be unpacked further to show how the opposition and press really function. Given the realities of an unmotivated bureaucracy, judicial interventions that cannot be enforced and are ignored by state governments, a highly vocal press that lacks credibility, fundamental similarities in approach between government and opposition parties, and weak panchayats, the formal features of electoral democracy do not, in fact, prevent chronic famine. Nor, one might safely add, does electoral democracy serve to prevent mass killings during counterinsurgencies or ensure accountability thereafter when "peace" has been restored.

Conclusion

In this article, I have attempted to unpack the nature of electoral democracy in India, especially as it functions in Adivasi areas, to show how precarious democratic institutions and procedures can be when the fundamental interests of the state or capital are challenged by insurgencies. Indeed, "democracy" as it is commonly practiced can be part of the problem rather than the solution to insurgency. Democracy functions in three ways in relation to precarity and violence: it is a casualty of violence; it is an enabler of violence and precarity (including the slow violence of starvation); and it is a resource for oppressed groups.

I have approached the relationship between democracy and counterinsurgency from several angles, arguing: first, that democracy as practiced in India is not a sufficient force to delegitimize armed struggle that brings different but essential benefits to those who participate in it; second, that there is little change in the ideology or prose of counterinsurgency from the colonial to the post-colonial period, indicating that democracy appears to make little difference to the prosecution of counterinsurgency; third, that welfare aspirations are mobilized to deny Adivasis and other minority groups the right to political choice, such that formal employment serves as an instrument of dispossession; fourth, that elections function as another form of counterinsurgency when people are

forced to vote under heavy security presence; sixth, that there is a close relationship between election financing and primitive accumulation; and finally, that electoral politics enable amnesias of accountability. Ultimately, elections are performative moments that entrench state legitimacy, rather than mechanisms that reflect genuine consent.

In the violence that underlies the Indian state today, "reasons of state," the deep nexus of politics and capital [84] that maintains the state as a continuity from the colonial to the postcolonial period, are strengthened rather than overturned by "reasons of democracy." After 9/11 and the expanding states of exception that anti-terror laws carve out within standard legal norms, we know how the ostensible aim of defending democracy and liberal rights against terror serves as justification for wars on people, creating a whole class of "collateral damage." [85]

Scholars have shown how the justification of preserving democracy extends to reconfiguring the "people" themselves. [86] Ranabir Samaddar argues that this tendency is especially visible in postcolonial societies like India, with their legacy of authoritarian laws meant to control the natives: "colonial constitutionalism" oscillates between "a Rousseauistic consent-governed theme," where the state represents the will of the people, and the spirit of "constitutional engineering," in which elaborate rules are drawn up for "domesticating the disobedience of an unruly society." [87]

What should have been a transformative moment in 1947, with independence and the enactment of the Republican Constitution ushering in universal adult franchise, has in fact been too frequently subverted by the fetishization of electoral democracy, as well as the doublespeak that accompanies it. Given the undeniable public appeal of the term, critics are held hostage to democracy. While many, including the Maoists, have called for "true democracy" or a "people's democracy," the failure of the Maoist's own methods of armed struggle to provide a real alternative democracy and its degeneration into brutality, the frequent criminalization of alternative mechanisms for introducing self-governance, and, above all, the impossibility under the present system of bringing about "real democracy" through electoral means, which require money and access to media, lead to the aporias of democracy. Democracy becomes a point of no escape and no return, a moment when democratic procedures and aspirations are complicit in subverting democratic outcomes, and yet with no Archimedean standpoint from which to observe and correct it.

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P.S.

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Footnotes

[1] His name has been changed.

[2] The CPI (Maoist) was formed in 2004, after a merger between different parties that came out of the Naxalite tradition of armed struggle. The Naxalite movement began in India in the late 1960s as a peasant struggle in Naxalbari, West Bengal — hence the name Naxalite.

[3] See for instance, Bhardwaj, "70%."

[4] On aporias, see Derrida, "Force of Law."

[5] This is a problem for all contract theories of democracy, but especially for Hobbes. See Skinner, "Hobbes on Persons."

[6] Hobbes, *Leviathan*; Benjamin, "Critique."

[7] Foucault, *Society*, 98.

[8] Ibid., 51.

[9] Kannabiran, *Wages*, 27.

[10] The former princely kingdom and then district of Bastar has subsequently been divided into several districts, including Sukma. In this article, whenever I use the term Bastar, it refers to the old undivided district, now a division.

[11] On the Maoists in Bastar, see Sundar, *Burning*, 48-88.

[12] On the different figures for casualties provided by the government, see ibid., Appendix I, 376-377. The number of deaths officially acknowledged range from 2,419 to 3,085 between 2005 and 2016, but these are significant underestimates, based on figures we collected for the appeal in the Supreme Court in Nandini Sundar & Ors. v. State of Chhattisgarh, WP 250 (2007).

[13] Ibid.

[14] For an example of this view, see Government of India, *Development Challenges*.

[15] On these violations, see for example, Hoenig and Singh, *Landscapes*.

[16] Paley, "Toward an Anthropology," 471.

[17] See Chandra, *Why Ethnic Parties Succeed*, 6.

[18] Geddes, "Why Parties."

[19] Richards, "Perilous Proxy."

[20] Holston, *Insurgent*, 311; SDSA, *State*, 28.

[21] Guha, *India*; Varshney, *Battles*.

[22] Jayal, "Introduction," 5; Mitra, "How Exceptional."

[23] In *Citizenship*, Marshall argued that citizenship rights in the political sphere can modify class or inequality in the economic sphere and not merely conceal it.

[24] Evans, "Derrida."

[25] Williams, *Keywords*, 96.

[26] Ibid.

[27] Ahmad, "India."

[28] Newspaper reports revealed enormous hardship, with small businesses closing, many hundreds of thousands unemployed, long lines at the banks, and some 152 deaths. The Bharatiya Janata Party (BJP), however, claimed that its electoral victory in the most populous state of Uttar Pradesh soon after vindicated its stand.

[29] Reich, *Mass Psychology*, 29.

[30] On state failure, see Bates, "State Failure"; and Fearon and Laitin, "Ethnicity." For a critique, see Duffield, "Liberal Interventionism."

[31] See Sundar and Sundar, "Introduction."

[32] Holdt, "Violence." See also Honderich, *Political Violence*.

[33] Arias and Goldstein, "Violent Pluralism."

[34] See Sundar and Sundar, "Introduction," 19-22, for a discussion on centralized and outsourced sovereignties across South Asia.

[35] Horowitz and Deepti, "Democracies."

[36] Getmansky, "You Can't Win" and Lyall, "Do Democracies."

[37] Guha, *Elementary Aspects*, 89.

[38] Boot, *Invisible Armies*.

[39] Balagopal, *Beyond Violence*.

[40] Mukherjee, "India's Experiences" and Horowitz, "Democracies."

[41] see Hussain, *Jurisprudence* and Kannabiran, Wages.

[42] Hussain, "Counterinsurgency's Comeback."

[43] See David, *The British Way*.

[44] Banerjee, *Why India Votes?*

[45] Government of India, "Report of the High-level Committee," 148, table 5.40 on poverty.

[46] The Government has created a Ministry of Tribal Affairs, statutory commissions like the National Commission for Scheduled Tribes (NCST), laws like the SC/ST Prevention of Atrocities Act, the Panchayat Extension to Scheduled Areas Act (PESA) of 1996, which requires project proposers to seek the consent of those being displaced, and the Forest Rights Act (FRA) of 2006, which aims to redress the historical expropriation of Adivasi rights over forests.

[47] Sundar and Sundar, "Introduction," 10.

[48] Ibid., 15.

[49] Scott, *Seeing*, and Ludden, "India's Development Regime."

[50] *The Hindu*, "Rs. 50 crore to develop."

[51] Mazoomdar. "11 Environmental Disasters."

[52] See Navlakha, "Armed Forces"; and Harvey, *A Brief History*, on the connections between authoritarianism and the neoliberal state.

[53] After the Supreme Court banned the use of SPOs in counterinsurgency operations in 2011 on the grounds that their lack of training made them more vulnerable and also a greater danger to others, thus violating their constitutional right to equality, the state simply renamed them Armed Auxiliary Forces and continued using them in the same fashion, as trackers and guides in unfamiliar terrain.

[54] There are strong parallels here with Sri Lanka, where Venugopal argues it was employment in the military or "fiscal militarism" that helped the government offset the effects of neoliberal growth models on southern youth, in order to retain their allegiances in the war against the Tamils in the North. See Venugopal, "Sri Lanka."

[55] Sharma, "Gov't to recruit."

[56] The Indian Constitution provides for the reservation of seats for Adivasi representatives in Adivasi-dominated areas. In Bastar, the non-tribal population has expanded so rapidly that one of the assembly seats has been de- reserved.

[57] FICCI, "Task Force Report."

[58] See Dash, "Resistance and Decline," for an evocative account of how the anti-mining movement in Kashipur Odisha was defeated by offers of employment, contracts and retainerships.

[59] See for instance Ndulo and Lulo, "Free and Fair Elections."

[60] See also Tambiah, *Levelling Crowds*, on how political mobilization enables violence in ethnically divided countries.

[61] See Stubbs, *Hearts and Minds*; and Short, *The Communist Insurrection*.

[62] Naqvi and Pandey, "UP Polls."

[63] Chhibber, "The World."

[64] Burns, "India Sends"; Bukhari, "Protestors."

[65] Press Trust, "Naxals Worried."

[66] Bagchi, "Chhattisgarh."

[67] Kaiser and Ahuja, "Maoists kill 14."

[68] Jaiswall, "80%."

[69] Vaid, "Electoral Participation.".

[70] See Sundar, "Customary Law."

[71] Varadarajan. "The Best Democracy."

[72] News 18, Mining leases.

[73] Bhardwaj. "Express Exclusive."

[74] Thachil, *Elite Parties*.

[75] Ibid.

[76] For a brilliant account of how institutions establish ideological hegemony, see Hay, "Property."

[77] See Bhuwania, *Courting the People*, on the alacrity with which the government followed the

Supreme Court's directions to transform the nature of Delhi.

[78] See Rosenberg, *The Hollow Hope*, on the contexts in which court orders are ignored in liberal democracies.

[79] For a parallel, see Wilson, *The Politics*.

[80] See Rosenberg, *The Hollow Hope*, 13, on elections as among the factors constraining courts.

[81] *Times of India*, "Modi Refuses."

[82] *The Hindu*, "After Phase-I."

[83] In Bijapur, seventy percent did not vote, while in Konta nearly sixty percent did not.

[84] The nature of the state has, of course, changed considerably with globalization and privatization, but the intrinsic connection between security and capital remains at the heart of the state.

[85] Agamben, *State of Exception*; Singh, *The State*; Lokaneeta, *Transnational*.

[86] Huysmans, "Minding Exceptions."

[87] Sammadar, *Technologies*, 25.