

Random Thoughts

Revisiting 'Mountain Policing'

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Dantewada ambush of CRPF jawans has triggered off a chain reaction of media discussion and reporting which tends to encompass a whole range of issues; absence of inclusion of predominantly tribal regions into the so-called mainstream of national development on the one end, to an early end to the age old-revenue police system of Uttarakhand, on the other. This discourse has been joined in by individuals who have precious little knowledge of local conditions, history of evolution of criminal justice systems in various erstwhile Presidencies during the British raj, comparative advantages or disadvantages of various policing systems that exist within Indian states or outside; as also by those who have in-depth knowledge of a police-magistracy system which the British arguably claimed as their very own special gift to the whole mankind ! This writer holds no brief for either side of this debate and believes that the jury is still out and all the issues involved in the current discourse deserve to be discussed extensively, dispassionately and openly within every State of the Union, especially taking in context the state specific situations, and not subsume these regional and state-specific issues into inane generalities, as essentially Police and Home are a state subject, under our Constitution. It is the States where the state specific issues deserve to be thrashed out and it is totally irrational to draw any parallel between an Andhra and a J&K, or a Chattisgarh and a Uttarakhand, as cheese cannot be compared, or for that matter mixed, with chalk. To that extent the on-going discourse has appeared, so far, more of a hot air than a substantive and informed debate. In this writer's view the good old debate on 'Change with Continuity' has surfaced yet again, forcing a re-think on the 'approach to development' instead of accelerated development. Issues like 'inclusion', 'exploitation' and

'participation' stand highlighted as never before. It is no more simply a matter of 'law and order' or status quo but 'change with order' and 'justice with order'.

In one of my previous pieces appearing in *Garhwal Post* I had occasion to compliment Government of Uttarakhand for its exemplary '*fiscal prudence*', echoing the latest certificate issued to the state by the *Thirteenth Finance Commission*. I intentionally allude to the latest achievement of the State, i.e. its fiscal prudence, as this issue is no less germane when we discuss this whole issue revolving around Police Administration in particular and Criminal Justice Administration in general. Let me also hasten to admit of a serious omission committed by me when I wrote a long essay on the *Revenue Police of Uttaranchal* which formed the first chapter of a book I published in August 2004 (*Patwari, Gharat and Chai, Bishen Singh Mahendra Pal Singh, Dehradun ; August 2004, pages 1 - 40*).

So while the " buck " gets shuffled from one desk to the other (a new metaphor which has been added to our ever expanding political lexicon), from the States to the Centre, or vice versa, I thought it is time when we re-visit some of the issues which are germane to the police administration of Uttarakhand in general and Criminal Administration of our state in particular.

The Patwari System of Uttarakhand :

My long article of the Revenue Police of Uttaranchal is certainly a bit dated in the sense that it brought its history up to August 2004. However, to the best of my knowledge there have not been any significant changes in the situation since then save the fact that the Patwaris have struck work for some time now, and if the papers are to be relied upon, now even the Naib Tahsildars have joined the protest ! Substantively, there is nothing which I consider deserving of being added to my long article alluded to already save certain facts which since then have been highlighted in the process of a few RTI appeals decided by the State Information Commission and which are known to those who are responsible for it e.g. non-

reporting of crimes handled in the revenue police jurisdictions through the regular police report mechanism to the Crime Bureau of India, or non existence of a Revenue Police Manual in line of the Police Manual etc., all extremely important issues, once you consider their real import ! It is this extremely casual approach towards such crucial matters which ultimately blows up into situations like Dantewada and indeed it is about time that some one counted the 'bucks' which stand being piled up on certain desks, without any arrangements for their periodical stock-taking !. Instead of valuable time being spent (or is it lost ?) on important appearing Seminars and Workshops, it is high time that these nitty-gritty details of administration were attended to by some one , on whose desk some additional 'bucks' might soon join the pile.

Splendid Isolation of Forests :

From the very beginning I have held that in states like Uttarakhand, which are predominantly under Forests, the administration, any branch of it, can ill –afford to overlook this distinct 'specificity', as they are called in development parlance. So when we redesigned our development strategy for the new state, way back in November 2000, we shifted our existing 'agricultural-centric development strategy' into a 'forest-centric one' ; starting with changing even the nomenclature of some of our senior posts e.g. the Agriculture Production Commissioner (APC) into the Forest and Rural Development Commissioner (FRDC) and the APC branch into FRDC branch, with significant import and resultant impacts. This is not the place where to analyze its pros and cons, save the fact that *JC Pant Commission (State Administrative Reforms Commission)* termed it as a '*bold and forward looking*' move, deserving of emulation for other sectors like say Social Development. Those who have followed the development trajectory of our country especially since the commencement of our Five Year Plans in 1951 would appreciate that while for the mainland of India an 'agri-centric strategy' was the right strategy for a country with a burgeoning population and huge food-shortages as a legacy of a long period of colonial exploitation, it took us more than a quarter century to realize that our '*forests and*

environment ' were no less important and the subject was brought under the Concurrent List of the Constitution; bringing in its wake the Forest (Conservation) Act, 1980 and a whole host of terms like ' forestry or non-forestry purpose', 'forestry or non-forestry activities', complicating management of forestry administration, as never before ! In due course, followed the celebrated 'T.N. Godavarman Thirumulkpad v. Union of India' decision with a Central Empowerment Committee (CEC) in toe and juridical strings which seemingly strangled scores of development projects, left right and centre ! Somewhere, it certainly made poor still poorer, especially the forest-dependent communities and indigenous people. The 'Red Corridor' is perceived as a resultant manifestation of all these developments, over a period of time, as this corridor unerringly corresponds to the forest-dominant and tribal dominant terrains of the peninsular India.

So the Constitution and the country ultimately realized the importance of Forests and Wildlife in 1976 by bringing Forest and Wildlife under the Concurrent List (42nd Amendment) and reviving the All India Forest Service and according it a parity with other All India Services (not without mouthing of strong protests from many affected quarters, unmindful of the importance the sector had assumed during this period). It took yet another quarter of a century to initiate the process of ending the long standing '*splendid isolation of forestry sector*', in 1990, howsoever feebly, according to many observers of the scenario. In 1988 came the National Forestry Policy and in its wake in June 1990 came a Resolution announcing heralding of the Joint Forest Management (JFM) movement. Now, it is nearly another two decade of that major paradigm-shift in India's development approach but the nagging question remains whether this move has really ended the good-old '*splendid isolation*' of forests and forestry sector, from the rest of the development world ? The dominant perception in the country is in resoundingly the negative. Dantewada episode, is but just a reminder, which has attracted world-wide attention, due to its sheer audacity and magnitude.

As the cookies continued to crumbled the way they had always done all these years, the official manifestation of the protest came in the form of *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. 2006*, from the Ministry of Tribal Affairs. Is this Act being implemented in the letter and spirit as it was expected to be, especially in the forest-dominant states, say like Uttarakhand ?

Like the Revenue Patwari System, about which I have already spoken, it was Uttarakhandis who really heralded the earliest forest rights movement, way back in late 1920s. *The Forest Grievances Committee*, both official under *Commissioner Wyndham* and public, under *Pandit Govind Balabha Pant*, only highlighted that it would be most prudent if the British would see the writing on the wall and retract the newly advanced forest boundaries from those areas which were adjoining the villages and seriously affecting the livelihoods of the hill villagers. Certainly, the writing on the wall was lighted up by *burning of some thousands of hectares of forests* and the message was not lost on the government of the day. Today this early protest by the hill-villagers is manifest in some 12, 000 plus Van Panchayats modeled on the lines delineated way back in 1920s.

So, as a hindsight, one could perhaps justly claim today, that a precautionary, enlightened and more importantly very timely move was taken in these parts of the country, soon after the World War II, on a most sensitive issue of ' forest rights of the villagers ', which has been further strengthened since 2000, and this has to a great measure prevented occurrence of forest related severe conflicts as one sees them in most of the other so-called Naxal affected tribal areas in the so-called 'Red Corridor'. This 'Red Corridor' happens to be coterminous with 'predominantly forested 'tribal areas, rendered blighted with poverty, despoliation, exploitation, high-jacking of rightful claims of the poor tribals and abysmally poor implementation of development schemes. The story of Dantewada is nothing but a dereliction of duty on the part of those who took forests as 'government property and a source of wealth' and not something which was an extremely important source of livelihood

for the forest dependent communities, especially the tribals. As some one has now finally admitted that this 'indifference is the root cause of Naxalism' (*Prakash Singh, former DG Police, reported in Hindustan, Uttarakhand Police Week, 9 April, page 7*), and not any *particular system of policing*, as all these 'Red Corridor' states have regular police, modeled on the so-called uniform pattern. *Is it too early for the officially much discredited Revenue Police system to claim some credit that Uttarakhand despite being one of the major forest-dominant regions of the country, there is no tangible evidence of 'Naxal' influence in equally poor recesses of mountain districts of Uttarakhand* ? I can already hear loud voices of protests from certain quarters, and that is precisely the point which is being made here ! Why is Uttarakhand, with unusually high rural poverty levels and dominantly forested regions, free from this 'Naxal' virus ? While for the rest of the country it may be called as stating the obvious, for Uttarakhand administration, it really amounts to a wake up call, for further integrating the forestry sector, on a much wider scale and spectrum immediately, if we do not wish to see a repeat of Dantewada i.e. mainstreaming it even in 'policing the forests' and forest-crime administration. Besides making the development 'forest-centric', time has come to make even the policing 'forest-centric'. What are the contours of a 'forest-centric policing', should be the agenda for future Seminars and Workshop, and not just improving the 'Military Aid to Civil administration', 'Training of para-military forces in combat', 'combined action in dominated regions' and so on to counter or prevent the kinds of crises created by Dantewadas, as seems to be the present refrain and obsession in the country-wide debates and discussions.

This writer has absolutely no illusions or doubts about the integrative and 'inclusive' role played by our Van Panchayats, commenced way back in 1920s and their subsequent expansion since 2000, as a bridge between the rural poor populations and the local administration, both during the colonial and post-independence periods. Indeed one today shudders to think what would have happened had this most popular and people-centric move was not actually brokered and implemented, and had in its

place a decision taken to empower and strengthen the then Forest department, arming the Forest Guards and Rangers with draconian powers and alienate the people and deprive them of their traditional forest rights ! Van Panchayats happen to be the earliest pro-people, pro-livelihood intervention which have served the crucial role of a platform between the local administration and rural poor during the colonial period and a base for building livelihood initiatives in post independence period; in short a mechanism, absence of which has given rise to gradual alienation of the rural poor leading to a severe conflict phenomenon known as 'Naxalism'. It is difficult to even remotely guess the 'the opportunity cost' which the state was enabled to save by not having to provide watch and ward of forest-resources, control of forest – fires by the people themselves and maintaining a peaceful mountain region, while a disturbed Nepal paid a heavy price. Dantewada, and what it entails in terms of tackling the current situation, only revises this 'opportunity cost' several times.

Lessons Drawn :

One of the lessons which certainly can be drawn from the example which has been cited, comparing a people-centric decision about forests and forestry rights taken in Uttarakhand vis a vis what is manifest in the entire so-called ' Red Corridor ' states today, which is now being attempted to be put down heavily by further strengthening of the para- military forces, training of local civil and armed police, better co-ordination between the Army and civil administration, improved intelligence and co-ordination between various stake-holders; is that all systems need to be re-visited before they go horribly wrong and solutions become counter-productive. Such solutions are worse than the problem which they wish to tackle, if the real problem is not actually zeroed on and properly appreciated.

Uttarakhand has passed through a period of observing a deeply disturbed neighbour in Nepal, itself blighted with extremism for decades, posing no real threat for Uttarakhand, notwithstanding many a alarms raised of a repeat or of infiltration, many a times during the past decade. These premature, immature and ultimately

unsubstantiated alarms were raised either by interested quarters or by those who have had no real insights into the psyche of the hill-people or their past history. Uttarkhand's external and international –border security requirements are more than adequately addressed by the armed forces and the para-military forces; as the past history has shown, both along the Tibetan (ITBP) and Nepalese (SSB) boundaries and this must not be either mixed or confused with the internal law and order and crime managements needs (which are ridiculously small in the hilly districts and just moderate in the turai-bhabar).

What indeed deserves to be immediately strengthened is the personnel welfare and the training of our Forest department rank and file, modernization of their crime detection, intelligence collection about forest and wildlife crime, protection of wild-life from poachers and dealers in forest products and animal parts and so on. There is an immediate need to man adequately the Forest Divisions, Ranges, even to the Compartment level and monitoring and supervision of the various forest related crime. It is surprising indeed that there is no centralized crime tracking, monitoring and reporting system at the PCCF level and the horizontal and vertical lines of supervision and monitoring is seriously wanting. External security preparations are non-negotiable and every thing must be done to buttress it further, even here taking into confidence the border-people, proper implementation of Border Area Development Programme (BADP), strictly following the central Guidelines (as there are many complaints to their violations), Backward Regional Development Programme (BRDP) must very strictly be implemented and supervised, lest Dantewada-type protests start manifesting themselves ; not overlooking a perfect co-ordination between Army and Civil authorities, including 'forest-administration'. There are many a issues, which have been debated in the past where Army and Forest authorities have to resolve their outstanding issues e.g. extensions of leased lands, encroachments over forest lands, carrying on 'non-forestry' activities in protected areas, and so on. The infamous 'Sukna' episode, involving land occupied by army, has again highlighted a need to be extra vigilant on issues, involving public and private

lands, equally involving forest-lands, an issue of greater salience in these parts of the country.

So, instead of time and energy being spent on repeated calls to abolish the time tested and popular Revenue Police System or the Patwari System of community-led policing and replacing the same with a most expansive so-called regular police system would amount to knowingly committing a mistake which was most judiciously avoided way back in 1920s when it was decided to have a people - centric forest management instead of forest-department centric forest management, in another sector which bears comparison.

The Revenue Police system, let this be repeated again, is specific to the local needs of a hilly region (as was the case of forest management in Van Panchayats), evolved by the then administration, as it did not admit of a complex nature of polity as exists in the plains part of our country or now even in some parts of Uttarakhand also, where people are known to be peace-loving by nature (it is not for nothing called the Dev Bhumi), where the geographical terrain does not admit of crime being committed easily and culprit successfully effecting an early or easy escape, where poverty levels are so deep and endemic that there is not much to attract those elements in these parts for controlling whom regular police is really required, or advocated. It is really surprising that such requests should be made so repeatedly, knowing fully well the dominant sentiment of people who instinctively abhor any violence. Certainly, wherever the so called 'progress and advancement' (as these terms are understood in certain sections of this country) so demand and the depravity levels of such elements have accumulated beyond a tolerable thresh-hold level, such limited 'urban areas' must be provided the blessings of a 'modern and people friendly' regular police. This is already being done over the years and there is no dispute about that approach. Revenue Police also deserves the various reforms which the Supreme Court had recommended for the 'regular police' and what is required is to ensure that proportionate, timely and requisite reforms are brought

about in all streams of 'policing', not excluding either the 'revenue' of 'forest' police, if one may term it so.

Dantewada episode has only sent a loud message and that is wherever people-centric approach to administration is not followed, where 'inclusive administration and development' is not practiced such practices would be opposed by people, even most violently at times. For Uttarakhand the message is really for our Forest department in the main and that is to fast-forward access of forest rights to all those for whom recently laws have been notified, improve effectiveness of the Van Panchayats so that they address the various livelihood needs and issues of the forest-dependent people, including the Scheduled Tribes; streamline their own forest-crime management, intelligence and training related mechanisms.

For the state, the message is parallel and speedy improvement in the various policing and crime administration systems existing in the state, addressing the over-due demands and requirements of the revenue police system on a scale compatible and comparable to what exists in regular civil police, and to some extent forest-crime management system and a most effective co-ordination between the three streams of 'police' administration existing in the state.

This writer distinctly remembers the words of the first DIG Garhwal (soon after Garhwal division was carved out in 1969), Shri Shah in 1973, who used to openly wonder as to what a senior police official of his rank (a comparison naturally was made with a corresponding work-load of police in a UP police Range) is going to spend his time on, particularly during the so-called non-tourist season ? It was no different in October, 2000 when this writer found that while every one was awfully busy and preoccupied, doing this or that job connected with the forthcoming swearing in ceremony (due on the night of the 8 / 9th November, 2000) the then DIG, Garhwal Range thought it was a most opportune time to pay a quick visit to Gangotri before the state got divided into two parts ! He obviously had to be reminded on his wireless-set that much more important jobs remained to be done

here in Dehradun, connected with various preparations, and he was requested to immediately retrace back the journey he had already completed northwards ! I wonder if things have changed at all, during the next decade or not. I do hope that they have, in Garhwal Range that is ; or is the jury out on this contentious issue, as well ?

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