

**CHHATTISGARH KILLINGS WHAT IF THEY WERE/ WERE NOT MAOISTS BY
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The Article "*Chhattisgarh Killings What If They Were/Were Not Maoists?*" By Srinivas Burra, seeks to offer a deep-seated understanding of one of the most fiercely deliberated issue in the Indian Legal Framework. His Article portrays a real picture of existing state machinery and its stands in respect of Maoist movement are not according to existing law.

Apart from the general introduction, the Article contains three (3) parts such as Self-Defence, What If Those Killed Were Not Maoists? And What If Those Killed Were Maoists?

The author starts with by citing incident that took place in Bijapur district of Chhattisgarh on 28 June 2012 where Central Reserve Police Force (CRPF) and other security forces killed 17 people branding them as a Maoist. The Author argued that the government machinery, mainly the executive contravenes statutorily imposed limitations while dealing with Maoists, its actions is not in conformity with the existing law. Further, the learned Author raises certain question such as Does the presence of Maoists justify the kind of actions undertaken by the security forces?, Does the emphasis on the absence of Maoists and that all the persons killed were civilians imply that killing of Maoists is justified under the law?

At the end of the this part, Author puts forth and tries to establish that any action by the state agencies which leads to the death of a person should be justified in accordance with substantive and procedural law.

In the first part of the article, "Self-Defence" Author pointed out that in law there are two ways of taking away the life of person. First is by following the established judicial process and other is causing death in exercise of Right of Self Defence. Author put forth that Security Forces have to use extraordinary caution whenever there is a possibility of taking away the life of other persons in self-defence. However, no encounter killings in Maoist areas tested in accordance with law.

In the Second part, "What If Those Killed Were Not Maoists?" the author discusses that those killed on 28 June were civilians and not Maoists. Security Forces did not take every possible precautionary measure before resorting to the use of force and use force was not according to principle of proportionately. Further, the Author claims that the killing need to be investigated and subjected to judicial scrutiny and the security forces bear the onus to prove that force used in self-defence. Otherwise, people will loosen their faith and feel isolated.

Under the third part, "What If Those Killed Were Maoists?" author floated the issue that "encounter" of Maoists need to be justified under law. Author further pointed out that identifying the law application to such situation is also a significant issue. He pointed out that there is a clear distinction between a "*law and order situation*" and an "*armed conflict*". In "*law and order situation*", the law applicable is the criminal law of the country and the killing of individuals justified only if human rights safeguards and proportionality doctrine glimpses within the self-defence.

In "*armed conflict*", whether international or non-international, the law applicable is international humanitarian law. The Author claimed that the deaths in "encounters" were justified if the Maoists were combatants. However, the Indian government's point of view is that Maoists cannot consider combatants because it is a law and order situation.

Author claimed by citing the case of *AP Civil Liberties Committee (APCLC) Vs. Government of AP*. that any killings of an individual (whether she/he is a civilian or a Maoist) by the security forces need to be registered and properly investigated.

ARTICLE REVIEW: YADAV : CHHATTISGARH KILLINGS WHAT IF THEY WERE/WERE NOT MAOIST

Thus, it is noteworthy that the author in his exquisite work successfully concluded that the government by its actions turning the democratic system into non-democratic system because on the one hand it deny that the Maoist movement is an armed conflict and on the other hand not following the law that is applicable to "*law and order situation*".

The strength of this Article is that it offers the critical perspective on the working of existing law and order machinery in simple and lucid style of narration. This great work is certainly an impressive scholastic piece and recommended for dynamic intellectual exercise.