The Impact of Development on the Environment and Human Rights

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A Study of Three Indian Projects

By

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To,

Vyaan

The heart and soul of our family

This book is based on the Master of Philosophy (M.Phil.) dissertation which I wrote in 2014. Though the basic structure and the arguments of the dissertation have been left intact, certain changes have been made to meet the requirements of the book for the larger audience. The author requests the reader to go through this work as though a book for general reading and an academic study.

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I own complete responsibility for any error, typographical or otherwise, in the book. And for all the worthwhile points in the book, I owe a debt to all my professors in the center, especially to Prof. Anand Kumar, for their support, suggestions and inputs.

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PROLOGUE

On the 11th of September, 2012, The Hindu reported a massive police crackdown on a bunch of protesters, consisting primarily of poor marginal farmers and local fishermen, gathered around the Kudankulam Nuclear Power Plant at Tirunelveli district in Tamil Nadu. They were protesting against the construction of the nuclear plant on the grounds that it would cause irreparable damage to the local environment disrupting coastal ecology and depleting marine fish stocks; nuclear waste and radiation from the plant would deleteriously impact the surrounding biosphere and the health of the locals; and the large-scale deracination of people would cause huge socio-economic hardships destroying their age-old way of life and livelihood sources.

The Government, on the other hand, averred that the nuclear plant was completely safe consisting of state-of-the-art technology and it would provide a huge fillip to the development of the otherwise power-deficient state of Tamil Nadu. The government's case was also buttressed by a powerful article by A.P.J. Abdul Kalam, a pre-eminent nuclear scientist and former President of India, which appeared in The Hindu on November 6, 2011. Titled "Nuclear Power is Our Gateway to a Prosperous Future", the article not only endorsed the safety of the Kudankulam Plant but also put forth a strong case for the need of nuclear energy in India. [On May 6, 2013, the Supreme Court gave the go-ahead for the commissioning of the plant.]

The Kudankulam Nuclear Power Plant presents a typical example of the on-going environment vs. development debate in India. The same debate also came up on several occasions when the pro-dam people clashed with the anti-dam protesters during the peak of the Narmada Bachao Andolan. The debate becomes all the more intricate in light of the fact that both "right to development" and "right to a clean environment" are well-established human rights.

What further compounds the conundrum is the government's lack of clarity and firmness on policy matters. Though India adopted the liberal economic policy in 1991, widespread poverty and deprivation in the country have also put the state in an unenviable position of never being able to jettison its

socialistic role and through constant interventions attempting to ensure the welfare of the marginalized and the downtrodden.

Confusion and dilly-dallying in policy making and implementation are, however, suggestive of a deeper malaise. The government is still not clear on the larger philosophy that should underpin the developmental paradigm of present-day and future India. This is best illustrated in the inability of the government to strike a balance between its liberal and socialistic roles. A recent glaring instance of this is the attempt by the incumbent government to bypass the gram sabhas in acquiring land for developmental projects (especially the linear projects like railways, roads, canals, etc.) in tribal areas. Quite interestingly, it is the same government that had passed the landmark Forest Rights Act, 2006 which accorded the gram sabhas the central role in determining the land-use pattern in tribal areas (see Frontline, May 3, 2013).

This study will take up this critical issue of the development conundrum in India, attempting to untie the Gordian knot and presenting a more coherent philosophy that should undergird the developmental policies in the country. The crackdown by the police on the defenseless protesters at the Kudankulam Plant site also raises the serious issue of the fundamental human right of the people in a democracy to assemble peacefully and voice their concern.

INTRODUCTION

> *We are drawing on our natural resources far more rapidly than it is generating. Rather than living on the "interest" of the "natural capital", we are borrowing from poorer communities and from future generations.*
> [World Commission on Forest and Sustainable Development, 1999]

Since the early 1990s, the landscape of India seems to have been shaped by one central factor – the process of economic liberalization. By landscape, I mean all those discernible entities which can be subsumed within it that are physical, social, cultural, economic as well as political. Though the opening up of the economy freed India from the manacle of a stuck-up Hindu rate of growth[1] of around 3.5% for decades and has catapulted its growth rate to an impressive 7-8% (only to be tempered recently), its economic success has failed to translate into prosperity for all. This is evident from sharpening inequality and the rise of absolute poverty,[2] stubbornly persisting "jobless growth",[3] environmental pollution and natural resource abuse of staggering dimensions and simmering discontent among the masses left behind in the process of development.

Development induced environmental degradation and social upheavals are already writ large on the Indian landscape. The State of Forest Report, 2011 says that India has lost around 548-679 sq. km of forest cover since 2009 in the tribal inhabited states of North-East India, Chhattisgarh, Andhra Pradesh and Orissa primarily because of development related activities. No doubt, such an encroachment and loss of livelihood sources are causing huge unrest among the tribal populace in the country. Carbon dioxide emission is consistently on the rise in India having increased from 908.7 million tons in 1995 [Agarwal 1999: 239] to 2069 million tons in 2010 [CDIAC[4] Report 2010], making India the third largest emitter of carbon dioxide in the world. Unsustainable agricultural practices since the launch of the Green Revolution in 1967-68 have severely damaged the land resources of India. Around 20 million ha or almost 11% of our agricultural land is alarmingly affected by salinization; another 7 million ha have had to be abandoned due to salt accumulation [Gore 1992: 111]; and India is losing around 6 billion tons of topsoil every year [Gore 1992: 120].

Both the intensity and frequency of floods and droughts are on the rise in India. This is explained partly due to climate change but primarily because of faulty and unsustainable economic activities. The severity of the recent drought in Maharashtra has baffled the meteorologists and scientists. It has not only thrown the lives of ordinary people completely out of gear but has also led to the emergence of a new type of predatory economy which P. Sainath, the noted journalist, calls the "Thirst Economy" (See The Hindu, March 27, 2013). Water markets are booming in interior Maharashtra. It is the next big thing in the arena of minting money. Privately-owned tankers are in the business of collecting, transporting and selling water to domestic households. In the district of Jalna alone in Maharashtra, tanker owners transact between 6 and 7.5 million litres in water sales each day [Sainath 2013].

Ecological degradation due to the callousness of multinational companies is now a well-established fact in India. An infamous instance of this is the Coca-Cola Plant in Plachimada village in Kerala which, in a series of reports in 2002-03, was found guilty of not only extracting groundwater to the tune of 1 MId thus siphoning off each day the basic water requirements of around 20,000 people but also of contaminating the nearby water bodies [Surendernath 2008]. A recent report in Frontline says that a staggering 40% of the tribal population in India have already suffered eviction and dislocation from their lands due to mining, quarrying, infrastructure and other large-scale developmental projects making a mockery of not only their Constitutional Rights but also a travesty of the globally recognized and accepted (Human) Rights of Indigenous Peoples ("Illusory Rights", Frontline, May 3, 2013). One of the most perilous and scary fallouts of the disgruntlement among these dispossessed people is the insidiously spreading tentacles of Naxalism in the country.

However, at the philosophical, sociological, jurisprudential and economic levels, the relationship between environment and development is not a simple one. It is rather intricate and convoluted especially when seen against the backdrop of the concept of Human Rights. This is most glaringly evident in the dilemma of policy makers as to how to strike a balance between environment and development. Both *"right to development"* and *"right to a clean environment"* are now well-established human rights. They fall into the category of what is known as *Third generation Human Rights*. Third generation rights, also known as fraternity, solidarity or group rights attend to communal aspects of human beings [Goodhart 2009: 16]. They constitute the newest addition to the categories of human rights after the First Generation (civil and political) and Second Generation (social, economic and

cultural) Rights. These "solidarity rights" include rights to development, peace, a healthy environment and self-determination [Freeman 2011 52].

Both development and a clean environment have similar objectives to achieve – the betterment of human lives and human societies by uplifting millions out of acute poverty, eradicating hunger (both modern scientific development in agriculture and preservation of the biophysical environment are indispensable for producing enough food to feed the swelling global population on a sustained basis), ensuring the health and well-being of people through a combination of socio-economic development and a pollution-free environment and by using modern science to develop clean energy technologies for mitigating the damaging impact of climate change not only on the present generation but also on posterity.

Almost all human rights documents lay stress on both economic and environmental sustainability. For instance, *The Universal Declaration of Human Rights* (1948) proclaims that everyone has the right to work, to a free choice of employment, to *just and humane conditions* of work and to an *adequate standard of living* for the *health and well-being* of himself and his family (Articles 23 and 25).[5] The *Report of the United Nations World Commission on Environment and Development: Our Common Future (1987)* also known as the *Brundtland Commission Report,* says "environment and development are inseparable. The 'environment' is where we all live; and 'development' is what we all do in attempting to improve our lot within that abode" (p. 3). An exemplar document to this effect is the *UN Millennium Development Goals (2000)* which brings together the eradication of extreme poverty and hunger, environmental sustainability and the need for global partnership for economic development within the same ambit of what are called the "basic human rights – the rights of each person of the planet to health, education, shelter and security" [Peet 2010: 95].

However, on many occasions, both development and environment come into conflict with each other and then a debate arises as to which of the two should have precedence. For instance, both "right to livelihood" and "freedom from poverty" are now universally acknowledged human rights. Our former Prime Minister Mrs. Indira Gandhi famously declared at the Stockholm Conference (1972) that *"poverty is the worst polluter*" [quoted in Baviskar 2004: 25]. Both development and clean environment have abiding roles to play in eradicating poverty and in securing livelihoods for all. But in a country like India where the population is high, resources are limited and technological development is low, often an attempt towards

faster economic development (which is indeed needed) leads to the neglect of the environment and its consequential degradation. The conflict between environment and development becomes most apparent while dealing with the tribals of the country. While the *UN Declaration of the Rights of Indigenous Peoples* (2007)[6] recognizes their rights to the conservation and protection of the environment and the productive capacities of their lands, territories and resources (Art. 29), endeavors on the part of the government to make use of the rich resources of the tribal lands for the overall development of the country have led most of the time to their unfortunate deracination and also damage to their native ecosystems, sparking a huge debate between environment and development and also stirring up the discontented tribals against the state.

Objectives and scope of study

This study is an attempt to look into the developmental policies followed in India since independence and their impact on the environment and human rights with primary emphasis on the (neo)liberal developmental paradigm adopted by the government since the opening up of the economy in 1991. This work also intends to look into some of the major sociological discourses and debates surrounding environment, development and human rights. It tries to look into the responses that the developmental projects have elicited from different sections of the society in India especially from the disadvantaged and the underprivileged sections such as the tribals, Dalits, marginal farmers and women.

The book attempts to navigate the extant corpus of studies and literature on the question of how the developmental policies have animated and influenced "environmentalism" in India both at the theoretical (academic/intellectual discourses on environment) and the practical (environmental movements "in action" with the emphasis on aims and objectives, participation, mobilization, activities and leadership) levels. Also, an attempt has been made to present a synoptic view of how to achieve sustainable development in India where a reconciliation or balance between environment and development is attained in a way that accrues maximum benefits to all sections of the society. The study looks forward to coming up with some cogent and compelling conclusions which will add to the existing field of knowledge.

The study focuses on three prominent developmental projects in India that are mired in controversy – the *Narmada River Valley Project* (an archetype of raging debates around big dams), the *Bauxite Mining Project by Vedanta*

Resources in Niyamgiri hills in Orissa and the *Kudankulam Nuclear Power Plant* (against the backdrop of India's quest for energy security and the economic viability and environmental consequences of nuclear power plants). Taking these three cases as representative of large-scale developmental projects being laid out in India, the study tries to look into the issues raised above.

Methodology

This work is primarily based on a LITERATURE REVIEW. The study makes use of both primary and secondary sources[7] (both the original writings of scholars whose views/studies are being presented here as well as those secondary literatures where the ideas and works of these scholars are put forth in a succinct and lucid way); and wherever secondary sources are used, every effort is made to use the most authentic and acknowledged secondary literatures. Throughout the work, sincere efforts have also been made to ensure that the ideas culled from both primary and secondary sources are adequately referenced.

As pointed out earlier, the relationship between environment and development is quite a tricky one especially when seen through the prism of human rights. At present, multiple discourses inform academia and policy-making in India on the issue of resolving the conflict between development and environment. This book not only attempts to present the plethora of viewpoints and perspectives on human rights, environment and development but also tries to analyze them and come up with some of its own observations and suggestions on how to attain sustainability in India. Howard Becker (1986) suggests that researchers need to think of scholarship as a cumulative enterprise, using the work of others to help build their own arguments [Kamler 2011: 23]. This work, as such, is at once descriptive, analytical and prescriptive.

A long-standing epistemological debate in sociology revolves around the issues of objectivity and value-neutrality in social research. A detailed discussion of this debate is beyond the scope of this book. I only intend to present a few authoritative opinions which are relevant to my arguments. Probably the severest professional strain is felt by sociologists when they are asked to contribute to policy-making based on their studies and knowledge and to take positions on several crucial and sensitive social issues. Taking positions or sides and making recommendations to deal with social ills afflicting a society invariably involve value-judgments which come into conflict with the academic commitment of sociologists to "value-

freedom". Howard Becker (1967) says "to have values or not to have values: the question is always with us. When sociologists undertake to study problems that have relevance to the world we live in, they find themselves caught in a crossfire. Some urge them not to take sides, to be neutral and do research that is technically correct and value free. Others tell them their work is shallow and useless if it does not express a deep commitment to a value position" (p. 239).

Many sociologists have, of late, expressed their anguish and displeasure over sociology's fetish with value-neutrality and its aloofness from the process of policy-making. Momin (1972) says that with its overwhelming emphasis on objective and value-free social research, academic sociology in recent years has come under heavy attacks not only from administrators but also from socially committed intellectuals and students. Several sociologists even contend, to use Alvin Gouldner's (1973) phrase that "value-free sociology is a myth" and sociologists, since the inception of the discipline, have expressed their opinions and value-preferences. Positivists who advocated building sociology on the lines of natural sciences laid huge emphasis on objectivity but their own writings are sprinkled with value judgments. Auguste Comte's *Law of Three Stages* of human progress or Emile Durkheim's lectures on *Professional Ethics and Civil Morals* [8] or his exhortation on how to inject morality into the modern individualized society afflicted with anomie exhibit elements of valuation [Holborn 2008].

Max Weber's position on objectivity and value-neutrality in social research is quite ambiguous [Timasheff 1967; Ritzer 2000]. His position on value-freedom can be discerned through the following propositions put forth by him: Sociology should not be a moral science. It is not possible to state scientifically which norms, values or patterns of action are correct or best, but rather, it is possible to only describe them objectively. He explicitly distinguishes between "what ought to be", the sphere of values and "what is", the sphere of science, arguing that sociology should focus only on the latter [Turner et al. 2012: 203]. Values might, however, influence the choice of topics for study. While choosing a topic for research, a researcher might be guided by "value-relevance". But having once chosen a topic for study, social scientists should follow an objective research process [Ritzer 2000: 118]. The situation is more complex when dealing with public policy issues. There is no scientific way of preferring one public policy over another. Selecting one goal rather than another and one strategy over another ultimately depends on people's political values, their economic interest and other non-objective factors [Turner et al. 2012: 204].

Ritzer (2000) even doubts if Weber's own study was objective and value-free. For instance, he quotes Gary Abraham to show that in his sociology of religion, Weber was influenced by his personal biases and prejudices when he described the Jews as "pariah people" whose exclusion in German society was due to their own desire to segregate themselves rather than because of any discrimination by the rest of the society [p. 119].

Many sociologists and scholars now question whether value-neutrality is ever possible or even desirable. Gunnar Myrdal states that contrary to popular misconceptions, facts do not speak for themselves. They are made to speak in a certain fashion according to one's convenience or values [Momin 1972: 2199]. As he puts it "Facts do not organize themselves into concepts and theories just by being looked at; except within the framework of concepts and theories, there are no scientific facts but only chaos" [Myrdal 1970: 9]. Howard Becker (1967) points out that since all knowledge is politically serving some interest at the expense of others, the task of the sociologists is simply to choose sides, to decide whose interest sociological knowledge should serve (he himself stressed the need of sociology to serve the interests of disadvantaged people). Giddens (1987) says "sociology cannot remain a purely academic subject, if 'academic' means a disinterested and remote scholarly pursuit, followed solely within the enclosed walls of the university" [p. 2].

Probably, the most searing criticism against value-neutrality comes from Alvin Gouldner. He states "sociological objectivity and value-neutrality is the product of a cynical alienated mind in society…The objectivity of the social science is not the expression of a dispassionate and detached view of the social world; it is rather an ambivalent effort to accommodate alienation and to express a muted resentment to it" [Gouldner 1971: 53]. Gouldner (1962) also asserts that the principle of value-freedom has dehumanized sociologists. Sociologists have betrayed themselves and the discipline of sociology to gain social and academic respectability, confusing moral neutrality with moral indifference, and not caring about the ways their research is being used or misused. Of late, a new emerging field of sociology, "Public Sociology", has made a strong pitch for sociology to engage actively in policy debates and in socio-political activism. Advocates of Public Sociology [Burawoy 2004; Agger 2006] seek to encourage sociologists to engage actively with issues related to public policy, political activism, social movements and the institutions of civil society.

The author of this book strongly believes that when it comes to policy prescriptions, sociologists must express themselves and take a stand and

need not get unnecessarily fixated on their academic commitment to value-neutrality. One of the biggest dangers for sociologists in not taking firm positions, despite having an array of information and knowledge in their repertoire emanating from empirical research and studies is that a vacuum is created which is then filled up by ill-informed or prejudiced social activists and NGOs who then propose their own sketchy ideas on "social engineering" based on their superficial and shoddy information. Sociologists cannot shun their responsibility of contributing to policy-making just because of the fear that it might reflect their value preferences and personal biases. Ideology and values will always inform our study. For those sociologists who are completely wedded to the notion of value-neutrality in academics, Karl Popper's views are quite illuminating and instructive. Popper says that it is not necessary to seek objectivity at the level of individual scientists. The objectivity of science is achieved at the collective level. It results from mutual criticisms and in effect the canceling out of individual biases. Far from being a handicap to the progress of science, the partiality of its participants is a benefit, for the very diversity of strongly held views will motivate the critical effort of trying to prove that other people's views are wrong [Sharrock et al. 1990: 205-206].

S.C. Dube (1958) has a word on the role of social scientists in India. He says "while planners and administrators must share the primary role for the formulation and implementation of [rural development] projects, the social scientists can give them incalculable help in the areas of social organization, human relations, culture and values…" [Dube 1958, quoted in Bottomore 1972: 326]. Though Dube does a commendable job in delineating the role of social scientists, it is still like playing second fiddle to the administrators and planners. If Karl Mannheim's "sociology of knowledge" is to be invoked that knowledge is determined by social existence and the ideas and knowledge of a group are intimately linked to its position in the social structure [Ritzer 2000: 204], then it can be said that S.C. Dube's ideas are a reflection of the existing socio-political structures of the late 1950s when bureaucracy was considered the pillar of policy-making in India and the sociologists were still ploughing the ground for sowing the seeds of sociology in India. Sociology has traversed a huge distance since then. It is now a well-established and respected discipline in India and sociologists are listened to with seriousness and gravity. The time has come for sociologists to play a more active role in policy-making in India.

Not oblivious of the fact that, on many occasions, the author's views might appear tendentious, the study does intend to take a stand and come up with some comments and observations especially in the concluding chapter with

the primary objective of opening up an informed debate on the issues pertaining to this study. The intention of the author can be best expressed in the words of Joseph Stiglitz who in the Introduction to his book "Globalization and its Discontents" (2002) says "I hope this book will open a debate at various levels….at the very least this book should provide more information about the events….more information would surely lead to better policies and those will lead to better results. If that happens, then I feel I have made the contribution" [p. XVI].

Though this work is primarily sociological in approach and content, it also makes use of noted concepts and discussions from other disciplines such as economics (developmental economics, environmental economics, etc.), political science, philosophy (for e.g. philosophy of human rights), law (for e.g. environmental jurisprudence in India) and others. The study, though mainly sociological, does border on being inter-disciplinary.

This book is divided into five chapters including the introduction and the conclusion. However, the book is so written as to be entirely read as one unit. Chapterization has been done with the sole intention of maintaining some clarity and pithiness and not to encumber the readers with an uninterrupted voluminous work but to let them read it with relaxing breaks. Theoretical discourses on human rights, environment and development are dealt with during the discussions on India to highlight the pertinence of such theories and their applicability in India. As such, this study does not intend to have any separate chapter on the theories and debates concerning human rights, environment and development.

Post Script

Academic writing, at times, can be stifling. Writing a voluminous book completely within the bounds of professional rigidity and academic requirements can, at times, be counter-productive. To use Foucault's concept of power,[9] academic discourse can have the adverse impact of subtly gripping a student with its "disciplinary power" reducing him to an unimaginative "docile" pedant completely incorporated within the institutional structures of academics. At times, this subtle power can be so overwhelming that it might hobble a student's creativity and novelty of ideas so much so that *what he/she wants to write* gets replaced by a preoccupation with *how he/she should write and how he/she should present.* However, Foucault himself believed that power can be both productive/creative and prohibitive/repressive. Subscribing to Foucault's dictum of the positive function of power, this work follows academic norms

for the most part so as to discipline the author's mind for the development of the requisite capacities and skills needed to grow into a professional sociologist. However, just to ensure that the negativity of power has not overtaken the author, he tries to loosen himself slightly from the shackles of pedantry and the "technology of power" associated with academic discourse in the conclusion of the book and expresses his ideas in the most general language and terms without following academic niceties.

Notes

1. The term "Hindu rate of growth" was coined by the Indian economist Raj Krishna to indicate the stagnant annual growth rate of 3-4% of India throughout the decades of the 1960s and 1970s and most of the 1980s.
2. The Arjun Sengupta Report (from the National Commission for Enterprises in the Unorganized Sector), based on the data between 1993-94 and 2004-05, states that 77% of Indians live on less than Rs. 20/- a day. Assuming India's population at around 1100 million in 2005 (the 2011 census puts India's population at around 1210 million), the above data translate into approximately 840 million Indians living on less than Rs. 20/- a day. This is almost equal to the whole population of India in 1991 (the Census of India puts India's population in 1991 at around 846 million).
3. The Times of India on April 22, 2013 reported that between 2004-05 and 2008-09, the self-employed workforce decreased from 258.4 million to 232.7 million in absolute numbers while regular salaried workers rose from 69.7 million to 75.1 million. The ranks of casual labor rose from 129.7 million to 151.3 million. Collectively, the total workforce increased from 457.8 million to 459.1 million, a rise of just 0.3% over this period.
4. CDIAC stands for the Carbon Dioxide Information Analysis Center. It is the primary climate change data and information analysis center of the U.S. Department of Energy (http://cdiac.ornl.gov/).
5. http://www.un.org/en/documents/udhr/.
6. http://www2.ohchr.org/english/issues/indigenous/declaration.htm/.
7. Uwe Flick in his book *Introducing Research Methodology (2011)* makes a distinction between primary and secondary sources of literature through examples. Autobiographies, a monograph about a theory, an article or a book describing the empirical results of a study written by the researcher himself/herself, original documents like birth and death certificates, etc., are primary sources; while biographies or a textbook summarizing a particular theory or giving the overview of a research study are secondary sources. Primary sources are more immediate while in secondary sources, usually several primary sources are summarized, condensed, elaborated or reworked by others (p. 33).
8. *Professional Ethics and Civic Morals* forms a series of lectures given by Durkheim at Bordeaux put into their final form between 1898 and 1900. It was translated into English in 1957 *(American Anthropologist, 1959, volume 61, issue 2).*

9. For Foucault's conception of power, Derek Layder's *Modern Social Theory* (1997) has been referred to.

DEVELOPMENT, ENVIRONMENT AND HUMAN RIGHTS – I

> *The existence and validity of human rights are not written in the stars. The ideas concerning the conduct of men toward each other and the desirable structure of the community have been conceived and taught by enlightened individuals in the course of history. Those ideals….which resulted from the craving for beauty and harmony….have been trampled by the same people under the pressure of their animal instincts. A large part of history is therefore replete with the struggle for human rights….but to tire in that struggle would mean the ruin of society.*
> [Albert Einstein 1954][1]

In a world characterized by rampant *individualism* and recurrent *anomie* and to quote Nietzsche where *"God is Dead"*, the concept of *Human Rights* can provide an important platform for binding people to a common moral and ethical frame. This is all the more crucial in modern societies where increasing *rationalization* has plunged humanity into the abyss of *disenchantment*, the concentration of *economic, social and cultural capital* in the hands of a few has led them to ride roughshod over disadvantaged millions and rising *consumerism* and *instrumental rationality* have led to the *objectification* of Nature itself and consequential environmental degradation of humungous proportions. Under these circumstances, human rights hold the immense promise of instilling compassion, morality and ethics back into the *conscience collective* of mankind.

21st century India is no exception to the grim picture of modern societies being presented above. The burgeoning middle class of India which is now pegged at around 250 million[2] (thanks to economic liberalization since 1991 which is continuously producing an ever-fattening middle class) displays an insatiable appetite for *"conspicuous consumption"*.[3] A firm believer in John Maynard Keynes' advocacy of stimulating *"animal spirits"*[4] to spur growth, the Indian government is leaving no stone unturned to ensure the uninterrupted production and supply of luxurious goods to the consumerist Indians (who are getting increasingly subsumed within a growing *Culture Industry* in India), even at the cost of recklessly squandering the natural resources and "desacralizing" Mother Earth herself.

Ill-conceived development projects are leading to the large-scale eviction of tribals, Dalits and marginal farmers from their age-old dwelling places, reducing thousands of them to abject penury and destitution. To top it all, the government's callousness, its hubris and the ham-handed approach of its officials in dealing with such a sensitive issue are creating huge pent-up anger and frustration among the dispossessed millions. Their human rights, fundamental freedom and dignity are being trampled under the juggernaut of an unstoppable India moving at a dizzying pace on the path of modernization.

The World Report 2013 of Human Rights Watch[5] says – "India, the world's most populous democracy, continues to have significant human rights problems…long standing abusive practices, corruption and lack of accountability for perpetrators foster acute human rights violations in India…..Many women, children, tribals, Dalits, religious minorities, people with disabilities remain marginalized and continue to suffer discrimination because of government apathy and its failure to train public officials in stopping discriminatory behavior….Resource extraction and infrastructure projects often have deleterious environmental and economic impact and infringe upon the rights of affected communities….Recently, a breakdown in government oversight over the Indian mining sector has led to rampant corruption and, in some cases, to severe harm to the health, environment and livelihood of affected mining communities" (pp. 314-323).

The Narmada River Valley Project, the Kudankulam Nuclear Power Plant and bauxite mining in Niyamgiri Hills: Brief history and controversy

I intend to present here briefly the histories of and the controversies around the three projects. Some authoritative views are also expressed here. The three projects will be referred to throughout the book, as representative cases, whenever the larger issues thrown up by the environment versus development debate are discussed in relation to India.

Bauxite mining in Niyamgiri Hills

The Niyamgiri hills in the Kalahandi and Lanjigarh districts of Orissa are thickly forested, rich in biodiversity and also form part of a wildlife sanctuary. Niyamgiri is also a source of many perennial rivers and streams. The foothills of Niyamgiri are inhabited by the Dongria Kondh tribe, having a population of around 8000 people. They consider Niyamgiri to be sacred

and worship it as "niyam raja penu" (the abode of their God) [Centre for Science and Environment (CSE) 2008: 260]. Survival international[6] says that the Dongrias have lived here for centuries and their lifestyle and religion have helped to nurture the area's dense forest and rich wildlife.[7]

The Niyamgiri hills are also extremely rich in bauxite deposits, the estimated reserves being around 195 million tones [CSE 2008: 260]. In 1997, the UK-based Vedanta Resources through its subsidiary Sterlite entered into an agreement with the Orissa government for mining bauxite at Niyamgiri in Kalahandi district. Vedanta also planned to open an aluminum refinery plant in Lanjigarh district. In June 2002, the villagers in Lanjigarh were served a land acquisition notice for the proposed refinery plant [ibid.]. Vedanta's project in Niyamgiri is estimated at Rs. 45,000 crores or $9.6 billion [Mint and Wall Street Journal, July 3, 2013].[8]

The protest began immediately. A mass movement by the Dongria Kondhs under the banner of Niyamgiri Suraksha Samiti started. It was led by the tribal rights activist Lingaraj Azad. The main reasons for the opposition to the project are:

- It is estimated that if the mining project at Kalahandi materializes, 12 villages would be razed, 60 families would be uprooted and 320 families would lose their farmland [CSE 2008: 260].
- Niyamgiri is a source of not only the livelihood of the Dongria Kondhs but also their identity, especially their religious identity. If mining goes on at Niyamgiri, Dongria Kondhs would lose their good health, their self-sufficiency and their expert knowledge of the hills, forests and farming system they have nurtured [Survival International].
- In 2006, the Forest Advisory Committee set up by the Ministry of Environment and Forests warned that the threats posed by the Vedanta mining and aluminum refinery are grave. It pointed out various kinds of adverse ecological impacts like permanent geomorphologic and landscape changes, pollution of air and water to the point of being unfit for use for not only humans but also for animals and loss of forest, flora and fauna [CSE 2008: 261]
- The water and air pollution by mining and refining have already started showing their ill-effects on the Dongrias and the surrounding ecosystem. There are several reported cases of skin diseases among the Kondhs, respiratory discomfort, crop damage and death of livestock because of the toxic dust and red mud released by the bauxite smelter and aluminum refinery [Survival International].

- The Vedanta mining smelter and aluminum refinery at Niyamgiri had been set up in contravention of several of India's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the UN Declaration on The Rights of Indigenous Peoples. No attempt was made to seek the free, prior and informed consent of the Dongria Kondhs before a lease to mine bauxite was granted. The Dongria Kondhs also suffered a violation of their rights to water and health because of pollution and poor management of industrial waste. Displacement and loss of livelihood also undermined the cultural and religious identity of the tribe already considered endangered [Amnesty International].[9]

In 2005, the Supreme Court appointed a Central Empowered Committee to look into the controversy surrounding the Niyamgiri mining. The Committee held that the Vedanta Resources had violated several environmental norms and the environmental clearance granted to it should be revoked. It highlighted the following adverse impacts of the project: a) large-scale deforestation; b) loss of biodiversity; and c) destruction of the water-recharging capacity of the hills and desertification of perennial rivers, forced eviction and unsatisfactory compensation to the displaced [CSE 2008: 160-61].

In 2010, the Ministry of Environment and Forests revoked the license of Vedanta Resources. The company appealed to the Supreme Court against the decision of the government. In a landmark judgment in May 2013, the Supreme Court put the Vedanta mining project in the Niyamgiri hills on hold and by invoking the Forest Rights Act, 2006 (see Appendix D), it gave the power to the Dongria Kondh tribals and their gram sabhas to decide whether Vedanta should be allowed to mine in their area or not. The Supreme Court especially pointed out the religious sentiments of the Dongria Kondhs which must be respected at all cost.[10] The decision of the Supreme Court has been hailed by all including Survival International and Amnesty International.

Kudankulam Nuclear Power Plant

The Kudankulam Nuclear Power Plant is a nuclear power station at Koodankulam in the Tirunelveli district of Tamil Nadu. The plant comprises two 1000 MW pressurized heavy water reactors of the VVER[11] type. The Kudankulam power plant is being built in technical collaboration with

Russia. In the course of time, four more reactors of 1000 MW are proposed to be constructed there. Once completed, the Kudankulam nuclear power plant would be one of the largest nuclear power plants in the world. The project was initially conceived in 1988 when India and Russia signed the agreement for the construction of the Kudankulam reactors. However, it got stalled because of the Soviet Union's dissolution and because of western nations' opposition to it as the project violated the norms of the Nuclear Suppliers Group (NSG). Construction started only in March, 2002.[12]

Soon after the nuclear power plant was conceived in 1988, protest against it started. Over the years, the protest has gathered immense strength and momentum. Organized under the banner of the People's Movement Against Nuclear Energy (PMANE), the local population with the fisherfolk at the forefront protested against their displacement, loss of livelihood and potential health hazard because of radiations from the plant. They have resorted to direct action techniques like sit-ins and dharnas, road blockades, gheraos of public officials, and mass demonstrations and have also used a media campaign to further their cause. On occasions, they also had to bear the brunt of police crackdowns involving lathicharges and tear gas shelling. At present, PMANE is led by the noted activist S.P. Udayakumar.

Reasons for opposition to the nuclear plant

S.P. Udayakumar makes the following critical observations on the Kudankulam Nuclear Power Plant:[13]

- The plant has been set up without sharing the Environmental Impact Assessment (EIA) and the Safety Analysis Report with the local people. There is absolutely no democratic decision-making or public approval for the project. Further, the whole project is shrouded in secrecy and there are reports of several items of equipment being used in the reactor of inferior and shoddy quality. The government has still not clearly spelt out its waste disposal mechanism.
- It has been held by the government that the area within a 2-5 km radius around the plant site would be called a "sterilization zone". This means that the people in this area would be displaced.
- More than 1 million people live in the vicinity of the Plant which far exceeds the Atomic Energy Regulatory Board (AERB) stipulations. It is quite impossible to evacuate so many people quickly and efficiently in the case of a nuclear accident.

- The nuclear waste from the plant would be dumped into the sea which will adversely affect the fish stock in the region and its catch. This will undermine the fishing industry, push the fisherfolk into deeper poverty and misery and affect the food security of the entire southern Tamil Nadu and Kerela.
- The plant will emit radioactive elements like cesium, strontium, tritium and others which will contaminate the air, land, crops, cattle, water and also humans. Prolonged exposure to the radioactive element could cause severe health hazards and even genetic disorders.
- After the Fukushima nuclear accident in Japan in 2011, no nuclear plant can be declared absolutely safe and insulated from natural calamities.

Further objections

- The Kudankulam Nuclear Plant lies at the edge of the Gulf of Mannar, one of India's richest marine biodiversity regions. The hot water discharged after cooling the nuclear reactor is likely to adversely affect this precious biological reserve [The Hindu, April 8, 2013].[14]
- Loss of livelihood due to depletion of the coastal fish population because of nuclear waste disposal is the biggest cause of worry among the local fisherfolk. When all six reactors become operational, 7.2 billion tons of hot water would be released into the sea every day, killing almost the entire coastal fish population [Down to Earth, April 8, 2012: 29].[15]

Government allays the fear – advantages of the plant and its safety features

- The power generated by the plant would spur the industrial and economic growth of the otherwise power-deficient state of Tamil Nadu so the people would not have to go far away in search of their livelihood.
- Nuclear power is considered a clean source of energy. Against the backdrop of increased evidence of fossil fuel causing climate change, nuclear power holds the key to ensuring India's energy security. Nuclear power, at present, generates 4,120 MW of electricity (less than 3% of the total electricity generated). The target is to increase it to 20,000 MW by 2020 and to 63,000 MW by 2032. By 2050, the

government expects nuclear energy to contribute to 25-30% of electricity. In this light, the coming up of the Kudankulam plant is a step in the right direction [The Hindu, April 8, 2013].[16]

- Since India's civilian and military nuclear facilities have not been separated as yet, the development of nuclear power plants is seen as a boost to India's nuclear military capabilities.
- The Atomic Energy Regulatory Board (AERB) says that the plant is extremely safe and is built on a proven scientific design. The reactor has equal, if not more, safety features compared to the most advanced nuclear power plants in the world. It is located in the least seismic prone region in the country. It is also located about 7.5 m above sea level to protect it from tsunamis, storm surges, tidal variations, etc. There are multiple layers of a protective system that will ensure that radioactivity is not released into the atmosphere [The Hindu, November 10, 2011].[17]
- At Kudankulam, a fish protection facility has been provided at the intake of the seawater. This facility assists fish, which drift along with the cooling sea water, not to get trapped in the machine. The fish are helped back into the sea and the fish population is, thus, conserved [The Hindu, March 11, 2012].[18]

In May 2013, the Supreme Court gave the go-ahead for the construction of the Kudankulam Nuclear Power Plant[19] and said that the benefits of the plant far outweigh the "minor radiological detriments". On July 13, 2013, one of the reactors at Kudankulam attained criticality,[20] setting the stage for power generation by the end of August, 2013 [The Hindu Business Line, July 14, 2013].[21]

Narmada River Valley Project

The Narmada River Valley project was conceived in 1946 by Jawaharlal Nehru himself and its foundation was laid in 1961 [D'Souza 2002: 5]. The project is a collaborative venture of Gujarat, Madhya Pradesh and Maharashtra. The project was launched with the objective of spurring the economic growth of the three states, especially the arid and semi-arid regions of Gujarat such as Kutch and Saurashtra. The Narmada project is proposed to consist of 30 major, 135 medium and 3000 minor dams. Some of the major ones are the Sardar Sarovar Project in Gujarat, and Narmada Sagar, Bargi and Maheshwar in Madhya Pradesh. Once completed, it would be one of the largest multi-purpose river valley projects in the whole world [Agarwal and Narain (CSE) 1999b: 135].