
**Power and Contestation: India
since 1989**

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3 | Globalization I: accumulation by dispossession¹

The advance made by the 18th century shows itself in this, that the law itself becomes now the instrument of the theft of people's land. (Karl Marx, *Capital*, vol. I, pp. 677–8)

Accelerated development

On January 8, 2002, the *Indian Express* published a news story entitled “Experts rule out submergence, MP town relieved.” Based entirely on an interview with one person, the managing director of National Hydro Power Corporation (NHPC), the story claimed that “the experts of NHPC” could ensure that the people of Harsud town in Madhya Pradesh and one hundred neighboring villages would not “meet the fate of the two hundred other villages” that would be totally submerged once the Indira Sagar reservoir (the largest dam on the Narmada river) came up. The managing director told the newspaper that a detailed survey had been conducted, on the basis of which it was clear that by building a guide bund around the town, it could be saved. In addition Harsud would have twenty-four-hour drinking water as well as metaled roads linking it to nearby towns and to the railway station, thus giving “a boost to Harsud’s business and economic activities.”

Two and a half years later, in June 2004, as the waters of the Indira Sagar dam started rising inexorably, armed police and bulldozers arrived in Harsud to forcibly evict the residents from their homes. The 700-year-old town was reduced to rubble. The oustees were made to move to New Harsud, a stony inhospitable site with a few tin sheds for shelter, and with no water supply, not even for drinking, let alone for construction, no toilets, no avenues for employment, and absolutely no way of reconstructing their lives. The petty amounts of cash compensation some of them received (in order to be eligible for which they had to spend their own money to raze to the ground

what was left of their homes) were to evaporate very quickly under the pressure of this cruel and sudden dislocation.

Three months later, a rally of thousands of oustees reached the office of the Narmada Hydroelectric Development Corporation (NHDC), a profit-making corporate body in a joint venture with the NHPC and the state government. The chairman of NHDC just happened to be the very same managing director of NHPC who had predicted a glorious future for Harsud in the *Indian Express*. The NHDC has unlimited power over construction, impact assessment, and compensation. In the two and half years since the interview had been published, evidently the NHDC not only did nothing either to protect Harsud or to make New Harsud habitable, but it arbitrarily took the decision to raise the height of the Indira Sagar dam one year ahead of schedule. Thus it violated with impunity the Narmada Water Disputes Tribunal Award (1979), which lays down that all resettlement should be completed *six months prior* to submergence.

The desperate rallyists that September wanted to place before NHDC officials a charter of demands, including the extravagant one for drinking water, but they found that the offices were deserted and the officers had fled.

The tragedy of Harsud is merely one, and certainly not the last, of a myriad such in post-Independence India. The rubble of Harsud and its human debris, swept off to the tin sheds of New Harsud, stand testimony to the utterly unsustainable policy of the Indian state on “development.” A policy strongly backed by the Indian elites and deeply implicated corporate English media, its striking feature is its calm callousness toward the powerless. Its commitment to a supposedly abstract goal – development – is revealed as a commitment to very concrete, specific groups who benefit at the expense of the majority of the population. Most alarming of all is its myopia concerning ecological issues.

Such a policy of development was inaugurated at Independence: a policy of encouraging capitalist industrialization through big dams and power projects and large-scale extraction of natural resources, including uranium mining for nuclear energy plants. Since Independence, development projects of the Five-Year Plans have dis-

placed about five hundred thousand people each year, primarily as a consequence of land acquisition by the state. Nor have these mega-projects delivered on their promise, now that many of them are being reassessed, following the bitter controversy and struggle over the Narmada Valley project, discussed below.

For instance, reassessing Bhakra dam, the first “Temple of modern India” as Nehru famously called it, a recent study by a team led by scholar and activist Sripad Dharmadhikary reveals that Bhakra played a relatively small role in India’s Green Revolution (Dharmadhikary et al. 2005). Other factors – high-yielding crop varieties, chemical fertilizers, and pesticides – played a much larger role. The irrigation required for this did not come from the inadequate, unreliable, and limited supply of canal water from the dam, which was not conducive to intensive farming with the new seeds. It was groundwater-based irrigation that was crucial. Proponents of the Bhakra dam often argue that the rise in groundwater irrigation has been possible due to groundwater recharge through seepage from Bhakra’s canals, but in fact most of the water for tube-wells comes from groundwater mined from the reserves underground. Groundwater mining now constitutes around 50 percent of Punjab and Haryana’s irrigation. The increase in tube-well-based water mining has resulted in a drastic fall in groundwater levels. The extensive chemical fertilizer use as well as a cropping pattern dominated by high-yield rice and wheat inaugurated by the Green Revolution have destroyed the soils of Punjab and Haryana. Today’s farmers are struggling to pay ever-increasing prices for agricultural inputs and electricity for pumping water, while having to cope with declining agricultural returns. Large numbers of farmers are trapped in debt and the suicide rate among farmers in Punjab and Haryana is fast increasing.²

With the accelerated pace of “development,” a crisis point has been reached in agriculture as the neoliberal dispensation has forced it to transform and produce increasingly for the global market. It has been pointed out that the rapid shift from rain-fed cereal crops to non-food cash crops that has occurred in the last two decades has led to an ever-increasing need for cash for investments in the new crops. Cash is now required to a much greater degree for seeds as well as fertilizers and pesticides, leading to increased recourse to

borrowings (Sridhar 2006; Jodhka 2006; Suri 2006; Mohanakumar and Sharma 2006; Rao and Suri 2006). This has led to a manifold increase in rural indebtedness. In states such as Andhra Pradesh, and to some extent in others too, the added problem seems to be that the moneylenders (who are often the traders who procure their produce for marketing) have also “of late become the source of knowledge and information on cultivation practices” given that most traditional ways are being forced out. The traders/moneylenders also lead them to believe that “they need to use more of these inputs to reap a better harvest” (Rao and Suri 2006: 1547). The scenario of increasing farmers’ suicides has been most intense in the southern states such as Andhra Pradesh, Karnataka, Kerala, and the western state of Maharashtra. Punjab, once the model for modern agriculture during what has come to be known as India’s “Green Revolution” from the 1960s on, has registered a high intensity of farmers’ suicides among the northern states.

Private corporations and Special Economic Zones

Not only have the 1990s been marked by the rapid acceleration of such development; another feature specific to the neoliberal 1990s is the entry of private companies into arenas where, earlier, it was the state that had the sole right. Today, private corporations benefit from government support of various kinds, with the government acquiring lands from peasants and tribals and making them available to these companies at hugely subsidized rates. In the face of protests, the corporations get the full backing of state apparatus such as the police. So, for instance, in January 2006, when the tribals of Kalinganagar in Orissa protested against the acquisition of their lands for a steel plant owned by the Tatas, one of India’s largest industrial houses, the state police opened fire, leading to the instant death of sixteen people, four also dying later on the way to hospital.³ In this case, the district administration had been trying to take over the land for Tata Steel for many months and finally on the morning of 2 January, 2006, the administration led by the collector, the superintendent of police and Tata officials arrived at the site to build a boundary wall along the “earmarked” land. They were accompanied by twelve platoons of armed police. As the tribals got wind of it and began protesting,

to cut a long story short, their protests were met with tear gas and, eventually, bullets.

Orissa, being a mineral-rich state, has borne the brunt of murky deals on land and mining, but this is a more general story that continues through the 2000s, now pursued with much greater vigor.

The strategy of conducting these operations is revealing. Often it takes the form of plain and simple intervention by the state and its different arms, making the process ostensibly “legal.” But often enough the methods and procedures are patently illegal. For example, the Orissa High Court struck down the mining deal between the state-owned IDCOL (Industrial Development Corporation of India Limited) and a private company Jindal Strips Limited, for chromite mining in Tangarpada mines in Dhenkanal district, finding the concessions and tax exemptions granted to the company objectionable under the laws of the land (Das, P. 2004). What is significant is that the case came to court because of a challenge from the Tata Iron and Steel Company (TISCO) and VISA Industries – both of whom had put in competing bids for the same project. It is also important to note that the concessions granted to Jindal were illegal only because the deal had not come under the new policy for Special Economic Zones, put in place by the NDA government in 2000. By 2006, Jindal Limited was “awaiting a nod” for its proposed SEZ in Orissa.⁴

Special Economic Zones (SEZs) are supposed to be duty-free and tax-free enclaves that are to be treated as “foreign territory” for trade operations, duties, and tariffs.⁵ As the Environment Protection Group, Orissa, puts it, “These zones are going to be spread across thousands of hectares of common lands, forest areas, coastal areas and even on fertile agricultural lands.”⁶ These areas are also supposed to be exempt from many laws of the land such as labor and environmental laws. Even though there are formal requirements for environmental clearance before work on SEZs moves into action, there is open violation of such laws as in the case of the infamous Vedanta Alumina Limited’s project of bauxite mining in the Niyamgiri Hills, Lanjigarh. In this case the Ministry of Environment and Forests of the central government (by this time led by the Left-supported UPA government), granted it environmental clearance in September 2004, despite the fact that the Niyamgiri Hills are

pristine forest lands and a schedule V area as defined by the Indian Constitution, which prohibits transfer of tribal lands to non-tribals (Kohli, K. 2006).

In Uttar Pradesh in 2005, the state government acquired thousands of acres of land, where populated villages and prime agriculture have thrived for generations, and handed it over to the corporate giant Reliance to build a power plant and township.⁷ Not only have the farmers been forced to sell at lower than market rates to the state; as of July 2006 they had not received even the full amount of compensation offered. After eight months of non-violent protest, unheeded by the government, they pulled off the boundary fencing set up around their lands by Reliance and decided to plow it. The state's armed police, the UP Provincial Armed Constabulary, was immediately deployed. It dealt brutally with the protestors, causing several injuries and damage to their homes.⁸

So while the SEZ policy was initiated by the right-wing-dominated National Democratic Alliance government, it is being pursued with renewed vigor by the Left-supported United Progressive Alliance government that came to power in May 2004. Indeed, the state of West Bengal, ruled by the Left Front, has recently been in the eye of the storm for its acquisition of 997 acres of farmers' land in Singur for the Tata group to manufacture cars. What happens to the farmers whose lands are taken away is only one part of the question. In the case of Singur, the point is also that there are a large number of sharecroppers who work on the land and have no "claim" – not being land-owners. Some officials of the Left Front government have claimed that the landless will be given jobs in the factories – knowing full well that in SEZs, the owners will have complete impunity regarding labor practices. If they throw out the workers within a few months, they will have absolutely no hope of any justice as these areas will be enclaves of high degrees of exploitation of the working class, with no recourse to any labor dispute laws. Singur is, of course, technically not planned as an SEZ but Nandigram in East Midnapore district of West Bengal is. Nandigram was the flashpoint of a recent struggle against land acquisition that led to mass violence and the death of at least fourteen people. The immediate crisis has been controlled but Nandigram simmers, as do large parts of rural West Bengal.⁹

While it is true that the advent of foreign capital in India in this period has often meant higher wages in some of the MNCs, there has also been resistance on the part of such managements to any kind of union activity. This came to light dramatically during August 2005 when there was industrial unrest in the Japanese-owned Honda Motorcycles and Scooters India, over the fact that the management resisted the formation of a union in this skilled workforce, trained in Industrial Training Institutes (ITIs). Eventually it decided to get rid of some 2,000 of the workers who had been recruited as trainees, and get in their stead a fresh lot (Reddy 2005: 32). The protests spilled on to the roads of Gurgaon, the township near Delhi where the plant is located. Over a few days, thousands of unarmed militant workers faced down the might of the Indian state – police, lathis,¹⁰ water cannon – deployed in the interests of the Japanese corporation.

Private companies operate in dams of the Narmada Valley Project (NVP) too, as we saw with the Indira Sagar at the beginning of this chapter. At another dam on the Narmada, the Maheshwar dam, the work of construction and power generation was handed over to S. Kumars, a textile magnate. In 1998 there were militant protests by villagers of Jalud, which would be the first village to be submerged by the dam. Several thousand villagers captured the site of the Maheshwar dam, facing severe action from the police, including mass arrests and physical injuries requiring hospitalization. There were conflicting accounts, as usual, in the national press. The report of a team from Delhi organizations in solidarity with the movement (including one of the authors), which went to Jalud, found it to be a “village under siege”:

The boundaries of Jalud were fenced off with barbed wire, marked with boards saying *Pratibandhit Kshetra* (Forbidden Area). There were about a hundred policemen at the entrance of the village. We learnt that police presence is an overwhelming presence in the villagers’ daily lives. Their activities are restricted and the fencing has made inaccessible – or very difficult to get to – their grazing grounds, cemetery, temple and vegetable fields. This state of affairs has been in existence for about four months. In short, this village of unarmed

people is being treated as enemy territory, and the villagers live under constant intimidation and insecurity. (Awasthi et al., 1998)

Democracy, protest, and the nation

While the presence of private companies under government protection is one striking feature of the 1990s, another feature is equally marked. The period since the late 1980s has seen growing resistance to such policies by dispossessed groups in different parts of the country. Thus, continued pressure from the movement and international solidarity actions resulted in the withdrawing of funds from the Maheshwar dam by the German government and by US and German corporations. In what water activists hope is the final nail in its coffin, the Environment Ministry in June 2006 directed the Madhya Pradesh government to stop all work on the dam pending a credible and comprehensive rehabilitation plan.

There is an older history to struggles, especially of tribal peoples, against being dispossessed by the state, going back to the colonial period. But there is one crucial difference. All struggles, from the late nineteenth century to 1947, that survive in memory today, do so by being accommodated into the history of anti-imperialist struggle, tucked cosily away into a pleat of Mother India's sari. With the coming of Independence, however, any such assertion is instantly transformed into an anti-national act. The overwhelming legitimacy of the anti-imperialist struggle and of the newborn nation-state was successful in deleting from history over two thousand families displaced by the Bhakra Nangal dam in the 1950s, of which less than half had been resettled even twenty-five years later. Those displaced by the Hirakud dam linger in national memory only because they were the audience for Nehru's stirring words to them: "If you are to suffer, you should suffer in the interests of the country." Two hundred thousand people were displaced by the Rihand dam in 1964. In the absence of any resettlement program, tens of thousands of them ended up on the banks of the reservoir, settling there and cultivating the land exposed when the reservoir receded in the summer. A second time round they were displaced by the Singrauli thermal power plant, then by coal mines, and so on in successive waves of industrialization, including, in a final tragic irony, to make

room for compensatory afforestation – displacing people uprooted several times over, in order to placate nature for the damage inflicted so far (Kothari, S. 1996).

From the late 1980s onward, however, the dispossessed have shown a marked aversion to going quietly into oblivion. There have been organized and increasingly militant struggles of varying degrees of efficacy. The intensification of both these processes – the penetration by state-backed market forces as well as resistance to such forces – is increasingly testing the claims to democratic functioning of the Indian state.

It would help to frame this story within Sudipta Kaviraj's formulation on "modernity." He argues that modernity is not the name of a single process, but a conjunction of several processes of social change that tend to occur in combination. He identifies these processes as a) the increasing centrality of the modern state, b) social individuation, c) capitalist industrialization, and d) the rise of nationalism and democracy. The sequence in which these processes occur can differ from society to society and in different time periods. Thus, Kaviraj argues that while in the West the processes of capitalist industrialization stabilized themselves *before* the pressures for democracy began, in India the two processes emerged almost simultaneously. In the West, therefore, the initial disciplining of the working class in a regime of capitalist production was achieved well before democratic obstructions could be placed in its path. The Indian state, on the other hand, faces challenges that capitalist industrialization in the West never had to face in its initial stages, having to deal with the compulsions of a democracy while enforcing capitalist transformation (Kaviraj 1995, 1996, 2000).

Dispossession by law: the case of the NVP

The Narmada Valley Project is the single largest river valley project in India, envisaging several thousand dams of different sizes on the river Narmada. One dam of the NVP alone, the Sardar Sarovar, will cost more than the entire amount spent on irrigation since Independence.

The now well-known movement against this ill-conceived project, the Narmada Bachao Andolan (NBA), came into being in 1985 initially

in opposition to two of the largest dams, the Indira Sagar which submerged Harsud, and the Sardar Sarovar, the second largest dam of the NVP in terms of area submerged and population displaced. The NBA's opposition to the dams has moved from the question of rehabilitation for the displaced population (about 400,000 people in 245 villages in three states, the majority of whom are tribal, but only half of whom are officially considered to be "project-affected" and eligible for compensation), to a critique of the developmental model as such. Popular mobilization in the Narmada Valley has been strengthened by alliances with movement groups and NGOs in different Indian cities as well as with environmental NGOs in the West. Intense international campaigning led to the World Bank appointing an Independent Review Committee on the Sardar Sarovar Project (Baviskar 1995).

The Morse Committee, as the IRC was known, confirmed the worst fears of the NBA. Its report concluded that "the Sardar Sarovar Projects as they stand are flawed, that resettlement of all those displaced by the Projects is not possible under prevailing circumstances, and that the environmental impacts of the Projects have not been properly considered or adequately addressed."

It pointed out that the central government and the three state governments concerned (Gujarat, Maharashtra, and Madhya Pradesh) were willing to grant right of compensation only to landowners with formal title to their land, thus depriving thousands of tribal families with customary rights to forest land (60 percent of those ousted) of all rights.

As for environmental impact, the committee found that the government had conducted no study on the matter, even though five years had passed since the Rajiv Gandhi government had given conditional clearance to the project, the condition being that such studies be conducted alongside the construction.¹¹

The damning evidence of the report, as well as continued pressure from international NGOs, led to the World Bank stopping its funding in 1993. The Japanese government, too, coming under pressure from Friends of the Earth, suspended aid to the project. The Indian government and judiciary, however, step in where the World Bank fears to tread. In a shocking judgment in 2000, in response to a

petition filed by the NBA in 1994, the Supreme Court permitted the construction of the Sardar Sarovar to continue. In a majority judgment it refused to consider that there might be any environmental costs: “The dam is neither a nuclear establishment nor a polluting industry ... [I]t will not be correct to presume that the construction of a large dam like Sardar Sarovar will result in ecological disaster ... On the contrary there has been ecological upgradation with the construction of large dams” (Bhushan 2000).

The dissenting minority judgment by Justice Bharucha makes it clear, however, that the court had access to the information that the government’s Department of Environment and Forests had refused to give environmental clearance to the NVP because the impact of the two largest dams had not been adequately studied. This decision was overruled by Prime Minister Rajiv Gandhi in 1987, and conditional environmental clearance was given, permitting the project to continue alongside the requisite studies. In other words, the project was allowed to continue before its environmental impact was fully known, and on the assumption that these studies would reveal nothing that might necessitate withdrawal of the clearance given. Even by 2000, at the time of the judgment, such studies did not exist. Construction of the dams, however, proceeded apace.

In addition, according to Justice Bharucha, it was mandatory, under the conditions of clearance, that the full rehabilitation of all displaced people be completed before any water was impounded in the reservoir. These conditions notwithstanding, let alone actual rehabilitation, the government did not even have a master plan for rehabilitation. Justice Bharucha, therefore, in his order, said that construction was to stop immediately and the project was to be subjected to a comprehensive review (Roy, A. 2000).

The majority judgment that swept aside this evidence was, of course, the operative one. It is significant that, celebrating this judgment, the home minister of the BJP-led coalition in government at the time hailed it as an aspect of “developmental nationalism,” locating the judiciary’s decision on the dam within a grid of three historical events he claimed as the achievements of Hindu nationalism: the Sardar Sarovar, the nuclear explosion in Pokhran in 1998, and the Kargil war with Pakistan in 1999 (Sangvai 1994).

The NBA and scholars working on the issue have repeatedly made the argument that the NVP is misconceived not only because of its enormous human and ecological costs, but because big dam projects do not deliver what they promise. The Indian government invests most of its irrigation outlay in major and medium irrigation projects that irrigate only as much land as do minor irrigation projects – the latter at a quarter of the cost of the former per hectare. As for the claim that the Sardar Sarovar Project (SSP) will provide drinking water to Gujarat’s villages, the NBA points out serious fallacies in the arguments of its vocal supporters. This project, it claims, was never intended to provide drinking water. It was as late as 1998 that even feasibility studies for drinking water supply were initiated and there is no provision at all in the budget of the SSP for drinking water. Despite all this, however, the work on the dam has finally been completed as of December 2006 with hardly any rehabilitation being carried out.

Displacement, compensation, and relocation

In 1994, the Supreme Court reiterated the principle of eminent domain – “the power to acquire private property for public use is an attribute of sovereignty and is essential to the existence of a government. The power of eminent domain was recognized on the principle that the sovereign state can always acquire the property of a citizen for public good, without the owner’s consent.”

It is important to note here that the principle of eminent domain (the right of the state to decide on what is in the common good) is, in principle, a measure that can be and has been used for redistributive measures such as land reforms. Today the principle of eminent domain is deployed largely in order to dispossess communities of common property resources and to transform the commons into private property. Where private property has been acquired, it has been that of small and medium farmers, for which cash compensation is invariably given at less than the prevailing market rates.

Moreover, as critics point out, the law has been constructed on the assumption of the individual dislocated person. There is no understanding of communities as the subjects of dislocation or of ways of life that are destroyed. There is an abyss of incomprehension

on the part of the Indian elites toward rural and tribal communities. Ripping these out from lands they have occupied for generations and transplanting them overnight into an alien setting (which is the best they can expect) is understood as rehabilitation and liberation from their backward ways of life.

The more fundamental question, though, is whether cash adequately “compensates” for land. The sudden access to large amounts of cash is something that requires a particular training in market behavior to deal with advantageously. Study after study of dislocated communities, conducted by independent groups, has found that even in the case of settled urban populations (for example when industries offer workers cash packages in voluntary retirement schemes), immediate access to cash leads to its dissipation in things such as medical expenses, marriages, and so on. The particular cultural sensibility required to make the most of cash is even more starkly lacking among most of the communities that get displaced, more than half of which comprise tribal populations, and most of whom have had limited interaction or familiarity with the market.

Thus, “an overwhelming sense of depression and bewilderment” is what was encountered by a democratic rights group, the People’s Union for Democratic Rights, that visited the resettlement site of tribal people displaced by an alumina mining company in Orissa, in 2005 (People’s Union for Democratic Rights 2005). With inadequate drinking water, since most of the hand pumps installed were not in working order, having lost their lands and means of livelihood, their access to forest, forest produce, and land for grazing cattle, they were at a loss. The cash they had been given seemed to have been blown away, either in legitimate expenses or, in many cases, in alcoholism. With no prospect of jobs in the company for the majority of them, they were faced suddenly with the end of the road. They had nowhere else to go.

As for the mythical land-for-land provision (which, as we have seen, in any case excludes the vast majority with only customary rights to land), there simply is not enough land to resettle the enormous numbers who have been dislocated and those who continue inexorably to swell their ranks. The Madhya Pradesh government has already declared in the Supreme Court that it cannot provide land

to the hundreds of thousands already displaced by the Bargi dam in 1990 and about to be displaced by the dams on the Narmada.

The Supreme Court in its judgment on the Sardar Sarovar in 2000 held that displacement per se does not constitute violation of fundamental rights, since at the rehabilitation sites “there will be better facilities than in the tribal hamlets.” Moreover, it is all to the good that tribals will be “gradually assimilated in the mainstream of society,” or, as officials of the Central Water Commission put it at a seminar on the Sardar Sarovar, displacement from land is crucial for releasing labor for industry and other “useful jobs.”

And indeed, we can be sure that the vast majority of those ripped out from forests and the land will end up as debris in urban slums, periodically flushed out from the city, only to come trickling back again – to build its roads and flyovers, to scurry across its underbelly performing the myriad tasks that keep the city alive, and to remind us that at every single stage of the long and dark history of development, alternatives were always available. They were simply not chosen.

Courts and environment

At this point we must consider the role of courts, especially the Supreme Court, in determining environment-related issues, a role that has become an extremely problematic one. The Public Interest Litigation (PIL) era was inaugurated in the 1980s, a period which, as we argued in the Introduction, saw the effect of the accumulated democratic aspirations of the post-Emergency era. PIL was intended to ensure legal rights to people who “because of poverty, helplessness or disability or socially or economically disadvantaged position” were unable to reach the court themselves. This made it possible for citizens to approach the Supreme Court on grounds of violations of fundamental rights on behalf of others, in the public interest, and not only when they were themselves the aggrieved party. In the 1980s, therefore, PIL initiatives resulted in important judgments protecting human rights, for example the 1982 Asiad workers’ judgment on a PIL filed on behalf of construction workers, holding that non-payment of minimum wages was a form of bonded labor punishable as such by law.

Gradually, though, by the 1990s, the situation had changed dramatically, as the logic of corporate globalization took hold of the Indian elites. From now on, we find that PIL petitions, challenging large infrastructure projects and urban “beautification” projects on the basis of environmental and rehabilitation issues, are met by the Supreme Court speaking in the voice of the developmentalist rational state, valorizing the voice of “experts” and ignoring the pressures of democracy altogether. In order to achieve this end, different judicial strategies have been used at different times.

While dismissing petitions on environmental grounds against the Tehri Hydropower Project and the Konkan railway in the 1990s, and the NVP in 2000, the Supreme Court apparently exercised judicial restraint. It claimed to be limiting its own powers by holding that it was not the court’s business to determine whether the executive had taken the right decision, but only to consider whether it had taken the decision after a consideration of all relevant aspects (Upadhyay 2000).

In other cases where the government, under democratic pressure, withdraws or postpones an unpopular measure such as slum demolitions, the courts have not hesitated to rap it on the knuckles for failure to protect the environment. In 1999, a court-appointed committee had recommended the demolition of *jhuggis* (slums) in a Delhi locality because of the “unhygienic” conditions produced. The government did not move on this order because of its inability to find an alternative site for relocating the people who lived there. In 2006, the court hauled up various government authorities for contempt of court, and demolitions were carried out forthwith. The inhabitants of Nangla Maachi joined the statistics on inconsequential lives cleansed from the city beautiful.

Then again, in 1992, when the rights of the National Thermal Power Corporation to set up a super thermal plant were disputed by Adivasis claiming customary rights to the land NTPC had acquired, the Supreme Court allowed NTPC’s claim, citing the need for industrial development in the national interest (*ibid.*).

Despite their apparently different arguments – whether exercising judicial restraint or undertaking judicial activism – these judgments are remarkably consistent in one respect: all of them essentially

protect, by omission or commission, the interests of propertied classes and powerful groups.

The city beautiful: producing the global city

It is instructive to examine the breathtaking urban transformations of the past decade – often conducted behind the shield of the judiciary, taking place in the name of “environment,” “health and hygiene.” In 1996, the Supreme Court earned the sobriquet of “The Green Bench” in the English media, when in response to a PIL (with follow-up orders in 2000 and 2001), it ordered the closure and relocation of “hazardous industries” and “non-conforming industrial units” in Delhi, leading to large-scale dislocation and the sudden unemployment of around two million people employed in about 98,000 industrial units.¹² The order came after an eleven-year-long court battle, at no point during which were the workers employed in these units ever made party to the case. Nor were the employers held liable for compensation to workers or payment of back wages. Over fifty thousand workers have since left the city and gone back to their villages in neighboring cities, which they left in the first place because they had no means of livelihood there. Those who stay back are then drawn into the even more exploitative area of daily casual work. It is important to remember that the case represented one of the earliest attempts by a “rights-bearing citizenry” to cleanse the city of its laboring poor. The specific case in question was filed by an environmentalist lawyer, M. C. Mehta, and tied up with another where the court took *suo moto* cognizance of a report in a daily newspaper regarding the pollution of the Yamuna river. It is not that there were no conflicts between the middle-class citizens and the subaltern populations of the city living on the fringes of legality in the past; what is distinctive about the new situation is that the claim is now being made and pressed in the language of rights. As political theorist Partha Chatterjee has suggested, the distinctive feature of subaltern existence in the city is that it has never been possible to sustain it in the name of right; it was a duty that the government owed to the populations it governed to provide the minimum basic requirements for a decent life, failing which the moral claims of the subaltern population continued to provide some kind of a horizon

for policy-making. This position was generally accepted common sense till about the mid-1990s. Soon all this was to change, as claims over urban space became increasingly contentious.

Equally important, however, was the new consciousness of “environment” and health concerns that were then mobilized to create the image of “world cities” which would have world-class infrastructure – roads, flyovers, smooth traffic, malls, and multiplex entertainment places. These do not, of course, always fit in with a concern for a clean environment – in fact, most often they do not. What marks these transformations is the reterritorialization of the third world city, a “dislocation from their national location and insertion into the grid of the global economy” (Nigam 2004: 73).

It cannot also be entirely a coincidence that of the 168 “polluting” industries closed down in the first round in Delhi, many large factories were “sunset” industries, the owners of which were looking for an opportunity to divert their capital to less risky and more lucrative ventures. They had been held back by labor laws that would have required them to pay out large amounts to workers in back wages, compensation, and so on. In addition, they occupied lands given to them at a subsidy by the government; from which, after the court order, they stood to make huge profits, by selling at market rates. The Supreme Court orders came at the right time as far as these were concerned.

Is pollution not an issue then? Of course it is, but it does not appear that the government and the courts were serious about fighting it. By ordering the relocation of polluting industries, they revealed a classic “not in my back yard” attitude. Simply relocating industries to Himachal Pradesh and Uttar Pradesh, which is what the court orders accomplished, meant relocating pollution from the back yard of Delhi’s elite to wherever human life could be assumed to be cheaper. It also does not seem to have concerned the court that the pollution choking the city would also have been affecting the workers employed in the concerned units. Surely, if the intention is to fight pollution it must be tackled at source, which requires social auditing of industrial enterprises. In existing units it requires the setting up of pollution control measures that are open to public scrutiny and, in the long run, the involvement of the citizenry in

deciding crucial questions of choice of technologies, and environmental impact assessments of units before they come up. None of these questions was addressed in the court orders.

Through the 1990s such attacks on the subaltern, laboring populations increased, with demolitions of *jhuggi jhonpris* (shanties and slums) taking place all across Delhi. *Jhuggi* dwellers were shunted out into distant suburbs from where it was a near-impossible task to commute to their places of work – both in terms of money and time. In some cases they were provided with some land, on which they had to construct houses at their own cost, but the virtual impossibility of commuting to work daily under forbidding transport conditions made it increasingly difficult for them to stay there.

The courts have, expectedly, played a vanguard role in this new assertion of rights of the citizen over the moral claim of governmental rationality. Responding to a PIL in 2000, the Supreme Court ordered the Delhi government to remove slums and unauthorized colonies from “public land.” Denying that the government had any responsibility to find the estimated three hundred thousand people alternative accommodation, the judgment said: “[T]he promise of free land at taxpayers’ cost in place of a *jhuggi* ... is a proposal which attracts land grabbers. Rewarding an encroacher on public land with a free alternate site is like giving a reward to a pickpocket.” Further, “when a large number of inhabitants live in unauthorised colonies with no proper means of dealing with domestic effluents, or in slums with no care for hygiene, the problem becomes more complex.”¹³

With these two statements, the survival needs of the poor are conflated with the activities of the land mafia (“land grabbers”) and the poor identified as responsible, and therefore to be punished, for living in unhygienic conditions.

In another chilling response in 2006, dismissing a PIL against the demolition of slum clusters that supposedly pollute the Yamuna river in Delhi, during the course of which lawyer Prashant Bhushan claimed the right to shelter as a fundamental right, the Supreme Court (Justices Ruma Pal and Markanday Katju) observed: “Nobody forced you to come to Delhi. Is there a right to live in Delhi only? Stay where you can. If encroachments are to be allowed on public land, there will be anarchy.”¹⁴

It is another matter that the courts see no danger to the Yamuna or possible anarchy arising from other encroachments on public land. Built right on the aquifer of the Yamuna river, the huge complex of the Akshardham temple got environmental clearance from the BJP-led NDA in central government at the time, in the teeth of opposition from environmentalist groups. Similarly, the Delhi master plan was modified in 2004 to accommodate an information technology park lying just south of the demolished slums, which had already been under construction for a year – in other words, a *de facto* regularization of an illegal encroachment (Bhan 2006).

The fact is that the planned and authorized parts of the city need the unplanned presence of thousands of migrant laborers. As Amita Baviskar (2003: 91) says:

Thus the building of planned Delhi was mirrored in the simultaneous mushrooming of unplanned Delhi. In the interstices of the Master Plan's zones, the liminal spaces along railway tracks and barren lands acquired by the Delhi Development Authority, grew the shanty towns built by construction workers, petty vendors and artisans, and a whole host of workers whose ugly existence had been ignored in the plans. The development of slums was, then, not a violation of the Plan; it was an essential accompaniment to it, the Siamese twin.

Simply in order to continue living in these conditions, slum dwellers have to enter into a series of transactions that occupy the gray zones of porous legality – periodic bribes, illegal tapping of electricity lines, and so on. They are perpetual “encroachers,” their existence criminalized by the very fact of survival (Ramanathan 1996, 2006).

Delhi's experience must be contextualized within the overall narrative of urban planning in India. A study of over three decades in the existence of Navi Mumbai, the satellite city supposed to have taken care of the increasing congestion of Mumbai, points out that Indian cities have evolved with a dualistic structure that invariably excludes the poor from adequate access to basic civic amenities. The author, Annapurna Shaw, argues that this mode of planning entailed the opening up of new areas, such as Navi Mumbai, before the old were properly serviced. Moreover, the land policy of the state has meant

state acquisition of the lands of small agriculturalists and farmers living on the edge of the city, while it is the urban middle and upper middle classes who enjoy the new housing and infrastructure built on it. It has been pointed out by several scholars that the massive scale of urbanization-induced displacement is not recognized as an issue because the alienation of people from their productive land for city development and industrialization is apparently the result of voluntary sales (even though at lower than market rates). However, these sales are often due to pressure from the building mafia (Shaw 2004).¹⁵ Indeed, this process of people being alienated from their productive lands through the urbanization of fringe areas of growing cities is to be seen all over the country (Sharma 2003).

Note that courts' responses to PILs on slum dwellers in the 1980s (in a few cases, even up to the early 1990s) differ sharply from the way in which they respond once the logic of corporate globalization has become common sense. In an earlier judgment on a PIL brought on behalf of slum dwellers in Mumbai (Olga Tellis Case 1986) the court had held that the arbitrary eviction of pavement dwellers without providing alternative accommodation was the abrogation of their fundamental right to life guaranteed in the Constitution. In a PIL on demolition of slums in Bangalore (Karnataka Kolageri N. S. Sangathana Case 1992), which argued that the government has an obligation to evolve affordable housing for all, the court passed an order directing the authorities to look into the grievance, giving both parties an opportunity of negotiating in a conciliatory manner. The precedent set by these judgments is ignored in the new climate of opinion, in which "environment" is invoked only in the context of the leisure and lifestyles of the urban middle classes.

So we see that this process happened earlier with Mumbai in the 1980s in a somewhat different form. It continues in other parts of the country today. In Kolkata 77,000 slum dwellers were evicted in 2004 and in Mumbai large-scale slum demolitions took place in 2005 soon after Prime Minister Manmohan Singh pledged a budget of \$30 billion to give Mumbai a "facelift" that would, he promised, turn Mumbai into Shanghai. In Hyderabad, the state government leases land at highly subsidized rates to business houses, international airports, shopping complexes, corporate hospitals, and railway

tracks. Over 10,000 houses belonging to the poor were demolished in the late 1990s to beautify the city that prides itself on being the new globalized “Cyberabad.” When Bill Clinton visited the city at the invitation of the chief minister of the state, Chandrababu Naidu, all the poor settlements – called “encroachments” in the new language – along the route to be taken by Clinton’s convoy were removed. Thousands of vendors were dislocated, and around 5,000 beggars rounded up, including disabled ones, and sent to temporary homes.¹⁶

The trajectory of a city such as Bangalore is somewhat different, as Janaki Nair’s important study of the city (2005) shows, insofar as it has rapidly grown from a relatively small town to a metropolis. With its breathtaking transformations in barely a decade and a half, it has acquired the name of “India’s Silicon Valley” and by 1998, it came to be “included within an elite group of ten cities energized by a surge of high-tech innovation,” by *Newsweek* magazine (Heitzman 2004: 1). By 2001, it had over two thousand information technology (IT) companies functioning in the city and its spatial configuration was changing rapidly in consequence (ibid.; Nair 2005). Massive corporate as well as state government investment in the city, in areas ranging from new IT companies to mega-projects, have transformed the face of the city (Benjamin 2000). The city is being cleansed of the old industries and in their place appear the IT industries with huge sprawling complexes. These complexes have been built like huge campuses with in-house malls, mini-golf courses, swimming pools, gyms, and air-conditioned workspaces (Liang 2005).

Clearing the city space in keeping with this first world desire has meant forced dislocation of slum populations in Bangalore too (Nair 2005: 191–2). Another index of the change in Bangalore could be seen in what Nair refers to as the “erosion of plebeian rights to the [Cubbon] park” alongside the banning of public political rallies in it (ibid.: 214–15).

As urban planner and architect K. T. Ravindran (2007) puts it, Indian cities, in the vision of city planners in the 2000s, seem to be “on a new binge of building... thoughtless structures that only aid the automobile as a sign of progress towards a ‘World Class City,’” while everywhere, this model is being increasingly seen as

unviable. Ravindran is here referring to the frenzied construction of new flyovers, freeways, and spaghetti junctions that drive the visions of a global city. As opposed to this, he spells out the idea of a “Compact City” that is environmentally sustainable, centers on self-sufficient localities that need minimum long-distance travel on a day-to-day basis, and focuses on building up public transport at the cost of private vehicles. This vision is beginning to be talked about among some planners and architects – and has indeed found resonance in some government circles. Whether it will be taken heed of before it is too late, of course, remains to be seen.

sentenced by a criminal court to ten years in prison, a decision welcomed by the AIMPLB. The last known of Imrana before she fell off the news pages is that she's been sent back to her maternal home with her five children, while her husband, a poor rickshaw-puller, has been thrown out of the house. The point is, however, that both she and her husband refused to be cowed by the fatwa.

18 For a history of Ayodhya as a multi-religious center with multiple influences from Buddhism to Islam and Sufism, see the Hindi book *Ayodhya: Sanjhi Sanskriti, Sanjhi Virasat* (Ayodhya: Shared Culture, Shared Traditions) by Vidya Bhushan Rawat, New Delhi: Books for Change, 2005. Book review in English by Yoginder Sikand available at <http://www.indianmuslims.info/books_info/history/ayodhya_shared_culture_and_traditions_vidya_bhushan_rawat.html?PHPSESSID=42e9f9db38eb87b09a5fcb2fd10997b4>.

19 Prayer to Hanuman, Ram's devoted deputy.

20 For a discussion of this episode, see Chapter 5.

21 See report "Gujarat riot toll: millions of pounds," Rashmee Z. Ahmed, *Times of India*, May 15, 2002, at <http://timesofindia.indiatimes.com:80/cms.dll/articleshow?art_id=9984880>, accessed May 5, 2007. Subsequently, Gujarat has managed to recover from this setback and has been among the foremost state governments in attracting private investment.

3 Globalization I: accumulation by dispossession

1 We have borrowed the expression "accumulation by dispossession" from David Harvey (2003), though our argument takes a very different direction.

2 We are aware of critiques of this study by proponents of big dams, but we do not think that these are able to address the substantial questions raised by the authors. For one such critical review, see A. Vaidyanathan in *Economic and Political Weekly*, December 3, 2005.

3 See report by Independent Media in <<http://www.countercurrents.org/hr-im060106.htm>>.

4 "Jindal Stainless scouting for buys in Asia, Europe," Mines and Communities Website, August 23, 2006, <<http://www.minesandcommunities.org/Action/press1198.htm>>.

5 See official site of the External Affairs Ministry, <<http://meaindia.nic.in/indiapublication/Special%20Economic.htm>>.

6 Editorial, "Mining and industrialization update Orissa," p. 1, available at <<http://www.freewebs.com/epgorissa/M%20I%20Update/Final%20Mining%20Update%20-%20October%5B1%5D.pdf>>.

7 It may be noted that a book on the rise to power of Dhirubhai Ambani, the founder of the Reliance Group of Industries, by Hamish MacDonald, *The Polyester Prince: The Rise of Dhirubhai Ambani* (Allen and Unwin, 1998) has been made unavailable by the might of Reliance. One single copy is available at the time of writing this, on Amazon at the cost of US \$997!

8 “VP Singh arrested on way to Reliance Plant,” *The Hindu*, July 9, 2006, p. 1.

9 See also Chapter 5.

10 Explained in Chapter 6.

11 Report available at <<http://narmada.aidindia.org/content/view/52/>>.

12 The information on industrial closures in Delhi is drawn from a Citizens’ Report, *The Order that Felled a City* (Delhi Janwadi Adhikar Manch), of which the authors were a part.

13 Judgment on PIL of Almitra Patel etc., February 16, 2000. Cited in Delhi Janwadi Adhikar Manch, *How Many Errors Does Time Have Patience For? Industrial Closures and Slum Demolitions in Delhi*, Delhi, 2000, p. 21.

14 *Tehelka*, May 27, 2006.

15 This aspect of the “opening up” of satellite towns is invisible for instance to Suketu Mehta, who in *Maximum City* (2004: 131) partly attributes the “tragedy of Bombay” to the failure to shift offices to Navi Mumbai, while the tragedy of the original inhabitants of Navi Mumbai and the inevitable ripple effects of this pattern of urbanization remain unnoticed.

16 From Alternative Law Forum, “Claiming the city – module from illegal citizen course,” on the ALF website, <<http://www.altlawforum.org/EDUCATIONAL%20INITIATIVES/claiming>>.

4 Globalization II: new economies of desire

1 Gurcharan Das (2000).

2 *Sunday Express*, August 10, 2003, p. 11.

3 As Manuel (2001) observes, “piracy has been the nemesis of the cassette industry from its inception” (p. 78). He goes on: the very “ease of duplication” that fueled the industry’s growth now made possible “the emergence of a vast, parasitic ‘unorganized’ sector of the music industry which has bled many legitimate producers to bankruptcy” (ibid).

4 *India Today*, May 15, 1988, p. 145.

5 This certainly causes immense anxieties among both corporate interests and state elites and moves to regulate the cable operators were already afoot in 2003. A new system known as Conditional Access System (CAS), pushed by the Supreme Court, has now been put in place that seeks to eliminate the small operators, ostensibly in the name of the consumer. A CAS is a system that restricts electronic transmission through cable, and makes it available only to subscribed clients, as the signal is encrypted and is unavailable for unauthorized reception. A set-top box containing a conditional access module is required in the customer premises to receive and decrypt the signal. For an early debate, see “Should CAS be introduced?,” Rediff.com at <<http://inhome.rediff.com/money/2003/may/28cas.htm>>, accessed February 2, 2007.

6 We have extended the metaphor used by Pachauri here but the sense remains largely his.