

The law of the land contested: Bauxite mining in tribal, central India in an age of economic reform

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Abstract

This thesis explores the contestation over a bauxite mining project in the State of Andhra Pradesh which includes a number of factors that may be seen as producing conflicts over both the physical environment and equitable, inclusive development for very vulnerable people. A key issue at stake is an alternative use of land in the constitutionally protected Scheduled Areas for mining rather than low intensity cultivation and extraction of forest products. The strategic policy choice is either to prioritize the protection of tribals from absolute poverty or to promote economic growth through mining, reflecting alternative visions of development and justice.

In the background to the current conflict is the Supreme Court 'Samatha Judgement' of 1997, at the time hailed as re-affirming the right to land for Scheduled Tribes in central India. But this judgement has been restricted on appeal to only the State of Andhra Pradesh. And not only has its jurisdiction been limited, since 2005 new attempts are being made to open up this land for large scale mining in joint ventures between the State government and private investors in Andhra Pradesh itself.

The contestation over what should happen to Scheduled Area land is analysed using Fraser's 'three moments in the politics of needs' which focuses not only on achieving certain outcomes in terms of the distribution and control of land, but also takes into account the struggle to get recognition for identified needs of particular groups of people, in this case the Scheduled Tribes, and how the implementation process itself modifies the sought after outcomes.

Current attempts to mine have been made by what appears to be a powerful alliance formation of industrial and political interests likened to Kohli's characterisation of the larger political economy of India. But this research reveals a very slow process of implementation, in which the mining promoters have been frustrated by a complex set of opposing forces making use of local civil society, regional mass media and, national and regional political parties and juridical institutions that characterise the political economy of India at State level. Indian democracy thus continues to offer spaces for political deliberation and representation for civil society organisations and actors at the sites of implementation but also at higher levels including via the courts and the media.

The main method employed, and an original aspect of this research, is document analysis based on the many bureaucratic and other planning documents which have become available via the recent Right To Information Act. In addition key informant interviews and livelihood analysis connects the people at the project sites with project opposition members in especially coastal Andhra Pradesh, and the planning and bureaucratic procedures of the further distant capital cities of Hyderabad and Delhi.

The final outcome of the mining project remains to be seen as it is still under implementation. This outcome will depend not only on the relative material resources of the opposing parties; if this was the case, then the State government and its private business partner would have already won decisively. Instead we are seeing a drawn out process of contestation where the discursive resistance to tribal dispossession from land has strong historical roots and many active supporters. It is found that rather than relying on direct authority, the advantage of the project promoters rests on their ability to obtain and control information, though that control is far from hegemonic and has actually been diminished by the freedom of information legislation.

Table of contents

INDEX OF TABLES	5
INDEX OF FIGURES	5
LIST OF ACRONYMS AND ABBREVIATIONS.....	6
GLOSSARY.....	7
ACKNOWLEDGEMENTS.....	9
1 INTRODUCTION.....	10
1.1 SETTING THE SCENE: THE SAMATHA JUDGEMENT AFFIRMING TRIBAL RIGHTS TO LAND AND NATURAL RESOURCES.....	10
1.1.1 <i>Limiting the Samatha Judgement to Andhra Pradesh.....</i>	13
1.1.2 <i>New challenges to tribal land.....</i>	16
1.2 AIMS AND OBJECTIVES	17
1.2.1 <i>Research questions.....</i>	18
1.3 ORGANISATION OF THE THESIS.....	18
2 THEORY: DELIBERATING LAND AND MINERALS IN TRIBAL INDIA	21
2.1 INTRODUCTION	21
2.2 TRIBAL LAND PROTECTION AS SOCIAL JUSTICE	21
2.2.1 <i>The creation of an Agency for tribal people in Andhra Pradesh</i>	22
2.2.2 <i>Rights to land as cultural protection</i>	26
2.2.3 <i>Tribal social movements and mining.....</i>	29
2.3 A DEVELOPMENTAL ALLIANCE EXTRACTING THE MINERALS OF CENTRAL INDIA	32
2.3.1 <i>'Liberalisation' as pro-business economic reform.....</i>	32
2.3.2 <i>Mineral industry patronage in the unreformed political system.....</i>	36
2.4 DELIBERATIVE DEMOCRACY AND THE STRUGGLE TO PROTECT TRIBAL LAND	41
2.4.1 <i>The politics of needs interpretation</i>	41
2.4.2 <i>Democratic representation</i>	45
2.4.3 <i>Information as constitutive for deliberations.....</i>	47
2.5 ANALYTICAL FRAMEWORK	50
3 RESEARCH DESIGN	53
3.1 INTRODUCTION	53
3.2 EPISTEMOLOGICAL CONCERNS.....	53
3.3 METHODOLOGICAL APPROACH.....	54
3.3.1 <i>Selection of project to study.....</i>	55
3.3.2 <i>Fieldwork research methods.....</i>	56
3.3.3 <i>Document analysis</i>	59
3.3.4 <i>Using the Right To Information Act.....</i>	61
3.3.5 <i>Key stakeholder and key informant interviews</i>	63
3.3.6 <i>Data analysis.....</i>	66
3.4 ETHICS.....	68
4 CASE STUDY: THE BAUXITE ALLIANCE	70
4.1 INTRODUCTION	70
4.1.1 <i>The aluminium industry.....</i>	70
4.1.2 <i>Bauxite mining and social protest in India</i>	74
4.2 ALLIANCE FORMATION AND PROJECT SETUP	77
4.2.1 <i>The government of Andhra Pradesh.....</i>	78
4.2.2 <i>APMDC.....</i>	81
4.2.3 <i>Jindal South West (JSW).....</i>	84
4.2.4 <i>Memorandum of Understanding.....</i>	87
4.3 DISTRIBUTIONAL OUTCOMES OF A COMPLEX PROJECT SETUP	90
4.3.1 <i>Meagre State income from mining.....</i>	91
4.3.2 <i>Non-tribal industry off limit in the Scheduled Areas</i>	92

4.4	CONCLUSION	94
5	TWO SITES, ONE STORY: CONVERGING IMPACTS ON TRIBAL LIVELIHOODS	97
5.1	INTRODUCTION	97
5.2	LIVELIHOODS CHANGE FROM A BAUXITE PROJECT	99
5.2.1	<i>Policies for compensation, rehabilitation and mitigation</i>	<i>100</i>
5.2.2	<i>Environmental risks of the bauxite industry</i>	<i>102</i>
5.3	TRIBAL LIVELIHOODS.....	111
5.3.1	<i>'Forest' livelihoods in Araku and Ananthagiri</i>	<i>112</i>
5.3.2	<i>Agricultural livelihoods in S Kota</i>	<i>117</i>
5.4	LAND SETTLEMENT AND DISPOSSESSION.....	121
5.4.1	<i>Nominal forest land for the bauxite mine</i>	<i>121</i>
5.4.2	<i>Assigned agricultural land for alumina refinery</i>	<i>124</i>
5.5	COMPENSATION	132
5.5.1	<i>Cash compensation at the refinery site.....</i>	<i>132</i>
5.5.2	<i>Land users out of bounds.....</i>	<i>135</i>
5.6	CONCLUSION	137
6	INVESTMENT APPROVALS: MEDIATION OR FACILITATION?	140
6.1	INTRODUCTION	140
6.2	REFORM AND CONTINUATION IN THE SYSTEM OF CONTROLS.....	141
6.2.1	<i>Recent reform in the approvals regime</i>	<i>142</i>
6.2.2	<i>Public consultation in the approval process.....</i>	<i>146</i>
6.2.3	<i>Investment approvals and State-Centre disputes</i>	<i>148</i>
6.3	THE EXCLUSION OF LOCAL DECISION-MAKING	151
6.3.1	<i>Land acquisition and Panchayat raj</i>	<i>151</i>
6.3.2	<i>Environmental public hearings.....</i>	<i>154</i>
6.3.3	<i>Water for the refinery or for Visakhapatnam city?.....</i>	<i>156</i>
6.3.4	<i>Bringing people back in.....</i>	<i>159</i>
6.4	TECHNICAL EXCLUSIONS IN ENVIRONMENTAL IMPACT ASSESSMENTS	160
6.4.1	<i>Refinery EIA.....</i>	<i>162</i>
6.4.2	<i>Mining EIA.....</i>	<i>164</i>
6.5	CONCLUSION	165
7	ATTEMPTING TO TALK TO THE HAND: THE CHALLENGES FACING THE OPPOSITION TO BAUXITE MINING	168
7.1	INTRODUCTION	168
7.2	WHY IS THERE SO LITTLE AGENCY IN 'THE AGENCY'?	168
7.3	THE OPPOSITION TO THE BAUXITE PROJECT	171
7.3.1	<i>Opposing organisations.....</i>	<i>172</i>
7.3.2	<i>Claims made by the opposition.....</i>	<i>176</i>
7.3.3	<i>Competitive mobilisation.....</i>	<i>183</i>
7.3.4	<i>Limited resources force a turn to mainstream politics.....</i>	<i>188</i>
7.4	NGOs AND LEGAL ACTIVISM	191
7.4.1	<i>Ongoing court cases related to the bauxite project</i>	<i>192</i>
7.4.2	<i>Looking for procedural errors</i>	<i>198</i>
7.4.3	<i>Uncoordinated legal activism</i>	<i>199</i>
7.5	MISSED OPPORTUNITIES.....	200
7.6	CONCLUSION	201
8	HABERMAS' NIGHTMARE?: DISTORTED COMMUNICATION AND BAUXITE MINING CONTESTATION	204
8.1	INTRODUCTION	204
8.1.1	<i>Systematically distorted communication</i>	<i>204</i>
8.2	FIELDWORK STRATEGIES TO UNCOVER INFORMATION.....	206
8.3	ACCESSING INFORMATION FROM THE GOVERNMENT.....	208
8.3.1	<i>Administrators in Hyderabad</i>	<i>208</i>

8.3.2	<i>Accessing 'expert' knowledge</i>	211
8.3.3	<i>Leveraging information technology for information dissemination</i>	215
8.3.4	<i>The poor quality of official information</i>	216
8.4	INFORMATION FROM THE BAUXITE PROJECT OPPOSITION	219
8.4.1	<i>'Moneyed' NGOs and struggling activists</i>	219
8.4.2	<i>The media: Active and free, yet ultimately ineffective</i>	221
8.4.3	<i>Political parties</i>	223
8.4.4	<i>The politics of mine opposition and information control</i>	224
8.5	SITE VISITS: OPEN ACCESS TO PEOPLE AND DOCUMENTS.....	225
8.6	CONCLUSION	228
9	CONCLUSION	230
9.1	INTRODUCTION	230
9.2	THEORETICAL REFLECTIONS	230
9.2.1	<i>The developmental alliance and its challengers</i>	233
9.2.2	<i>Tribal land rights, mining and livelihoods</i>	237
9.2.3	<i>Information deficits and deliberative democracy in central, tribal India</i>	242
9.3	SUMMARY OF FINDINGS.....	246
9.4	METHODOLOGICAL REFLECTIONS	250
9.5	POLICY RELEVANCE	250
9.6	SUGGESTIONS FOR FURTHER RESEARCH	252
	ANNEXURE A: LIST OF PEOPLE INTERVIEWED	254
	ANNEXURE B: LIST OF SEMINARS AND MEETINGS ATTENDED	257
	ANNEXURE C: LIVELIHOODS QUESTIONNAIRE	258
	REFERENCES	261

Index of tables

TABLE 1: SUMMARY OF THE SAMATHA JUDGEMENT	12
TABLE 2: BAUXITE DEPOSITS OF ANDHRA PRADESH	103
TABLE 3: SUMMARY RESULT OF VILLAGE SURVEY IN ANANTHAGIRI MANDAL	116
TABLE 4: SUMMARY RESULT OF VILLAGE SURVEY IN S KOTA MANDAL	118
TABLE 5: AGRICULTURAL STATISTICS FROM S KOTA MANDAL	119
TABLE 6: AGRICULTURAL LAND IN THE REVENUE VILLAGES OF THE UPCOMING ALUMINA REFINERY IN S KOTA ..	120
TABLE 7: PROPOSED LAND USE FOR THE ALUMINA REFINERY.....	125
TABLE 8: CASTE COMPOSITION OF LAND-LOSERS COMPARED TO REST OF MANDAL	127
TABLE 9: LAND LOSS IN A S KOTA MANDAL VILLAGE.....	131
TABLE 10: MAIN ORGANISATIONS IN THE OPPOSITION TO BAUXITE MINING	173
TABLE 11: ONGOING CASES ON THE BAUXITE PROJECT IN ANDHRA PRADESH.....	193

Index of figures

FIGURE 1: MAP OF THE EAST COAST BAUXITE DEPOSITS OF ANDHRA PRADESH AND ORISSA.....	72
FIGURE 2: MAP OF BAUXITE PROJECT LOCATIONS IN VISAKHAPATNAM AND VIZIANAGARAM DISTRICTS OF ANDHRA PRADESH	98
FIGURE 3: THE STAGES OF THE ALUMINIUM INDUSTRY AND POTENTIAL POLLUTION	104
FIGURE 4: LAYERED RESOURCES ON AND AROUND THE BAUXITE MOUNTAINS.....	115

FIGURE 5: OFFICIAL LAND ACQUISITION MAP PREPARED BY JSW ALUMINIUM.....	128
FIGURE 6: TYPOLOGY OF LAND COMPENSATION FOR THE JSW REFINERY IN S KOTA.....	132
FIGURE 7: ANTI-BAUXITE MINING POSTER BY CPM POSTED IN ARAKU VALLEY IN THE VISAKHAPATNAM AGENCY	177
FIGURE 8: MAP OF BAUXITE MINING AND RIVERS IN COASTAL ANDHRA PRADESH.....	179

List of acronyms and abbreviations

AP	Andhra Pradesh
APIIC	Andhra Pradesh Industrial Infrastructure Corporation, a Government of Andhra Pradesh company responsible for industrial development
APMDC	Andhra Pradesh Mineral Development Corporation, a Government of Andhra Pradesh company
APSLTR	The Andhra Pradesh Scheduled Area Land Transfer Regulation 1959 as amended up to 1970. Also known as the 1/70 Act, the 1 st Act of 1970.
APTDC	Andhra Pradesh Tourism Development Corporation, a government of Andhra Pradesh entity
CPI	Communist Party of India
CPM	Communist Party of India (Marxist)
CPI(ML)	Communist Party of India (Marxist-Leninist)
DIPP	Department of Industrial Policy & Promotion, Government of India
EIA	Environmental Impact Assessment
HRF	Human Rights Forum, Andhra Pradesh civil rights organisation
IAS	Indian Administrative Service, the top-level of Indian government officers
I & CAD Dept	Irrigation and CAD Department, AP government
ICFRE	Indian Council of Forestry Research and Education, a central government research institute
ITDA	Integrated Tribal Development Agency, welfare offices operating in the Scheduled Areas of Andhra Pradesh under the State Tribal Welfare Department
JSW	Jindal South West Ltd., a subsidiary to the OP Jindal Group.
GoAP	Government of Andhra Pradesh
GoI	Government of India
GVMC	Greater Visakha Municipal Corporation, the municipal corporation of Visakhapatnam city
MLA	Member of (State) Legislative Assembly
MMDR Act	Mines and Minerals (Development and Regulation) Act
MoEF	Ministry of Environment and Forests, Union government
MP	Member of (national) Parliament
NEEA	National Environmental Appellate Authority, highest court of appeal on environmental matters based in Delhi
OBC	Other Backward Castes, category of lower caste groups other than Dalits with special reservation benefits.
OSATIP	Orissa Scheduled Areas Transfer of Immovable Property (Scheduled Tribes) Regulation, 1956 as amended up to 2002
PESA	Panchayat Extension to Scheduled Areas Act, an act to modify and implement local self governance in the Scheduled Areas across India
R&R	Rehabilitation and Resettlement

SEZ	Special Economic Zone, an industrial park with wide-ranging tax concessions and other benefits aimed at attracting investment
TDP	Telugu Desam Party, main opposition party in AP
TRS	Telengana Rashtra Samithi, opposition party in AP
VISCO	Visakhapatnam Industrial Supply Company
YSR	Yeduguri Sandinti Rajasekhara Reddy, Chief Minister of the Congress government of Andhra Pradesh from 2004 until his death in an accident in September 2009.

Glossary

Adivasis	‘The original inhabitants’, increasingly popular name for tribal people
Bauxite	An ore containing aluminium oxide, alumina, and a range of other elements. The ore is refined in two stages to first produce alumina and later the metal aluminium.
Benami	Benami transactions are transactions in e.g. land under false name when a different person than the one holding the legal title deed is the actual beneficiary.
The Centre	The national government of India
Crore	10 million
Dalit	‘The oppressed’, commonly used name for people of Scheduled Castes.
Dharna	Strike, blockade
Forest block	Administrative unit according to the Forest Department. Blocks do not coincide with other administrative units used by other departments of the State government.
Forest village	Villages in Scheduled Areas considered as encroachers on forest land
Girijan	‘The hill people’, AP name for tribals/ adivasis
Gram Sabha	Assembly of all adults within the area of a Panchayat to allow for direct democracy
Lakh	100,000
Lok Sabha	Lower house of the Indian parliament
Mandal	Block, Tehsil, smaller administrative unit of a District
Mansabdar	Political chief posted by the British administration in tribal Andhra
Muttadar	Local (traditional) chief in tribal areas of Andhra Pradesh
Panchayat	Lowest unit of the three tier-system of local democratic institutions across India. The others are Block (Mandal) and District councils.
Padyatra	‘Foot march’, popular mobilisation activity among political parties in Andhra Pradesh to bring their messages to rural areas
Patta	Land title
Podu	Shifting cultivation
Rajya Sabha	Upper house of the Indian parliament
Revenue village	Administrative village according to the Revenue Department which can contain a number of smaller villages and hamlets but nevertheless are grouped as a unit
Scheduled Areas	The Scheduled Areas are the territories reserved for India’s tribal communities in the Fifth Schedule of the Constitution.
Scheduled Castes	Official name for Dalits
Scheduled Tribes	Official name for tribal people
Tehsildar	Head of local Revenue Department of a Tehsil (Mandal)

The Agency	The Scheduled Areas of undivided Visakhapatnam District now comprising of Visakhapatnam, Vizianagaram and Srikakulam Districts. Still commonly used name in coastal Andhra Pradesh for the Scheduled Areas in the state.
Tribal	Collective name for group of people identified as in need of special protection in the Indian Constitution. Officially known as Scheduled Tribes.
Zamindar	Intermediary to the British in colonial India

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1 Introduction

1.1 Setting the scene: The Samatha Judgement affirming tribal rights to land and natural resources

In the late 1980s, the small social advocacy organisation Samatha (equality) started working with impoverished tribal communities¹ facing land alienation in Visakhapatnam and East Godavari Districts of Andhra Pradesh. Members of the organisation had earlier experienced first-hand how outsiders, whether for private gain or through government projects were acquiring land that was supposed to be legally reserved for tribal people, thus pushing the tribals into deep poverty. Realising the lack of understanding the tribals had of the formal procedures of the government, Samatha, like a number of other organisations in the region, started helping people to secure the land documents they needed to make use of existing legal protection. Nearby leases granted to cement companies for mining of limestone close to the ecologically sensitive Borra Caves caused Samatha to become involved in mining issues. The organisation was approached by villagers facing mining when a subsidiary to the Birla Group, one of India's biggest industrial conglomerates, had found rich calcite² deposits near Borra in the village Nimalapadu of Visakhapatnam District. As it was believed that the mining plans were against the local land transfer regulation³ which bans sale or transfer of land from a tribal to a non-tribal, a case was taken to the Andhra Pradesh High Court in 1993 (Vaghlikar et al. 2003; Krishnakumar 2004).

Shortly prior to this case an organisation with similar goals, Sakthi, had been litigating against mining companies similarly based on breaches in land protection for tribals. The difference was that Sakthi's case only involved private mining companies and not any government entity. The Sakthi case went in favour of land protection against private companies deemed by the court as being non-tribal and therefore ineligible to own or lease land. The judges in Samatha's High Court case were strangely enough not aware of the earlier judgement. When Samatha lost in the High Court in 1995 there was thus no other option than to appeal to the Supreme Court through Public Interest Litigation based on a case involving not only private companies but also the government of Andhra Pradesh, a crucial difference since the government could claim to operate on behalf of the public interest including tribal people.

¹ For a discussion on the different terms and associated meanings used for the group of people officially known as the Scheduled Tribes see Chapter 2.

² Calcite is a mineral containing calcium carbonate.

³ The Andhra Pradesh Scheduled Area Land Transfer Regulation 1959 as amended up to 1970.

A final verdict in the Samatha case was reached by the Supreme Court in 1997. Relying on a combination of the Indian Constitution's Fifth Schedule set up to protect and support tribal people, and Andhra Pradesh State land transfer legislation, the court reached the conclusion that no land, including government land (so called revenue land), private land or forest land in the Scheduled Areas,⁴ could be leased out to non-tribals or to private companies for mining or industrial operations. Allowing for land transfer would according to the court remove the very purpose of the Scheduled Areas.

If the Government was allowed to transfer or dispose of its own land in favour of non-tribals, it would completely destroy the legal and constitutional fabric made to protect the Scheduled Tribes (Supreme Court of India 1997).

The court was well aware of the conflicting rights at stake however since the government still had the imperative to provide support for tribal people as well as work for national economic development:

The object of [the] Fifth and Sixth schedules⁵ to the Constitution ... is not only to prevent acquisition, holding or disposal of the land in Scheduled Areas by the non-tribals from the tribals or alienation of such land among non-tribals inter se but also to ensure that the tribals remain in possession and enjoyment of the lands in Scheduled Areas for their economic empowerment, social status and dignity of their person. Equally exploitation of mineral resources [for] national wealth undoubtedly, is for the development of the nation. The competing rights of tribals and the State are required to be adjusted without defeating [the] rights of either (Supreme Court of India 1997).

The Supreme Court ordered an immediate closure of all existing mines in the Scheduled Areas of Andhra Pradesh, and suggested a process for other States with Scheduled Areas to review their laws in accordance with the judgement. But instead of completely putting an end to mining, the judgement allowed companies owned by a tribal cooperative or, more crucially, by the government, to mine in the future. The decision to allow the government to mine was motivated in a fairly simple manner by saying that "a public corporation acts in public interest and not for private gain" (Supreme Court of India 1997). The court thus took the position that the minerals had to be used for the benefit of the nation despite the risk that the government would cause much the same problems for tribal people as the private companies disallowed by the judgement.

⁴ The Scheduled Areas are the territories reserved for India's tribal communities in the Fifth Schedule of the Constitution. Though a territory for tribal people land can be owned both privately and by the government. The Scheduled Tribes is the official name for tribal peoples with special Constitutional benefits but migration and other factors mean that the tribes do not exclusively live in the Scheduled Areas. Similarly there are parts of the Scheduled Areas where non-tribal peoples are the majority.

⁵ The Sixth Schedule refers to the areas of North-Eastern India which has been reserved for tribal groups with a set of slightly different rights compared to those of the Fifth Schedule.

Reducing the possibilities to by-pass the judgement by using a public sector front is the need for any mine or industry to prove itself being more than a facade for private mining since benami operations, operations done on behalf of somebody else, are also illegal.

Table 1: Summary of the Samatha Judgement

All private mining activities in Scheduled Areas of Andhra Pradesh were ordered to halt their operations.
Government lands (revenue land), forest lands and tribal lands in scheduled areas cannot be sold or leased out to non-tribals including private industries as it is in contradiction of the fifth schedule of the Constitution and the A.P. Scheduled Area Land Transfer Regulation.
Mining activity in scheduled area can be taken up only by the Andhra Pradesh State Mineral Development Corporation or a cooperative of tribals and that too if they are in compliance with the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986.
When mining does take place at least 20% of the net profits should be set aside for a permanent fund aimed to improve local education, health and other social provisions. These 20% are not included in mandatory environmental protection costs as stipulated by other laws.
In case laws in other States do not ban granting of mining leases, a committee of State Cabinet members should be constituted to examine these in the Scheduled Areas of respective State.

Source: (Vagholikar et al. 2003, 69)

As much as the Samatha Judgement has provided improved protection from development-induced displacement in Andhra Pradesh it also comes with some difficulties. Tribals, unable to obtain employment in mining developments for lack of proper qualifications, are likely to face overwhelming obstacles to exploit minerals via cooperatives in a manner that promotes equitable distribution of benefits and pro-poor growth. This is a clear limitation of the Samatha judgement and one that might have been possible to envision in the judgement itself. And for government operations, the status of the 20% of net profits supposed to be set aside for a local development fund is uncertain. It is at present not known whether any company actually provides a share of its profits for local development according to the Judgement.

What further complicates the judgement is that the State still has the right to undertake large-scale projects for the greater benefit of society known as eminent domain. This is frequently used to invoke the powerful Land Acquisition Act of 1894 (as amended up to 1998) in the Scheduled Areas of Andhra Pradesh for the construction of, for example, irrigation dams. The Samatha Judgement does not mention the State's right to use the eminent domain and the two principles are thus at odds with one another. Additionally, ventures other than mining and industry are not affected by the Judgement. Forest plantations including rubber and pulp, tourism facilities such as hotels, coffee plantations and many other government entities can thus continue to operate as

earlier without having to provide a direct local share. There is also no mandate for these operations to involve tribal people in their management beyond existing reservation policies.

1.1.1 Limiting the Samatha Judgement to Andhra Pradesh

The Samatha Judgement has been widely acclaimed for reaffirming tribal peoples' constitutional right to land. But where the similar Mabo judgement in Australia in 1993 successfully opened up for aborigines to become participants in all discussions over what should happen on their traditional land, and additionally resulted in strengthened overall environmental protection (O'Faircheallaigh 2006), the efforts of Indian authorities have mainly been to limit the impact of the Samatha Judgement by confining it to only apply to Andhra Pradesh. As the Fifth Schedule of the Indian Constitution applies to some of the country's main (existing and potential) mining areas,⁶ the judgement at the time created a lot of unease among policymakers across the country as it seemed relevant for a large part of all minerals in India including the main reserves of iron, bauxite, chromium and coal. If the Judgement was implemented in Andhra Pradesh and the other Fifth Schedule States minerals would thus be off limits to the private investment supposed to be the basis of future expansion, since the new mineral policy was announced in 1993.

The immediate reaction of the government of Andhra Pradesh as well as the Centre (the national government) was to appeal the judgement to a larger bench of the Supreme Court. But this was denied in 2000 and the judgement stood (Supreme Court of India 2000). Not satisfied by the denied appeal attempts were made to remove the basis on which the judgement stood by amending either the AP land transfer law or the Constitution (Balagopal 2007b). The Andhra Pradesh State government pressurised the Tribes Advisory Council, the statutory advisory body in tribal affairs, in the year 2000 to allow an amendment to the Land Transfer Regulation Act that would allow a Dubai-based company to mine in the Scheduled Areas. But public pressure from opposition parties and tribal advocacy groups proved too much and these plans had to be abandoned (Vagholikar et al. 2003).

This led the Ministry of Mines of the central government to consider other ways of opening up for mining as at this point it seemed like private sector mining would be banned in large parts of India. An internal government note spelled out the worries of policymakers based on the advice

⁶ The Fifth Schedule of the Indian Constitution applies to the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Orissa and Rajasthan and recently created Jharkhand and Chhattisgarh. The tribal areas of Northeastern India are governed by a different set of provisions listed in the Sixth Schedule of the Constitution and are thus not affected by the Samatha Judgement. The similarities in constitutional setup and land transfer laws in these areas do not make it impossible to imagine a similar verdict however.

of the Attorney General putting the interest to develop mines and industry above the rights to traditional land for tribals:⁷

The impasse created by the Samatha judgement can perhaps be resolved only through an amendment of the Fifth Schedule to the Constitution as opined by Attorney General. One way could be to add the following explanation after paragraph 5(2) in the Fifth Schedule: 'Explanation: The regulations framed under paragraph 5(2) shall not prohibit or restrict the transfer of land by members of the Scheduled Tribe to the Government or allotment by Government of its land to a non-tribal for undertaking any non-agricultural operations including reconnaissance or prospecting or mining operations under the provisions of MMDR Act 1957⁸ (Government of India, Ministry of Mines 2000).

The plans for constitutional change coming from within the central administration bears witness to the powerful interests working to open up the Scheduled Areas to private economic activity. Also the Planning Commission was worried about what the judgement would mean for future mining operations. The draft approach paper to the 10th plan warned that

[i]t should be noted ... that amendment of the Coal Mines (Nationalisation) Act may not be sufficient to attract private investment in this important area. It will also be necessary to make other amendments to overcome the hurdle placed in the way of private mining in notified tribal areas by the Samatha Judgement (Planning Commission 2001, 44).

But high-level voices in favour of the Samatha Judgement were also articulated such as the President of India K.R. Narayanan's address to the Nation on Republic Day January 25, 2001:

In eastern India, the exploitation of minerals like bauxite and iron ore are causing destruction of forests and sources of water. While the nation must benefit from the exploitation of these mineral resources, we will have also to take into consideration questions of environmental protection and the rights of tribals. Let it not be said by future generations that the Indian Republic has been built on the destruction of the green earth and the innocent tribals who have been living there for centuries (Press Information Bureau 2001).

'The campaign to prevent amendment to the Fifth Schedule' by civil society organisations across India showed the possibilities to mobilise resistance both locally within the State of Andhra Pradesh and nationally. In the end the constitutional amendment was dropped and the Planning Commission reference was rephrased in the 10th Plan document less controversially as

[t]o enhance the indigenous mineral resources, intensive exploration is required. An enabling environment must be created to attract new investments through private sector participation

⁷ The note was widely published in the Indian press. See for example Manoj Mitta, "When the law displaces", Indian Express, September 21, 2000

⁸ Mines and Mineral (Development & Regulation) Act, 1957

with modern technical and managerial expertise for finding new deposits and develop them sustainably in the Tenth Plan (Planning Commission 2002b, 742).

While the contestation over the interpretation, and possible implementation, of the Samatha judgement across central India was still going on a new case came to national attention as the Government of India proceeded with its plan to privatise Balco (Bharat Aluminium Corporation), located in the Scheduled Areas of the newly formed Chhattisgarh State. If the company was privatised this would imply a transfer of Scheduled Area land from the government to a private, non-tribal entity. The Balco union of employees took the Government of India to the Supreme Court, again using Public Interest Litigation, which challenged the sale based on it being against the Madhya Pradesh Land Transfer Legislation⁹ which the State of Chhattisgarh had inherited after its formation in 2000. But the court's decision was to allow the sale to proceed:

The land was validly given to BALCO a number of years ago and today it is not open to the State of Chhattisgarh to take a summersault and challenge the correctness of its own action. Furthermore even with the change in management the land remains with BALCO to whom it had been validly given on lease (Supreme Court of India 2001).

By stating that Balco was still the same company, and thus the same owner of land even though it had been privatised, the judges managed to somewhat incredibly reach the conclusion that the case involved no land transfer. The immediate result was that the privatisation was allowed.

But beyond this the judges somewhat in passing restricted the Samatha Judgement when saying that it "is not applicable in the present case because the law applicable in Madhya Pradesh is not similar or identical to the ... Regulation of Andhra Pradesh (Supreme Court of India 2001)." Thus the question of land transfer in the Balco case could not be compared to the Samatha case resting both on the way the transfer was done leaving the land with the same company, and reading the Madhya Pradesh land transfer regulation as being different from the one in Andhra Pradesh. The question of how different the two laws were did not arise in the Balco Judgement, nor did the provisions of the national constitution, the second leg on which the Samatha Judgement rested.

The Balco Judgement was seen as a major setback for tribal rights by limiting the Samatha Judgement to Andhra Pradesh. Some interpreted it as a sell-out to business interests:

⁹ The Madhya Pradesh Land Revenue Code, 1959.

“[The Balco] deal ... is economically irrational, politically deplorable, legally unsustainable and environmentally unsound ... [It] violates a fundamental rights verdict of the Supreme Court in the landmark Samatha case, which vests ownership of Adivasi land in tribal people and forbids its transfer without proper compensation. This 1997 judgment demands that all industrial and mining activity in tribal areas not in conformity with tribal rights must stop 'forthwith'. It casts this responsibility on both the Central and state governments (Bidwai 2001).

Following the Samatha judgement, the government of Orissa set up a special sub-committee to overlook the implementation in the State. In Orissa the stakes were even higher than in Andhra Pradesh as its economy relies more heavily on mining, its tribal population is a much larger share of the population, and the minerals exist almost exclusively on Scheduled land. In 2001, shortly after the Balco Judgement was passed, the sub-committee reached the conclusion that the Samatha Judgement did not apply in Orissa. The decision was based on the claim that there were already extensive provisions in the State's existing laws to protect tribal interests and that the Samatha Judgement therefore was not needed (Yadav 2003).¹⁰ The difficulties of the Orissa government when allowing mining while at the same time stressing its concern for tribal welfare is apparent in the statement of the top Orissa government officer, Chief Secretary P.K. Mohanty:

[T]he Andhra Pradesh Schedule Area Regulation Act had prohibited such transfer of land. But the law in Orissa is not the same, although it does ensure ample safeguards for tribals (cited in Mohanty 2003).

No further legal challenges have been made by those supporting tribal land rights since the Balco Judgement based on a lack of confidence in the court's actually delivering justice. Some have argued that the national Constitution itself should be enough to ban alienation of land for mining across all of the Scheduled Areas (Balagopal 2007b) but this possibility remains untested.

1.1.2 New challenges to tribal land

The current impasse over the Samatha Judgement has thus been interpreted as a ban on private mining in Andhra Pradesh but a lack of implementation in other States. This has not only allowed mining to carry on as earlier across much of central, tribal India, but to even expand despite the many controversies which keep surrounding mineral projects. The situation has perhaps been most severe in Orissa where clashes between local people protesting against land alienation and the police have on several occasions resulted in violence with casualties suffered. This has happened over bauxite mining and refining at Kashipur (Reddy 2006b; Goodland 2007)

¹⁰ The rules cited in this regard were the Orissa Scheduled Areas Transfer of Immovable Property (Scheduled Tribes) Regulation (OSATIP), 1956, and the Orissa Zilla Parishad (Amendment) Act, 1997

and more recently over a proposed steel plant at Kalinganagar (Mishra 2006; Padhi et al. 2006). But also in Chhattisgarh State tribal people have been at the receiving end when finding themselves caught in clashes between Maoist Naxalite rebels and the allegedly government-sponsored Salwa Judum¹¹ militia seen by some as being over access to valuable mineral resources (Sarma 2006; Sundar 2006). But these instances of violence hide a much larger picture of deprivation and marginalisation of tribal peoples across central India possibly more severe than for any other group in the country despite the protection supposed to be afforded by State land transfer laws and the national Constitution (Guha 2007).

In Andhra Pradesh, where the Samatha Judgement still holds, private mining has not been able to expand but many other government projects, including coal mines and irrigation dams, continue to demand land in the Scheduled Areas. And since 2005 new attempts are being made also here to exploit the bauxite of tribal Visakhapatnam District. In the new attempts the Samatha Judgement is an accepted part of the legislation. The project instead relies on exploiting one of the weaknesses of the judgement when proposing that an AP government company, the Andhra Pradesh Mineral Development Corporation (APMDC), should be used to mine while the private investor which is financing the entire project, Jindal South West (JSW) of the Indian big business Jindal Group, will locate its alumina refinery just outside of the Scheduled Areas in Vizianagaram District where private land ownership is allowed. A confident State government with a strong role to play in national politics, and the support of one of India's major business families looked certain to be able to implement the project in this new 'public-private partnership'.

But five years later uncertainty remains over the implementation of the project though land has been acquired and initial construction has started for the refinery. Both the mining and the refining components have made significant headway through the administrative approval process but are still a long way from starting production. This thesis explores the many different forces and processes which have worked to frustrate what appeared to be a powerful alliance between the government and a private company, and what lessons might be drawn from this case study for the future of tribal land rights in central India.

1.2 Aims and objectives

The objective of the thesis is to examine a contentious mining project in the State of Andhra Pradesh as an instance of the many conflicts over, and resistances to, economic reform involving

¹¹ Salwa Judum strangely enough means 'peace march' in the tribal Gondi language.

‘tribal land’¹² which are currently happening across central India. This will be done by exploring the tension between existing tribal land rights legislation and concerns over land use changes from mining industry operations on the one hand, and the profitability of mining projects, especially for politically influential interests, on the other.

The study will aim to understand how centuries old conflicts related to tribal land have taken on a new form with the arrival of big business mineral industry supported by State (and Central) governments, and have continued to make tribal India a very unsettled place with poor prospects for human development with Maoist-government battles, endemic poverty and serious environmental degradation. The ways in which mining claims are advanced by dominant elites, and the possibilities for resistance by oppositional groups and individuals in the case study, will be used to interrogate the currently existing oppositional discourses on social and economic development in central India to try to understand what possibilities might exist to break free from the current stalemate.

1.2.1 Research questions

The aims and objectives are made further explicit in the following research questions:

1. Is it possible to see the introduction of a bauxite mineral project as relying on a close government-business alliance formation? If so, what are the possibilities to challenge this form of cooperation by those excluded from it?
2. How are the ongoing re-interpretations over the content and meaning of the long-established constitutional right to land for India’s Scheduled Tribes, as upheld in the Samatha Judgement, continuing to shape the current mining conflict in Andhra Pradesh?
3. How might the current contestation over tribal land rights and mining, and especially the use of informational resources in the shaping of these contestations, inform a better understanding of the current limitations to wider and more inclusive deliberations on how to best use natural resources in central India?

1.3 Organisation of the thesis

Following this introduction, Chapter 2 details the theoretical underpinnings which will be used in this thesis. The discussion leads to the detailing of an analytical framework.

¹² Tribal land is here seen as any land in areas traditionally inhabited and/or used by people officially categorised as Scheduled Tribes, whether this land is officially settled as private, forest, revenue or other form of land.

Chapter 3 presents the detailed research design including epistemology, methodology and ethical considerations.

Chapter 4 details the bauxite mining project which is used as case study in this thesis. Based on the Memorandums of Understanding signed by the State government and the private investor, the capabilities of the entities to actually carry out the work they have proposed to do forms an important part of the analysis of outcomes of project implementation, but also for the possibilities of distributional outcomes in favour of local communities. The main way of assessing the distributional interests of the project promoters is by analysing the alternative ways in which the project could have been setup.

Chapter 5 moves to the sites of implementation, the bauxite ore bearing hills of the Scheduled Areas of Visakhapatnam District, and the non-Scheduled location for the privately owned alumina refinery in Vizianagaram District. The differences in land being scheduled or not as well as those of the proposed activities are found to be less important as the State attempts to acquire land from tribal groups in both locations with weak or no land titles.

Chapter 6 analyses the process of mediation supposed to be performed by the various offices of central and State governments as the project is implemented. Outside of the immediate concern of land loss and compensation discussed in chapter 5, “externality” issues of water use, forest loss and pollution are supposed to be taken care of by the authorities according to existing laws. There are also provisions in the Panchayat raj system to allow local people to be heard. Whether or not tribal people and their livelihoods are included in the considerations of the project is of crucial importance for just outcomes.

Chapter 7 examines the many actors and organisations who worked against the bauxite project based on the many points of contention, discussed in chapter 5 & 6, when land acquisition processes and the compensation for externalities are not sufficient for fair outcomes. The project opposition also takes issue with, and to some extent manages to improve, the inadequate mediation by the state. This opposition, largely based in the cities of coastal Andhra Pradesh, attempts to affect change mainly by mobilising local people, spreading information via the media and going to court.

Chapter 8 moves beyond the immediate contestation over land rights and bauxite mining to discuss the outcomes as based on the variable accessibility and availability of information. The experiences of the researcher in accessing information during fieldwork are used to strengthen the discussion of information issues from the earlier chapters. It is argued that informational problems are crucial to explaining the kind of stalemate resulting in considerably delayed projects, which have been seen in this and other mineral projects in central India.

Chapter 9 presents the theoretical conclusions, a summary of results and makes some suggestions for future research.

2 Theory: Deliberating land and minerals in tribal India

2.1 Introduction

Contentious industrialisation in remote regions is hardly a new theme in India. What is new is however the scale of the present extractive industries-led expansion after India's integration with global markets post 1990, and occurring at a time of an unprecedented international resource boom in which a number of large-scale bauxite mining and alumina refinery operations are being planned across central India's tribal region. The issues are not related to bauxite mining only however as tribal lands are also exploited for, among other minerals iron and coal, both of which are increasingly using land disrupting open cast methods to improve productivity. But as chapter 1 indicated extensive protective rights have become part of the legislative framework and India's democratic framework allows for widespread deliberations, including civil society pressure and media attention, to be placed on those who threaten to infringe these rights.

The first two sections of this chapter presents two opposite ideas of how tribal land should be best put to use; should it support marginal agricultural activities and forest product collection for the benefit of tribal people, or should the minerals under its surface be exploited via large-scale mineral-led industrialisation to promote economic growth? The following section examines how deliberative processes shape the clash between these opposing ideas not only over land use, but ultimately also about alternative views on economic development and social justice, takes place in India. The discussion is developed in the final section into an analytical framework which will guide further analysis.

2.2 Tribal land protection as social justice

In many parts of the world the conflict between mining and indigenous people has become an increasingly common issue in recent decades as more easily extracted reserves elsewhere have become exhausted. In these conflicts not only are different uses of land and resources under contestation, often it is two entirely different views of what is of value and how society should progress which are at stake (Ballard et al. 2003; Godoy 1985). Conflict has been known to occur in many parts of the world, in poor as well as in better off countries. But, as Hilson argues,

circumstances are severest in developing countries, where governmental intervention is minimal, regulatory frameworks are commonly incomplete, and fewer effective support schemes are in place for community and industrial groups. Compounding the problem is the fact that a number of these countries' governments, which have heavily promoted foreign

investment in their minerals sectors in recent years, almost exclusively side with mining companies on key land use issues (Hilson 2002, 65).

The conflict between mining and “indigenous” people in India has been detailed by a wide range of activists and NGOs in recent years though social science studies so far remain few (Bhushan et al. 2008; Kalshian 2007; Reddy 2006b; Amnesty International 2010). Additionally, the current conflicts are understood as part of a large literature on issues related to land relations in tribal India, and the social movements which have worked towards securing rights, whether threatened by non-tribal farmers and moneylenders, by Forest Departments and commercial forestry, or by large dams (Balagopal 2007b; Baviskar 1995; Guha 2007; Springate-Baginski et al. 2007). These movements have been characterised both by the demands for redistribution of material resources and the recognition of a unique identity common for many social movements around the world these days (Fraser 1989; Fraser 1997).

2.2.1 The creation of an Agency for tribal people in Andhra Pradesh

The history of land relations in tribal Andhra Pradesh as well as in much of the rest of tribal, central India is one of recurring struggles against transfer of farm land in the valleys to non-tribal farmers and moneylenders, and against the government’s claim to own forest land on and around the hills (Balagopal 2007b). Successive efforts have been made by State governments to strengthen tribal legal rights to agricultural land in the valleys, especially as part of attempts to restore peace after rebellions. But forest land has continued to be held by State governments up until the present, leaving many tribals living for generations under insecure circumstances. ‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006’ (here referred to as the Forest Rights Act) currently under implementation gives some hope for change in favour of forest-dwelling communities, of which tribal peoples are the majority.¹³

The creation of a special legislative area with strong land rights in Visakhapatnam District, referred to as the Agency, is a result of recurring tribal struggles against outside resource exploitation with three distinct moments; the creation of the area as a separate administrative region by the British colonial government in 1839, the settlement of all forest land with the government in 1882, and the reservation of private, agricultural land for tribal farmers in 1917.

¹³ One estimate is that about 14% or 10.7 million people in Andhra Pradesh live in ‘forested landscapes’. This is about double the number of people compared to the tribal population of the State (Reddy et al. 2010b).

Land on the plains, the areas outside of the Agency, of Visakhapatnam District¹⁴ was formally settled in the early 1800s under local intermediary landlords, zamindars, who collected revenue on behalf of the colonial British government. The zamindars, often minor chieftains who had inherited their titles, had great powers within the assigned territory but could be evicted if not performing according to set criteria, especially if not paying the allocated tax to the British (Saxena 1997; Rao et al. 2006). In the Visakhapatnam Agency a distributed system of authority developed via local hill zamindars, *muttadars*, who in turn were subordinate to bigger zamindars on the plains.

The *muttadars* were the vital links in an extended chain of authority and subordination stretching from the villagers in the hills to a raja in the plains and hence, far more hazily, to a distant suzerain in Hyderabad, Delhi or Madras (Arnold et al. 1995, 101).

Baken describes the settlement of land in Vijayawada of Krishna District south of Visakhapatnam as building on earlier patterns of ownership and land use:

[T]he land revenue arrangements prevailing in [the 1840s in] Vijayawada were a continuation of old local traditions in which specific (land owning) caste groups in each village had the exclusive right to the possession and yield of the soil, in return for paying taxes (Baken 2003, 121).

But not only were upper and middle caste groups able to command large areas of land, the quality of their land also tended to be better than those of other castes including access to water sources (Hjejle 1984).

Visakhapatnam District, on the very outskirts of British colonial rule on the border between the Madras and Bengal Presidencies, proved to be a difficult area to control despite the use of the zamindari intermediaries with frequent violent rebellions especially in the hills (Atluri 1984; Arnold 1984). Without strategic importance or enough (known) resources to warrant sufficient troops to control the situation the solution was to set aside 7/8ths of the district's area from normal rule of law with the creation of the Agency Tracts in 1839.¹⁵ The provisions for the Agency included special courts of law and the ability to exclude or modify existing laws not deemed appropriate for the area. Significant powers came to be held by the district collector who was acting as the Agent to the British government (hence the popular name of the Agency which

¹⁴ Visakhapatnam District under the Madras Presidency of British India comprised what today are Visakhapatnam, Srikakulam and Vizianagaram Districts, and parts of southern Orissa.

¹⁵ According to the Ganjam and Vizagapatam Act, 1839 (Act No 24 of 1839). Similar areas had been 'excluded' in other parts of British ruled India, e.g. Chota Nagpur of present day Jharkhand in 1833 (Maharatna 2005). In present day Andhra Pradesh agencies existed in Hyderabad State as well as the Godavari and Ganjam agencies of the Madras Presidency. The special Meriah agency was carved out of the Visakhapatnam Agency in present day southern Orissa to deal specifically with the perceived problem of human sacrifice among the Kondh tribals (see Padel (2009) for this last point).

remains today) (Carmichael 1869).¹⁶ It was in a sense a ‘practical’ solution for the colonial power to strengthen local authority and remove some of the demands on hill zamindars to produce the same revenue payments as other zamindars for the return of peace in the hills.

But rebellions continued in the hills and even became worse after the forest settlement in 1882¹⁷ which put ownership of most available Agency land in the hands of the government as reserved forest. The main principle of forest settlement was that all land not under continuous cultivation belongs to the government including *podu* (shifting cultivation) land (Saxena 1997; Rao et al. 2006). Another mechanism was to declare sloping land as unsuitable for agriculture (Kumar et al. 2005).¹⁸ In the hilly Visakhapatnam Agency this process ensured that most of the land came to be vested with the government leaving only the flatter valley land as recognised private land. The forest-dwellers, hunter-gatherers and subsistence farmers of the Agency for these reasons were often never included in any formal system of property rights and this has continued to present day (Balagopal 2007b).

Arnold argues that the nature of the rebellions showed that the grievances of the people were long-standing and were able to unite the many different groups of people who inhabited the area, also on many occasions including the locally influential *muttadars*, against the outsiders. This is not to say that the tribal versus non-tribal identity was particularly distinct in the movements. Some of the best known rebel leaders were non-tribals, such as the Hindu of Kshatriya-caste Alluri Sitarama Raju of the 1922-24 uprising against the restrictions on *podu* and access to forests.

The result of a century or more of frequent unrest influenced the first legal protection of private tribal land in 1917.¹⁹ This Act attempted to regulate land transfer as well as limit the prevalence of usurious interest rates which indirectly lead to land-loss when farmers were not able to repay loans. Specifically, no land was allowed to be transferred from a person belonging to a “hill tribe” to an outsider. It was however possible to get an exemption from this rule from the Agent of the British Government and so the land alienation could continue (Sastri 2006).

¹⁶ The term ‘the Agency’ is still widely in colloquial use in Andhra Pradesh to refer to the Scheduled Areas and will be used throughout the thesis to refer to the Scheduled Areas of Visakhapatnam District. In opposition to the Agency are ‘the plains’, the non-Scheduled parts of the State.

¹⁷ According to the Madras Forest Act of 1882.

¹⁸ Kumar et al. (2005) mentions over 10% slope for Orissa with a similar land settlement history as AP.

¹⁹ The Agency Tracts Interest and Land Transfer Act 1917 (Madras Act 1 of 1917).

Subsequent legislation made further restriction on land transfer until the passing of the present act, the Andhra Pradesh Scheduled Areas Land Transfer Regulation (APSLTR), 1959. Indicating the seeming impossibility of the legislation to appropriately address the issues, the most recent amendment was in 1970 after a rebellion in Srikakulam District (Reddy 1977). Again violent protest had erupted in the hills over restrictions on forest use imposed by the government, but added to this was the limited implementation of the 1959 Act, and the existence of low wage labour rates (Dasgupta 1973).

The APSLTR, as it currently stands, completely prohibits the transfer of any type of land, including that claimed by the government itself as forest land, other than to a tribal individual or a registered cooperative society. The law further presumes that all land in the State's Scheduled Areas originally belonged to a tribal person which means that land found in the possession of a non-tribal should be restored to the original owner. Tribal land holdings only in name where the real beneficiary is a non-tribal, so called *benami* titles, are also banned (Balagopal 2007b). The act does not however attempt to solve issues related to ownership of and access to forest land in tribal areas. Nor does it propose a solution for what should happen to the rural, non-tribal poor, who in some parts of the Scheduled Areas are larger in number than the tribal groups.

In comparison to the exhaustive provisions of the APSLTR the Fifth Schedule of the Indian Constitution, the second leg cited in the Samatha Judgement, is much less distinct in its land protection. It essentially leaves specific regulations up to each State government/Governor by including the word "may" repeatedly:

The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. ... [S]uch regulations may ... prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area (Ministry of Law and Justice 2007, 288).

Ever since the first land transfer legislation in AP, the only amendments which have been enacted have been to further strengthen land rights. Civil society protest and electoral pressure on politicians has so far prevented open market reform to tribal land in Andhra Pradesh (Reddy 1988; Balagopal 2007b). Across tribal India, as far as is known, not a single land transfer act has been repealed or even weakened.²⁰ The continued formal strength of land rights is quite

²⁰ See e.g. Rao (2003) for attempts to amend legislation in Jharkhand, and Kumar et al. (2005) in Orissa.

remarkable in the face of the marginalised position of tribal people and the ongoing process of economic reform.

It might be possible to see the continued existence of land transfer legislation together with governments intent on promoting industrialisation due to the wide legal and administrative loopholes which exist for their implementation (Rao et al. 2006).²¹ One example of this is if a non-tribal farmer gained possession of land before 1959, or with the consent of the Collector prior to the 1970 amendment, this land is allowed to stay in his/her possession. Most frequent is however to never implement the many surveys and reports which over the years have identified particular non-tribal land holdings across the AP Scheduled Areas. Administrative inaction and long-drawn court procedures have prevented many settlements of land (Balagopal 2007b).

At independence the Agency area of Visakhapatnam was incorporated into the Scheduled Areas²² of India. But the process of settling its borders excluded many of those it was meant to protect. S Kota Mandal (known as Block or Tehsil in other parts of India) of Vizianagaram District was one such area settled as non-Scheduled despite a history of being part of the colonial larger Visakhapatnam Agency and having traditionally been inhabited by tribal groups in a forested area.²³ For the possibility to locate the alumina refinery and for the people it displaced, the way the Agency border was drawn proved absolutely crucial since private industry has not been allowed in the Scheduled Areas after the Samatha Judgement.

2.2.2 Rights to land as cultural protection

The early history of the Agency thus largely revolved around rebellions in defence of material resources like land and forest. But to fully understand the enduring support for special land provisions it is not enough to merely examine these material struggles. The discourse around tribal people the impact modernity had on them started changing in the late 19th and early 20th century towards a view of the people as ecologically benign and therefore virtually guaranteed not

²¹ Especially high incidence of farm land held by non-tribals is reported for northern Andhra Pradesh in the Telangana area (>50% land alienation) with much lower figures in West and East Godavari Districts towards almost insignificant in Vizianagaram and Srikakulam Districts at 0.2% and 2.2% non-tribal holdings respectively. Land alienation data is not reported for Visakhapatnam District but 22,490 acres of non-tribal land holdings were detected in a 1997 survey of the District (Rao et al. 2006).

²² A clear definition of the earlier as well as present extent of the Visakhapatnam Agency is surprisingly difficult to find. A practical definition can be seen as the area under which the AP government's Integrated Tribal Development Agency, operates, i.e. the Mandals of Ananthagiri, Araku Valley, Dumbriiguda, Hukumpeta, Pedabayalu, Munchingiputtu, Paderu, G. Madugula, Chintapalli, GK Veedhi and Koyyuru. The non-tribal part of Visakhapatnam thus becomes the remaining 32 Mandals of the District but the larger Mandals of the Agency mean it consists of about 56% of the geographical area of the District (Gopal 1996).

²³ It is possible that S Kota Mandal was already excluded from the Agency in 1863 when according to Carmichael (1869) the Vizianagaram and Bobbili Zamindars were moved into the regular area of the Madras Presidency.

to be able to cope with changes. Until this day it is this discourse of tribal people having a special relationship with their natural surroundings which continues to reinforce the protection of tribal land as much as the direct livelihood needs of tribal people as farmers or forest-dwellers. The appeal of the tribal has been remarkably durable despite the changing economic priorities in India.

This modified view of tribal people was most clearly articulated by Verrier Elwin, who came to India as a missionary in the late colonial period but after many years living in central India became an authority on tribal issues to the point where he was given the position of advisor to the government in independent India (Guha 1996). In sum, Elwin argued that the tribal was as much culturally as economically tied to his or her natural surroundings and as such love of nature was the first trait. The tribal society was built on a unique unity and solidarity, therefore fraternity and equality was significant in it including a much higher status afforded to women compared to the case in the rest of India. But equality did not mean a dull cultural life. Elwin's characterisation of the tribes thus managed to have an edge both against the modernity of the West as well as the rigid and unequal Hindu caste society. According to Elwin:

it was only the tribal isolated in the highlands who really lived; his religion characteristic and alive, his social organisation unimpaired, his traditions of art and dance unbroken, his mythology still vital (Guha 1996, 2378-2379).

From this came the demand to protect tribals by upholding the sanctity of the separate areas created by the British where they would remain free from the influence of modernisation as well as the influence of Hindu society.

The clear division between tribal and non-tribal peoples which still exists in for example policymaking is not quite so distinct upon closer examination however. Tribal people in central India²⁴ is a social category not easily captured or defined. It comprises a wide range of peoples living across a number of different States, where some have their own religion, language or other customs separating them from 'mainstream' India but others do not, or have converted to use religion, language or customs similar to other social groups (Roy Burman 2003; Xaxa 1999). To find a common denominator between all these groups of peoples is not a straightforward task, and most probably never was in the past (Guha 1999).

²⁴ There are also tribal peoples of the Sixth Schedule States of North-Eastern India but these are not discussed in this thesis due to the significant differences in culture as well as to the legal setup of these areas compared to the central India.

One increasingly common term for the people is *adivasi* meaning the first or original people thus building a claim to be recognised as India's indigenous people. But whether the groups today officially categorised as Scheduled Tribes can claim to be more native to India than for example Dravidians of south India is doubtful (Xaxa 1999). Additionally, many tribal groups have migrated to their present habitat from elsewhere making it difficult to term these as original inhabitants (Guha 1996; Prasad 2003). The official position in the Indian Constitution has been to not recognise the close to 650 different groups which are part of the Scheduled Tribes as indigenous, but rather as historically disadvantaged and in need of state support similarly to dalits.

The tribal category is instead perhaps most distinct when compared to other groups in terms of the high incidence of poverty and continued poor human development. Several studies report high incidences of poverty and low literacy rates (Gang et al. 2008; Kapur Mehta et al. 2003), and Andhra Pradesh is, despite its overall relatively strong poverty reduction, worse than the average of States with large tribal populations.²⁵ Other indicators of the intense poverty are evident in the high incidences of malnutrition and disease.²⁶ Tribal people are even significantly worse off compared to India's other main disadvantaged communities, "lower caste" Dalits and Muslims (Guha 2007).

The enduring support for the noble savage view in much academic writing owes something to the critique of modernity in post-development theory and the women-in-environment literature (Escobar 1995; Shiva 1988). This 'noble savage' view of tribals has been exposed to criticism for resting on a form of deterministic romanticism of the natural ability of this group of people to take care of the environment and live sustainably (Guha 1999; Prasad 2003). A more suitable view might thus be to see the tribal category as originally imposed on the hill peoples without taking into account the identities of the people themselves. Nowadays, tribal people can possibly better be seen as a group of people not necessarily indigenous, or even originally related to one another, but having a shared experience of marginalisation and relative isolation which has shaped their identities over the past centuries (Xaxa 1999).

²⁵ As recently as 89-90, tribal literacy was as low as 7.7% in the Visakhapatnam Agency on average, with a female literacy rate of 1.8% (Gopal 1996). In 2001 37% of tribals were recorded as literate, 26% for women. Only UP and Bihar have lower rates than AP for tribals. The Dalit literacy rate in AP was 60.5% as a comparison (Census 2001).

²⁶ The infant mortality rate is 120-150 compared to 72 for the whole of Andhra Pradesh. There is a 30% mortality rate for under fives which for some tribal groups like Savara and Gadaba of coastal AP go up to over 50%. There is double the incidence of TB for tribals and 75% of all cases of malaria in the State are recorded for tribal areas (Reddy et al. 2006). 65% of children age 1-5 suffer from malnutrition, and only about half of all households consumed adequate amounts of protein and energy according to a survey in Khammam District (Laxmaiah et al. 2007).

Based on both material and cultural values a strong support continues to exist among tribal peoples themselves, as well as from sections of civil society and the state, for the need to continue the protection against tribal land alienation. Ownership of agricultural land as much as access to forest land is seen as important for social justice in tribal India. The Forest Rights Act 2006 is the most recent example of how the image of the tribal as a caretaker of the environment is still very much alive, including among policymakers. Most explicit in this regard in recent years has been the Government of India 'Bhuria Committee' report on the implementation of local decision-making via Panchayats in the Scheduled Areas (PESA). According to the authors:

Tribal life and economy, in the not too distant past, bore a harmonious relationship with nature and its endowment. It was an example of sustainable development. But with the influx of outside population, it suffered grievous blows (Bhuria Committee 1995).

To sum up the discussion so far the Agency area is seen as having been established due to a long struggle against outside exploitation. But it has only been granted very limited powers of decision-making. In a sense the Agency, much like the rest of the Scheduled Areas, continues to be governed as the colonial agency it once was by outsiders, where the state reserves the right to administer laws for empowerment still largely waiting to happen. The collection of laws secured through centuries of struggle have only been weakly applied to this disparate, but clearly disadvantaged, group of peoples, and made applicable to an ill-defined geographical area. If tribal people themselves were deemed capable of managing their territory and resources they might even lose the special rights since these are a protection against exploitation, rather than a right of the indigenous. But rights continue to be shaped by the pressure various groups are able to place on governments across federal India. One example of this is how in recent decades tribal social movements have increasingly come together to demand their rights to resources in central India.

2.2.3 Tribal social movements and mining

When tribal people have been unable to participate in the political debate (Guha 2007), demands for protection of rights instead have been organised via social movements²⁷ mainly engaging directly with the bureaucracy or the judiciary (Katzenstein et al. 2001). The strengthening of tribal claims to resources seemed successful in parts of central India as mass movements for the protection of *jal, jungle* and *jameen* (water, forest and land) became increasingly common in recent decades. But the failure to achieve significant change through, for example the Narmada dam opposition, seems to have opened up for counter-claims. One example of this is how Hindu

²⁷ A social movement is here seen as a number of actors and organisations who work towards a common goal, though not necessarily together with other actors who might be considered to share the same goals. Social movements generally work outside of 'mainstream' politics (Della Porta et al. 1999).

right-wing organisations have made significant inroads in recent years into tribal India (Baviskar 2005; Chatterji 2004).

One way of understanding the changes brought on by mining can be an examination of the forms of social movement and other forms of resistance it has created. These have tended to be divided between concerns with *exploitation* (mainly of labour) and with *dispossession* (of those living on or close to the mineral resources). Strong labour movements have historically been built around the former where the condition of working has been the key issue. In more recent years new movements have been created around the issue of dispossession as modern industries have tended to employ fewer people and have moved into remote geographical areas where people could have little hope of gaining from industrialisation. The issues around dispossession have come to include a) *land use changes* including the extent of land required for mining and the compensation for it, but also quality changes from pollution; b) *social changes* imposed on previously coherent communities; and c) *resistance to those perceived as outsiders* who take away valuable resources from the local population instead of providing a greater share locally of royalties or other forms of income (Bebbington et al. 2008).

Protests against bauxite mining in India have tended to focus on land use changes with the task of protecting local peoples from dispossession mainly by preventing land use changes including displacement from land and environmental pollution. They have done so by urging mining plans to be stopped since people will not be able to cope with the ensuing changes (Padel et al. 2007; Reddy 2006b; Sreedhar 1995; Amnesty International 2010; Patra et al. n.d.). In certain cases environmental conservation has also played an important role in these protests (Mishra 1987). Alumina refineries on the other hand have, similar to other industrial plants, tended to create resistance for their use of agricultural land and for the poor employment and compensation benefits provided, with less conflict over environmental conservation. For both mining and refining the possibilities of good practices, remunerative employment, and a local share in the profits have been eschewed for a more conflictual path of resistance to dispossession due to land use changes.

The reasons for the strong opposition to dispossession are not too difficult to see. Though exact numbers are not available it seems clear that mining is the biggest source of displacement in India after dams, with victims potentially numbered in millions. Of these very few have been resettled and the problem has been particularly common for the mining displaced. Even when

resettlement has been agreed to, it has been found to be impossible to implement land for land compensation policies (Fernandes 2009). One important explanation for the lack of compensation, and even less commonly full rehabilitation, from mining is its strong connection to forest land owned by the government.²⁸ For tribal peoples the denied rights over forests have meant denied compensation when the forest has been converted into a mine (Fernandes 2009). Denied compensation for land also means a denial of other potential compensation offers like jobs or education which could help people rebuild livelihoods. Industrial land on the other hand tends to be acquired on flat land with more formally recognised ownership. This has however not prevented controversy also for the acquisition of this type of land, often seen as being a choice between livelihoods and food security on the one hand and industrialisation (with more technical jobs) on the other (Fernandes 2007).

Concern over the social changes brought on by mining has from time to time been voiced in India but so far found little high-level policy support despite much of the operations taking place in the Scheduled Areas. Resistance to outsiders benefiting from local ore extraction, which have been a theme in international resource struggles for indigenous peoples, have received remarkably little attention in India despite the seeming relevance when outsiders move in to exploit resources in tribal-reserved areas. Even when State governments have argued in favour of greater compensation for mining with the Centre, local, tribal movements have as far as is known refrained from making resource claims to minerals as a collective right. The greater ill of dispossession from mining has seemingly prevented any attempts to secure local benefits from the minerals despite the opening for tribal cooperative mining in the Samatha Judgement.

To sum up, land as an issue of social justice for tribal people has a long historical precedent in many rebellions and struggles. The claims in favour of a tribal right to land make both emotive demands for the recognition of a special tribal identity and for the redistribution of resources. On paper strong laws exist to give formal support to these rights, but these have never been implemented more than half-heartedly. Importantly, the laws concern only private land and not forest which tends to be dominant for mining. In recent years a resurgent mineral industry based mainly, but not exclusively, on private investment made possible by economic reform has increasingly come to dominate the official position on what should be done to tribal land. How this has happened is detailed in the next section.

²⁸ Though good forest cover is not necessarily present just because the land is officially settled as forest land, the Forest Survey of India has found that bauxite ore does tend to exist in areas of good forests (Forest Survey of India 1998).

2.3 A developmental alliance extracting the minerals of central India

Providing the dominant discourse on land use, the mineral extraction of ores from central India builds on an ideology of modernisation and economic development via industrialisation present in top policymaking circles ever since independence (Kohli 2004; Chibber 2003). Minerals are seen as vital inputs in industrial processes or providing crucial export revenues, which are key for progress technically and economically, and one of the few realistic hopes the impoverished central Indian States with poor human development have to improve their economies. The focus is thus on national economic growth rather than on mitigating costs which occur in the Scheduled Areas due to mining, or to ensure that a significant share of the income is distributed back to the mineral-producing areas. Related, and also influential, is the unreformed political system where the need for resources to fund political patronage incentivises politicians to attempt to extract rents by controlling access to land and natural resources in tribal India.

The next section provides an overview of the political economy of India and the economic reforms process in order to contextualise industrialisation processes and mineral extraction projects in central India. The key issue is how economic reform in India is seen as a reorientation of interests rather than the more common interpretation of market reform as a dramatic break with the past. The following section connects the reforms process to the literature on patronage in Indian politics to provide an explanation for why politics and business have increasingly come to share an agenda of economic growth.

2.3.1 'Liberalisation' as pro-business economic reform

The common story about India's experience of economic reform, usually referred to as Liberalisation, is that of a sudden policy reorientation announced by the Centre in 1991 to avoid a default on loans made by the IMF. These reforms and subsequent ones in the following years seemed to have set India on to a radically improved growth path interpreted by many as a case of free market reform which 'unleashed' the earlier caged economy and enabled the country to move away from its earlier sluggish performance (Bhagwati 1993). Some of the most significant reforms involved trade and industrial policies where barriers to international trade were significantly reduced and private participation, domestic as well as international was encouraged (Jenkins 1999). Following these initial changes to the economy the National Mineral Policy in 1993 allowed private participation including foreign investment in all mining other than coal and atomic minerals (Bhushan et al. 2008).

Compared to the statist model of the past, economic policy changes have certainly been significant. But from an international perspective India remains among the most regulated and closed economies in the world (World Bank et al. 2008). One version of the Washington Consensus of neoliberal policies, if such a consensus ever existed, has been provided by Williamson (2008) as depending on privatisation, reliance on markets for economic decisions and fiscal prudence. The Consensus placed an emphasis on increasing the private profitability of the economy through increased reliance on market mechanisms and private enterprise. The role of the state should be to ensure the proper functioning of the market, often implying an expansion of new regulatory bodies in e.g. telecom or power, while the state at the same time should withdraw from active participation in any area where the private sector can make profits. Fiscal prudence has tended to imply cutbacks in public services, and when the government no longer delivers what used to be public services, private operators have been meant to fill the gaps. Few commentators would argue that the Indian economy resembles the Washington Consensus model at present with a halted program of privatisation, considerable government intervention in the economy, and anything but fiscal prudence.²⁹ But usually this discrepancy is explained as a case of the liberalising reforms having not gone far enough due to a lack of political will (See e.g. Kreuger 2004).

The developmental states³⁰ literature has challenged the above 'neoliberal' version of policy change by pointing to how a similar approach to what failed in India produced remarkable results in East Asia (Evans 1995; Amsden 1989; Kohli 2004; Wade 1990). Via empirical observations it was shown in a number of fast growing countries, especially Taiwan and South Korea, how governments instead of retreating collaborated closely with select private enterprises to achieve economic growth as part of a nationalistic program for overall development. Even though it was the private sector which led the export-oriented industry which fuelled economic growth, the state was anything but passive in this process. It worked actively together with select private sector groups but also challenged these for continuous improvement.

Another piece of evidence which casts doubt on the common Liberalisation explanation comes from empirical evidence which matches the onset of economic growth in India with actual

²⁹ Recent estimates of combined State and Centre debt at 85% of GDP, with public sector enterprises 115%.

³⁰ Leftwich (2006, 63) defines a developmental state as "a state whose politics have concentrated sufficient determination, power, autonomy, capacity, and legitimacy at the center to shape, pursue, and encourage the achievement of explicit developmental objectives, whether by establishing, promoting, and protecting the conditions of economic growth (in the capitalist developmental states), by organizing it directly (in the socialist variants), or a varying combination of both."

reforms. Emphasising continuation in the 1990s with changes made in the 1980s, the break with earlier sluggish economic growth according to these authors took place in the early 1980s and not post-1991 which was when Liberalisation occurred (Kohli 2006; Nayyar 2008; Rodrik et al. 2004). If the growth pattern changed already in the 1980s then clearly the cause of improved growth must be something other than reform undertaken in 1991.

Using the developmental states literature as a starting point but with an eye on the discrepancy between India's break from the earlier low 'Hindu rate of growth' and the actual onset of the economic reform programme, Kohli (2007) develops the concept of a developmental alliance to better explain recent economic growth in India. According to Kohli, "the development model pursued in India since about 1980 is a pro-business model that rests on a fairly narrow ruling alliance of the political and the economic elite" (2007, 113). Kohli argues that the pro-business model can at times resemble the pro-market model of the common Liberalisation explanation but differs in its intended outcomes. Pro-market behaviour supports new entrants by opening markets for competition and increasing transparency in business deals with the use of market mechanisms. A pro-business approach on the contrary favours established interests by active intervention. The reason to support existing businesses can be nationalistic or because of other ties which cause decision-makers to intervene. In India, the reform process finds its historical roots as a slow process of political and economic elites from the early 1980s onwards slowly coming together with business elites to the economic system. This process has faced several reversals but has gradually become more or less institutionalised (Ibid.).

The pro-business reform argument seems to better explain the many years of delayed, or, depending on perspective, failed, reforms as the necessary space for domestic big business groups to be able to adapt to competition before a market is opened up. By enabling domestic groups to win contracts while at the same time allowing the import of international technology a mineral project can be implemented potentially with improved national profitability. The informal possibilities to influence 'the market' gives the Indian economy a significant amount of policy space to provide a sort of infant industry protection in a nominally liberal policy environment, a very rare feature for a developing country these days (Chang 2002).

A closer reading of Kohli allows an understanding of the very narrow basis on which the developmental alliance rests.

[G]iven the nature of power in the Indian state, the embrace of a state-capital-alliance-for-rapid-growth model of development could never fully replicate East Asia. India's authority structure was and remains too fragmented, and given democracy, the underlying class basis of state power could never be too exclusively pro-business (Kohli 2007, p.104).

From a developmental alliance we can thus not expect the same complete focus on economic growth as in a developmental state. Its inability to build larger support for reform and a lack of authority which partially comes from the fragmented power of coalition governments working in a federal system, but partially also from democracy itself, decisions can not be taken with only economic growth in mind. The developmental alliance will thus similarly to India's earlier statist system be at risk of getting fragmented. Nor can we hope to see a more wider-shared distribution of benefits away from this small alliance. The political and distributional fallouts are a concern as power over issues central to economic growth and development is increasingly concentrated in a few hands. It is not necessary that the goals of the developmental alliance will be in line with national goals despite nationalistic rhetoric.

The developmental alliance model indicates an elite-driven process of policymaking far removed from the everyday issues of land use and natural resources in tribal India. When most citizens remain not consulted on economic reform plans, tribal people will be among those last included. But as the earlier discussion on oppositional social movements show, formal politics is not everything. An ability of political and economic elites to dominate policy discussions in Delhi is not the same as seeing these ideas implemented on the ground. Even the possibility to sign a mineral project contract with a particular State government might only be a small part of actual implementation which by necessity will confront local concerns over land, water, air and competing uses of natural resources.

In official communication the development alliance cooperation is expressed as a "partnership" between the government and business associations.³¹ Though the joint writing of key policy documents is seemingly becoming institutionalised, it remains doubtful whether the government-business cooperation can be said to be as apolitical and equal as the term partnership indicates especially since both business and governments across India remain fragmented themselves. For example the drafting of the new mineral policy showed mining company interests going against the steel industry, showing that business is not just one big interest group. And similar friction

³¹ The "public-private partnership" was exemplified in a full page ad in the Hindu 10/10 2009 in typical Government of India style but with the JSW head and then Assocham Secretary General Sajjan Jindal sharing text and photo space with top central government ministers.

appeared between State governments and the Centre over the share of royalty from mining (Planning Commission 2006). The new cooperation of the developmental alliance seems better termed as an uneasy alliance with an agenda that is at times aligned, but also at times divisive, and with a potential for sudden re-alignments.

The conclusion is that the Indian economy can not be seen as driven by formal processes of liberalisation. If this was the case we would have a reasonably open economy with a slow but steady ongoing process of market reform. Instead it will have to be seen as a continuation of an earlier strongly controlled system, and an unreformed political system. Weiner wrote already in the 1980s that

one of the strongest reasons for a new industrial policy is not only that it is necessary to unshackle the economy, but that it would help to liberalize and decriminalize politics and administration (Weiner 1986, 12).

There are however some strong indications, at least in relation to how the political economy of central India operates, that politics has not been reformed but rather strengthened with new as well as expanded avenues for old income since the onset of economic reforms. A look in the next section at the need for political patronage in order to get elected in India's democratic system allows one explanation.

2.3.2 Mineral industry patronage in the unreformed political system

The language of Liberalisation would expect India to end up with a rule-bound, transparent economy which uses the market to allocate resources. But as we have seen a better characterisation is to view the economy as based on the preferences of a narrow developmental alliance with limited intentions to let go of control opportunities. One credible interpretation of the difficulties to reform before the 1980s can thus be the lack of incentives for the members of governments themselves to change behaviour. This section discusses how certain actors are able to exercise power to influence decisions and to further certain outcomes. The key concern is how the political system remains remarkably similar to before the onset of economic reforms. With the same drivers which invited Indian politicians to look for opportunities to control the economy for political and personal gain, and business groups willing to bargain for preferential treatment still in place, this can be used as an important underlying explanation in the model of the developmental alliance.

Indian democracy, despite its many merits, has been widely characterised as a patronage democracy (Weiner 1986; Kitschelt et al. 2007b; Frankel et al. 1989; Chandra 2007). This is based

on the observation that politics in India, as in many other parts of the world, do not conform to the rational “responsible party government” (Kitschelt et al. 2007a, 1) model popular among most political scientists. Parties and politicians in patronage democracies choose to not compete for votes based on coherent programmatic packages, but instead engage in a more direct exchange of benefits for the voter in return for votes for the politician. India’s high incidence of poverty, high ethnic diversity, an economy still under considerable state control (though less so now than earlier), and high competitiveness in elections are seen by Wilkinson (2007) as the building blocks of patronage.

With political power organised via local elite groups in British colonial times it was but natural for Indian politicians, and especially the Congress party, to continue this form of rule via local circles of patronage (Weiner 1967). This system has since partially broken down in the ongoing democratisation where voters are increasingly better informed and free to vote according to their own preferences. As much as caste and ethnic criteria continue to influence voters, increasing pressure is being exerted on politicians to deliver genuine benefits. Also, efforts to limit patronage have given increasing power to independent regulatory bodies including the Election Commission.

Patronage before economic reforms to a large extent relied on the possibilities for the *babus* (the bureaucrats) and the *netas* (the politicians) to selectively award licences and contracts, or simply accept sidekicks for the grant of a particular administrative approval (Kochanek 2007).

The essential business of a state minister is not to make policy. It is to modify the application of rules and regulations on a particularistic basis, in return for money and/or loyalty. The telephone is his essential instrument, for his orders modifying the application of general rules are only rarely written (Wade 1985, 480).

Patronage in development projects has been well documented in the system of irrigation management in South India (Wade 1982), on the politics of infrastructure development (Wilkinson 2006), and in the development of formulas with seeming national acceptance for how to divide the spoils in land transactions (Jenkins 1999). The best opportunities in the reformed economy for direct income are in land transactions.

[I]t is the power that the legal system gives elected officials to deliver land to promoters of private industrial projects that politicians regard as the biggest benefit of liberalisation (Jenkins 1999, 138-139).

Land acquisition can not take place without State government cooperation. And within the States, ‘fixers’ are needed from the particular area of acquisition. Direct kickbacks for enabling

land transactions might not even be necessary since opportunities will exist to divert funds from the purchase including diverting land to relatives and friends, or simply profit from the knowledge that the value of land next to any industrial project will inevitably rise (Ibid.).

Without licenses to decide geographical location and a radically reduced level of national public investment, since the early 1980s State governments have been forced to compete for investments in a completely new manner. In certain sectors like mining some means do however exist with State governments to if not control, then at least strongly influence, who gets to operate where. Exploiting especially valuable ore deposits depends on investment in plants to refine the ore or contracts will not be awarded. A complete lack of transparency in the award of these contracts ensures only politically favoured investors will be considered. And even for smaller mining leases the procedures of administrative approvals remain complex and hidden from any independent authority to allow manipulation. Industries also give rise to plenty of opportunities beyond land acquisition in for example simple business activities like sub-contracting of construction or other activities. These contracts can either be performed by a company owned by the politician or dispersed as patronage to particular contractors.

The state-business developmental alliance is thus able to use ‘old style’ political control techniques to gain benefits in the new reformed economy. The system of regulation and control in industrialisation despite reform remains impossibly complex for any administrator to completely manage despite efforts in recent years to ‘simplify’ it. Lack of information, split responsibilities in the federal system, multiple laws with overlapping and often contradictory content, unclear implementation procedures and frequent changes make it impossible to stay up to date with what the regulatory demands actually involve. This regulatory complexity is a key feature which continues to allow politicians to use their discretionary power for the benefit of select business partners in a system of de jure reasonable market-orientation and democratic distribution of power. “At a very basic level, politicians continue to be needed as fixers” (Jenkins 1999, 116).

Whenever cases questioning the public purpose of certain acquisitions of land have been made courts have generally said that whatever democratically elected governments decide is public purpose as long as rules are followed regarding compensation of the land losers (Iyer 2007). But land for private companies is politically sensitive and a lot of back and forth changes are being made to whether or not governments should intervene and on whose behalf they should act

(Fernandes 2009). Just as in the distribution of benefits, informal possibilities exist for politicians to negotiate compensation whenever enough power can be assembled to seriously challenge plans. The possibilities for this rests with individual political brokers who can use personal influence to intervene on a case-by-case basis (Newell et al. 2006). These individual political interventions have been interpreted as egoism:

[T]he tactical skill that prolonged experience with democratic politics has inculcated in Indian politicians has allowed them to judge which types of compensatory actions will most effectively mask their self-serving decisions (Jenkins 1999, 7).

But a more integrated view of economic reform with the continuance of patronage politics make it clear that even though politicians act partially for personal gain, their behaviour is part of a long chain of patronage exchanges in order to achieve what is most important to politicians, to obtain economic rents from profits and get re-elected. And given the frequency of family dynasties in politics (Yadav 1996) it is in a sense not merely selfishness to work even for personal gain but in support of your larger family (and thereby usually your caste/ethnic group) (Chandra 2007).

The economic reform process has placed higher emphasis on the State governments for promoting economic development and providing social welfare when national-level public investment has declined. The chief ministers are key actors seeking out private investment.

In the 1990s drama of economic liberalisation state chief ministers play leading roles in India's emergent federal market economy. They are seen on front pages, covers of news magazines and television screens, making and breaking coalition governments, welcoming foreign statesmen and investors, dealing with natural disasters and domestic violence (Rudolph et al. 2001a, 1541).

Having never quite been centre stage among the Indian States economically or politically, Andhra Pradesh shot to sudden fame in the early 1990s when Chandrababu Naidu of the TDP party became the first State government politician in India to openly embrace economic reforms (Rudolph et al. 2001a; Suri 2005). Whether Naidu was actually as reform-minded as he claimed to be remains uncertain since many of the welfare programs from earlier governments continued during his period in office. But the accusation of neglecting the countryside did inflict damage on the TDP government (Suri 2004) and since the Congress party came back in power in 2004 there has been a return to standard State government behaviour with rent-seeking under stealth and populist, well-advertised welfare 'packages' for the poor. The importance of the Chief Minister in the State's economic affairs remains crucial however despite the return to populist rhetoric.

A reorientation of power can also be sensed in the reformed economy as bureaucrats have been restrained:

The Prime Minister ... goes abroad and invites investment. All our babus are taken care of, he assures foreign investors; the doors are open, there are no barriers ... When the investors do come, they learn that they have been sold only half the story. The babus have been pushed behind; the politicians stand in front (Indian Express editorial cited in Kochanek 2007, 421).

Though economic reforms have left much of the basic functioning of the Indian bureaucracy unchanged, Kochanek explains this shift in power as part of the economic reform process itself with its dismantling of licenses and quotas controlled by the bureaucrats in favour of covert policy decisions where “[e]verything is done on a case-by-case basis; everything is non-transparent; everything has to be negotiated. Delay, discretionary action and kickbacks become the rule” (Kochanek 2007, 421).

Strong economic and political incentives thus seem to unite the dominant alliance in attempts to exploit India’s mineral reserves where the nationalist economic growth discourse which initially inspired its coming together is complemented by a rent-seeking dimension for at least some of the actors involved. This form of rent-seeking can naturally only go on as long as some projects do move along and are able to make profits large enough to make it worthwhile for investors to go through the complex and often highly contentious process of establishment. And the process is risky since as we have seen strong opposition movements have been known to be successful in protecting vulnerable sections of society and use some of the many public forums, including the courts or the media, which exist to voice complaints (as discussed further in section 2.4).

Economic reform has enabled the private sector to sell its products on the world market and also source funds and technology internationally. But for tribal people the continued lack of benefits from the modern economy might imply continuity with the past rather than change:

Adivasis were displaced from their lands and villages when the state occupied the commanding heights of the economy. And they continue to be displaced under the auspices of liberalisation and globalisation (Guha 2007, 3306).

The main difference in recent years for tribal people has thus possibly not been formal policy changes but rather the scale of the displacement threat as the mineral industry has looked to expand its operations using private investment and imported, large-scale technologies of extraction under the protection of covert political patronage. Whether the developmental alliance will be able to actually implement mineral industry plans is thus not a straightforward matter to predict when the discourse around economic growth and export-oriented industry is found to

clash with the strong oppositional discourse on the need to protect tribal land and livelihoods. The next section examines how deliberative democracy will shape outcomes.

2.4 Deliberative democracy and the struggle to protect tribal land

Indian democracy affords opportunities for widespread deliberations, the process of examining the reasons for and against a certain choice, on issues of redistribution and recognition. These deliberations take place from the national upper and lower houses of parliament, to State government Assemblies and on to District and local councils, as well as in a wealth of other forums such as via print media and television. They extend over geographical scales, and are increasingly held in local languages allowing the inclusion of a wider group of people than at any earlier point in time (Kohli 2001). Furthermore, the issue of tribal land protection has been defined as a matter of public policy through earlier struggles. Legal protection is part of the national Constitution and State land right acts and it is therefore open to public debate. The Supreme Court has reaffirmed in the Samatha Judgement that governments can not diminish the importance of this legislation in favour of other societal goals such as promoting wider economic growth.

However, as we have seen, policymaking as well as politics in general, has come to be dominated by a small elite with a different set of priorities. Between a patronising, formerly socialist state and a politically supported, profit-seeking private industry it is unlikely that tribal needs over what should be done to the many different and overlapping resources will be included. If not, will it be possible for the affected people themselves or somebody working on their behalf to open up for more inclusive deliberations? This section analyses what possibilities exist for those largely, though not completely, excluded from regular political processes to contest the plan to mine and refine bauxite ore in tribal, central India.

2.4.1 The politics of needs interpretation

The many years of delayed mineral projects in central India seem to show that it is not merely the available material resources and capabilities which are important for outcomes. If this was the case the promoters of bauxite mining would be certain to come out on top due to their ability to influence state functions, and their greater command over technical and financial resources. A starting point for the need to extend political economy analysis is the land rights at the focus of this thesis. As we have seen in section 2.2.2, the demand for tribal rights to land are as much depending on identity claims as they are based on material livelihood needs. This is similar to

Baviskar's critique of Guha's political economy as overly relying on Marxist interpretations of class interest. According to Baviskar

... a focus on the complex material and symbolic dimensions of how 'natural resources' come to be imagined, appropriated and contested, enables one to move away from the dull rigours of economic determinism that dog political ecology (Baviskar 2008, 1).

But while the symbolism of polluting extractive industries proposed in the 'green' hills reserved for tribal peoples continues to provide support for local land uses is an important theme, this research is however focused on the possibilities for affecting policy preferences and implementation across a range of different forums. A discursive model can here be seen as more appropriate since it involves

a plurality of forms of association, roles, groups, institutions, and discourses. ... [T]he means of interpretation and communication are not all of a piece. They do not constitute a coherent, monolithic web but rather a heterogeneous, polyglot field of diverse possibilities and alternatives (Fraser 1989, 165)

In this cacophony of claims and counter-claims, the sought outcomes from the groups involved are not necessarily the same, or even use the same discourse. A core difference exists where the developmental alliance favours a discourse based on economic growth, while civil society concerns over tribal land rights are based on identity. Redistribution and recognition claims are thus not necessarily speaking the same language. Clearly, the analysis needs to be broadened to include the ability to make claims embedded in material and cultural discursive contexts.

Deliberations over the needs of various groups of people in society take centre stage in Fraser's the 'politics of need interpretation' since these needs appear "as a site of struggle where groups with unequal discursive (and nondiscursive) resources compete to establish as hegemonic their respective interpretations of legitimate social needs" (Fraser 1989, 166).³² 'The politics of need interpretation' focus not only on the needs themselves but also on the fact that the interpretations of these politically contested. Also, it puts attention on who does the interpretation.

³² Fraser (1989) gives the following reasons for focusing on need interpretation:

- Need interpretation is politically contested as well as the need itself
- It is of importance who does the interpretation of needs
- It is not right to assume that the existing ways of interpreting needs are adequate. The discourse of interpretation might be skewed in favour of dominant sections of society.
- There is a need to ask questions about what social institutions do the interpretations

The struggle over interpretations of needs take place between the status quo position of those who wish to keep current policy preferences in place, and the oppositional discourse of challengers. In this research, the ruling developmental alliance strikes the status quo position in wanting to extract mineral resources based on a discourse of economic growth. Working against this interpretation of needs is an oppositional discourse around the need for achieving social justice by ensuring that tribal people have ownership over and access to land in their traditional areas of habitation.

There are three moments in Fraser's politics of need interpretation:

The first is the struggle to establish or deny the political status of a given need, the struggle to validate the need as a matter of legitimate political concern or to enclave it as a nonpolitical matter. The second is the struggle over the interpretation of the need, the struggle for the power to define it and, so, to determine what would satisfy it. The third moment is the struggle over the satisfaction of the need, the struggle to secure or withhold provision (Fraser 1989, 164).

The existing land legislation and the many actors supporting it provide a foundation for the realisation of *the established need* of tribal peoples' in the present struggle. Tribal land rights across the eight States with Scheduled Areas in central India have not been reformed to reduce their strength since the onset of economic reforms, but as we have seen there is plenty of room for manoeuvre within the existing legal framework for those intent on exploiting minerals. The contrast between land transfer laws and the Samatha Judgement on the one hand, with economic policy in general and specifically the new mineral policy framework with its emphasis on economic growth via private investment on the other could hardly be any starker. Yet, these seemingly incompatible policies and acts continue to live side by side to be shaped by ongoing contestations and the amount of pressure various controlling groups are able to exert in each particular case. Bauxite mining in Andhra Pradesh is but one instance of hundreds of similar battles currently raging across central India.

The interpretation, or legitimisation, of needs offers possibilities to mediate between the two conflicting positions via the state which is in charge of ensuring that due course of law is followed. But the state comes with many internal contradictions, most clearly seen in the examined case from the dual role of the politicians as promoters of industry and mining, and the judiciary as upholder of the law which bans land transfer to non-tribals. This is further complicated by the overlapping jurisdiction of national and State governments who may or may not share a common agenda. These

[r]egulations emerge through a political process of negotiation between a wide range of actors, in multiple sites. The result is usually an uneven, and often diverse, compromise, based on a combination of technical, social, political and, sometimes, moral considerations. In such a view, it is the process of co-construction of regulatory policy, operating in a hybrid world between science, business and policy which is key (Scoones 2003, 1).

Though outcomes build on existing governance and legal structures each case is contingent on the particular circumstances of struggles which “... reflect differences in the relative power of the mining company, the relative fragility and power of the social movement, and the role of government” (Bebbington et al. 2008, 2900).

The satisfaction of needs depend to a large extent on the possibilities of those currently excluded from power to challenge policy preferences in the public sphere. This sphere can be seen through the Habermasian ideal of “... a theater in modern societies in which political participation is enacted” (Fraser 1997, 70). This sphere is a space where citizens can deliberate issues of common concern, and it is distinct from both that of the state and of the market. But modern societies have separated the sphere of public political participation from a private sphere in which only certain interests are allowed to participate, whether relating to issues perceived as family matters or those to be dealt with exclusively by the state or a private company. In Fraser’s words:

[T]he result is to enclave certain matters in specialized discursive arenas and thereby to shield them from broad-based debate and contestation. This usually works to the advantage of dominant groups and individuals and to the disadvantage of their subordinates (Fraser 1997, 88).

Jenkins seems to imply something similar when stressing the importance of ‘private’ decision-making forums in India’s experience of economic reform when stating that:

The ability of opportunistic politicians to devise new methods of obtaining illegal income in a liberalising economy relies upon the exploitation of decision-making structures that are obscured from the public gaze (Jenkins 1999, 112).

An important part of the possibilities for deliberation over the need for protecting tribal land is the ability to publicise, in the sense of making public, information about what is being planned and what decisions are being made in currently private spheres. In high profile, large-scale mining like the proposed bauxite project it is very unlikely that decision-makers will be able to entirely obscure decisions however. To start with the project promoters themselves will want to have recognition for work towards fulfilling their vision of economic development and will tend to actively spread information to the media. This media coverage can become the starting point for a wider examination of what is being planned. And the existence of forums outside of the

immediate control of any state-business alliance is likely to allow challenges to be made. But different kinds of resources are required to access different forums. Poor people can be expected to find it difficult to access courts on their own due to a lack of formal education.

2.4.2 Democratic representation

In a globalizing world where the old national political arena in many cases makes less sense as the site of struggle compared to earlier, representation of marginalised groups has become of special importance. This is especially so for issues relating to economic globalisation and climate change, but is also crucial for indigenous peoples who have often found themselves poorly included as participants in larger nation-states and nowadays increasingly face transnational corporations who operate outside of even this national frame (Fraser 2009). Representation, a third, recently added element in Fraser's framework on social justice, is concerned with the how of justice struggles, the setting of the frame which defines who is included among those who have the right to claim redistribution and recognition. The opposite of representation is

[m]isrepresentation [which] occurs when political boundaries and/or decision rules function wrongly to deny some people the possibility of participating on a par with others in social interaction - including, but not only, in political arenas (Fraser 2009, 18).

During the economic reform process much of the Indian population has been kept unaware of the radical changes. Jenkins (1999) puts the ability of policymakers to hide change from the electorate as one of the central pieces in his explanation for how it was possible to continue reforms which the general population is likely to have been against had they known about them. Even across Indian states or within elite policy circles a general understanding of the direction of reforms has been lacking. The conclusion must thus be that the reform process has been a partially hidden, top-controlled process.

But despite the characterisation of Indian politics as being top-controlled and dependent on patronage ties, there is evidence that politicians in many parts of the country increasingly have to deliver real benefits to their electorates or face a loss of power (Kohli 2001). So common is the voting out of power of elected representatives that the 'incumbency effect', the risk of losing office at re-election, is one of the most significant factors in Indian election analysis (Yadav et al. 2009). Democratic representation puts a check on the power of otherwise elite-dominated governments by threatening to vote them out of power, though with variations across regions and States.

In Andhra Pradesh power has traditionally been built around factions³³ of historical land-owning communities, characterised as “Reddy rule” due to the frequency of Chief Ministers from this caste (Bernstorff 1973). In recent decades other groups have been able to claim more space, especially since the establishment of the Kamma-dominated TDP party in the early 1980s. Increasingly competitive politics in the State are creating further demands for representation from neglected groups³⁴ and regions,³⁵ but the Reddys and Kammas remain remarkably in control at the State-level (Bernstorff et al. 1998; Vaugier-Chatterjee 2009).

Tribal people across central India often live in areas where they are the majority. But outside of these areas in the Districts and States where they live, they are a minority and will find it very difficult to at all get their issues heard. With little voice in larger forums the experience of tribal political representation seems to mirror that of land protection in that an advanced legal framework exists which gives special rights, and yet the people are possibly the most excluded from actual political influence of all groups in India despite extensive seat reservation in parliament, State Assemblies and Panchayats.

Muslims and dalits have been able to constitute themselves as an interest group on the national stage – they are treated in popular discourse as communities that are pan-Indian. On the other hand, tribal claims remain confined to the states and districts in which they live. Unlike the dalits and the Muslims, the adivasis continue to be seen only in discrete, broken-up, fragments (Guha 2007, 3308).

In Andhra Pradesh we will thus expect tribal people to be among the last to be able to demand political representation both based on low numbers and due to the continued economic marginalisation of these groups. No important position has ever been held in the State government by a tribal. But the Constitution affords a special consultative role for the Tribal Advisory Council consisting of all elected tribal Members of the Legislative Assembly (MLAs) of the State. Though its members may be marginalised in most decision-making in Andhra Pradesh, this council has in the past repeatedly refused to approve, or at least objected strongly to, projects which would lead to displacement in their own constituencies.³⁶ When the council has proven

³³ Factions are seen as shorter or longer term alliances built around particular leaders which allow greater bargaining power with political parties.

³⁴ PRP (Praja Rajyam, the Peoples Rule, Party) launched by actor Chiranjeevi ahead of the elections in 2009 can be seen as an attempt to increase the political power of the upwardly mobile Kapu caste.

³⁵ Dominance of the southern Rayalaseema region over the other two distinct regions of coastal Andhra and Telengana (former Hyderabad State in the north-west) is a recurrent theme in State politics. The demand for an independent State for Telengana has been especially strong.

³⁶ In relation to proposed dilution of the land transfer legislation see Reddy (1988); for the major Polavaram dam see Reddy (2006a).

difficult to control, its terms of reference are instead likely to be contested to say it has already approved mining or that consultation is not mandatory but merely suggested by the Constitution.

Jenkins (1999) tells us that the economic reform process continued by stealth rather than consensus since the proposed measures would probably never have been approved via the democratic process. The ability of key political leaders to use divide and rule tactics and selectively compensate powerful opposition have enabled reform to move ahead. This indicates both the limits of the political system as well as its malleability. But Scoones further refines Jenkins argument by examining the ways in which politicians in India are always willing to make deals which will break existing deadlocks when saying that “[p]olicies must be performed by stealth, but always with compromises and trade-offs in mind (Scoones 2005, 80).” The constant re-negotiations seem to indicate that protests matter. Politicians have to listen to objections made loud enough to get heard over the many other contestations which are ongoing at any given time. We should expect similar tactics for an unpopular bauxite mining project. In a democratic system with a free press and access to courts, for at least some people, in addition to a fragmented authority structure there will always be significant checks on the power of any ruling alliance. Those excluded from key policy forums might be able to fight back, though they may not exhibit more cohesiveness among themselves than those in power.

2.4.3 Information as constitutive for deliberations

Genuine deliberations resembling the Habermasian ideal of inclusive, deliberative democracy where all citizens can engage in open and unhindered communicative exchanges, require that “information about state functioning be made accessible so that state activities would be subject to critical scrutiny and the force of ‘public opinion’” (Fraser 1997, 72). Without basic information flows in place it becomes difficult to even start imagining new and better ways of understanding what is happening in tribal India, and how the current social and economic development dilemmas should be resolved.

Today certain sections of Indian governments are pursuing increased openness in policy implementation, and also to some extent in policy deliberations, while other sections seem to want to keep that space close. Even within the same central government, different Ministries have vastly different approaches as the drafting and implementation of the Special Economic Zone Act 2005 of the Ministry of Commerce compared to the National Rural Employment Guarantee Act (NREGA) 2006 of the Ministry of Rural Development show. Where the former has been made completely without civil society influence, the NREGA has a Lok Adalat, a

people's court, as part of its mandatory monitoring mechanisms (Dreze et al. 2009). When specific information-sharing and public accountability provisions are lacking, such as in the Special Economic Zone (SEZ) Act 2005, the Right to Information Act of 2005 allows every citizen to access a wide range of information related to public offices. Before this important act was passed

[a]ctivists had to rely on 'leaked' documents and information gleaned from government responses submitted to the courts and to donor organizations such as the World Bank which had a more liberal public disclosure policy (Baviskar 2007, 5).

The introduction of information technology might also improve access to government documents and other forms of information in the still contested informational terrain.

The current vast gaps of inequality are not merely in the resources which tend to decide access to information however. The gap in education between the rural poor and members of the developmental alliance contributes to the varying possibilities for different citizens to access as well as process information. Meaningful deliberations depend not only on the ability to access information, but also on the possibilities for people to convert this information into useful knowledge (Thomas et al. 2008). It can not be expected that the average citizen will be able to understand technical planning reports on the mineral industry. Internationally,

[i]ndigenous groups often lack the financial resources and the access to 'technical' information and expertise required to ensure effective participation. The use of culturally alien forms of inquiry (such as highly formalized and legalistic public hearings) ...” (O'Faircheallaigh 1999, 64)

add to these difficulties. In India the Environmental Impact Assessment (EIA) report, written by environmental engineers for decision-makers who are also environmental engineers, is the only mandatory piece of public information for industrial projects. Due to the technical approach, the critique of EIAs depends on middle class activists who have the formal education and other necessary resources to understand and challenge the legalities and technicalities of bauxite mining plans.

A more general case of why we might expect attempts to control information flows can be seen from a conceptualisation of the power relations in the struggle over tribal land use. Earlier struggles having established and defended formal land rights for tribal people, indicated to governments that they can not hope to win in a direct confrontation on the issue. To again attempt to mine in a direct competition for power on a clearly identified goal, what Lukes (1974) terms a one dimensional view of power, seems quite certain to mean that land rights will remain

and mining is stopped. The current alliance plans seem to realise this by attempting to circumvent rather than directly challenge the land transfer legislation by the use of a public sector mining company. This is an example of Lukes second dimension of power, a competition still over clearly defined goals but where the main point of contention is over the inclusion or exclusion of certain groups from decision-making arenas rather than the direct confrontation of the one-dimensional view. Since at least basic information flows about the project are already guaranteed via an independent media complete secrecy is not likely to be a viable option for the alliance to ensure exclusion. Instead:

[T]he powerful use control over the production of knowledge as a way of setting the public agenda, and for including or excluding certain voices and participants in action upon it (Gaventa et al. 2008, 175).

These kinds of exclusions can include the framing of scientific rules which exclude certain people and/or claims in favour of especially those decided by technical experts, or the denial of representation in various democratic forums. If the right kind of information can be accessed it might however be possible to re-organise the terms of deliberation to a direct confrontation over land rights with the government in, for example, a court case. Oppositional groups and individuals with high skills might be able to counter exclusions by using new information technologies and right to information legislation in addition to the kinds of opposition which in the past has prevented mining on tribal land in the State.

More difficult to counter are attempts that make certain changes invisible. Environmental pollution may in some cases be visible and immediate, but can also take on forms which are not easily detected by human beings and only show their effects after long exposure. The problem of detection is compounded by the difficulties of accessing the technical experts who have the skills and the equipment to detect potential pollution, and, if successful in gaining estimates, the ability to use this information to demand change. "If people are unaware of a problem, they are unable to make informed choices or participate in public decisions that can contribute to its solution (VeneKlasen et al. 2002, 49)." From this discussion the struggle over tribal land can be seen as much as a struggle over the right to define who is affected and who is not, and who gets to decide over the use and distribution of resources. In the contestations over tribal land, information is a resource which can be used to influence outcomes against overt power to blunt its effects.

2.5 Analytical framework

This section details an analytical framework which combines the key concepts with the aims and objectives of chapter 1 to provide a foundation for the analysis presented in the following chapters. A framework is needed which appreciates the specific physical characteristics of the mineral under study, in our case bauxite ore, and the way the industry operates in certain locations in central India, but with strong linkages to global trade networks for import of extraction and refining technologies and export of the final product. It is also necessary to situate this bauxite mineral industry within a political economy in India dominated by a narrow elite formation, here referred to as a developmental alliance, which is attempting to use its power to ensure preferential access to a valuable natural resource.

The analytical framework, like subsequent chapters, is organised according to Fraser's three moments in the politics of needs. This allows a transition from an initial examination of the natural characteristics of the resource and its political economy aspects, towards the mediation of the state and the possibilities for different oppositional claims to be heard across India's many deliberative forums.

The legitimisation or denial of needs

The legitimisation of the need to protect tribal land is based on both material and cultural basis. The strength of this need ensures that the proponents of mining can not easily completely deny tribal land protection especially since the Samatha Judgement. Instead alliance members will have to attempt to modify the interpretation of what is meant by these rights by emphasising other forms of material gain if industrialisation is allowed to proceed. Oppositional groups may point to the strong cultural image of the tribal to show the need to continue with land protection or justify it by livelihoods protection. These interchanges create a tension between demands for redistribution and recognition.

The first part of the legitimisation or denial of needs (as detailed in chapter 4) is the way in which the mining project is formally organised and what its terms of reference mean for the distribution of material benefits coming from the project. The proponents rely on significant advantages in accessing State and market resources when attempting to use tribal land for industrial purposes. The ability to formalise a business agreement which sets out certain rights and obligations between those who are party to the agreement, but also conditions the way future costs and benefits will affect third parties involves an apparent use of power. The issues are political

economy questions concerned with the creation and organisation of the bauxite project, and how political and economic power has shaped the setup towards certain outcomes.

The second important legitimacy concern is that of the specific pieces of land and their current users which are at the centre of contestations (detailed in chapter 2). The importance of land rights for tribal people as a general principle has been established, but the particular ways in which the bauxite project proposes to divert and use land, and how these new uses compete with existing livelihoods will affect the perception of the need to protect existing land use in the specific case. Shaping this need will be the compensation offered to the land users and the possibilities to build new livelihoods when old ones are no longer possible. Indirectly environmental concerns are also expected to translate into certain effects on local livelihoods, and to some extent also in wider area concerns over water and forest.

The negotiation over needs

In the negotiation over needs the examination is still concerned with the material issue of tribal land and its many uses, but shifts to a discursive arena of government mediation and competitive bargaining processes where the claims of different actors are voiced at different discursive sites ranging across scales from the project locations, to State and central capitals. The exercise of power and the complexity of not only of the planned bauxite project and its many potential 'externalities', but also the legal and administrative processes meant to mediate implementation, contribute towards making the process contested and uncertain.

The government is meant to mediate between different claims by assuring the rule of law to ensure justice for all citizens and additionally ensure special affirmative rights to the especially disadvantaged groups like tribal people (this is detailed in chapter 6). The way issues are framed over for example land acquisition, compensation policies, forest and water use will have crucial importance for the way these are being discussed. In the past statist economy the bureaucracy took on almost a life of its own when it comes to assuring or preventing certain programs and plans but this autonomy is seen here as having been significantly curtailed by influential politicians. But other forums might be able to counteract this influence. Representation is therefore a key issue in the negotiation over needs since it decides who is allowed to voice a claim in relation to the project.

Further offering opportunities to mediate are actors and organisations in civil society including the immediately affected by the risk of displacement and pollution (as detailed in chapter 7). The many forums which exist across India's federal democratic setup can be used to stake oppositional claims against issues related to the dispossession of tribal land and the way these concerns have been framed in government procedures. Also for opposition groups and individuals, issues of representation are important in order to be able to truly claim legitimacy as speaking on behalf of those negatively affected. Politicians in power may have an advantage in representation, despite the many problems associated with the way elections are fought, since they can claim they were democratically elected as opposed to most of those who disagrees with the plans.

The satisfaction of needs

Habermas model of communication relies on the access to information which can provide a basis for people to debate how they wish to have their societies organised. But differences in the access and use of information across India's many public forums can limit deliberations thus allowing openings for those in power to shape future tribal land use according to their wishes. Resourceful civil society organisations and actors may be able access the informational resources which would allow challenges to the power of the alliance to be made. Whether or not the developmental alliance is able to control access to information, rather than the exercise of overt power based on its superior material resources, is thus seen as a crucial factor for the satisfaction of the need to protect tribal land rights (as detailed in chapter 8).

3 Research Design

3.1 Introduction

The Introduction chapter set the scene by outlining the research problem, while chapter two presented the theory and defined concepts used in the thesis. This chapter outlines the epistemological and methodological foundations of research which will guide the analysis presented in forthcoming chapters.

3.2 Epistemological concerns

The position taken in this thesis best resembles that of critical realism. A critical realist stance places itself between the logical positivist who uses empirical evidence to test, and if possible prove, theories, and the postmodern subjective approach which invalidates the search for universality to instead place local voices and contexts at the centre. Though critical realism may rely on empirical evidence it also accepts sensory data not amenable to measurement and therefore usually discarded by the logical positivist (Mikkelsen 2005).

The position taken in this thesis is that there are certain physical characteristics involved in bauxite mining and alumina refining which can be evaluated according to known natural laws. The technological processes involved and their drawbacks are well-known and have been operating in India and many other places around the world for decades. Similarly the natural setting in the Eastern Ghats of Andhra Pradesh is well established in terms of natural conditions and the livelihoods of people living there. When the research attempts to estimate the future implications of mining and refining in its particular natural and social settings, the work by necessity becomes more challenging since it involves a future effect, and relies on complex interactions between industrial processes, natural conditions and particular social circumstances. It is still believed that a relatively high degree of certainty exists about the physical changes that will take place with industrialisation, how these facilities and operations will interact with local livelihoods and environments, and to what extent negative effects can be mitigated or in other ways compensated for.

The contestation over tribal land relies on the nature of the particular locations and the competing activities only as one of many inputs when claims and counter-claims are constructed however. Establishing the validity of social claims made by the many different actors, over not only the physical changes implied by the planned industry but also about related subsequent

social changes, requires a much more interpretative, discursive approach. Not only do people have extremely varying degrees of knowledge (much due to the secrecy surrounding the project planning but also due to the differing modes of communication, education and living circumstances), they also construct what they do know in different ways. In addition this social reality is continuously being re-created to take on new forms during social interactions (Becker et al. 2004).

A political economy study like this thesis could become susceptible to overly emphasise structural explanations over those of agency. A critical realist perspective can counteract this tendency by actively probing for possibilities which might be able to achieve social change. In this view structure and agency “interact and combine in complex ways to generate the dynamics that have the potential to transform social situations and the manner in which they are institutionally structured and reproduced” (Reed 2009, 433). In this thesis some people, and not only those immediately affected, are seeing a need to take action since a mine is being planned on land supposedly reserved for tribal people. What they can hope to achieve is limited by a number of historically contingent factors, but nevertheless they do have opportunities available to act with the hope of achieving social change. What makes the case more interesting (for research) then is how even though there is action, it is restricted to a much smaller circle of people when a refinery directly affects the agricultural land of people as ‘tribal’ as those where the mines are proposed.

Complete impartiality under these conditions may not be possible, or even beneficial to the research. Indeed a critical realist perspective encourages the researcher to engage with issues of social concern while retaining a critical stance.

3.3 Methodological approach

Research methods need to be combined in such a way as to generate reliable data which will support further analysis. This thesis uses a case study approach and qualitative methods to understand the political economy of decision-making and the possibilities for marginalised voices to be heard in the process of industrialising tribal India. Complementing this have been efforts to understand the livelihoods of the people living on and close to the proposed sites. This section presents choices made in terms of data collection activities during fieldwork and provides motivations for strengths and weaknesses in the chosen research design.

3.3.1 Selection of project to study

This thesis is in a sense a continuation of the researcher's period as a volunteer for the NGO Samatha in 2004-2005, though the main concern at the time were the large irrigation projects which would submerge parts of the Scheduled Areas for the benefit of non-Scheduled Areas of the State. During proposal writing private mining activities were basically non-existent in the Scheduled Areas of Andhra Pradesh making a comparison to Orissa seem more worthwhile. The working research question was to see if there was something significantly different between the two States which could explain the outcomes with no mining in one State (AP) and a long list of MoUs in the other (Orissa). As fieldwork started the AP government's bauxite project with Jindal (via its subsidiary JSW) had been announced in Andhra Pradesh making it clear that the authorities were not going to leave the bauxite in AP in the ground. And in Orissa the list of signed MoUs was growing ever longer but not so the number of actually operating mines. The two States initially thought to provide dramatic contrasts thus proved to be quite similar. To better understand the contentious process of mineral development it was instead decided to only focus on Andhra Pradesh since a network of contacts already existed, and since the general conditions for research would be more conducive compared to Orissa.

In 2007 as fieldwork had commenced it turned out that a second project proposed by ANRAK Aluminium was copying the approach of the first project and moved faster by not replicating some of the earlier mistakes. Both projects are yet far from commencing production so it would not have helped to have studied the ANRAK-APMDC project for some kind of final outcomes. And for fieldwork it is quite likely that the JSW-APMDC project was a fortunate selection since its proposed mines are in the much more accessible Araku region with its better infrastructure and frequent direct buses to Visakhapatnam.

Another helpful coincidence was that the original refinery site had already been abandoned by the time site fieldwork commenced in 2008. It was thus possible to study the ongoing land acquisition on site in S Kota Mandal of Vizianagaram and meet many of those involved with planning and executing it, not to mention many of those displaced who are likely to be impossible to trace even within the next few years. See Figure 2 on page 98 for a map of the fieldwork area in coastal Andhra Pradesh.

Mine site

Bauxite ore in Andhra Pradesh exists as thin deposits ranging from only a few to 50 metres on top of certain mountains in Visakhapatnam District, apart from one smaller deposit in neighbouring East Godavari District. Since each hill is considered too small to mine the bauxite deposits are usually referred to as part of a larger group. JSW has thus been allocated the Araku Group and the Sapparla Group of deposits, presumably since these deposits together contain enough ore to support a refinery for some 30 years. Since the relatively small Araku Group is easily accessible by road and has a railway line running just next to the mountains they were planned to be mined first. All these reasons spoke in favour of doing fieldwork in the Araku area rather than in Sapparla.

The Araku Group consists of Galikonda and Raktakonda mountains on the border of Ananthagiri and Araku Mandals, and Chittamgondi in Araku Mandal. Chittamgondi is only partially in Andhra Pradesh, the rest being in Orissa. The land on and surrounding these hills have invariably been settled as reserved forest though plenty of farmers have continuously lived in the area for generations.

Refinery site

The refinery is located 6 km from S Kota town of S Kota Mandal (Tehsil) in Vizianagaram District having been relocated from a site closer to Visakhapatnam city in December 2006. Five revenue villages, each containing about a dozen smaller independent villages and hamlets, were affected by the acquisition which mainly concerned agricultural land but also some houses. The site, if the four different plots comprising the total amount of land can indeed be called a site, was in total 1350 acres (about 546 hectares) and was almost all officially considered as government land, though with some private land.

3.3.2 Fieldwork research methods

“When are you going to the field?” was a question frequently posed to me during my visits to the Centre for Economic and Social Studies in Hyderabad, the institute who generously had agreed to be my host institution in India. My response every time, was to the bemusement of fellow PhD students and staff members, to say that I was already in the field. My field was just a bit different from theirs where data collection not only, or even mainly, involved certain rural villages, but also trying to understand key decision-making structures and who the people actually

making the decisions were.³⁷ ‘The field’ was indeed as much about the interactions between formal and informal socio-political structures; to understand who was part of planning and decision-making, and then trying to figure out ways of gaining enough trust to get a chance to be heard. Fieldwork included one scoping trip in October 2006 and longer periods of stay in January to May 2007, and January to May 2008.

The controversial nature of bauxite mining made interactions with the government as well as the company difficult. Even at the start, interactions with either entity were bound to be difficult since politicians and company employees in charge were always on the move and rarely close to the actual sites. Politicians would spend working days in the assembly/parliament and weekends in their constituencies. The bureaucrats could often be found at their desks but this did not make interactions all that much easier since the incredibly overloaded top officials would only be able to spare a few minutes to hear questions in a room full of waiting people. And even when they were available they would either claim ignorance (which may or may not have been true) or find an excuse not to respond to difficult questions. While significant effort was made trying to get comments from the government and the company the fieldwork tactic eventually evolved to become based on what might be best called *circumspection*³⁸ of the project with direct insights mainly restricted to documents collected via right to information, and site visits where ongoing issues could be studied and people were more readily available.

One important insight which became especially marked towards the end of fieldwork was that although key policymakers live and operate in Hyderabad and Delhi, the bauxite mining issue is mainly of relevance in coastal Andhra Pradesh, and especially in Visakhapatnam city, where concerns for local tribes combine with projections of future water scarcity for the city if mining commences. Spending time looking for, but largely not being able to meet, key decision-makers in Delhi or Hyderabad thus did not make as much sense as interacting with those opposing the project based on local concerns in and around Visakhapatnam. The opposition to bauxite largely wanted to be heard in the media or any other potential source including via a PhD researcher and were generally very interested in interactions. A wide cross-section of activists, opposition party politicians and workers, journalists, retired bureaucrats and others were engaged with, and often had the ability to shed light on, at least some aspect of the project. Misinformation was however

³⁷ Once in ‘the field’ the opposite question was of course posed when over a breakfast masala dosa in S Kota a tourist from Hyderabad on her way to Araku was wondering about why this foreigner was only visiting “all these local places” rather than some of the many great sights of India.

³⁸ Circumspect is defined as ‘to examine or inspect on all sides’ in the Oxford dictionary.

also quite frequent based on rumours when more solid evidence was not available. Site visits also proved significantly easier and less controversial than could have been expected despite the ongoing land acquisition for the refinery and agitation against mining plans.

Research assistants

Most of the fieldwork and data collection activities were conducted in urban areas where everyone spoke good English, thus reducing the need to use research assistants. Even project documents were in English all the way to the sites of implementation where local officials, though vastly better educated than the villagers, still relied mainly on Telugu. The support of research assistants thus remained limited to the village studies over approximately a total of one month of fieldwork. The choice of research assistants was based on the need to be free during fieldwork to explore the different sides to the project without pre-conceived opinions of what would be encountered. Research assistants were sought via various research institutes and universities in the region and, despite the proliferation of such institutions especially in Visakhapatnam, proved surprisingly difficult to find. Possibly this was due to semester timing where exams and other projects were already ongoing and planned to finish before the onset of the monsoon just like my fieldwork. In the end I had to use three different research assistants for different parts of fieldwork in S Kota and Araku/Ananthagiri Mandals. The research assistants helped carry out the livelihoods questionnaire and conduct interviews with those immediately affected by the project as well as with other key informants such as government employees, activists and journalists. They were all excellent in their commitment, and very importantly in their humility and willingness to listen to people in the villages we visited.

An understanding of the role of activists as gatekeepers to information based on previous work in the area proved very useful during fieldwork in rural areas. Activists provided invaluable assistance when finding out where to go and getting us (myself and the research assistants) introduced to people. Were it not for the hard work going from village to village undertaken by activists prior to us arriving, the fieldwork would have been significantly harder. This said the nature of activists is to try to influence outcomes rather than to listen to what people have to say and this provided certain challenges for research. It was on a number of occasions found that follow-up interviews without the activists present represented a chance to get significantly different responses from people.

The other problem was that the activists would only take us to see people with opinions similar to theirs. This naturally created a selection problem but since part of the research was to investigate the opposition to the project it was deemed best to go along with this approach initially and take note of where those framed as “Jindal agents” supposedly supporting the company lived for later interviews. It was found that “Jindal Volunteers”, a handful of unemployed youth from the villages losing land in S Kota, had indeed been hired to provide information by the company. But on a number of occasions the so called agents were not at all related to the company and/or the government and had their own reasons for not agreeing with the said activists ranging from mere disagreements within the opposition to different views of what would constitute development in the area.

3.3.3 Document analysis

Since the introduction of the Right to Information Act in 2005, Indian citizens have the right to access a wide range of official information which previously came with significant restrictions. The Act allows any citizen to access central, State and local government documents by paying a nominal fee and photocopy charges. Its scope is very wide-ranging and allows for appeal with penalties for erring government officers in cases where information is not provided, is delayed or found not to be accurate (Baviskar 2007). In AP, Public Information Officers have been designated in every department as well as in government enterprises, and a State Information Commission in Hyderabad provides for an independent appeal mechanism.

Visits to various offices would invariably lead past piles of dusty documents stacked wherever space could be found. It was not at all obvious who would ever look at these documents again or even how anything could be found in this seemingly unwieldy document management approach. But papers were produced daily and many of these could provide details of plans nobody was willing to talk of openly. This related to land acquisition, environmental clearances, economics, water use and many other issues. By following the paper trail of various applications for administrative clearances and land acquisition details the implementation of the project and its two components could be followed quite closely. The RTI Act proved a great help for fieldwork as it became apparent that the promoters of the bauxite project were not particularly interested in making themselves available for interviews, or in providing relevant details of what they were actually planning to do.

Much of what is presented in this thesis rests on bureaucratic files and documents. During fieldwork it turned out that many of those opposing the bauxite project were very willing to share

this information. The interpretation of these documents is not all that straightforward however. As Tarlo (2001) reminds us based on her archival research over slum evictions in Delhi, bureaucratic files also consist of an ethnographic field which contains its own sets of explanations and underlying assumptions made by those who created the files. Often these files will hide as much as they tell, as in the case of land acquisition where the counting of people is based on a narrow reading of the displacement policy's definition of the displaced, or in the Revenue Department's statistics where separate hamlets and villages are bundled together into a revenue village but never presented as anything but a natural village for the reader of these documents. Each government department to some extent operates within its own domain of nomenclature and definitions.

Documents thus has to be engaged with, understood and as far as possible verified. Where Tarlo had the good fortune of having access to many of the bureaucrats who wrote the files she was interested in this was not possible in the study of contentious industrialisation. The paper trail could however be reconstructed to some extent by following references from one document to the next (in some cases additional right to information requests were made to get hold of certain documents referenced in another document). A few people in the administration, especially retired IAS officers were engaged for clarifications, and further information was searched for with activists and lawyers experienced in the functioning of the Indian state. Visiting the sites and obtaining maps and other independent information also helped in understanding what information the bureaucratic documents provided and what they concealed.

Following a currently ongoing event and the limitations of fieldwork did put some clear limits to how much of the story could be reconstructed. The information put down in meeting minutes and other documents must be seen as the end result of a long process of negotiations rather than being a part of these negotiations. Scoones made this observation in relation to the creation of policy in Karnataka:

It is important ... not to commit too early to formal documents and paper. Informal discussions, especially those outside the office, are better than letters or even e-mails. Building a consensus requires drawing on established relationships and creating new ones. Only right at the end is it worth putting things down in concrete black and white, and this is the point to get the political approval, and force closure (Scoones 2003, 16).

Despite access to a wide range of documents including seemingly more informal and open-ended meeting notes (compared to e.g. government orders) it is still possible, even quite likely, that many of the motivations which went into the writing of documents have gone undetected in this

thesis. One example of the kind of truisms which were used as reason for taking action is how changes to land acquisition plans for the alumina refinery were motivated by saying that land had to be acquired since it was inside the plant boundaries, or vice versa it had to be omitted since it was outside of the boundaries. Only time-consuming detailed ethnographic work at the site or an interview with the person responsible for the said government orders could have uncovered the real reasons behind these changes.

Most of the documents obtained during fieldwork, came from NGOs, opposition parties and journalists who had been investigating some aspects of the proposed project. Attempting to collect all the documents from the government directly would have been sure to take years. Returning a few years later once outcomes were more certain to evaluate the details of what went on would surely also have proved difficult since valuable documents would have been discarded, or at least very difficult to find in dusty NGO archives, once the issue was not current anymore. Studying the project as an ongoing event thus benefited the data collection significantly.

The document analysis, though certainly not the struggle for land rights in Telugu-speaking coastal Andhra Pradesh, benefited enormously from the almost exclusive use of English as administrative language. Translation of documents mainly consisted of campaign material by those opposing the bauxite project and Telugu news articles. A few administrative documents were also translated, invariably related to local governance issues where the administrators themselves could not be expected to know English very well.

3.3.4 Using the Right To Information Act

My personal experiences of applying for information used friends as proxies to overcome the limitation of my foreignness.³⁹ In order to get the format right in the applications, and the subsequent appeals, I was able to consult frequently with an experienced ‘RTI expert since the RTI letters have to be phrased in a bureaucratic format with references made to the right paragraphs in the Act. Bureaucrats were known to deny applications based on any procedural error or incorrect phrase. It is also important to be extremely clear in how you make your request for information. You are not supposed to ask complicated questions such as ‘what was the expenditure of a particular department last year?’. A simple “Please provide information on...” was seen as the current best practice in a still evolving standard (Interviews RTI expert 28/1, 14/4 and 17/6 2008).

³⁹ This does not indicate something illegal but merely the difficulties involved in convincing administrators already unwilling to let go of information that a foreign citizen holding a PIO card should also be able to access information.

To complicate matters further you have to attach a Rs. 10 court fee stamp to the application or it will not be accepted (other payment options are even more complicated and were thus discarded). On several visits to the court there were no stamps available or they did not have them in the 10 rupee denomination. The request should then be sent as registered post with acknowledgement due upon receipt. If you forget to send the RTI letter with acknowledgement which shows that the letter was indeed received by the government, or lose the acknowledgement slip, you can not appeal and you might have to restart the entire process.

A RTI request sent in February 2008 on land acquisition for the refinery to the Vizianagaram Revenue Department office, did not receive a response within the 30 day time limit. An appeal was sent to the Appellate Authority, the individual to whom initial appeals should be made, at the same local Revenue Department office. The result was the same, no response, although it was clear that both RTI letters had been received from acknowledgements. After another month of waiting for a response another appeal was made, in yet another bureaucratic format, to the final instance, the State Information Commission in Hyderabad.

Already when filing the appeal to the Information Commission it was known that this office had become too busy to be able to attend to any complaints in less than 3-4 months. But it took just over a year to get the information via the final appeal. It was not necessary to appear in person for the hearing at the Information Commissioner's office in Hyderabad but the verdict indicated that the Revenue Department officer had indeed been present. The appeal was approved and a penalty levied which quickly caused the 80 odd pages of information to be sent. Unfortunately this information was handed over at a time when it was only of academic interest since land acquisition was over by then.

Most interesting is that it was possible for a PhD researcher to access this information thanks to good advice, but two other applicants failed including the former TDP MLA of S Kota. The AP Information Commission in its bureaucratic language came to the conclusion that this information seeker "did not self attest the enclosure" (Andhra Pradesh Information Commission 2007). This means she (the MLA) had not signed every single sheet of paper in the appeal including copies of the earlier two letters, like Indian bureaucrats tend to do, and therefore the appeals were thrown out on procedural grounds. What is really quite bewildering in this process is that the signature is not required on every sheet for the original RTI request or for the first

appeal, and therefore very easy to forget for the final appeal. Restarting the process would have taken the failed applicants yet another year and most likely they never received any information

Other RTI applications were somewhat more successful however, possibly since they were less contentious. The Mines & Geology Department proved to be very quick in its responses although it denied having much of the information. When it did agree to provide the mining plan it was available for a cost of several thousand rupees presumably to cover the cost of a large number of photo-copied pages. When the Tribal Welfare Department responded quickly to say information was available in case payment of 73 Rs was made another hurdle was to manage the payment via a demand draft. People based in Hyderabad could have travelled to the office and paid up front.

But despite these procedural hurdles it is evident that it is possible to access important information in a reasonably transparent manner via this new Act. During fieldwork the Act was still relatively new and many procedures had yet to become standardised and fully understood, in civil society as well as in the government. By learning to master the RTI application and appeals process capable NGOs as well as other actors do manage to get information on some of their applications. It will be up to future contestation whether this new right to access information will be improved to reduce the procedural hurdles, or whether information access will become restricted.

3.3.5 Key stakeholder and key informant interviews

If the key stakeholders in this thesis were the people in the State government and the industrial group proposing the project on the one hand, and those immediately affected on the other, fieldwork research was difficult since the former was largely inaccessible for interviews and the latter had very little information to provide other than what various activists and opposition parties had told them (though they did of course have a lot to say about their own livelihoods). Instead the key informants interviewed were mainly among those opposing bauxite mining or people who had already left active government work (a list of people interviewed is provided in the annex). For confidentiality reasons names and other potential identification markers like profession or location have been withheld.

To at all get heard by busy bureaucrats, party leaders and industrialists the tactic of using introductions was employed. This was done to increase the trust in the researcher to allow people to talk on a controversial subject. It was possible to snowball among retired IAS officers in

Hyderabad and elsewhere due to the existence of a few initial key contacts. Once higher up point of contacts had been established this did lead to a few leads into the bureaucracy as well. At other times contacts would come from unexpected places; an academic with an interest in providing help for field research would have contacts among political parties or in the bureaucracy based on personal contacts. These contacts would sometimes turn out not to lead anywhere and chasing the people who could possibly provide an introduction was as difficult as finding the actual interview target. But at other times these introductions were invaluable and allowed access to people and resources which could never have been found otherwise.

As mentioned above, key informants were vital in providing assistance in the interpretation of various documents obtained as well as filling in gaps in what was not available or left unmentioned in documents. Key informants among retired bureaucrats were able to read between the lines of the documents and provide information on things not discussed. Open-ended questions were provided to guide the interviews and allow the respondents to discuss matters freely. It was not possible to provide a strict interview model due to the many cross-cutting issues and the partial knowledge of each informant (as well as the researcher). Interviews of this ongoing issue allowed capturing some of the many uncertainties and the lack of information which faced many people engaged with the issue often in sharp contrast with the extreme certainty and complete absence of contention depicted in bureaucratic documents.

Interviews usually lasted for at least one hour and were recorded where possible to improve accuracy. On most occasions, such as in the bureaucrat offices, it was thought that the use of a recording device would either make the interview impossible or at the very least diminish the usefulness of responses. In these cases notes were taken during the interview and written up as soon as possible afterwards. A greater challenge was to gather any viable material during the usually brief and frequently interrupted attempts at interviews in busy bureaucrat offices when phones kept ringing and files which had to be signed kept arriving.

A brief livelihood analysis, consisting of approximately two weeks in total at each site, was made to get a basic understanding of the circumstances people were living under in the areas now allocated by the government for industrial uses. An understanding of local livelihoods and environments was gained partly from surveys carried out at both project sites, but mainly via interviews and group discussions conducted with villagers, especially elected traditional 'elders', and elected members of Panchayats, activists, journalists and other key respondents. Government interactions remained mainly related to the collection of population and agricultural statistics.

Observations of the physical settings on repeat visits served as another form of information gathering.

A brief 3-page questionnaire was prepared with the aim of gathering some of the basic livelihood characteristics for select villages such as family members, educational and other skills and type of livelihood activities (See Annexure C: Livelihoods Questionnaire on page 258). Being very homogenous tribal villages, significant differences were hard to find within the villages. One of the main differences between refinery and mine areas was that people in the proposed refinery area had land titles in their own names and had made investments in farm equipment like irrigation facilities, while in the proposed mining area they would have land but not formally acknowledged and without any supporting infrastructure.

While the plan was to carry out the questionnaire in two villages at the refinery site and two villages at one of the bauxite mountains, various difficulties restricted the questionnaire to one village in each location. Reasons for this included initially the difficulty of finding research assistants which restricted visits to short weekend visits. Later I was becoming a little too well-known in the refinery area and thought it best to move away from there when police questions were being asked. In the mining area the selection of a village on top of one of the bauxite hills without road access seemed like a good choice of a village sure to be affected by mining until repeat visits had to be made by climbing up to it taking a fair bit of time. The idea was to compare this hill top village to one at the base of the hill right on the main road to Visakhapatnam. When the said village by the road was visited it turned out that it had been split over the issue of mining. Internal strife had undermined the authority of the traditional village leader and when he on a direct question asked us not to approach people there, it was decided that this village was not conducive to further studies. For the refinery, material from the survey made by Reddy et al. (2010a) provided very valuable additional data.

At many times what was meant to be personal interviews during village fieldwork became group discussions since people would routinely gather around outside visitors to listen and sometimes add their opinions. This was not necessarily a negative thing (although the occasional drunk did spoil interactions) since it strengthened the possibilities for recollection of events. It also gave valuable insights into village dynamics. People being slightly better educated and more integrated with the rest of the State in the refinery area opened up for freer discussions while in the Agency

all discussions centred around the village leaders, usually the slightly better off and better educated men.

Interviews at the sites were conducted via translators which made the process a slow one. Here recordings allowed for a better capture of the richness of responses which a quick translation could not afford. The translated interviews were transcribed and added to NVivo along with descriptive passages to help remember the conditions under which the interview took place.

One serious shortcoming was the inability to interact with most women who would only rarely join these group discussions and were not possible to approach as the researcher as well as the research assistants were male. A number of locally influential women were however interviewed during visits to the proposed sites.

Walking tours around the villages helped get a better picture of where land holdings existed and provided a basic understanding of the borders where the proposed refinery and mine might come up. Plans were clearer at the refinery since land acquisition notices specifying survey numbers had been made. The problem was that the acquisition plans kept changing which at least created the impression of uncertainty. During visits to the mining areas no information was available to any of the informants making the exercise of understanding future impact very uncertain beyond the well-known locations of the hills where the bauxite ore exists and some geo-technical information about the ore deposits. But even with Environmental Impact Assessments and other planning documents the situation was not that much clearer. Despite site visits and the collection of almost every plan, document and map known to exist, no exact clarity has been possible to achieve on project borders and therefore the detailed impact on farmers. Given more time a mapping exercise together with villagers would have been very useful. But the mine and refinery borders would have remained vague.

3.3.6 Data analysis

Significant effort, already started as part of fieldwork to identify data gaps, was spent piecing together documents and interview responses to recreate the chain of events which had taken place around the main physical issues of land settlement and acquisition, environmental degradation and natural resource use. Respondents tended to be quite well-informed about what was happening but could not provide the same level of details as the government documents. The problem with the documents, as mentioned above, was that they tended to present only a very narrow picture seen from the viewpoint of a particular government department. Different

documents from different departments could thus complement each other. It was nevertheless necessary to complement documents with other forms of evidence which would open up the narrow, bureaucratic texts towards the many cross-cutting issues involved.

Once the chain of events were clear, or at least as clear as they could be given the limitations of available information, the competing claims and counter-claims were analysed using NVivo to understand to what extent the discursive struggles over tribal land were built on or at least connected to the material issues. Some claims were possible to fit directly on to issues of land ownership, compensation or pollution while others were more overarching. Others still relied on a discourse centred on cultural rather than material values, especially in cases of resistance to mining. This analysis evolved into a complex web of actors and events in different locations in an attempt to capture and recreate some of the real life uncertainties and complexities which faced all the involved. Even though this thesis is based on a case study in order to allow in-depth analysis, the many disparate issues did provide some limitations in the possibilities to gain a deep understanding of each issue.

Software for digital document analysis

A number of software tools were used to help the data analysis. Interview responses and key documents were imported into NVivo and coded along a number of different criteria. This ability to code along multiple parameters proved immensely useful for analysis. It was also possible to code interview responses, policy statements and court judgements within the same parameters.

Data analysis relying on a great number of paper documents obtained during fieldwork but also from Right To Information requests was greatly simplified, especially given the frequent travel between India and the UK, by a continuous effort to digitise all content. Having to search for a photocopier machine would have been at times a hassle, at other times impossible during fieldwork. An ordinary Canon digital camera was used to scan documents simply by clicking photos. Whenever the original documents were in good enough shape to allow a clearly scanned picture (often RTI documents are dark photo copies of photo copies), these were turned into electronic copies by using the OCR (Optical Character Recognition) program Abbyy FineReader 10 to transform these into pdf and Microsoft Word documents. The electronic documents tended to capture the original text quite well as long as good enough resolution was used (2272*1704 pixels) and the flash was turned off (to prevent the scans from glare from the reflection of the flash on white pages).

Once in electronic format the text of the documents could be searched using normal Windows Vista Search as well as inserted and coded in NVivo like any other document. It was also possible to highlight and make notes of especially relevant passages. Unfortunately there is no useful social science software at present which allows for digital management of fieldwork documents, research papers and other types of documents and images, including storing, archiving, tagging and searching digital content (including the original digital images stored in jpg-format which sometimes has to be reverted to when the OCR copy is unclear). A program called Mendeley that does a partial job at this (it only manages pdf-files) was found late during the writing up period. A free online digital archive software package with search and library management possibilities which seems very useful is Dspace, but to run this requires special server software too complicated for the needs of this PhD. Instead of specific software for digital document management, important documents were imported into NVivo, other than ensuring that the naming and storing of documents was stringently organised in the file system.

3.4 Ethics

The second connotation of *circumspection* mentioned above, the need to be cautious, stemmed from the controversial nature of the project and the many vulnerable people who could potentially face negative consequences by participating in research activities. While many were free to speak and did so whenever and wherever possible, the variable nature of power and the locations in which one speaks were important to take into consideration. Middle class activists or party leaders in the cities could make much stronger statements than those lower down in the hierarchy, especially when based in the Agency. Bureaucrats could not be pressured too far into making statements since also they could suffer negative repercussions while retired IAS officers provided many detailed and, as far as could be ascertained, free accounts of their views on the current issue and its precedents.

The ethics policy of the University of East Anglia requires researchers to always fully present the purpose for which they are present at a particular location to participants in data collection activities. All participants were informed via a brief note on research and assured confidentiality in the treatment of their responses. In those cases where respondents were not able to read English the statement was read to them.

The background of the researcher as associated with one of the main NGOs opposing bauxite mining made my position clear to others working against the project and opened many doors to information. But differences of opinion existed within the bauxite project opposition which also risked closing doors. And for interactions with the government, company representatives and many other actors, e.g. some in academics, a more neutral university research label, especially from a presumably esteemed foreign university, was much more useful. Yet other people would prove impossible to talk to without the right kind of introduction where trust gained from one resource person allowed me to snowball to other resources within his or her sphere of contacts. Having to take on somewhat different roles naturally involved difficult considerations of how to avoid misrepresenting what you do while at the same time trying to capture the views of different sides who would only see you based on certain conditions.

Power relations were not surprisingly at their most sensitive at the proposed sites. On a number of occasions it was realised that respondents were not free to talk since other influential people were listening in. In such a setting it was considered best not to pursue further questions but rather attempt to reschedule the interview. The use of introductions complicated matters further since the chain of authority was unknown to the researcher and might place pressure on the interviewed person to make responses. The approach taken was to attempt to understand existing power differentials and the position of each respondent and attempt not to put undue pressure.

All responses have been anonymised in this thesis to protect respondents from potential repercussions. Since the sites have been covered widely in the English media it was not believed that it would be possible to attempt to hide which project was being studied however. The sites of the project are well-known though it is believed that enough anonymity is offered to respondents when exact village names have been withheld. All documents cited are considered as being in the public domain either since they were acquired via the Right To Information Act, or since they were part of official communication published online or in the news media.

The next chapter presents the project which has been selected as the case study of the thesis, who the main actors behind the project are, and how its work was organised.

4 Case study: The bauxite alliance

4.1 Introduction

The starting point for a closer examination of the conflict over the proposed bauxite industry project on tribal land is to detail how it has been organised, and who the promoters are. The cooperation, here referred to as the bauxite alliance, was formalised in a memorandum of understanding in 2005 between the government of Andhra Pradesh and the Indian company Jindal South West, part of the Jindal Group. The organisations proposing to mine and refine bauxite are presented and their strengths and weaknesses analysed. The chapter then continues with an examination of the potential distributional outcomes of the project by looking at the sources of income for the State government and which choices were made. But before this, the discussion starts by contextualising the proposed project within the international aluminium industry, and the historical setting of contentious industrialisation in remote tribal regions of India in which it is proposed to be operationalised.

4.1.1 The aluminium industry

The aluminium industry, like much of the metals sector, has been under rapid expansion in recent years with the price of alumina reaching an all-time high in the summer of 2007.⁴⁰ An important factor behind the sustained growth since the early 1990s has been Chinese demand (World Bank 2006). China is now the world's largest aluminium producer and Indian bauxite deposits close to east coast ports in Orissa and Andhra Pradesh have found themselves among those best placed in the world to cater to this demand. China accounted for as much as 82%, or 339 million USD, of Indian alumina export in 2006-07.⁴¹ The expansion of the Indian aluminium industry is thus for economic gain via export rather than for material use domestically.

Aluminium production is a three-stage process of bauxite mining, alumina refining and aluminium smelting. It is the biggest metal industry in the world after iron and steel, and one which has seen its geography shift towards the tropics and away from consumer countries in the West in the last 50 years as new deposits have been found in countries like Brazil, Guinea and

⁴⁰ Bauxite is not an internationally traded commodity which is why prices for alumina and aluminium are the best guides. The price of alumina doubled between 2001 and 2006 (Fischer 2006). In June 2007 the price for aluminium was close to its historical peak following growth in Asian, and mainly Chinese, demand. The onset of a global recession towards the end of 2008 has significantly reduced prices but it remains to be seen whether this is more than a short-term change.

⁴¹ A trade pattern also found for 04-05 and 05-06. Indian export to China has been dominated by iron ore and iron ore concentrates with as much as 40-50% of total exports in recent years reaching 5.4 billion USD in fiscal year 07-08 (Government of India, Ministry of Commerce 2008).

Jamaica, though Australia is also a significant producer (Barham et al. 1994). Other factors supporting the shift towards the tropics have been the high energy costs and increasingly stringent environmental norms in the West, but also the interest of the ore supplying nations to get a greater share in the end value of aluminium, an ongoing issue for many decades (Bunker 1994; Francis 1981).

The formation of bauxite ore in central India has taken place over millions of years of seasonal heavy rain (1100 to 1900 mm per year), followed by hot sun, which has exposed hills of khondalite⁴² rock of much of eastern India to a phenomenon referred to as weathering. Minerals of the rock have slowly leached out from the khondalite to leave a high concentration of bauxite ore⁴³ as caps on top of particular hills in the region. Bauxite in Andhra Pradesh exists on top of only a handful of mountains in Visakhapatnam District⁴⁴ at an elevation of 900-1420 m. These bauxite caps range from only a few metres of thickness up to 54 metres. The east coast bauxite deposits of tribal Orissa and Andhra Pradesh account for 80% of metal-grade⁴⁵ bauxite ore in India (Rao et al. 1979).

Mining on an industrial scale⁴⁶ is restricted to the handful of locations where large enough deposits⁴⁷ exist, but the decision whether these can be mined will depend to a large degree on infrastructure investments such as the railways and ports needed for transportation (Bunker et al. 1994). The port and railway planned to be used for the APMDC-JSW bauxite project were developed in the late 1960s in an Indo-Japanese development project to mine iron ore in present day southern Chhattisgarh for the benefit of Japanese steel plants. This only applies to the smaller Araku deposits however. Once the more remote but larger deposits at Sapparla are to be mined there will be no railway to connect mine with refinery. But this resembles a large proportion of mining in India which has increasingly transported ore via an armada of Tata trucks plying the

⁴² Khondalite is a formation consisting of quartz, feldspar, garnet and sillimanite. The name derives from the Khond tribals living especially in southern Orissa but also in northern Andhra Pradesh where this rock formation was first described.

⁴³ Bauxite, an ore containing aluminium oxide, alumina, together with a range of other elements, is the only commercially used source of aluminium in the world. 95% of bauxite ore is used to produce aluminium.

⁴⁴ The weathering process is uniform across the region of mountains of the Eastern Ghats but certain local differences in the geology and the formation of the mountains decides whether the bauxite remains or is also washed away like the other minerals.

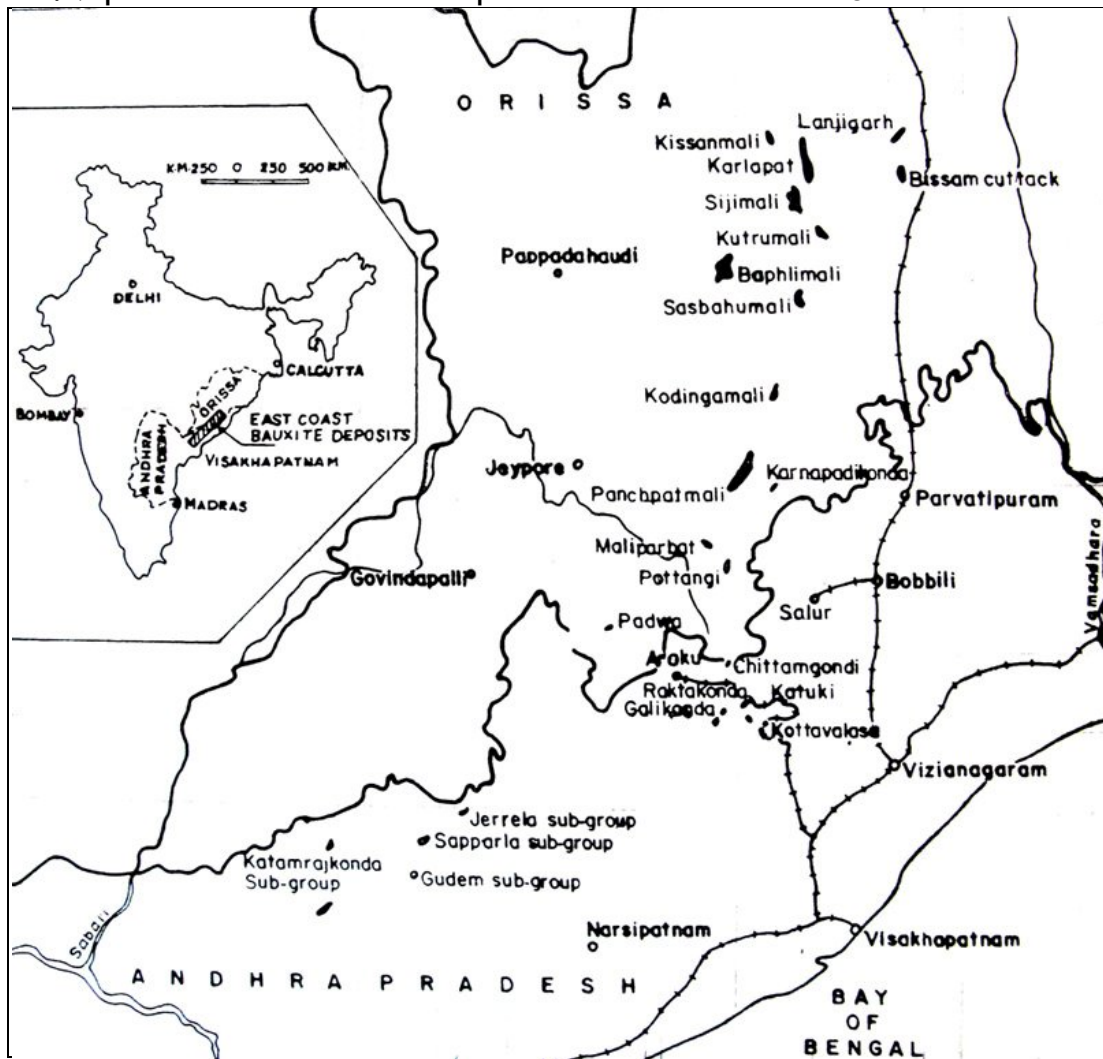
⁴⁵ Aluminium oxide is available in a number of different chemical compounds which determine how suitable they are for conversion into aluminium. Within the same compound other factors like the amount of silica or other metals in the ore can determine the potential of the deposit apart from the concentration of aluminium oxide.

⁴⁶ Large-scale mines in eastern India are usually planned to excavate more than 3 million tons of bauxite per year, enough to feed an alumina refinery of about 1 million tons production per year.

⁴⁷ What is good enough quality to mine is not a fixed decision. The grades, the percentage of alumina to total ore, considered have come down to less than 50%.

often poor roads at night. Established mineral economics have to some extent been upset by the recent unprecedented demand for minerals.

Figure 1: Map of the east coast bauxite deposits of Andhra Pradesh and Orissa



Source: Map from (Rao et al. 1979)

Note: The railway line shown as ending in Araku has branches north to central Orissa as well as west to present day Chhattisgarh.

Refining alumina involves grinding and digesting bauxite ore using heat, pressure and a strong caustic soda⁴⁸ solution. The alumina, the aluminium oxide of the ore, is dissolved during this process allowing impurities like iron, titanium but also lead and other heavy metals to be washed out. The alumina is then crystallized out of the liquid solution and purified at temperatures up to 1,300 degrees. The final product is a white powder which has its main use as input in aluminium smelters (Bunker et al. 1994).

⁴⁸ Caustic soda, or Sodium Hydroxide, is a strong alkaline solution and a common chemical base for various industrial purposes.

Modern alumina refineries are major industrial plants requiring investments of at least 1 billion USD and operating under significant economies of scale which can serve several aluminium smelters. One ton of alumina requires about 2.9 tons of bauxite ore to be mined indicating the significant savings in weight for transportation when the ore is refined to alumina. Locating the refinery close to the mine will save money in transportation costs but can expose already fragile tropical environments to further pollution. Additionally, in Indian bauxite regions where rainfall is interrupted by long dry periods, water usage is an issue not as often voiced internationally. Since a refinery must tailor its processes according to the particular chemical composition of the ore, both physical and technological characteristics thus support long-term supply agreements or even a joint venture type of agreement with a mine. Since even a major refinery will use less than one tenth of the energy consumed by a smelter, operations are easier technically to locate to the often remote regions of the mines (Bunker 1994).

The energy requirement to produce aluminium metal is the key difference from other metals like tin, copper and lead. Where these metals have 83%, 77% and 77% respectively of value coming from the ore, the value of bauxite ore is less than 10% of the finished aluminium (UNCTAD 2007). With markets being far from the resource locations, and aluminium products being more difficult to transport than alumina, there are quite few incentives for local aluminium production other than the interest of resource countries to increase revenue. Aluminium smelters have therefore tended to be located wherever low cost power is available, associating smelters with the construction of major dams for hydropower (Barham et al. 1994). A recent trend in India and China, again related to the high mineral prices of the recent resource boom, has however been to fuel smelters by thermal power thus necessitating a move close to a coal mining area to minimise the cost of coal transport.⁴⁹

The AP government-Jindal bauxite agreement does contain a clause about a future aluminium smelter in addition to the mines and the refinery. But an absence of plans for the smelter, and the significant difficulty of supplying enough electricity for it in energy-deficient Andhra Pradesh, makes its feasibility questionable. This thesis only attempts to discuss the mining and refinery components.⁵⁰

⁴⁹ Northern Orissa has become the favoured location of smelters in India with two smelters next to Hirakud dam and one in Angul due to the proximity of coal mines and processing water coming from dams and rivers.

⁵⁰ ANRAK Aluminium has presented plans for a smelter in Visakhapatnam District but its EIA strangely made no provision to build a large enough power plant until later. Transporting coal for the power plant is going to prove very expensive unless the power plant is located next to the Singareni coalfields of north and north-western AP, i.e. far from the coastal region of mine and refinery.

4.1.2 Bauxite mining and social protest in India

India started large-scale aluminium production during British rule in 1943 when Indal, owned by Canadian firm Alcan, was established in Kerala with access to nearby ore and hydropower for smelting. A number of joint ventures followed on a relatively small scale but once larger deposits were found elsewhere in the world operations in India failed to remain competitive. The main effort to expand came much later from a Hungarian-Indian government collaboration project in present-day Chhattisgarh which established Balco (Bharat Aluminium Corporation) in 1965. Technological problems however prevented Balco from operating properly for many years and once it did the known ore reserves were insufficient.

Little else would probably have happened in the bauxite industry in India had it not been for the discovery of the east coast bauxite reserves in the mid-1970s. Despite frequent surveys across India by British and Indian geologists for well over a century these deposits covering parts of the Scheduled Areas of southern and western Orissa, and northern Andhra Pradesh had remained unknown (Rao et al. 1979). Operating on a wholly different scale compared to earlier efforts in the country, the Nalco (National Aluminium Corporation) bauxite mine and alumina refinery complex was opened in southern Orissa in cooperation with the French firm Pechiney, and with financial support of the French government in 1987. A few years later an aluminium smelter was setup in Angul of northern Orissa close to coal mines for power. Nalco remains the by far largest bauxite ore miner in India, and the only producer currently extracting the vast bauxite deposits of the Eastern Ghats.

The Indian bauxite industry's first encounter with protest movements occurred shortly thereafter in the late 1980s when Balco's search for additional ore made it come to Gandhamardhan in Western Orissa (Mishra 1987). This mountain known for its biodiversity but also as a Hindu pilgrimage location, saw a significant opposition movement being established when local and national activists could not believe the publicity slogan that "Gandhamardhan will truly come of age with old holy temples of Nrusinghanath and Harishanker and modern industrial temples co-existing and enriching each other" (Balco publicity statement cited in Independent Committee report commissioned by GoI, 1987). In the end it was mainly livelihood concerns and local mobilisation which forced the company to leave at a time when across India a number of movements against displacement especially from dams were increasingly making their voices heard. The difference between dam agitation at Gandhamardhan and in subsequent bauxite movements has been lower direct displacement, but enduring concerns about indirect loss of

livelihoods when water and forests are disturbed from mining. In addition the proposed bauxite mining areas have often had great environmental values justifying conservation. These concerns remain largely unaddressed to date by the promoters of mining.

The late 80s and early 90s was otherwise a relatively quiet period where little government support existed, and the private industry had yet to gain enough strength. The lack of interest, or possibly ability, in exploiting the ore manifested itself in the AP five year plan 92-97 which merely suggested a start to “preliminary studies for exploitation of the Araku group of bauxite deposits for which no other Government agency has expressed interest” (Government of Andhra Pradesh, Finance and Planning Department 1991, 39). The bigger deposits of the north-western part of Visakhapatnam District were not even mentioned as a topic worth studying possibly due to security issues in areas that, at the time of writing, were virtually under the control of the Naxalite Peoples’ War group.

The interest in developing the east coast bauxite deposits increased dramatically in the 1990s after the opening of the Indian economy to private participation for export. These changes to the Indian economy coincided with the international trend of higher mineral prices, and the loosening of the monopoly on refining and smelting technology by a handful of Western companies which allowed these to be purchased on the open market. The end result was vastly changing circumstances in favour of bauxite projects in tribal India.

Among the first attempts to try the new circumstances allowing private investment for export was Utkal Alumina in Kashipur, Orissa in the early 1990s. But the experience of displacement from large-scale projects in general, and the nearby existence of Nalco, created strong resistance which has evolved into possibly the longest running protest movement against industry of any kind in Orissa. Tremendous conflict has resulted and even led to the police shooting three protesters in 2000. Human rights violations have been extensively documented and yet remain largely not acted upon (Reddy 2006; People's Union for Democratic Rights 2005; Goodland 2007; Padel et al. 2007). While a number of companies have been forced to leave the implementing consortium due to the continued protests, others have joined and the project continues, now even with a proposed expansion.⁵¹

⁵¹ International companies Hydro of Norway and Alcan of Canada have abandoned the project and so has the Tata Group. Recently Hindalco of the Birla Group bought the residual stake of Alcan to become sole owners.

Bauxite projects in Andhra Pradesh have remained secondary to those in Orissa in part due to the smaller deposits and the more difficult terrain. Another reason was the choice of an international partner which could not deliver when attempts were made to establish industry with Soviet collaboration from the early 1980s (Srinivasan et al. 1981). These attempts had to be finally abandoned with the fall of the Soviet Union. It was not until 1999 when the government of Andhra Pradesh together with an unnamed Dubai partner again attempted to utilise the bauxite deposits. These plans could never progress far however and were finally dropped in 2003 due to civil society pressure based on the Samatha Judgement's ban on private mining on tribal land (Ganjivarapu 2007).

Privatisation and restructuring has left the Indian aluminium industry concentrated in three companies Nalco, Hindalco and Vedanta.⁵² Major expansions have been taking place within already existing facilities of all three while they have attempted to expand in new locations creating new controversies.⁵³ Nalco is doing very well financially but as its many attempts to create new facilities in India have proved impossible already at the planning stage, and for political rather than technical or economical reasons it has been forced to look abroad. Hindalco is still attempting to start mining in Kashipur.

The key test case for this new wave of expansions has become UK-registered, but Indian owned and managed, Vedanta's plans to open a mine and a refinery in Lanjigarh, southern Orissa. This conflict started in 2003 when a case was filed in the Supreme Court of India by three activists based on the company's alleged illegal use of forest land. After long deliberations the mine was controversially allowed in August 2008 (Supreme Court of India 2008). But as the court would not even listen to the many additional issues beyond forest conservation, including matters of

⁵² Vedanta as a relatively late entrant in the aluminium industry has become a major competitor by buying public sector Balco in Chhattisgarh and Madras Aluminium Company in Tamil Nadu while also attempting to establish new facilities especially in Orissa. The holding company Vedanta Resources is registered in the UK but the main owner and chairman Anil Agarwal is Indian and so are the company's main operations.

⁵³ Both Utkal/Hindalco in Kashipur and Vedanta in Lanjigarh have controversially applied for major expansions for their planned refineries once initial environmental clearances had been secured for smaller operations. Vedanta's existing compound at Balco in Chhattisgarh was large enough to physically accommodate an entire new aluminium smelter with dedicated coal-based power plant. The old Hungarian smelter and the new Chinese built smelter continue to run side by side.

tribal justice and pollution control⁵⁴, it is not surprising that protests are continuing at the site, as well as in national and international campaigns.⁵⁵

With the Essar, Jindal and Birla Groups planning to enter, or already in the industry, it is only the Tata Group, which withdrew from Utkal Alumina, among major domestic metals groups not currently pursuing the bauxite ore of central India. Multinationals have attempted to invest from time to time but with Alcan exiting from Utkal Alumina in Kashipur none remain. As many as 12 bauxite mining and refining projects are currently at various stages of implementation in Orissa (Reddy 2006) and three in Andhra Pradesh, but the only recently opened new bauxite mines anywhere in India are of lower quality in Chhattisgarh and Maharashtra and of non-metal grade in Gujarat.⁵⁶ What seems to be the case is thus an increasing ability and interest from mainly Indian big business in establishing bauxite industry, but also the strengthening of resistance by oppositional groups and actors who are gradually more able to mobilise across geographical scales to work locally, nationally and internationally. Between these two positions are State and national governments increasingly, but not always, siding with industry demands.

4.2 Alliance formation and project setup

With the Samatha judgement affirmed in Andhra Pradesh to only allow public sector and tribal cooperatives in the Scheduled Areas, and the cancellation of what was known as the Dubai bauxite industry investment in 2003, it could have been assumed that at least for a while no further attempts would be made to utilise the bauxite of the State. But after the return to power of the Congress party in 2004 it took only about a year until a new business agreement (MoU) had been signed with Jindal South West of the Jindal Group over the mining of bauxite and setting up of a refinery and a smelter. Based on the MoU signed in July 2005, this section examines how the cooperation between the State government and the private company was organised, and the respective capacities of the different parties to carry out the obligations set forth in the agreement. Of key importance is the way in which the agreement has been drafted to

⁵⁴ See for example Amnesty International (2010), Central Empowered Committee of the Supreme Court (2005), Central Empowered Committee of the Supreme Court (2007), and Government of Norway, Council of Ethics of the Ministry of Finance (2007).

⁵⁵ A wide coalition of Indian activists and NGOs have been working to stop Vedanta's Niyamgiri mine, and have recently joined by international NGOs such as Survival International and Amnesty International.

⁵⁶ The refineries actually under construction are:

- Vedanta Alumina in Lanjigarh, Kalahandi District, Orissa (Since 2003, the mine waiting for environmental clearance while the refinery is operating on bauxite ore taken from other mines)
- Utkal Alumina (Hindalco), Kashipur District, Orissa (Since 1992)
- Jindal South West, S. Kota, Vizianagaram District, Andhra Pradesh (Since 2005)
- ANRAK Aluminium, Visakhapatnam District, Andhra Pradesh (Since 2007)

A number of aluminium smelters are also being constructed but in non-bauxite mining areas.

allow the ore to be utilised in cooperation with a private sector company which is not allowed to operate in the Scheduled Areas.

4.2.1 The government of Andhra Pradesh

The political part of the bauxite alliance is seen as resting on a small circle of top State Congress politicians. Of paramount importance is Chief Minister Y S Rajasekhara Reddy (YSR), a particularly powerful factionist leader from the southern Rayalaseema region of the State, who had managed to unite the Congress party, and remove the seemingly unbeatable Chandrababu Naidu of the TDP party in 2004 (Balagopal 2004). Virtually any decision of greater economic importance seemingly had to go via the Chief Minister, his presence confirmed in available meeting notes on the bauxite project. Additionally, Chief Minister YSR had a key role in the State government when acting as its de-facto spokesperson on economically important projects when lobbying for administrative approvals with the Centre. Or as one journalist expressed it: “The CM is acting like a public relations officer for the companies when he comes to Delhi (Interview Telugu language journalist, Delhi 2/5 2008).”

Nominally belonging to the same governing party, the politicians seen as crucial in the bauxite alliance were of mixed regional, caste and class backgrounds though with a Reddy domination at the top. For the purposes of alliance formation politicians do not necessarily have to share more than the interest to see a major project implemented. As far as group formations within the AP Congress party is concerned there is however some support for a closer cooperation between these politicians. Allegations of favouritism in awarding contracts have been particularly common for irrigation and mining projects in the State:

All irrigation projects are [implemented] by politicians but there are also some TDP contractors. Congress said openly that we are also giving you contracts so stop complaining. They will all cooperate on this and also did on earlier governments (Interview researcher Hyderabad, 28/2 2008).

This was supported by a researcher in Visakhapatnam: ‘Things move only through favours and you need political support which is unfortunate. The CM’s son gets things done superfast’ (Interview researcher Visakhapatnam 7/2 2008).

Many, if not even all, of the most powerful politicians in Andhra Pradesh are also businessmen these days.⁵⁷ This includes the Chief Minister who via his son YS Jagmohan Reddy, saw a major business empire take shape during the mandate period 2004-2009 including a State-wide newspaper and TV news channel Sakshi, a cement plant including a limestone mining lease and IT parks. The Union Minister of State for mining T Subbarami Reddy, who is similarly a major contractor of road and dam construction via his stock-listed company Gayatri Cements (also officially run by the son), provided direct links to the Centre. The treasurer of the AP Congress party, P Pratap Reddy, is related to the Chief Minister, owner of Penna Cements and allegedly an investor in ANRAK Cements.

The promise of land set out in the MoU of the bauxite project ensured that select Members of the Legislative Assembly (MLAs) from the particular project areas would be actively involved. Specifically the Minister of Housing from Vizianagaram District, and the Commercial Taxes Minister from Visakhapatnam District were making statements in favour of the project and appeared in meeting notes discussing the project rather than for example the more expected mining or industry ministers. Crucially the MLA of tribal-reserved S Kota including the proposed mining area of Araku has not been involved in any decisions as far as can be gathered, but has also not been voicing a difference of opinion to plans which are not very popular among his constituency. Being part of the personal circle around the Chief Minister and in control of personal networks of influence at the sites seems to have had higher importance than being nominally in charge of portfolios like industry, mining or tribal welfare.

Any major investment is given preference in the State where economic growth is high up on the agenda, but it might be possible to see that certain investors with direct links to the State government have even higher priority. “In Andhra Pradesh all the [Special Economic Zone] developers are relatives of the Chief Minister. Tata and Jindal come second in the state (K Balagopal at the Southern Regional Strategy Meeting on SEZs, Chennai, 13/9 2008).” We might thus expect Jindal’s bauxite project to be given slightly lower priority if others with closer personal relations to the State government also need support, such as ANRAK Aluminium.

Politicians are of course not only, or even necessarily mainly, concerned with making money since they also need to remain in favour with the voters to get elected (and once in power, re-

⁵⁷ Three types of support are proposed for this section: Interview responses from various insiders, meeting notes of how the bauxite project has been planned, and newspaper articles where it becomes important who is making statements on particular issues.

elected). For this a pro-poor image is essential since the poor make up the majority of voters. In Andhra Pradesh the promotion of business is never presented as being against the right to land and livelihoods of the poor. In the case of tribal land rights the main politicians, who tend to be from southern AP, are just not particularly aware of the important role it plays in the Scheduled Areas of the northern parts of the State as the following interview based on a high-level meeting in Hyderabad shows:

YSR was talking about so and so much money being spent on tribals and I got a bit agitated. I said I wanted to speak to give a reply. I told the CM, look Mr Chief Minister for heaven's sake don't keep talking about this. Because the money you spend in the tribal areas goes to contractors and intermediaries, it doesn't really reach the tribals. What the tribals need is not money they want their rights. The problem is that as soon as some officer tries to transfer land [back] to tribals you will transfer that officer. Your government will not allow land to be restored to tribal people. Basically what they want is the right to be recognised. They want the ability to supervise their own schools, their own hospitals. Give them the chance to become involved. Not money. You know the reaction of the Chief Minister? I was sitting at a table with the Chief Secretary next to me and then the Chief Minister. The Chief Minister was whispering in the ear of the Chief Secretary. He was asking "what is this land transfer regulation?" (Interview retired IAS officer 20/10 2006).

The increasing political power over the bureaucracy manifested itself in a top-level meeting of State bureaucrats organised by the Chief Secretary where the Forest Department secretary failed to appear since 'all the decisions are made by the CM anyway' (Interview retired IAS officer, Hyderabad 26/2 2008).

Changes after the 2009 elections

This was the way the political side of the bauxite alliance was seen as configured during the fieldwork. But then elections took place in 2009 and despite the return to power of Congress both in the State and at the Centre, the bauxite alliance went through significant changes. The special point to be made by separately discussing this reconfiguration is to show how politicians might appear superior in power but in the end have to be concerned about how voters perceive them or risk being voted out of power.

The main promoter at the Centre, the former Union Minister of State in Mining is no longer part of the government as a minister despite remaining as a nominated Rajya Sabha MP. And one of the main local spokesmen for the project lost the elections from non-tribal Visakhapatnam

District and thus his position as Minister of Commercial Taxes in the State government. Chief Minister YSR, before his untimely death, strengthened his position in the 2009 elections and managed to get his son elected as a Member of Parliament. And Vizianagaram District is now more than ever in the hands of Housing Minister Botcha Satyanarayan's family (and the Congress party) with 1 State government minister (Mr Satyanarayan himself), 3 MLAs and 1 MP (the wife of Mr Satyanarayan) from the District, out of the total of 7 MLA and 1 MP seats.

The tribal MLA of S Kota, which covered both the proposed mine and refinery areas before the constituency was redrawn in time for the 2009 elections, was side-lined to the point of not even getting a chance to get re-elected for Congress. For a while he instead considered to try as an independent in the newly created tribal Araku assembly and then in the end dropped his campaign altogether. In the newly created S Kota unreserved constituency, the bauxite alliance member and elected *Zilla Parishad* (District Council) member of kshatriya caste was not rewarded with a Congress ticket. He subsequently contested elections as independent and was banned from the Congress party for six years for this. The eventual election result was a win for the TDP candidate who, like the Congress candidate, was a velama.

The most important change however took place in the central government where the Congress MP Jairam Ramesh, who has made cautious remarks about his concern for the future of the Araku coffee growers, is the new Union Minister of Environment after successive governments with the Tamil Nadu-based DMK party holding the position. A stronger enforcement of environmental laws seems to be forthcoming, most importantly no environmental approvals for mines across the country until the new Forest Rights Act has been implemented (See chapter 6.3.4 for more on this Act) (Ministry of Environment and Forests 2009). But the Minister is likely to be put under pressure from party members from the State to approve the project. It is quite clear that this is not what the Andhra Pradesh Congress party representatives had expected when the party strengthened its grip on power after the elections (The Hindu 2010b).

4.2.2 APMDC

The State mining company APMDC, which was on the verge of being closed down completely in the 1990s after mounting losses, has gone through a process of drastically scaling down the number of employees yet finding itself taking part in an increasing number of major deals in recent years. Actual mining operations, however, are limited to only one, a black marble mine in the south AP District of Kadapa. With only 230 employees and strict limits to who can be recruited, the many new mining projects proposed in its name are not indicating actual increased

mining by the company (Interview 9/4 2007, Hyderabad, source with insights into the operations of APMDC). Instead it is the mine planning section of APMDC which has taken on a more important role in recent years. With its close connections to the State Mines & Geology Department including a shared Managing Director, the mine planners are in a prime position to apply for new deposits, allotted on a first come first served basis, when these become available in the State. Once a lease has been secured by APMDC it is usually transferred to a private company for a fee since the organisation lacks the capacity to mine on its own. The transfer procedure including the remuneration to APMDC, and who gets selected is open to political manipulation and has resulted in a number of the biggest political scandals in the State in recent years. As commented by a Hyderabad-based journalist:

APMDC invites for contracts but what we understand is that these are mafia style decisions.

The close links between politicians and the industry and the pricing of ore is strategic (Interview journalist, Hyderabad 25/2 2008).

A different journalist agreed by saying that ‘the government always get the contracts for own players when in power while the opposition protests (Interview journalist, Hyderabad 25/2 2008).’ It seems clear that political priorities have significant influence in how the APMDC conducts its business.

For tribal areas this procedure of allotting mining contracts to private companies can not be followed due to the ban on private industry. Smaller deposits have instead been auctioned with the condition that only tribal people may apply.⁵⁸ But bauxite mining was deemed as being too large a project to allow local people to mine. An authoritative source with insights into the operations of APMDC explained the project setup as follows:

Basically due to the Land Transfer regulations in Andhra Pradesh the government has to do the mining in the state. APMDC is a very small organisation and as a government organisation it is difficult to run it efficiently. There will be political interference and we can not hire competent people because of various rules (Interview source with insights into the operations of APMDC, Hyderabad 9/4 2007).

What emerges from this is APMDC as a rather empty public sector operation mainly existing on paper to supply the private companies like the JSW refinery. Or as one commentator put the question of bauxite mining in the public sector: “Whether public or private, ultimately it is the contractor who will carry out the work” (Interview academic, Visakhapatnam 7/1 2008). Having

⁵⁸ One example of this were the ads for sand mining leases in riverbeds of tribal Visakhapatnam which stated that only a tribal person could apply in the Hindu and Sakshi newspapers on 31 March 2008.

circumvented the Samatha Judgement by using the public mining company APMDC as a front, the APMDC-ANRAK mining EIA is confident enough to attain a role separate to that of APMDC in environmental management for what it refers to as the “mining contractor” (Indian Council of Forestry Research and Education 2008, 164-170).⁵⁹ This mining contractor is not defined anywhere in the report but must be assumed to be the company hired to do the actual mining while APMDC retains responsibility to oversee the operations.

JSW will not only fund direct mining activities. Minutes from an APMDC board meeting detail various social activities APMDC plans to carry out in the proposed mining area with direct financial support from Jindal/JSW. There is no mention in the notes of what extent, if at all, JSW will receive any publicity for providing these funds:

[A]bout 200 tribal youth will be trained in the mines of the Corporation [APMDC] at Barytes Mines, Mangampet, Galaxy Granite quarries at Chimakurthy etc. The total expenditure for imparting training to 200 tribal youth for a period of 2 years would be about Rs 2 crore as estimated. Further the Corporation would be providing mobile clinics at an estimated cost of Rs 10 lakhs. The Corporation will also provide the distribution of school uniforms to about 2,000 school children by providing 2 pairs of uniforms, boots, and tie at an estimated cost of Rs 15.00 lakhs. The Corporation will also provide potable water initially for 2 villages i.e. Bisupuram and Nandivalasa which are near to bauxite deposits in Rakthakonda, Galikonda and Chittamgondi. The Corporation will also undertake public awareness programme by sending the public representatives to Nalco Project at Damanjodi, Orissa and conduct Gram Sabha and other meetings with villagers at a cost of Rs 5.00 lakhs. The total expenditure incurred on the above programmes will be reimbursed by M/s Jindal. The Board authorized the VC&MD [Head of APMDC] to incur expenditure initially for the above programmes and seek reimbursement from M/s Jindal (APMDC 2007, 8).

This mode of operation with a public facade to cover for private mining seems to mirror others across India where State mining corporations continue to take up mining projects while in reality it is only the Gujarat State mining corporation which is able to carry out any mining on its own (Interview retired IAS officer Hyderabad 6/3 2008).

⁵⁹ The responsibilities of implementing the solid waste management plan is described as follows “Institutional Mechanism shows the role of various Departments/teams in the implementation of the plan. Various Departments involved are:

- Contractor’s monitoring team apart from the workers proposed for the activities
- Forest Department team
- APMDC team (Indian Council of Forestry Research and Education 2008, 208)”

4.2.3 Jindal South West (JSW)

India's big business families have seen vastly different operating circumstances in the last two decades where some have been unable to meet new competition while others have expanded their scope away from the traditional, protected sectors they used to enjoy and into new consumer and business segments (Kochanek 2007). It is therefore possibly no surprise to see Jindal South West, a subsidiary of the Haryana-based OP Jindal Group, expand away from steel to not only aluminium but also cement and power production.

From two small pipe manufacturing units in 1952, in West Bengal and Haryana respectively, the Jindal Group expanded into steel as recently as 1970 but has since grown strongly to become a 10 billion USD industry, enough to place the family as the 12th richest in India in 2008 with an estimated fortune of 2.9 billion USD (Karmali 2008). There are at present 12 steel plants in India and 2 in the United States. The Jindal Group is effectively operated in four main sub-groups of companies by the sons of founder OP Jindal and had been so even for some years before his passing away in 2005.⁶⁰ Since OP Jindal's death his wife Savitri Jindal has assumed the role as Group chairman.

Within the company the brothers hold considerable political and business connections between them although they remain more low profile than other business groups like Reliance, Tata or Birla. Congress Lok Sabha MP from Haryana Naveen Jindal, head of Jindal Steel, provides for top political connections and is said to be part of the group of young Congress MPs close to Rahul Gandhi. The JSW chairman Sajjan Jindal was the head of the Associated Chamber of Commerce (Assocham), one of the top three national business organisations in India, when the bauxite project was proposed in Andhra Pradesh.

JSW Steel is not only the main company of Jindal South West, but also the biggest company of the entire Jindal Group, and has grown to become India's largest domestic producer just ahead of Tata Steel. JSW is, unlike the Delhi-based Jindal Group, headquartered in Bombay. Its 8,500 employees (as of 30th June 2009) operate in a number of locations across India, with a major presence in Karnataka. Two of the JSW companies are listed on the Bombay Stock Exchange, JSW Steel and JSW Holdings, with JSW Energy planned to be listed shortly (JSW Energy 2008).⁶¹

⁶⁰ The four separately run companies are apart from JSW, Jindal Stainless (JSL), Jindal SAW and Jindal Steel & Power.

⁶¹ The main companies of the JSW Group are JSW Steel, JSW Energy, JSW Cement, JSW Aluminium, JSoft Solutions and JSW Infrastructure and Logistics together with the holding company JSW Holdings.

Another new major venture for JSW is the subsidiary JSW Cement which is also planning to start operations in Andhra Pradesh. A separate subsidiary, JSW Aluminium is responsible for the new bauxite industry project in Andhra Pradesh.

The many new projects that are ongoing at JSW are sure to put immense pressure on its finances. Steel and power investments alone are expected to require 40,000 crore rupees (£5 billion) in “the next few years” causing the cement section to recently announce it would look for a partner for its limestone mining and cement plant in Andhra Pradesh (Kalesh 2009). Financing of the 4,000 crore rupee (approximately £500 million) alumina refinery has reportedly been agreed on via 1,000 crore internal company equity, and 3,000 crore from a domestic bank consortium (Rama Raju 2009). But adding uncertainty to this announcement was another media statement saying that despite this the aluminium plans would go slow until the market picked up (Joshi Saha 2009). Is this a strategic move when the bauxite mines are not moving forward to give JSW time to see progress before it makes further investments? Or are the overall finances of the group constrained enough in the current economic downturn to warrant a focus on steel production and power generation? One clear set of priorities should come from the fact that if the group does not have power it will find it difficult to run its other plants.

A number of steel and power projects come with similar uncertainties to the bauxite project such as issues of land acquisition, environmental approvals and access to coal. At a time when Tata Motors was struggling to acquire land for its car factory in West Bengal, JSW was quick to come out with its success formula: “We dealt directly with the farmers and made them partners”, Sajjan Jindal told *Tehelka* in August 2008 (Guha Ray 2008). Since this experience in did not match company behaviour during the refinery land acquisition (see chapter 5) it was no surprise, although another great tragedy for the people affected, when protests and violence erupted later (Datta 2009).

The bauxite MoU with the AP government chose to emphasise the capabilities of JSW in general rather than its knowledge of aluminium production:

The [JSW] Group has rich experience in mining, ore transportation, metallurgical processing, refining, smelting, rolling of metals (ferrous and non-ferrous), power generation, port operation and industrial gases ... It is clear that the Jindal group has the financial capacity, the organizational strength and the operational experience to set up large capacity, value addition plants of refining and smelting of bauxite ore (MoU between GoAP and JSW 2005, 2).

JSW did recruit experienced staff such as the CEO of JSW Aluminium RC Swain, a former Assistant Vice President of Vedanta Alumina, but most work was seemingly performed by consultants who carried out surveys and performed various other tasks. The company even chose to operate without a permanent office in the area, instead using a few rooms of the housing estate for employees of the Jindal Ferro-Chrome factory on the outskirts of Visakhapatnam city. A local consultancy did the ground survey for both refinery and mine and one of its employees later became the site manager at S Kota as their only on site employee. Site preparation and plant construction work had been outsourced to specialist companies (including a large Indian engineering firm for ground preparation and a large multinational company as technology supplier) (Interviews JSW employees 5/4 2008). Regardless of who actually carried out the work, the presence of JSW was felt when its name appeared on the official land acquisition map for the refinery despite the MoU assuring this 'work' was part of the government's tasks (See Figure 5 on page 128). And for the mining EIA it was JSW who supplied the government documents to the EIA consultants. Evidence of this was the company office fax number left on the top of each page (Indian Council of Forestry Research and Education n.d.). JSW thus could be seen as functioning much like a back office which processed and distributed information between the government departments and consultants which needed to carry out various administrative tasks.

If the private company was supposed to be the industry expert in the government-business alliance, this expertise seemed limited to providing finance and coordinating with the government and consultants/suppliers. This style of operation was described as common among the private mining and metals companies in India by an activist in Delhi who stated that 'basically all these mining companies do the same; they stay away from doing actual work. Vedanta has contracted an Australian company to build their refinery and will then subcontract the mining to smaller companies. They only manage the money (Interview activist, Delhi 11/12 2007).' For the opposition to the AP bauxite project, JSW was a name without a face, a company coordinating work behind the scenes without ever showing itself. The characterisation of the 'highly competent and financially sound entrepreneur' of the MoU is thus of a company venturing into a new line of business with limited in-house experience or even presence in the State, but an ability to mobilise the required resources; economic, technical and political. At least this was until the economic crisis of late 2008 changed world market demand and thereby project financing possibilities (see e.g. (Joshi Saha 2009; Rama Raju 2009) on the uncertainty over JSW's ability to raise funds for the project).

4.2.4 Memorandum of Understanding

Much of how the bauxite project came into being remains unknown though it is clear it must have involved a significant planning effort. As far as is known there was no tender process to accept bids for the investment, though discussions were held also with other companies (for example discussions with Nalco in Government of Andhra Pradesh, Industries and Commerce Department 2005b). It would have been difficult for members of the State government to initiate plans with the Congress party just returning to power unexpectedly after ten years in opposition, and an overall poor State government capacity seems to limit the possibility of people in the bureaucracy to initiate plans which by necessity combines technical, economic, political and legal aspects. The North Indian Jindal Group headquartered in Haryana, which until now has been almost exclusively into steel-making, does not have any major operations in Andhra Pradesh making it seem like a somewhat unexpected member of this bauxite alliance with the State government.

The bauxite alliance was able to plan and formalise its cooperation in a business agreement without public debate on a known issue of public concern and as far as is known without competitive tendering. But it was not able to change the policies which determine land transfer. The 2005 agreement explicitly accepts the special land protection for tribal people as affirmed by the Samatha Judgement and calls for mining in the public sector. It even includes a reference to an old government order from 1975 to further justify why a public sector company should supply ore to the private investor:

Whereas, the State of Andhra Pradesh is having rich bauxite deposits in Visakhapatnam and East Godavari (E.G) Districts, consisting of about 550 million tonnes of metallurgical grade. Keeping its importance in view, the GoAP have reserved the entire deposit bearing areas available in E.G. District and Visakhapatnam District through [Government Order] No. 999 ... 25/10/1975 for exclusive exploitation by the public sector undertaking. Further, all these areas are falling under reserve forest as well as notified tribal areas. As per the AP Land Transfer Regulation 1959, transfer of these areas to non-tribals is prohibited. Further the Hon'ble [sic.] Supreme Court of India in Samatha Vs State of AP case gave ruling that the State-owned Corporation can mine these areas and in case State owned Corporations are involved in mining, it does not amount to transfer of the areas to non-tribal. Considering these facts, GoAP is looking after a highly competent and financially sound entrepreneur who can establish value-added industry to produce end-products, based on these valuables, mined by APMDC Ltd. (MoU between GoAP and JSW 2005, 1).

The MoU specifies which deposits will be mined by the State government company APMDC (Andhra Pradesh Mineral Development Corporation), with ore sufficient for about 30 years of alumina refining:

GoAP shall direct APMDC to supply bauxite from out of the areas applied by them in Araku (Galikonda, Raktakonda & Chittamgondi) & Sapparla Groups, consisting of approx. 2446 ha. and containing approximately 240 million tonnes of bauxite ore ... (MoU between GoAP and JSW 2005, 2-3).

The MoU further details that the refinery of the private investor has to be located outside of the Scheduled Areas to avoid the land transfer law:

JSWHL⁶² or its subsidiaries undertake to incorporate and promote a company ... which will set up a Alumina and Aluminum refinery and Smelter to produce about 2.5 lakh tonnes⁶³ of Aluminium per annum initially, with a provision for suitable expansion, in the State of A P. at the locations other than the scheduled areas mutually agreed to by the two parties and with a capital outlay of about Rs 9.000 crores⁶⁴ (MoU between GoAP and JSW 2005, 2).

The setup presents itself as an advanced workaround to the problem of how to get private investment in bauxite industry. The proposed operations may seem to be according to the law since the government is allowed to mine in the Scheduled Areas, and the refinery will be built on non-Scheduled land. But the terms of the proposed cooperation are crucial since the AP land transfer regulation not only prevents direct ownership by a non-tribal, but also so called *benami* operations which are in the name of a tribal but for the benefit of a non-tribal, in this case a private company.

The MoU contains no detailed discussion about the benefits of the proposed project in order to determine where the actual benefits from it lie, or indeed who is actually in planning, financing and carrying out the mining operations only allowed by the public sector. But a number of passages can be used to cast doubt over the public benefits, or indeed even the public involvement. For the bauxite project it was realised that APMDC would not be able to bear the costs involved and might also need the expertise of JSW to prepare plans. A few citations from the MoU are illustrative of this:

⁶² Jindal South West Holding Limited. A new company was specially created for the bauxite project JSW Aluminium

⁶³ 250,000 tons

⁶⁴ 90 billion rupees, approximately £1.2 billion at the time.

JSWHL or its subsidiary company shall bear all the expenditure in preparation of mining plans, cost of afforestation, net present value being payable to the Forest Department etc (MoU between GoAP and JSW 2005, 3).

APMDC shall take the expertise of JSWHL or its subsidiary in preparing the feasibility reports, mining plans etc required for getting clearances from MoEF, Govt of India for further leases (Ibid., 3).

JSWHL/subsidiary shall provide machinery required for mining to APMDC on hire basis. The hire charges shall be fixed by a [government-appointed] Committee ... (Ibid., 4).

JSWHL/subsidiary shall provide cost of infrastructure required for development of mines as fixed by the Committee constituted by GoAP ... (Ibid., 4).

Apart from allocating the ore for the private investor the State government does have one specific role to play in the agreement, to acquire land on behalf of the company. This was made explicit in the MoU in the following way:

JSWHL or its subsidiary shall identify suitable land other than the land in scheduled areas. The same will be acquired and handed over to JSWHL or its subsidiary company by GoAP/Collector. JSWHL or its subsidiary company would bear the cost (MoU between GoAP and JSW 2005, 3).

Despite the advanced legal setup, progress on the ground has been very slow compared to the envisaged three year implementation time. After two public environmental hearings for the alumina refinery, the plant has been approved and land acquired. The mines have into 2010 not yet been put through the environmental clearance process. A public hearing was announced in October 2009 but this was later cancelled for unknown reasons.

In February 2007 a second bauxite project was announced replicating the earlier setup. The partner in this project is ANRAK Aluminium, a company owned by the government of Ras Al Khaima of the United Arab Emirates. This project has not only moved much faster and overtaken the GoAP-JSW project, but has been described as an Andhra Pradesh Congress party project based on the earlier MoU 'template'. Evidence towards this are somewhat tentative but a direct link exists between the AP State Congress party treasurer and the government of RAK with an investment in a cement plant in Ras Al Khaima a few years earlier (Government of Ras

Al Khaimah 2006). The same treasurer is now implicated as an investor in ANRAK together with other AP Congress politicians (Interview opposition MP, Hyderabad 27/2 2008; Interview NGO head, Visakhapatnam 7/2 2008). Late in 2009 after many years of negotiations it was announced that Nalco had been awarded the last group of deposits available in the State.

4.3 Distributional outcomes of a complex project setup

Planning for large-scale mining and refining of bauxite ore in an ecologically fragile and economically poor region is a very complex matter which need to take social, environmental, cultural, technical and economical costs and benefits into account. While the environmental and social implications are discussed in the following chapters (See chapters 5, 6 and 7), this section takes a narrower techno-economic look at the planning of the GoAP-JSW bauxite project. The basic question here is in what alternative way could the project have been organised in if it, as was claimed, was based on a “vision to augment growth and development in the State of Andhra Pradesh (MoU between GoAP and JSW 2005, 1).” and specifically “in the interest of development of the area and tribals” (Government of Andhra Pradesh, Industries and Commerce Department 2005b, 2)?

When planning a major investment like the bauxite project the natural characteristics of the industry and choices made in the creation of a business agreement both influence the choice of locations. The natural fact that the ore is only available in certain locations in tribal Visakhapatnam District is impossible to ignore but beyond this a range of different choices have to be made. The interest in keeping the refinery as close as possible to the mine to reduce transport costs has to be combined with the need for available flat land where it can be built, enough water to process the ore and adequate transport solutions to move millions of tons of ore and alumina each year.

Beyond these considerations it is argued here that the project promoters have chosen what appears to be a deliberately complex setup of the bauxite project for narrow economic outcomes, rather than the officially claimed economic development. The evidence for this is not only the apparent lack of State income and the low employment generated from the bauxite project but also the existence of a counterfactual. The option to private investment via JSW was to sign an agreement with the public sector company Nalco, which would have made public income⁶⁵ greater and reduced implementation time. The argument of the counterfactual is based on two

⁶⁵ This argument looks at income in isolation regardless of whether or not the operations are able to mitigate the social and environmental costs.

main factors; the low income from mining which incentivises State governments to demand investment in industry within the State to allow the mining to start, and the ban on private industry in the Scheduled Areas which leads to two project sites.

4.3.1 Meagre State income from mining

Low State government income from mineral royalty has been an ongoing issue in State-Centre negotiations for many years. Though the States are the owners of what is termed major minerals, including bauxite, iron, coal and zinc, the royalty from mining these minerals has been set by the Centre. The State governments, which have to face the social and environmental costs of mining and have very constrained budgets, have protested, but have only been able to gain fairly moderate increases in royalty (Planning Commission 2006).⁶⁶ Reasons for the Centre not agreeing to raise the royalty are its interest in supporting industrialisation and energy generation and additionally, at least in the past, the increased profits which can be made by the Centre's public sector companies using low cost ore. (Interview NGO employee, Delhi 15/12 2007). While Andhra Pradesh has a more varied economy than central Indian States like Orissa, Jharkhand and Chhattisgarh, and therefore depends less on income from mining,⁶⁷ responses have been similar in all these States.

Other than via royalty, there are three main ways for the AP State government to earn from the bauxite project; profit from selling ore to the refinery; taxes from the alumina refinery; and additional taxes and fees on the land used for mining. Of these the first two are not possible since the price of the bauxite ore was set low in the MoU "at the price as fixed by a committee formed by Govt, of AP, based on cost of production" (MoU between GoAP and JSW 2005, 2-3), and the refinery was declared a Special Economic Zone with wide-ranging tax exemptions. The position on the third alternative, a tax on mining land, is not known for bauxite but has at least for iron ore been locked in court litigation recently.⁶⁸ Other than raising State income, there are a number of other reasons for a State government to demand an alumina refinery investment including the investment in infrastructure and other facilities which come with its construction, and the potential creation of employment.

⁶⁶ The royalty set per ton of mined ore has been tied to the world market price of aluminium but nevertheless remains at about 80 rupees per ton of ore (approximately £1).

⁶⁷ State income in Andhra Pradesh as the second biggest mining State in India in terms of royalty collection was a mere 865 crore (£115 million) in 2004-05, or about 3% of the State's revenue receipts. States much more dependent on mining like Orissa and Chhattisgarh were far lower with 664 and 695 crore respectively. The main royalty earner in Andhra Pradesh was the public sector coal mining by Singareni Collieries (Bhushan et al. 2008).

⁶⁸ The AP Mineral Bearing Lands (CESS) Act 2005 was meant to give extra State government income from mining by a tax on the mined land. Implementation remains unknown however since a steel company took the government to court over the cess of Rs. 100 per ton of iron ore in addition to the Rs. 20 royalty (Venkateshwarlu 2007).

The problem for State governments is that there is no legal support to demand local industrial investments in order to allow mining. This has tended to be seen as a barrier to trade within the country and has generally been struck down in courts. Without a resolution of the State-Centre conflict of how to compensate the resource-rich States, future deals in mining signed between State governments and private investors are likely to continue to include both mines and plants despite the new Mineral policy's attempts to limit this behaviour. This is all but guaranteed to lead to delays due to the increased complexity of planning for two projects instead of one. Separating related components into different projects do come with a double edge however. In the case of bauxite where the mines are the main points of controversy, the establishment of a refinery and already made investments can be used to increase bargaining power to later approve mines (Kohli 2006).

Another aspect of this is how bauxite ore located in the north-eastern corner of Andhra Pradesh will not be processed in nearby Orissa even if railway connections were found to be better, water availability more plentiful, or especially likely, energy availability was better. Similarly, ore from the Nalco Panchpatmali mine in southern Orissa is very unlikely to be transported across the border to Andhra Pradesh to substitute for mines in ecologically sensitive Araku Valley however technically feasible it may be since it would reduce Orissa State income. It could have been imagined that Nalco, a major producer and exporter of alumina could have supplied alumina to several smelters in Andhra Pradesh without the need for new mining and refining as pointed out by Sivaramakrishna (2007).

The conclusion must be that earning income for the State has not been a high priority for leading politicians in the Andhra Pradesh government. If this is the case why then has the government insisted on having a private sector investor? The next section goes on to detail how public sector Nalco has also shown interest in the bauxite deposits for many years, even before any of the recent agreements had been signed.

4.3.2 Non-tribal industry off limit in the Scheduled Areas

The AP government has insisted on an alumina refinery along with the mines but the existence of tribal land rights forces what could have been one bauxite and alumina refinery project if done in the public sector to become two separate ones, with subsequent difficulties of applying for bureaucratic approvals and acquiring land for two projects instead of one. There is also the issue of timing developments of the two. The AP government will insist on the private industry

making investments first but the private industry will be worried the mining lease or some other bureaucratic approval will not be approved creating an issue of trust between the two.

But what makes the chosen setup particularly peculiar is that there was a superior alternative available to the State government. If Nalco had been chosen as partner the entire facilities could have been planned in the same area in the Scheduled Areas since it is as much a public sector company as APMDC.⁶⁹ Nalco has been very profitable in recent years operating one of the largest alumina refineries in the world.⁷⁰ It clearly has knowledge of the technology and the particular operational conditions of the tribal areas of central-eastern India beyond what either JSW or ANRAK Aluminium can claim.

Nalco has shown interest for many years in the AP deposits but never been awarded a contract without a proper reason for this denial ever being presented. Meeting notes from 2005 reveal how the company was willing to make a major investment of 46,000 crore rupees (9.2 billion USD) in April 2005 before any private company agreement had been signed:

The Chairman & Managing Director, NALCO gave brief appraisal about the East Coast Bauxite deposits with special reference to Bauxite reserves of Andhra Pradesh occurring in Visakhapatnam and East Godavari Districts. He made a power point presentation briefly touching various aspects of the Bauxite reserves of Andhra Pradesh and expressed their interest to establish industries to produce alumina/aluminium by making use of quality bauxite deposits of Jerrila area. They intend to establish Alumina refinery at Krishnadevapeta (KD Peta) and smelter at Visakhapatnam (Government of Andhra Pradesh, Industries and Commerce Department 2005a, 1).

The plans seemingly impressed the State government which according to the meeting notes agreed to the plans:

The Hon'ble [sic.] Chief Minister instructed that APMDC will take up mining operations and supply the material to NALCO by fixing a reasonable price which includes cost of excavation and 20% profit margin (Government of Andhra Pradesh, Industries and Commerce Department 2005a, 4).

⁶⁹ Several public sector companies operate in the Scheduled Areas of Andhra Pradesh like Singareni Collieries, a joint coal mining venture between the AP and central governments, and Sponge Iron India Limited (SIIL).

⁷⁰ Nalco's profit after tax was 24 billion rupees (approximately ₹315 million) in 2006-07, 16 billion rupees (approximately ₹208 million) in 2007-08, and 13 billion rupees (approximately ₹169 million) in 2008-09 (Nalco Annual reports).

But despite the promises made at the above meeting Nalco continued to be overlooked as contracts were signed first with JSW and later in 2007 with the government of Raz Al-Khaima. During this time Nalco continued to make media statements about its intention to invest in Andhra Pradesh. In early 2008 it was even announced by the then Union Minister of State for Mining that Nalco would soon be awarded a contract but no contract was signed throughout the year (The Hindu Business Line 2008). All this time the AP government has inexplicably insisted that the mining should be done via APMDC, not due to tribal land transfer issues but “for monitoring environmental and tribal welfare issues effectively (The Hindu Business Line 2006)”. It was never explained why APMDC would be better at this monitoring than Nalco when the latter is the company with actual experience of bauxite mining. In 2009 Nalco was finally allowed the mining leases for the last remaining deposits in the State. These are on the border of Visakhapatnam and East Godavari making them the least accessible of all potential ore deposits in the State, and with the highest risk of security difficulties with the Naxalites.

The main point emerging from this is how Nalco for years was inexplicably not allowed to expand in Andhra Pradesh or elsewhere in India. Is this due to the more stringent financial regulations and the regular audits by the Comptroller and Auditor General of India compared to what private companies have to follow? Though Nalco’s investment plans have been frequently discussed in the media it could be possible that some unknown issue exists which has prevented an agreement. But seen in the perspective of other dubious mining deals and the generally unfavourable position of public sector companies in the State,⁷¹ it could be interpreted that the bauxite project is not being set up for public benefit. Indeed the increased complexity seems to indicate that the government would prefer a delayed private investment rather than a more straightforward public one.

4.4 Conclusion

This chapter has discussed the formation of the bauxite alliance, likened to a subset of Kohli’s developmental alliance, consisting of top Andhra Pradesh State politicians and an Indian big business company, for the purpose of implementing a bauxite project. The way the bauxite project has been organised based on public sector mining by a mining company, APMDC, which

⁷¹ Other public enterprises are also being neglected these days. Vizag Steel is a nearby case in point which was first not allowed to build a port on land it already had in its possession (which would have lowered transport cost significantly) only for the Gangavaram port to be developed in the private sector on the same land. A mining lease for iron ore has been denied the company forcing it to depend on much higher market prices. Inexperienced but politically well-connected Brahmani Steels ‘won’ the lease for iron ore in Anantapur District instead in one of the biggest political scandals in AP of 2007.

is unable to mine, and a private investor funding the entire project including the mining operations, indicate an advanced legal setup aimed at finding a new way to circumvent the tribal land transfer legislation which functions as a barrier to bauxite industry in the State. But this choice to circumvent rather than change the law also adds official legitimacy to the continued need for tribal land rights. Additionally, the legal manoeuvring also seems to indicate that there are significant limits to the power of the bauxite alliance which opens itself up for challenges when the State is unable to operate or finance the mines.

Beyond the need to protect land rights the literature mentioned rent-seeking as an important motivation for large mining projects. The claims of economic development of the State and especially the tribal areas were found to be very limited since income opportunities in the form of tax or profit on ore sales have been signed away, and no information has been presented about the remaining local developmental fund along the lines of what was suggested in the Samatha Judgement. The choice of using a private company instead of public sector Nalco even seemed to indicate a preference by the State government for private rather than public benefit. JSW as a partner implied an increased potential for delays due to the complexity of the setup with multiple stakeholders at multiple project sites when Nalco could have completed the entire project on its own.

The trust between the bauxite alliance members might seem surprising given the complex setup. Significant payments are expected up front for a refinery (including its land) before anything is expected to happen with the mine. Knowing the history of bauxite mining as the main source of conflict, where does this confidence on the part of the private investor come from? Maybe the investment can be seen as a way of securing the ore deposit for the company at some point in the future? Top politicians must also surely be aware of the risk for long project delays during which time uncertain elections will be held and potentially lost. Is it the case that the government's non-productive work when securing the agreement (MoU) and starting land acquisition is paying dividends? Are we talking of possibilities to manage land acquisition and earn patronage with early payoffs before the actual operations have started?

Those hoping to prevent mining could seemingly have used the poor public benefits, locally as well as for the State, to claim that this project was not about economic development in the public interest. The connection to the need for large funds to win elections is well-known and could have been connected to this lack of public benefits. But as we will see in forthcoming chapters

the struggle for tribal land rights largely stayed away from discussing redistribution. Possibly it was felt that negotiating for economic compensation would have made the discourse on the dangers of mining seem less sincere if some amount of money could compensate for all the negative effects. One example of confusion within the opposition was when Communist Party of India (CPM) leaders were demanding better compensation for those losing land to the ANRAK refinery in non-Scheduled Visakhapatnam District causing one NGO head to wonder why they are settling for compensation in this case but claiming to be against mining in the hills? “I get very confused about these double messages” (Interview 9/5 2008). Though political parties have been known to bring different messages to different constituencies in attempts to please all sides the interpretation in this particular case could however be that it was no longer sensible to oppose the ANRAK refinery when all the land had already been acquired. Better compensation was seemingly the best available alternative in the case but one which created tensions with those still intent on opposing all projects equally despite a very low chance of success.

The next chapter moves to the two proposed sites to examine how mining and refining will compete for land and other resources with tribal people who have lived and depended on this land for generations. By seeing how land is currently used, and what land use changes are proposed, we can begin to understand the natural and social consequences of the bauxite project, and to what extent and how tribal land protection exists and supports livelihoods in the designated project locations.

5 Two sites, one story: Converging impacts on tribal livelihoods

5.1 Introduction

This chapter continues the examination started in the previous chapter on the legitimacy of preserving current tribal land uses rather than introducing bauxite industry. To understand this complex issue requires an appreciation of existing livelihood patterns as shaped by historical patterns around land use in specific environmental and social settings, combined with the ways in which the bauxite project proposes to use the land, and the possibilities as determined by current policy and practice to mitigate potential dispossession of land and negative environmental consequences. Of additional importance for the livelihood outcomes which are the main focus of this chapter, and connecting to the next step on mediation in Fraser's framework on the politics of needs, are the ways in which land ownership, compensation policies and project boundaries are being framed in planning documents. The ways in which this framing takes place is a choice whether to include or exclude concerns related to the livelihoods of tribal people (a theme which is further investigated in chapter 6) and thus of vital importance for livelihood outcomes.

This chapter starts with an overview of existing relevant national and State government policies for mitigation, compensation and rehabilitation, and an examination of environmental risks from the bauxite industry. A discussion on existing tribal livelihoods at the two sites (See map in Figure 2 below) and the way land was settled follows. The final section makes comparisons between how land acquisition and compensation have been organised in the two cases and draws conclusions for what this means for the struggle for land rights.

Figure 2: Map of bauxite project locations in Visakhapatnam and Vizianagaram Districts of Andhra Pradesh



Source: Based on Google satellite maps available on <http://maps.google.com> and updated with project locations in larger white font, based on personal visits and EIA reports. The stretch of the Kirandul-Visakhapatnam railway line in grey was not part of the original map and has instead been approximated.

5.2 Livelihoods change from a bauxite project

Land continues to be the most important productive asset for rural communities in India and ownership of land is linked to a reduced incidence of poverty (Mearns 1999). But in tribal India, though alienation of the best agricultural land has been a serious issue in certain areas, access to land has often been a somewhat less important issue with average land holding size larger than the Indian average. Instead infertile soils, a lack of agricultural inputs, and poor infrastructure including a lack of irrigation facilities have been among the reasons for low productivity (International Fund for Agriculture Development, IFAD 1991; Purushothaman 2005). When settled agriculture has not been sufficient the commons, and especially forest lands, have been an important additional resource (Mearns 1999).

Rural livelihoods⁷² analysis attempts to answer what resources exist and how they can be put into productive use. For tribal livelihoods at risk from the bauxite project it becomes important to understand what assets are at risk from the proposed new land use, and to what extent the affected people have capabilities which will allow them to cope with changes. This analysis needs to be set in the particular settings in and around the proposed project sites to understand the specificities of the area and the peoples.

Livelihoods change from the bauxite project will be analysed on the *land use changes* identified as important by Bebbington (2008) in the literature, and also supported by mobilisation in other mining struggles in tribal India (see chapter 2 for references). How this acquisition is compensated for and what the possibilities are for the dispossessed to start new, or continue with existing, livelihoods will be of vital importance. Beyond the direct land acquisition are the many who depend on common property resources that will no longer be accessible when acquired by the project, and those who will find their possibilities to make a living compromised since pollution or water use from the new industry spoils assets they depend on.

The Samatha Judgement has strengthened tribal rights to the crucial asset land in the Scheduled Areas by preventing several proposed mining projects. But the contested nature of implementation as well as continued attempts to mine the mountains make it doubtful whether local people have been able to utilise these stronger rights for economic improvement. This is

⁷² “A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living (Scoones 1998, 5).”

especially the case since private landholdings are still frequently denied to tribal farmers greatly affecting livelihood outcomes:

Because tribals have no security of tenure and live under the constant threat of eviction, they cannot invest in improving their land. Their poverty prevents them from planting tree crops that have long gestation periods, and the illegality of their position precludes their receiving loans from the government to make their agriculture more productive (Baviskar 1994, 2500).

Even when land is available for cultivation or other uses, a lack of irrigation and other forms of agricultural support put severe limits on the actual output (Purushothaman 2005).

The ability of land-dependent rural communities, whether tribal or not, to cope with external changes brought on by industrialisation depend on the possibilities to adapt. Successful change could mean moving into better income industrial employment but for this to occur a wide skills gap will have to be bridged in competition with many unemployed and better educated people from nearby cities. Among all the assets, Bebbington (1999) argues social capital is the most vital since it mediates the possibility to acquire any of the others. The many displacement-inducing projects in past and present tribal India have been particularly serious for tribal groups since they have not been able to move into new activities or adapt to a new setting (Fernandes 2009).

Mining and refining will use land in direct competition with existing livelihoods at two different sites and will also impose land use changes in surrounding areas. But where and how land and other resources are used will depend on the type of activities, as well as by technical and other choices which are made as part of the planning process. Open cast bauxite mining on top of certain mountains in the Scheduled Areas have very different implications compared to the industrial process of alumina refining on agricultural land in rural Vizianagaram District. Bauxite mining is a mechanical process of excavating, crushing and transporting large quantities of ore whereas alumina refining requires the use of chemicals and heat in an industrial environment to extract the alumina from the ore.

Before a discussion on livelihoods and land use can be made the following two sections provide details on compensation policies in India and of the environmental characteristics of the bauxite mineral industry.

5.2.1 Policies for compensation, rehabilitation and mitigation

Compensation for land acquired for industrial projects is based on the by now arcane Land Acquisition Act of 1894 (with amendments). This Act empowers the government to take over

land for a public purpose and pay compensation according to an estimated market value which includes the land, potential buildings, crops and other assets. This procedure has come under a lot of criticism for its deficiencies in general as well as specific concerns related to the Scheduled Areas. Land is always under-valued in India to avoid stamp tax. For industrial projects the market value is on the date of notification of land acquisition and will thus not take in the expected price increase due to industrial development and its influx of people, nor the fact that people in the surrounding area may hike the prices of agricultural land knowing demand for might go up. In tribal areas the market value may be particularly unclear since the market is restricted to only tribals, and the land is held even more often without papers and on nominally illegal land (Iyer 2007; Sampat 2008; Fernandes 2007; Singh 1986). It is often the case that companies or State governments offer better compensation rates than what the law requires but this tends to be on a case-by-case basis wherever the opposition is strong enough to be taken seriously (Newell et al. 2006).

Beyond the issues of whether land estimates are correct and include all those affected, movements across India have been built around the inadequacy of only providing monetary compensation. The Narmada Bachao Andolan has been especially at the forefront of highlighting the difficulties people face when they are uprooted from the land, water and forests of particular areas they have depended on for generations (Baviskar 1995; D'Souza 2002). Slowly it has come to be accepted across India that displacement should lead to rehabilitation including land for land compensation (Iyer 2007). But with the continued deferment of a national rehabilitation bill, it is the AP Rehabilitation and Resettlement (R&R) Policy of 2005 with amendments which applies to all forms of large-scale acquisition of land in the State. Large-scale acquisition is defined as 100 families affected by any one project in *the plains*, or 25 families in the Scheduled Areas. The AP R&R policy importantly defines displacement as losing your house plot if you are living in *the plains*, but shows better official concern for tribal land by allowing any type of land acquired in the Scheduled Areas to account for displacement (Government of Andhra Pradesh, Irrigation and CAD Department 2005b).

A second important benefit for the displaced in the Scheduled Areas of AP is contained in an amendment to the policy which makes land for land compensation mandatory (Government of Andhra Pradesh, Irrigation and CAD Department 2006). For people on *the plains* new land is only provided if land is available with the government, a clause which in similar cases has tended to work against rehabilitation of the displaced since it would mean that the government had to

acquire new land thus creating even more displacement (Iyer 2007; Nathan 2009). A special ‘compensation package’ was announced by JSW for its refinery in addition to what the AP R&R policy demanded. It offered one job according to qualification for each of the estimated 600 families affected irrespective of the type of land they had lost, or a one time payment of 300,000 rupees. The displaced (following the State government’s definition), estimated at 30 families, got additional incentives with a new house and infrastructure, transportation costs paid (up to 5,000 rupees) for and a new cattle shed (3,000 rupees). ‘Encroachers’, those without official land titles, who revenue officials could testify had been present for more than five years would receive the same land compensation as those with land titles (Government of Andhra Pradesh, Revenue Department 2007b).

Mitigation of so called externalities from industrial operations, including pollution and water use, is a process completely managed by government agencies despite mechanisms meant to take public concerns into account like the environmental public hearing (See chapter 6). The main tools for mitigation are the EIA report and the mining plan made as part of the environmental impact assessment and the application for mining lease respectively. State Pollution Control Boards (PCBs) exist to ensure that various prescribed pollution measurements remain within specific limits, while the Indian Bureau of Mines (IBM) evaluate mining operations (to some extent duplicating efforts such as the monitoring of water pollution from mines). PCBs across India as well as the IBM have found it difficult to carry out their respective mandates due to severe shortages of staff and other resources (Bhushan et al. 2008).

It is evident from this that a wide number of Acts and policies exist both at central and State levels meant to safeguard against negative consequences of industrialisation. What is also clear, however, is that a lot of criticism has been levelled against government implementation of this legislation, both at the planning and at the monitoring stages. Especially severe has been the critique related to land acquisition, compensation and rehabilitation.

5.2.2 Environmental risks of the bauxite industry

This section examines the risks of pollution and environmental degradation from bauxite mining and alumina refining. Later sections on tribal livelihoods will provide information on current uses of land to determine to what extent and how the new uses of land will encroach on existing uses (See also the discussion on the exclusion of people from the EIAs in chapter 6). The proposed bauxite mining sites at Galikonda, Raktakonda and Chittamgondi of Araku and Ananthagiri Mandals are not the largest but certainly the most accessible of all potential deposits in the State

(See Figure 2). While this ensures that existing infrastructure like roads and railways can be used for mining, it also implies that mining will attract additional attention since it risks competing with other activities in the area like coffee cultivation and tourism.

With much of the essential minerals washed away in the leaching process which formed the bauxite deposits and little or no topsoil remaining, it is common to find the immediate top portion of Indian bauxite mountains largely without forest or other vegetation while the hill sides are richly forested. While other causes of varying forest cover exist locally, including government and local practices, this fundamental characteristic of the east coast bauxite mountains is the cause of one of the most frequent disagreements on the consequences of mining. Those in favour of mining see a rich bauxite deposit on a bare hill top with few habitations, while those against see forested hills with springs flowing down its sides throughout the year to provide vital livelihood support for tribal communities further downhill.⁷³

Table 2: Bauxite deposits of Andhra Pradesh

Group	Deposit Size (million tons) [*]	Mine Area (hectares)
Araku Group		
Galikonda	14.5	61
Raktakonda	8.6	42
Chittamgondi	28.5	152
Total Araku	51.6	255
Chintapalli Group		
Sapparla	186.3	1,513
Gudem	38.4	263
Jerrila	246.0	1,350
Total Chintapalli	470.7	3,126
Gurtedu Group (East Godavari)		
	42.6	180
Total	564.9	3,561

Source: (Rao et al. 1979)

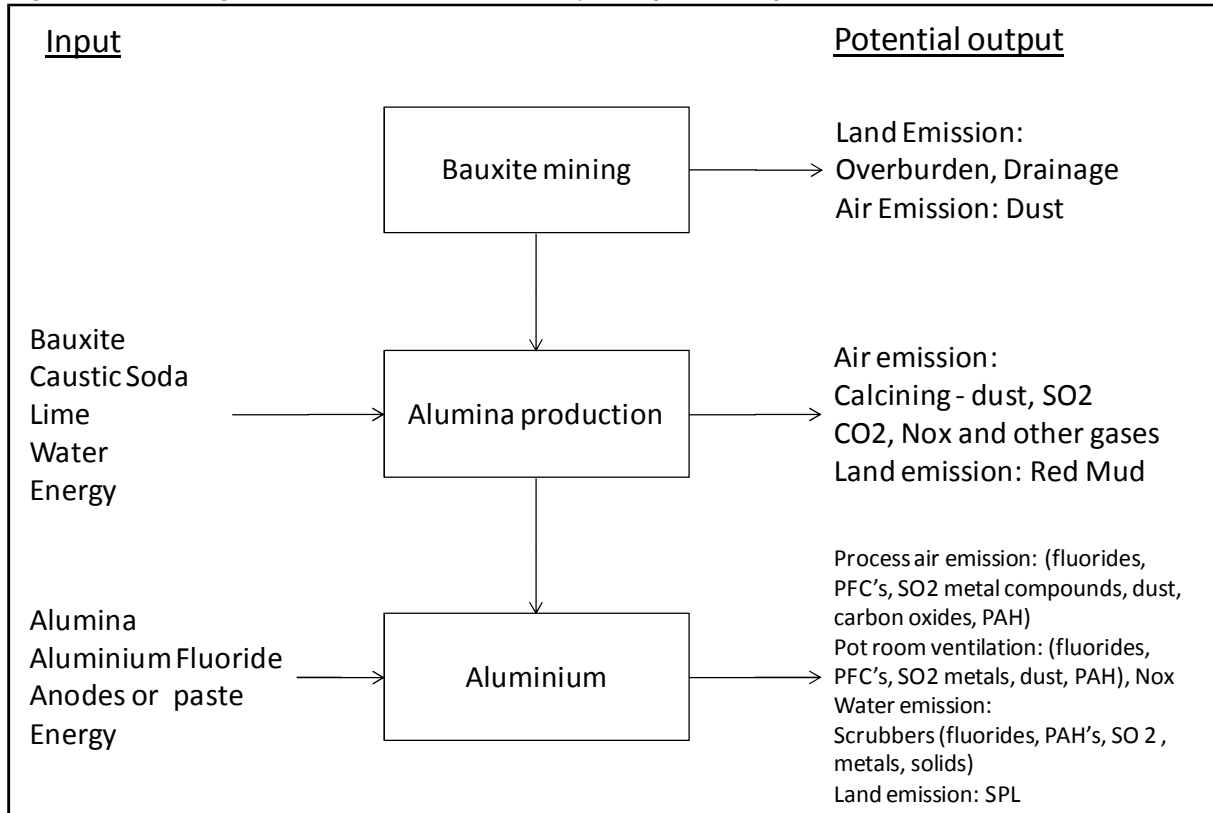
^{*} Deposit sizes are estimates and differ slightly from current mining lease applications for unknown reasons.

The alumina refinery is only 5 km from the proposed mines as the bird flies but in a very different setting on the agricultural plains of Vizianagaram District. Here the main issues are the competing land use with irrigated agriculture, the water use and the potential pollution caused by the industrial activities.

⁷³ Field visits to mountains in Andhra Pradesh, Orissa and Chhattisgarh combined with interviews among government officials and activists have been used as main references. Official planning documents favour the tree free position, with reference to Andhra Pradesh cf. (Indian Council of Forestry Research and Education 2008) and (BS Envi Tech 2008). MoEF (Ministry of Environment and Forests 2008) list five deposits in Orissa with no or scanty top vegetation where bauxite exists but forested hill sides. Pattanaik et. al. (2009) and Moody (2007) are in favour of forested bauxite hills.

Each of the stages in the aluminium industry has its own particular characteristics which have to be taken into account when understanding its impact on local communities and environments as well as the overall cost structure (See Figure 3). These risks are analysed below in terms of impact on land, air and water drawing on the Galikonda mine and S Kota refinery EIAs with support from the analysis made for the Lanjigarh bauxite mine and refinery in Tingay (2010) and Amnesty International (forthcoming).

Figure 3: The stages of the aluminium industry and potential pollution



Source: Adapted from (European IPPC Bureau 2001) and (BS Envi Tech 2008).

Environmental risks from bauxite mining

Land

Open cast mining with extensive land disruption is a given when the ore exists on top of hills with little overburden.⁷⁴ In Orissa the vast, flat bauxite hills make mining operations particularly straightforward technically since the mining can proceed on top of the same mountain for many years. In Andhra Pradesh the topography is different with smaller but thicker deposits on top of steep hills. The planned rate of mining is about 1 million tons per year at Galikonda, or about 13 years of operations. Since the refinery will need 3 million tons per year several mines will have to operate at the same time in the Araku Group (Ministry of Environment and Forests 2007c). With

⁷⁴ Overburden is used in mining to describe material that lies above the area of economic interest, mainly soil, rocks etc. Overburden at Galikonda is projected at 0-10 m with 4 being the average (Indian Council of Forestry Research and Education n.d.).

several smaller mines operating for relatively short periods of time it will be difficult to put in place long-term infrastructure such as conveyor belts to minimise the need for disruptive truck transportation through villages though the Galikonda EIA claims one will be installed (Indian Council of Forestry Research and Education n.d.).

Initial steps in mining operations, other than the construction of infrastructure, will be to clear vegetation, wherever necessary, and to remove the overburden. Actual mining practices consist of dozer-rippers who can tear the solid rock apart, combined with blasting. Excavators and labourers will load trucks (or possibly a conveyor belt) for transport to a nearby railway station. Mining will proceed in smaller blocks of 20-30 hectares and once mined out move on to a new block. Steep hills naturally make the process more difficult as a great number of villages exist just below the proposed mountains and depend on the slopes for coffee (ibid.). Soil erosion and rock debris are significant hazards.

Once a new block opens for mining the old block is supposed to be back-filled and come under reforestation but it remains doubtful if this has ever happened anywhere in India for bauxite. The EIA says it is necessary to plant trees to prevent landslides and soil erosion but gives little detail of how when and where this will be done other than to recommend the use of indigenous species of trees and point to the Forest Department as being responsible.

The overburden will have to be stored somewhere on top of the mined mountains for later backfilling into mined out areas. The planned rate of overburden generation is 50,000 tons per year for the first five years of operation, a small amount compared to the planned mineral extraction which on the one hand alleviates waste storage problems but on the other reduces the possibility to backfill the mined out area and the availability of soil for the planned tree plantation program.⁷⁵

Air

There are no chemicals used in bauxite mining but drilling, blasting, crushing, and transportation of ore will generate significant amounts of dust which will have to be mitigated. Dust in the form of Suspended Particulate Matter poses direct health risks to people and may lower agricultural productivity especially in the immediate surroundings of the mine. Despite the EIA acknowledging these risks there is no attempt made in it to identify the habitations and

⁷⁵ Whether it is indeed desirable to plant trees is an issue not investigated in the EIA. It might be that the current grasslands on top of Galikonda contain unique environmental values which should be preserved.

agricultural areas most likely to face negative consequences. No prediction is given for Barjhola village located on top of Galikonda or for the impact on nearby coffee plantations. This is not illegal according to environmental regulations but create doubts about the efficacy of the EIA report's ability to predict environmental issues correctly and propose solutions for these.

The EIA proposes that “[m]ine dust should be suppressed by frequent sprinkling of water on the overburden areas, mine hauling areas and on haul roads (Indian Council of Forestry Research and Education n.d., 149).” The EIA assigns use of 135 to 270 m³ of water for sprinkling but fails to define the meaning of the word frequent, leaving a great deal of uncertainty over the viability of the measures. The water used for dust suppression and other activities will additionally be taken from local streams without the EIA providing an analysis of other present users of the water, or even the availability of water throughout the year in an area lacking water storage and known to suffer water scarcity in summers.

Water

Risks related to water from mining operations include pollution from mine run-off, water use (as mentioned above) and changes to the hydrology to create long-term changes to the water balance in the area.

Water quality may be affected by polluted run-off from the open cast mine unless proper drains are provided to contain this. Containing run-off during vigorous monsoons is likely to pose a serious challenge over an almost 100 hectare site with as much as 1,900 mm of annual rainfall. The EIA, made during the non-rainy winter season, does not recognise the problem however and states simply that “[garland] drains will be constructed around the dumps. Sump pits will ... be dug to collect the silt material. Green belt is developed on the dumps and peripheral barrier of lease boundary” (Indian Council of Forestry Research and Education n.d., 14).

The main concern among activists has however been, as previously mentioned, changes to the overall hydrology of the mountain affecting water availability for tribal and other farmers but also city-dwellers in the region since several of the rivers of coastal Andhra Pradesh originate in the bauxite-bearing mountains. Activists lacking the capacity to conduct large-scale and time-consuming investigations into the forestry, geology and hydrology of bauxite mountains and the effects of mining on the environmentally fragile region, have mainly pointed to how some of the best forests remaining in Orissa are located at bauxite mountains, and that the same mountains

act as important watersheds both locally and for major rivers.⁷⁶ It has been noticed at Nalco's Panchpatmali mine that mining has caused hill streams to run dry (Patra et al. n.d.) and the same has happened due to other forms of open cast mining in the State (Kumar 2004). One of the few geological experts working on mining and social issues in India attributes the changes to the removal of the bauxite ore itself which, with its porous nature, possesses superb water retention capacity compared to the underlying solid rock (Sreedhar 1995). If the mountain is unable to retain water, the vital hill streams will run dry in the summer months resulting in severe hardship since no other sources of water exist.⁷⁷

If mining causes changes locally to water availability it might also have an impact on the wider watersheds. Galikonda and Raktakonda act as the dividers between two important watersheds in coastal Andhra Pradesh as the starting points of the Sarada and the Goshtani rivers. The Sarada runs south and eventually becomes part of the Godavari river basin. It is one of the sources for the Raivada reservoir, a source of water for agriculture and for Visakhapatnam city. The Goshtani River flows south-east into the Tatipudi reservoir only a few kilometres east of the site identified for the alumina refinery. The importance of the small rivulets in the local rain-fed agricultural systems of the Agency, and the rivers which form further downstream as the only sources of fresh water in water-deficient north coastal AP can hardly be exaggerated.

The opposite story stating that mining has no, or even a beneficial, effect on water availability comes from the MoEF, which has stated somewhat incredibly, that mining bauxite would actually help water retention of the mountain by developing cracks from the blasts into which water could seep and remain stored in the mountain (Ministry of Environment and Forests 2008). This seems to be based on a report by a central government research institute which concluded that no specific water retention could be measured from the bauxite or indeed any part of the Niyamgiri bauxite hill. This report found that bauxite ore did not possess very good capacity to retain water (measured in low porosity), nor was it able to transmit water to groundwater (measured in low permeability) (Central Mine Planning & Design Institute 2006).

⁷⁶ Despite the many decades of bauxite mining in India and recent increased interest in displacement and rehabilitation issues, no authoritative studies on the possibilities for mining to co-exist with other activities, or how to best regenerate vegetation in mined out areas, exist in the public domain. Research in India has instead tended to focus on matters of technical efficiency in production.

⁷⁷ The lack of authoritative information has given rise to a fair amount of rumour. An example of this is how a journalist put forward the idea that mining waste would fall down from the mountain and block the rivulets in the valleys, thereby depriving the nearby coastal Districts of water (Interview journalist Visakhapatnam Jan 2008). As we have seen there will not be much mine waste, and the issue can not arise.

The Galikonda EIA contradicts itself on hydrology by using arguments from both sides of the debate. Some sort of water storage seems to take place in the mountain according to the authors, but this is due to the very thin, in places non-existent, soil and overburden, and not the bauxite ore. Since overburden can be stored and later replaced mining need not cause negative changes to water availability. In fact mining operations in combination with backfilling might improve the situation since:

[T]he same material [which is] being deposited for back filing, the groundwater recharge potential would not be negatively affected. In addition, due to the loosening of top material, after mining/during mining the recharge of ground water would increase (Indian Council of Forestry Research and Education n.d., 121).

Bauxite mining will remove a big 'chunk' of the mountain and this is likely to have some effect on the hydrology even though there is little reason to suggest that bauxite has any special water retention capacity other than what the existing few studies show (Tingay 2010). No serious effort can be made to backfill this mined out chunk to imitate the mountain before mining started since the amount of overburden is much smaller than the removed ore body. Other possibilities to compensate will then be to grow forest which will be able to retain water, possibly in combination with check dams to halt erosion. The combination of high annual rainfalls and soils which are strongly prone to water erosion in the area (World Bank Group 2007) would mean mine management would have to be particularly careful. Successful forest plantation can arrest soil erosion but will use water in competition with agriculture.

What impact might these changes imply for water availability then? In the vicinity of the mountain the small springs provide essential water supply in areas with no storage infrastructure and only modest pumps or other means to access water. If these dry out there are at present no other sources of water. Further the mining will use local water in competition with other uses. Seen over an entire watershed hydrological changes to the bauxite hills must be assumed to be limited however. The bauxite hills are part of larger hill ranges and can not be expected to alone store water for entire rivers in the dry season, even if this unproven effect does exist. The different uses of water which originate in the Agency and supports northern coastal AP have many issues but bauxite mining can hardly be said to be one of them. This said, watersheds and mining are desperately short of detailed studies and an integrated approach which also takes forests and local livelihood concerns into account is much needed.

Environmental risks from alumina refining

The proposed JSW alumina refinery is planned for a 1350 acre large site in Vizianagaram District. It is expected to produce 1.4 million tons of alumina and will thus need a supply of about 3 million tons of ore per year. While much attention has been placed on the environmental consequences of mining it may be the case that it is the refining which poses the most significant environmental risks as recent reports seem to indicate (Behera 2008; Nayak 2008; Amnesty International 2010).

Land

The bauxite ore not used to produce alumina will go to waste as red mud, usually at a rate of 1 to 1.5 tons per ton of alumina. Red mud is a toxic compound which tends to vary with the composition of the ore but which contains a range of heavy metals and caustic soda (Bunker et al. 1994). It needs to be kept away from groundwater and surface water sources or the caustic water will risk human health and the productivity of agricultural fields. Red mud may be less toxic compared to the waste from other metal industries like copper, lead or zinc, but it has nevertheless been shown that lead content alone in red mud from the Nalco alumina refinery was enough to prevent the growth of any form of plants. The study further measured pH in the red mud water to be highly alkaline at 12 (Rao et al. 2000). The fine red mud particles are also prone to spreading with the wind which makes a well-thought out dust management plan necessary (Tingay 2010). Such a plan is however absent in the alumina refinery EIA.

Containing red mud poses a serious challenge due to the large quantities involved, potentially up to two million tons per year, and its continued toxicity after years of storage. For the JSW refinery the EIA proposes a 220 acre section of the site for red mud storage with a later expansion to 300 acres. This pond will be lined with an impermeable sheet to prevent seepage and have high walls to contain the mud. Water will be removed from the red mud to create a thickened slurry which reduces the volume of waste and the risk for seepage. Additionally, water sprinkling is proposed for containing dust though with few details about exactly how (Vimta Labs 2007). The report does not present details of groundwater or surface water bodies and how these relate to the planned waste pond sites making the actual consequences of a spill impossible to evaluate.

Current actual practices in containing red mud leave much to be desired with no monitoring of the actual use of sprinkler systems in areas with high wind speeds and long, dry summers which

enable particles to travel long distances. As much as 85% of the red mud at Nalco consisted of fine particles which easily spread in the locally windy conditions (Rao et al. 2000). The waste management of Vedanta in Lanjigarh, Orissa, where similar solutions to red mud storage were proposed, did for unknown reasons not use the thickening system which resulted in overflow over walls not designed to manage the extra caustic water, as well as seepage through the ground of a poorly constructed pond. The result was pollution of the Vamsadhara river (Behera 2008; Nayak 2008; Amnesty International 2010).

Fly ash estimated at 112,000 tons per year coming mainly from the thermal power plant also needs to be contained. For the JSW refinery the plan is to deposit it in a separate ash pond which needs to be similarly sealed like the red mud pond and have a sprinkler attached to contain dust. The Lanjigarh ash pond has faced all too similar difficulties to the red mud pond (Ibid.).

Solutions to the red mud waste problem have been proposed including mixing it with iron ore to utilise the high iron content. But at the moment the right incentives to do this are not in place. Instead the red mud is left in waste ponds despite the high likelihood of it sooner or later spreading outside of its enclosure (Interview academic Visakhapatnam 6/2 2008). Fly ash can be used as fill material for cement production, potentially a valuable resource for JSW itself as it is planning to start cement production in Andhra Pradesh. But the EIA makes no firm commitment about recycling any fly ash other than “to the maximum extent possible” (Vimta Labs 2007, p.C8-6).

Air

A number of potential air pollutants may be released from the processing of bauxite into alumina, but the EIA monitors only three such pollutants, sulphur dioxide, nitrogen dioxide, and particulate matter (dust including very fine particles). This set of pollutants is much smaller than the potential set of pollutants though in compliance with Indian environmental regulations (Tingay 2010). The most severe issue with how the JSW EIA approaches mitigation of air pollution is the lack of connection between the locations where people live and work, and the locations where pollution is monitored. Air pollution was estimated to be highest 2.8 km south-east of the site and there is a station monitoring in this direction (though the frequency of monitoring is unknown). But for the many villages right next to the waste ponds there is no monitoring despite dust being most likely to affect areas immediately next to the potential sources of dust.

Water

“The reduction of bauxite to alumina is a wet process, requiring large quantities of water. This favors location near rivers Proximity of refineries to large rivers greatly increases the danger of seepage and pollution and the cost of controlling it (Bunker 1994, 270).” The JSW refinery location did not follow this general trend of being close to a source of water but instead came to be located as close as possible to the ore to cut down on transport. The 8 million gallons (30,000 m³) per day of water were to be taken from a nearby reservoir in direct competition with farmers and Visakhapatnam city creating significant controversy (see chapter 6 for more on the water use issue). The refinery is supposed to recycle all of its polluted water. In reality there have been problems with the recycling of water, and the runoff from and seepage through the waste ponds have come to be serious concerns as discussed above.

With this overview of the consequences of the bauxite industry and the policies meant to mitigate the negative effects, it is time to turn to the people and their livelihoods.

5.3 Tribal livelihoods

The overwhelming majority of the five million tribal people in Andhra Pradesh live in the northern, hilly parts of the State bordering India’s main central tribal regions. There are, however, areas inhabited by tribal people elsewhere in the State as well as a couple of tribes which have always based themselves outside of the Scheduled Areas. The people of the Visakhapatnam Agency, grouped into 14 official tribes, with their very varied histories have found themselves within the confines of linguistic borders which do not necessarily match their own histories, or the geography of the mountains they inhabit. The southern end of the Eastern Ghats hill range where the Agency is located is the meeting point of Gondi-speaking tribal groups who have migrated from the west and Kui-speaking Kondhs to the north. In addition there are a number of native Telugu-speaking communities like the Kondha Reddy, who possibly migrated from the plains earlier (Pingle et al. 1998; Arnold 1984). With such a diversity of peoples it is perhaps not surprising that it has been difficult to find support for a unified ‘adivasi’ identity.

The supposedly egalitarian tribal society does not seem to be backed up by evidence from the Agency. Instead it has been noticed that tribal society bears striking resemblance to the caste divisions of the plains. In the Agency the traditional social order has kept Bagatha members on top as the main land owners, and Valmiki treated similarly to Dalits including virtually no ownership of land (Rajpramukh et al. 2005). And within tribes similar divisions exist between

different sub-tribes (Reddy 1971). There is however evidence of more freedom for women in higher female work participation rates,⁷⁸ but this has not meant better inclusion in decision-making forums or access to education where tribal women lag far behind tribal men.⁷⁹

At the non-Scheduled refinery site several tribal villages were among those hardest affected by land acquisition. Being this close to the Scheduled Areas and yet excluded is part of what seems to have initially been an administrative mistake. Campaigns have been running since the 1970s to include 796 tribal villages across Andhra Pradesh with 140,186 people (according to the 1981 census) in the Scheduled Areas. The problem of excluded villages is especially large in the coastal Districts with 170 villages encompassing 45,149 people in Vizianagaram District and 33,939 people in neighbouring Srikakulam (Ajay Kumar n.d.). Despite recognition of the problem there seems to be no Scheduled status forthcoming to the land, indeed most of it is likely to have fallen into non-tribal hands due to the delays.

5.3.1 'Forest' livelihoods in Araku and Ananthagiri

A number of different tribal groups have for generations made a precarious living in Araku and Ananthagiri Mandals, both fully part of the Scheduled Areas, on land with scarce productivity and under constant threat of eviction from the Forest Department. Farming in a rain-fed and densely populated area with very few inputs used to lead to seasonal food shortages and in some cases starvation (International Fund for Agriculture Development, IFAD 1991), but these days the public distribution system offers some support along with somewhat diversified agricultural activities. *Podu* (shifting cultivation) used to be common but nowadays most of the lower slopes have been converted to permanent cultivation. And the upper slopes are increasingly used for coffee plantations. Forest produce remains important despite the generally poor condition of forests, e.g. turmeric, tamarind and jackfruit can offer important livelihood additions at various times of the year. Logging, enforcement of forest reserves, and intensive podu cultivation on the steep slopes combined with a lack of soil conservation on the lower slopes have resulted in severe environmental land degradation (International Fund for Agriculture Development, IFAD 1991).

Hope for improvement away from the deep poverty comes from the special climatic conditions of the Visakhapatnam Agency. The cool hills which have a unique climate for the State have

⁷⁸ For tribal women in Andhra Pradesh the work participation rate is 52.0% (male 55.7%) according to the 2001 Census. For the entire State it is 35.1% (male 56.2%).

⁷⁹ The official literacy rate for tribal women is 26%, much lower than the average for tribal people in AP at 37% (Office of the Registrar General, India 2001a).

proven very suitable for coffee cultivation ever since the AP Forest Department first started plantations in the 1960s. Coffee which is here grown in the shade of trees has turned out to give the plantations an almost unique win-win situation for all concerned; the farmers can grow a crop which pays better than any other potential alternative using methods which require very little care or specialised skills, the Forest Department sees increased tree growth, and the Tribal Welfare Department gets increased funds for extended coffee plantations. Coffee is now grown in 11 Mandals of the District by 60,000 farmers on 24,000 hectares (60,000 acres) of land. Each acre of land can give 20,000 rupees per year and it is possible to grow pepper on the same land for extra income (Interviews with Tribal Welfare officers 11/4 2008 Paderu, phone interview activist 16/7 2008). In addition, the hills location away from modern systems of agriculture has become a benefit when farmers are able to become certified organic growers with beans selling at a premium of 25% (Naandi Foundation 2008). No wonder then that Union Minister of Environment and Congress party MP Jairam Ramesh has voiced his concern for how bauxite mining will affect the coffee production (The Financial Express 2008).⁸⁰

Income from tourism is also increasing as tourists are arriving for weekend trips from Visakhapatnam and Hyderabad throughout the hot season. Most of the hotels built to accommodate the tourists are run by the State government AP Tourist Development Corporation (APTDC) where all-inclusive stays make sure very little of the benefits leave the compounds inside which the tourists stay and eat.⁸¹ But other hotels do have tribal owners and there has been an ongoing agitation with support from political parties and NGOs to enable local revenue sharing from visitors to the nearby Borra limestone caves (See map in Figure 2 on page 98).⁸² The villagers of Katiki have built a road to its waterfall coming off the bauxite mountain Raktakonda and charge a fee to tourists who wish to enter (Interview Ananthagiri Mandal 9/4 2008). Others are planning to start selling coffee to tourists via roadside stalls (Interview Ananthagiri Mandal 12/5 2008).

Villages in Araku and Ananthagiri Mandals are mainly located in the valleys where flat land tends to be available for cultivation whereas as we have seen mining is proposed on top of the hill. Figure 4 illustrates this in a satellite photo of the Galikonda mountain with terraced paddy fields at the bottom of the valley where water is captured from hill streams. Up the hillsides are coffee

⁸⁰ At the time when the article was written Jairam Ramesh was the Union Minister of State for Commerce.

⁸¹ APTDC runs four resorts in the Araku Valley area with a total of 170 rooms. The total turnover is not known (Andhra Pradesh Tourism Development Corporation 2010).

⁸² The caves had 138,760 visitors in the first half of 2008 (Ganguly 2008).

bushes grown under tree cover. The plantations of the AP Forest Development Corporation established in the 1960s account for the main tree cover with large and varied species of trees whereas the more 'orderly' mono-crop patches of trees in the figure are more recent, privately held coffee plantations. A sharp lack of any vegetation can be seen on top of the mountain and only smaller trees and bushes exist beyond the halfway mark of the hillside. But also on top of the hill minor cultivation is possible in gullies where some water can be collected. And coffee plantations are being expanded ever higher up on the hill.

Figure 4: Layered resources on and around the Bauxite Mountains



Source: Google Earth satellite image taken December 24, 2002. Available from <http://earth.google.com> [Accessed 1/4 2010].

Official data is scarce on the villages in the immediate vicinity of the bauxite hills since most of them have for long been considered as ‘forest villages’. The village surveyed showed a close-knit Nooka Dora community (plus two Kondha Dora households) living with only walking paths as communication with the outside world in a seemingly precarious mountain-top location. But their position was not as isolated as it might seem since the main road Visakhapatnam-Araku was relatively close and Ananthagiri town was within easy walking distance. Close to 150 people lived in this location which could seem incredible given the poor quality of land as well as a lack of irrigation. But vast expanses of land close to the top of the mountain were being transformed into coffee plantations. While these plantations were growing people could find work in the AP Forest Department plantations, as well as do other wage jobs in the area (Interviews and survey May 2008).

None of the land used for coffee plantations or the smaller patches where rice and other crops were grown had officially recognised land titles. The entire village was a forest village but had nevertheless managed to get a school teaching up to grade 6 sanctioned. Claims had been made to get tribal forest right titles for coffee. Each household reported that they had applied for the 5 acres of land which is the maximum possible under the act. No migration has taken place despite the poor quality of land available which is far from sufficient for even basic food production.

Table 3: Summary result of village survey in Ananthagiri Mandal

Number of households	Official land holding	Unofficial land holding	Main crops	Farm animals	Literacy rate
31	-	277 acres	Coffee, rice	97 (cows + goats)	7 of 94 adults

Source: Survey result May 2008

A survey by Reddy et al. (2010a) confirmed that completely tribal villages are in the immediate vicinity of all the proposed bauxite mines in the Araku Group (Raktakonda, Galikonda and Chittamgondi). The NGO Nature carried out an extensive survey in 2006 and found only tribal groups⁸³ also in the villages of Borra Panchayat in Ananthagiri Mandal, just south and east of Raktakonda and Galikonda. Of these villages only 3 out of 14 had any formal land titles but all of them were depending on forest land (Nature 2006).

The very poor formal recognition of land holdings must thus be seen as a major obstacle for improvements to livelihoods which otherwise did indicate some opportunities especially in the form of coffee production. Surprisingly the denial of land titles was not only on the steeper hill sides and on top of the bauxite mountains, as indicated in the literature, but also prevalent on

⁸³ Testament to the variety in people is how the survey recorded villages in Borra Panchayat populated by the tribal groups Kondha Dora, Nooka Dora, Bagatha, Paraja, Valmiki, Kondh and Kutiya Kondh.

adjacent flat land in the valleys. This land was still settled as forest irrespective of whether any forest, or even individual trees, could be found on it.

5.3.2 Agricultural livelihoods in S Kota

Moving down from the hills, the Agency ends in a diffuse border which seems to be largely unknown to people in the area despite its vital importance for land tenure. Due to the non-Scheduled status the social context where the refinery was being established differed significantly from the Agency hills despite the close geographical proximity. The area close to S Kota (short for Srungavarupukota) town had seen an influx of outsiders for decades to acquire the best land from what was only a few decades ago described in interviews as a forested area inhabited almost exclusively by tribal communities. Or as one tribal villager explained it:

We have been here for a long time, earlier we used to go to [the] hills and depend on forest products. Once this land was uncultivable, but later we made it cultivable. With borrowing we dug borewells and got water at 50-60 feet. We are farming this land with the help of loans. These coconut trees were planted in my childhood stage and now they are giving us some income. It took a lot of time to make this land cultivable and these trees to give us some income. At this moment some people came and asked us to give up these lands. They want to cut down these trees but if this is done how much time will it take to bring up new trees (Interview local refinery opposition group member, S Kota Mandal 26/1 2008)?

Some of the villages now losing land to the refinery, had existed for generations but were for some reason never included when the Scheduled Areas were demarcated despite the people in them being recognised as tribal (and at least nowadays having tribal caste certificates). Other tribal villages were displaced when the Tatipudi irrigation reservoir on the Goshtani river was built in the 1960s (see map in Figure 2). At the time they were rehabilitated with new houses and land only a few kilometres away from the original habitations and on good (but at the time forested) land. It might even have been the case that the displaced were rehabilitated from scheduled to non-scheduled land.

A number of villages had only tribal groups in them whereas others were a mix of ST, SC and a handful from BC communities, mainly as a result of illegally bought so-called assigned land. Yet there was no particular awareness during interactions in the villages of how Scheduled Area land transfer legislation could at least to some extent have kept more land in the hands of long-term tribal settlers and even would have made the refinery impossible. The local protest group never

raised the issue of tribal land loss or displacement other than to highlight the unfairness of displacing some people first for the irrigation dam in the 1960s, and then again for the refinery.

The people losing land to the refinery officially lived in four revenue villages but the habitations of the estimated 600 land-losing families were spread out in about 15 smaller villages and hamlets. Each small village would be about 100 people, or 20 households in size, while hamlets only consisted of a few households. The land acquisition site represented a dramatic contrast to the general population in the Mandal since overall tribals are not very well represented. A survey by Reddy et al. (2010a) over six villages found the break-up of castes affected by land acquisition in S Kota to be 290 tribal, 33 Dalit, 105 BC and 10 households of other castes. S Kota Mandal had 74,500 people according to the Census 2001 with 5,749 ST (8%) and 6,629 SC (9%) (Office of the Registrar General, India 2001b). There was also 170 acres of private land acquired for the refinery but the social composition of this land is unknown. None of the people met at the site had private land, and since negotiations for the purchase of this land was held directly between the company and the landowners the details are excluded from available government documents.

Of particular concern for tribal rights to land were the several villages of Gadaba tribals whose land was acquired for the refinery. The 36,000 Gadaba in AP (Office of the Registrar General, India 2001b) form a small and almost exclusively rural community with a unique language remotely related to other Dravidian languages. Also present in southern Chhattisgarh and Orissa three out of seven sub-groups are officially defined as primitive and traditionally subsisting as hunter-gathers. How and when Gadaba came to settle down as farmers in the S Kota area is not well known but interviews testified that 10-12 villages existed in the area since the 1950s, which is significantly longer than the dam displaced who were resettled in the late 1960s.

Table 4: Summary result of village survey in S Kota Mandal

Number of households	Official land ownership	Unofficial land holding	Main crops	Farm animals	Literacy rate
19	58.23 ¹ acres	-	Rice, sugarcane, banana, sunflower	25 ²	19 of 51 adults

Source: Survey result March 2008

1) All land was assigned land. Of this land 2 acres had already been acquired at the time of fieldwork and 27.13 acres had been scheduled for acquisition

2) Including buffaloes, cows and goats

Land use in the refinery EIA was determined via satellite imagery and secondary statistical sources. This analysis focused on the 10 km prescribed study area and not the actual site. The conclusion was that 25% of all land was double crop and 15% was single crop agricultural land indicating significant agricultural activities at least in the surroundings of the site. 38% was forest

while 16% was classified as wasteland (Vimta Labs 2007). At the particular plant site however the EIA described the land use as “waste land with agricultural activities in patches” (Vimta Labs 2007, C1-2). Ownership was also not an issue according to the EIA:

[The] site near Boddavara village near S. Kota is selected and finalised as no Forest Land, approximately 85% of total land is government/assigned dry land and marginal Resettlement and Rehabilitation (R&R) issues are involved (Vimta Labs 2007, C1-2).

With little valuable agricultural land, no national parks or biospheres, wildlife sanctuaries or even forest land the picture of an uncomplicated site was projected. But official Revenue Department statistics show significant agricultural production in the particular revenue villages (see table below).

Table 5: Agricultural statistics from S Kota Mandal

Revenue village	Rice ^a	Sugarcane ^b	Mango	Cashew nut
M.B. Vara	73	43	350	392
Cheedipalem	26	37	15	28
Mushidipalli	41	39	21	150
Chinakandepalli	89	76	13	-
Kiltampalem	81	782	55	-

Source: Government of Andhra Pradesh, Revenue Department (2008a)

a: Statistics presented as sown area in acres.

b: This figure includes new sugarcane plus 'ratoon', the less productive old sugarcane crop

Note: It is not clear why significant banana plantations have been omitted from the statistics.

Being located close to an irrigation dam meant good local availability of groundwater in the area even though not directly served by the irrigation canals further east.⁸⁴ It was possible to grow rice and sugar cane on much of the land. Land slightly further away from the dam had cashew nut plantations. Because of the way statistics are collected it is not possible to separate the acquired villages from those nearby who are grouped into the same revenue village, but it is assumed that productivity will vary significantly between cultivators depending on the possibility to use various inputs. Rice dominates cultivation along with sugarcane in S Kota Mandal. In Kiltampalem revenue village this is even more pronounced indicating the good availability of water. M.B. Vara and Mushidipalli revenue villages are drier and the land use has been mainly cashew plantations accounting for two thirds of the cashew grown in the Mandal. In addition much of this un-irrigated land has mango orchards (Government of Andhra Pradesh, Revenue Department 2008a).

The farmers were managing their agricultural activities largely without government support by taking loans from private moneylenders to level the land and install wells with pumps. In fact

⁸⁴ The Godavari and Krishna deltas, not too far from the refinery site, have seen a major economic transformation in recent decades due to increased irrigation (Upadhyya 1988; Damodaran 2008). Some of this potential could be seen also in the S Kota area among upwardly mobile communities, but to a lesser extent due to lower water availability.

they had never seen much of the government at all including the lack of schools with several villages being without a single adult literate person. They remained poor, much due to the high interest rates they had to pay from the loans taken to clear the land for agriculture,⁸⁵ but had self reliance and a hope to do as well in the future as their non-tribal neighbours in the adjacent villages (who were largely not affected by the land acquisition). The area being non-scheduled had seen many upwardly mobile agricultural communities acquiring land in recent decades. The ‘pukka’ cement houses, the cars and motorcycles as well as the agricultural vehicles present in these villages were in stark contrast to the now land-losing villages where one or two motorcycles were the sum of all capital goods, and cramped *pukka* houses had only been provided to some as part of government housing programs or, in the case of the earlier displaced, as rehabilitation.

Table 6: Agricultural land in the revenue villages of the upcoming alumina refinery in S Kota

Revenue village	Rice ^a		Sugarcane ^b		Cashew	Total Land ^c
	Irrigated	Unirr.	Irrigated	Unirrigated	Unirrigated	
M.B. Vara	45	28	43	350	392	858 (5,142)
Cheedipalem	26	0	37	15	28	106 (378)
Chinakandepalli	68	21	76	13	0	178 (729)
Kiltampalem	81	0	782	55	0	918 (1,611)

Source: Government of Andhra Pradesh, Revenue Department (2008a)

a: All units in acres.

b: A minor part of sugarcane production is lower yielding ratoon cultivation.

c: Total area of revenue village within brackets.

Many farmers had been able to tap groundwater closer to the Tatipudi dam and its irrigation canals via borewells to grow water-intense sugarcane. But tanks also exist and provide water for rice. Unirrigated land in Kiltampalem is only 67 acres, about 6% of all cultivated land. In the upland, north-westerly located MB Vaara the mango and cashew plantations are almost all unirrigated. The income from drier areas away from the irrigation dam would be expected to be significantly lower as no alternative water infrastructure exists (4,058 acres of MB Vara is classified as “barren and uncultivable land” while the other revenue villages have no or only a minor portion of such land) (Government of Andhra Pradesh, Revenue Department 2008a). It is thus not surprising that people in the MB Vaara area resisted land acquisition much less than those in Kiltampalem though local social dynamics also played an important role.

Among other assets in the surveyed village most people owned little else than their small *pukka* houses which had small palm leaf extensions to get some extra space, and a few farm animals. Literacy among adults was only slightly better than in the Agency but the main difference was the interest and ability of children and teenagers to continue their education as far as possible with

⁸⁵ Debt rates in a survey of one village showed each household having significant debts to private moneylenders from 20,000 to 100,000 rupees with interest rates from 25-40%. The larger the land-holding, the larger the debt tended to be.

many 16-17 year olds still in school. Despite the apparent poverty they still lived in, pride was expressed in having moved from being hunters wearing nothing but loin cloth only a generation or two ago to where they were now as landed farmers. A benefit of being close to non-tribal communities had been the possibility to learn from their agricultural methods. Responses indicated migration was unknown. People have stayed on the land and not even ventured into nearby towns and cities despite what seemed like a potential for taking up construction or other work given the existence of good public transport (Interview villager S Kota 6/4 2008). During fieldwork in April 2008 the fields remained well irrigated long into the dry season, making hot summer months anything but a lean season for the farmers.

Many of the people in the proposed refinery area had thus, similar to those in the Agency, reasonably good hopes for future improvement based on agriculture despite the present poverty. In S Kota formal land titles were universal and much larger personal investments had been made in agriculture compared to the Agency. For the purpose of land acquisition people with land titles should at least be able to claim compensation, compared to the Agency where the systematic denial of titles makes even this opportunity look difficult. With these details of livelihoods at the two sites, the next section presents how existing land ownership and land use was compensated for.

5.4 Land settlement and dispossession

5.4.1 Nominal forest land for the bauxite mine

In order to understand the livelihood changes created by land acquisition and the potential to compensate the affected, we need to know the details of land tenure and land use as far as these can be established. Bauxite mining and dense forests do come together to a large extent across India (Forest Survey of India 1998). But bauxite mountains do not ensure good forests as is evident in the lack of forest characterised as dense across Visakhapatnam District (Forest Survey of India 2005). More detailed information about the quality of the particular reserved forests in Araku and Ananthagiri Mandal is not available, leaving visual observation and interpretation of satellite photos as the best alternatives.

A second problem is the exact location of the proposed mine. The official mining lease for Galikonda mountain in Araku and Ananthagiri Mandals is for an area of 97.5 hectares which is 50% larger than the original survey (see Table 2) for unknown reasons, and comes without precise details of the location (Ministry of Environment and Forests 2007d). It is known that

Sunkarmetta and Ananthagiri Reserved Forests completely cover this area despite the existence of many villages, agricultural fields and coffee plantations. Villages within these reserved forests have been termed as 'forest villages' and considered encroachments, their agricultural fields illegal. Any access to forest resources had in the past been fought for with the Forest Department (Interviews Villagers Araku Mandal 9/5 2008). NGO activities and political mobilisation have opened up for schools and inclusion in e.g. the during fieldwork ongoing housing for the poor initiative making the difference between revenue and forest villages in the Araku/Ananthagiri area relatively modest in practice (Interview activist Araku 9/5 2008). Forest villagers do however remain vulnerable to e.g. demands for bribes from forest officials to be allowed to continue cultivating (The Hindu 2009a).

All land used for agriculture and other purposes in the surveyed village were informally settled and their sizes were assumed estimated by the cultivators themselves rather than measured. The recently passed Forest Rights Act is thus much needed in the proposed mining area to secure tenure for people who had been cultivating nominally illegal land for generations. Much uncertainty surrounds the implementation of new rights to 'forest land' however as one Department, the Mines & Geology Department and its mining corporation APMDC, work to permanently remove potential land while other Departments, especially the State government Tribal Welfare Department are attempting to settle it with tribal farmers. Symptomatic of the complex nature of the bauxite project and the many uncertainties which prevents those affected from knowing what will actually happen to them, it can be anticipated that if other events stall the mining plans long enough for private forest titles to be granted, people of some villages will be able to stake at least a formal claim to land currently under cultivation. But even basic elements of this new title remain to be specified including the conditions under which this land can be acquired, by whom, and if so what the compensation might be. Even the AP Rehabilitation and Resettlement policy will have to be updated to incorporate the new title once the new act has been implemented.

Unless forest rights titles are secured by the people of Araku and Ananthagiri Mandal before mining commences, and they manage to claim the right to compensation based on these new titles deeds, there will be no direct compensation coming from the mining project which has been framed as coming up on forest land. If this framing is not contested land transfer can take place within the State government from the Forest Department to the Mines & Geology Department (or directly to APMDC). This kind of transfer comes with other potential internal

government controversies (See Chapter 6 on the procedures to compensate the Forest Department for land 'lost' to industrial projects) but provide few benefits for the 'forest'-dwelling peoples in tribal Visakhapatnam.

It was found that people of every village visited (6 in total) had applied for as much land as possible under the act, i.e. 5 acres, with both men and women making individual claims. But the much larger areas, up to several hundred acres, which could have become community reserves, were left unclaimed. Land stretching beyond the coffee plantations and used for many different purposes including the collection of minor forest produce were not claimed, nor was a shrine dedicated to the goddess of the mountain. One explanation given for the lack of community reserve claims was that after fighting off the Forest Department, the co-management of the community reserves would have invited the Department back to the area to again interfere with peoples livelihoods (Interview activist, Araku Mandal 11/5 2008). The consequences for the studied area are that the handful of mountain-top villages will at least have a legal title to the land which could make them eligible for compensation, but the many more villages below with hill side coffee plantations will remain outside of the mining limits and will find it very difficult to make claims when decades of struggle against the Forest Department are only now starting to become successful.

Mining, according to the promoters will apart from economic development also lead to improved forest cover through mine reclamation activities on at present barren hill tops (The Hindu 2006a; BS Envi Tech 2008). Areas outside of the strict boundaries of the mines will be protected by pollution control techniques and will not in any way be affected. The distinct borders visualised in R&R policies are thus found again in the engineered world of EIA documents, where separate activities exist and can continue to do so despite the introduction of excavation, and blasting, on the hill top.

The EIA report for the Galikonda mine claims nobody will be displaced. At the same time there is an admission of other unnamed problems for those living close by, and a proposal for compensation in the section referred to as the "Social Management Plan":

Since there is no habitation on the mining lease area thus no households will be required to be displaced from their existing habitation, hence no Rehabilitation and Resettlement plan is envisaged for the present project activity. However, there will be indirect impact on the nearby villages and thus a community developmental package is proposed. ... In case of land requirement or displacement of house holds at later stage, if felt necessary, on account of

expansion of project activities, resettlement Plan shall be followed as per the recommendation of the Andhra Pradesh Rehabilitation and Resettlement Plan 2005” (Indian Council of Forestry Research and Education n.d., 192).

The approach to acquiring land for bauxite mining thus completely bypasses the people of the Agency despite centuries of struggles for the recognition of land rights and the new Forest Rights Act which was supposed to settle old injustices. The only actual compensation is uncertain ‘grants’ which may be given by the promoters unrelated to any acknowledgement of compensation for land or even to indirect pollution or water use costs. Further, there is no information provided about who decides on the size and distribution of money in the grants. The lack of recognition of land is likely to lead to significant protest if the mines ever move forward past the administrative and other hurdles currently holding them up.

The refinery coming up on settled agricultural land could not hope to completely avoid confrontation with particular farmers. Nevertheless remarkably similar methods of framing the land as belonging to the government and of being only marginally productive were employed to enable this land acquisition.

5.4.2 Assigned agricultural land for alumina refinery

In the non-Scheduled parts of the State where land titles, as well as the awareness of the meaning of these titles and associated rights during land acquisition, are much more widespread than in the Agency, the bauxite alliance had to employ significant ‘skills’ in identifying land and carrying out the acquisition without causing strong enough protests to derail the entire process. It could do this despite significant civil society mobilisation and media coverage since it had deep penetration in the particular area with control of the bureaucracy including information on the extent of land and the rights to rehabilitation, and even more so for its political control with the Congress party in power in all four affected Panchayats. JSW was largely invisible in this process but provided support behind the scenes.

The refinery will require space for not only the central ore refining activities but also a thermal power plant, a housing site for its office staff and displaced people, and a significant amount of land for its two waste ponds (see table below).

Table 7: Proposed land use for the alumina refinery

Particulars	Land Use in acres (hectares)
Alumina Refinery and Co-generation (including storages and green belt)	750 (303)
Residue Disposal Area and Ash Pond	500 (202)
Township and miscellaneous	50 (20)
Railway lines	50 (20)
Total	1350 (550)

Source: (BS Envi Tech 2008, 2.1)

The acquisition of farm land with subsequent displacement of farmers, whether tribal or not, has become a very sensitive political issue as well as an expensive proposition across India in recent years. Some States have avoided this by planning ahead to acquire large tracts of land for industrial parks but Andhra Pradesh is not one of them. Instead the favoured method adopted by the government has become to find locations where a high extent of assigned land exists. This category of land is the result of extensive land distribution programs meant for the landless poor which unlike private land can not be sold, only inherited. With 4.2 million acres of land distributed since the late 1960s assigned land represents a sizeable amount of the State's total 36.8 million acres of cultivable land. The availability of pockets with large concentrations of assigned land, which on paper already belong to the government, has come to be favoured for industrial plants and other projects in demand of land (Seethalakshmi 2009). The acquisition of government land makes the process seem uncomplicated despite disproportionately affecting some of the poorest people of the State.

A look at the discussion of potential alternative sites in the refinery EIA report (Vimta Labs 2007) is a reading of nearby locations with large concentrations of assigned land. In Visakhapatnam District, Sabbavaram was the original site for the JSW refinery before it was moved to its present location. Makavaripalem is a site later given to the ANRAK Aluminium SEZ, and Achutapuram has been proposed as an SEZ. In Vizianagaram District land is available in KD Peta, earlier acquired for a glass factory which never became reality. The suitability of an industrial site seems to depend on the ease of land acquisition rather than more tangible criteria such as infrastructure, availability of labour or raw materials, or indeed whether the project is suitable from environmental or social points of view.

There are a number of reasons why assigned land has come to be preferred for industrial purposes, none of which seems to serve the project affected and their interest of getting a fair deal from industrialisation. The AP government 'Land Committee' report acknowledges that about 25% of all assigned land has ended up in the hands of unintended non-poor recipients. An amendment in 2006 allows the government to take back this land with the main purpose to

assign it to a new landless farmer. But the government may choose to use it for a different purpose if it so wishes, such as for industrialisation. More land becomes ‘available’ for re-assignment from another clause which demands land to be brought under cultivation within a certain time frame or the government can take it back (Government of Andhra Pradesh 2006; Balagopal 2007a). The compensation for assigned land is also uncertain. The government claim has been that it does not need to compensate for assigning land to a new public purpose but this has been challenged in an ongoing court case. “In practice the government pays or does not pay according to the pressure the landholders are able to put up (personal communication K. Balagopal).”

Information about the actual type of land acquired was not readily available at the time of acquisition however. The EIA report fails to mention the fertile land and the mainly tribal villagers (See Table 8 below) who were making a living at the proposed site. Instead it claimed that “[t]he land identified for locating the Alumina refinery of 1,350 acres consist of about 85% Government land and 15% private land” (Vimta Labs 2007, C2-3). Since displacement was ‘minimal’, only affecting 30 families, land acquisition was portrayed as unproblematic. The Revenue Department was more precise in its internal instruction to acquire 919 acres of assigned land (or 68% of the total) to the uniform value of 200,000 rupees per acre. 209 acres of government land was also part of the order, likely to have also been cultivated since there is no vacant land in the area. A significant but unknown part of the assigned land was in the hands of non-poor big farmers, many of whom had already moved away from farming and were now residing in the nearby cities.⁸⁶ The remaining approximately 170 acres of private land which existed in pockets in between the assigned land was acquired directly by the company and no public records mention the owners of this land or the compensation they received (Government of Andhra Pradesh, Revenue Department 2007a). Several sources placed this compensation significantly higher than what was paid for the assigned land.⁸⁷

⁸⁶ Land acquisition documents show two relatives of the local main politician, a major land-owner in the area, having assigned land titles.

⁸⁷ Interviews S Kota, Vizianagaram District April 2008. The company indicated a slightly increased price for the private land in news articles (Rama Raju 2009).

Table 8: Caste composition of land-losers compared to rest of Mandal

	Tribals	Dalits	BC	Others	Total
Caste composition of people losing land to the JSW refinery	257 (57%)	34 (8%)	105 (23%)	54 (12%)	450
Mandal composition (2001)	5,749 (8%)	6,629 (9%)	*	*	74,500
District composition (1991)	9%	15.9%			

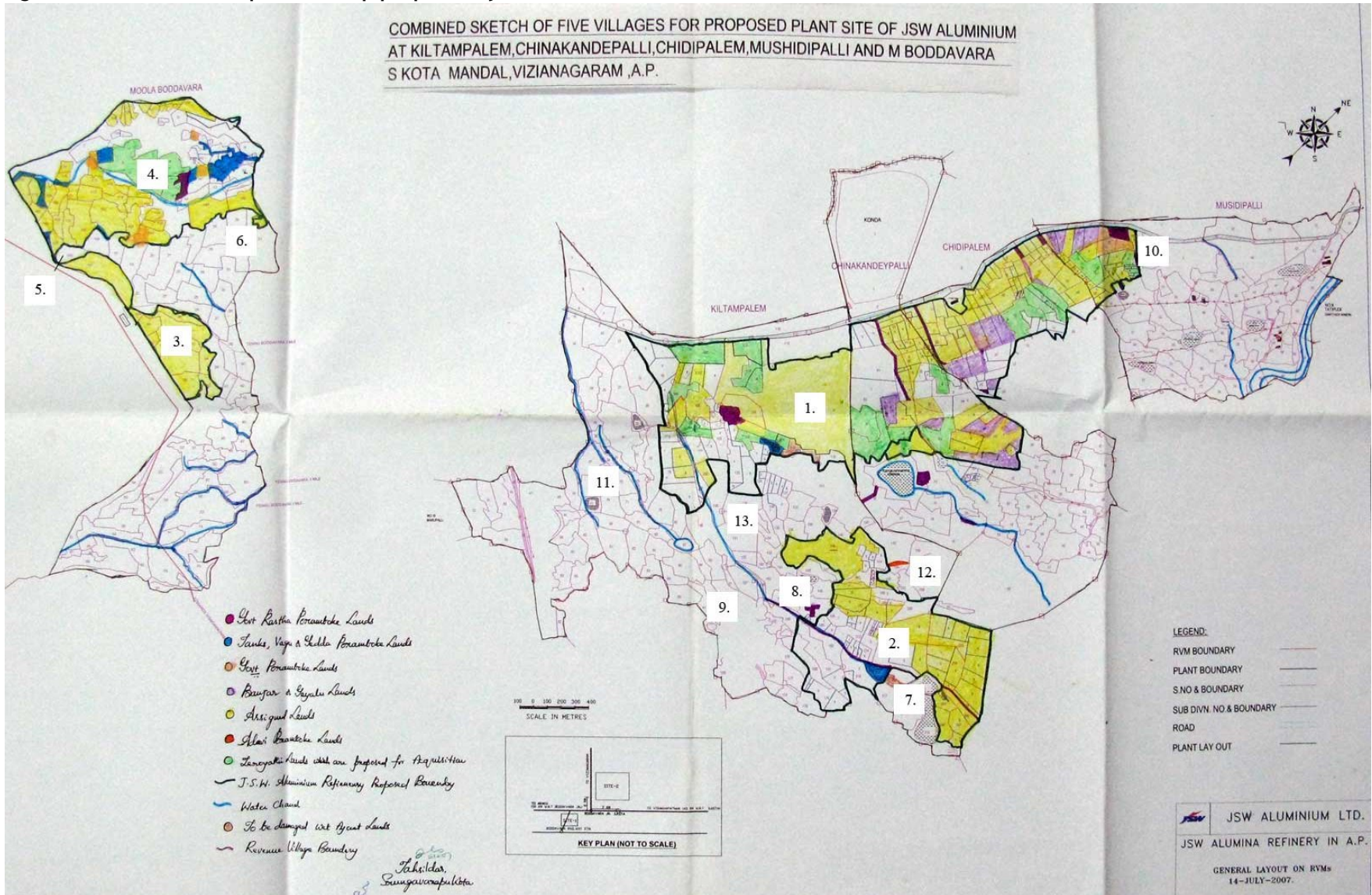
Source: Revenue Department planning note for JSW land acquisition, n.d., assumed to be late 2007. The composition is likely to have changed somewhat with later revisions to the land actually acquired.

The refinery layout was split in three nearby locations with the main plant site and the two waste ponds separated. This is a peculiar choice since the huge volumes of waste created by the refinery would clearly have been easier to dispose of had there been one contiguous site. One reason for this plant design can be understood when nearby villages, who did not appear on any official land acquisition maps, are included (See Figure 5). The way villages on this map are located along the very borders of the site creates the impression that planning has attempted to cause minimal official displacement by acquiring agricultural land but not house sites.⁸⁸ Approximately 600 households were losing agricultural land due to this refinery layout but ‘only’ 30 lost the house site which allowed them to officially become displaced according to the AP rehabilitation policy. While the benefits for a farmer who loses farm land but does not get rehabilitated must be questioned, minimised official displacement was certainly in line with the government’s main rehabilitation policy objective to minimise displacement and certainly decreased the likelihood of mobilisation against land acquisition.⁸⁹

⁸⁸ Another reason is that villages tended to be located close to water storage tanks which can not be acquired.

⁸⁹ Land acquisition for the Vedanta refinery at Lanjigarh, Orissa has similarly left farmers landless living just outside of the plant boundaries where they are at the greatest risk of facing serious pollution (Amnesty International 2010; Amnesty International forthcoming).

Figure 5: Official land acquisition map prepared by JSW Aluminium



Legend for map in Figure 5:

- Yellow: Assigned land
 - Green: Private land
 - Purple: Barren or waste land
 - Blue: Tanks and rivulets
 - Strong black line: Plant boundary
 - Fine black line: Revenue village boundaries
- 1) Main plant area
 - 2) Red mud waste pond
 - 3) Management residential area (and displacement colony?)
 - 4) Fly ash waste pond
 - 5) Village next to railway line
 - 6) A number of villages exist in this area close to the main Araku-Visakhapatnam road
 - 7) Village
 - 8) Village
 - 9) Village
 - 10) Village with at least partial displacement
 - 11) Village
 - 12) Village
 - 13) 4 house hamlet

Note: This map does not incorporate some late changes to land acquisition. Village locations are approximate and non-exhaustive as there is no map which includes all the villages and the land to be acquired with survey numbers among the maps presented in the EIA, the above land acquisition map, revenue village maps or detailed Government of India toposheets.

A number of amendments were made to the above land acquisition map however. At times these changes were made since it was found that ex-servicemen owned it. At other times the land was found to be a tank, or adjoining a tank which meant it could not be acquired whether or not this actually meant there was water in the tank.⁹⁰ At yet other times official documents simply stated

⁹⁰ Sometimes minor changes were deliberated at great extent in bureaucratic documents such as what to do with a 0.82 acre water body (approximately 3,000 m²) within the land allotted to JSW which though abandoned remained a tank in the records. It was decided that the company had to create a separate water body on their land of equal size (Government of Andhra Pradesh, Revenue Department 2008c).

that the land was either part of the refinery site or excluded since it was inside/outside the plant boundary without specifying why this was the case (Government of Andhra Pradesh, Revenue Department 2008b; Government of Andhra Pradesh, Revenue Department 2008d).

Since land acquisition is supposed to be advertised by placing a notice in the Panchayat offices, every amendment to the land acquisition risked spreading information which could create awareness of what was being planned. The notices had not been posted for public display as far as villagers were concerned for the initial round of acquisition (Interviews in concerned villages), but with media and other pressure on, the bureaucrats decided to attempt to hide changes by amending the earlier government order for the land acquisition when new land acquisition started in early 2008 (Government of Andhra Pradesh, Revenue Department 2008b). When local journalists nevertheless found out, this did not result in more transparent government behaviour but rather the draft of an official government order a few weeks later to make the changes legitimate (Government of Andhra Pradesh, Revenue Department 2008c).

Certain delays were inevitable however, as land acquisition letters for the new land were only sent a few months later (Government of Andhra Pradesh, Revenue Department 2008e), and remained surprisingly unpaid for the following year, which probably means that the particular pieces of land were never acquired (Government of Andhra Pradesh, Revenue Department 2009b). Maybe it was not needed in the end. Or maybe JSW decided to go slow on its project having secured most of the land (either due to financing problems for the refinery, or a lack of progress in the establishment of the mines).

Some seemingly plausible reasons for land acquisition changes could be found in allegations of corruption. Local newspaper reports stated the real reason for these 'exclusions' was not to exempt the land from acquisition, but to re-label it as private land, for which compensation could be negotiated directly with JSW at a higher price (Rama Raju n.d.). Similar allegations were made after a probe by the Lok Satta party which alleged a 100 million rupee scam due to payments to non-existing farmers (Lok Satta Party 2009). But changes at times took the concerns of the poorest into consideration. One of the main demands of the refinery opposition group were agreed to when 35 acres of assigned land was excluded from the site since it belonged to tribal people earlier displaced from the Tatipudi reservoir (Government of Andhra Pradesh, Revenue Department 2008d).

The lack of clear information and frequent changes to the actual land acquired kept many on and around the site guessing whether their land was going to be acquired, and if so what they would receive as compensation. Group discussions held over the above land acquisition map did not impress people despite the seeming clarity of the survey numbers of land due to be acquired. The feeling was that the government could make and change plans at will:

They can do anything. What they do today may not be valid for tomorrow. Today's collector will go tomorrow and most of the officials are transferred within a year. The new officers and the government are coming up with new schemes and procedures (Interview S Kota Mandal 26/1 2008).

The confusion over what was planned naturally made it difficult to create a mass movement which could put pressure on the bauxite alliance. But several people in the surveyed village indicated they had actually joined the protest group due to a lack of information since they were expecting their land to be acquired like that of their neighbours and relatives despite being excluded from the first and second round of acquisition notices (See Table 9 below).

Table 9: Land loss in a S Kota Mandal village

	Number of households	Land to be acquired (acres)	Total land (acres)
Land already acquired	2	2	2
Land to be acquired	10	27.13	32.48
No Loss of Land	7	-	23.75
Total	19	29.13	58.23

Based on household survey carried out March 2008

Based on later received right to information documents the final count of the displaced was 75 families (or 375 people with the assumption of 5 people per family) which was more than double what had been indicated in the original planning documents. The displacement was spread across all revenue villages with 23 households displaced in Cheedipalem, 5 in Mushidipalle, 9 in MB Vara, 27 in Kiltampalem, and 11 in Chinakandepalli (Government of Andhra Pradesh, Revenue Department 2007c). The reason for the discrepancy in displacement was not detailed in any government document. Was this supposed to happen all along or was it the result of the many land acquisition changes?

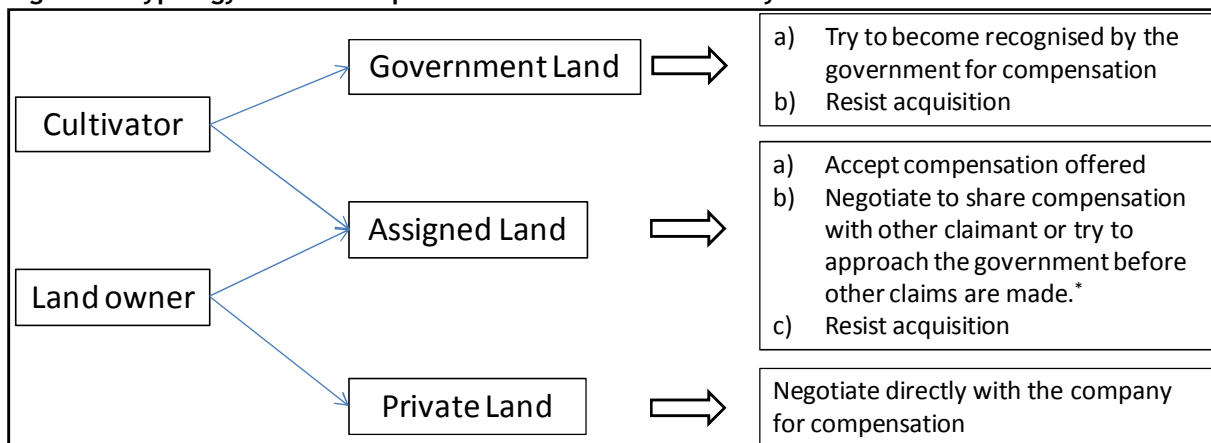
What remains after both sites have been framed as government land is a discussion on the cash compensation which historically has been shown inadequate for those losing land. The next section details what is known about how cash compensation and other benefits at the refinery site worked out, a process still underway during fieldwork, followed by a discussion of how it came to be that so many were not considered affected at either of the two sites.

5.5 Compensation

5.5.1 Cash compensation at the refinery site

The kind of land compensation people could claim depended on the type of land they were cultivating and whether it appeared in the official records. The main strategies available for different types of land losers are presented in Figure 6.

Figure 6: Typology of land compensation for the JSW refinery in S Kota



* Other potential strategies for particularly powerful individuals with assigned land is to try to get it excluded from acquisition or to get it included in the private land negotiations for improved compensation.

Best off were the few with private land titles who negotiated directly with the company since they had the right to refuse sale. Rumours were made of significantly higher compensation for private land, up to ten times as much as for other land, but this has not been possible to confirm (Interview Journalist S Kota 19/3 2008).

Those cultivating and holding the title to assigned land could be relatively certain of getting compensation, though the final amount paid would depend not only upon whether their papers were in complete order, but also on whether they were aware of their rights to demand compensation according to the ‘rehabilitation package’ without too much being siphoned off by the local elite.

Commissions could be extracted from illiterate people without proper paperwork, documents in the name of a deceased relative or simply illegible details. The unity shown between bureaucrats and Panchayat members across the four revenue villages, and the local domination of the Congress party can only lead to the assumption that people higher up were demanding a share in this commission and thus putting significant pressure to collect money:

They are offering 200,500 rupees per acre land. But they are cutting Rs. 2000 as land tax dues, they said we have not paid the land tax so far. Again they are cutting Rs. 15,000/- while

drawing money. Altogether we are going to have loss of Rs. 25,000 per acre land out of the offered compensation of 2 lakhs so we will be paid only 1 lakh 75 thousand rupees (Interview S Kota Mandal 26/1 2008).

The original assigned land owner and the actual cultivator had to informally figure out how to share the compensation since the government would only go by what the records stated. This placed the formal owner in a better position than the cultivator who had no legal way of contesting or even often finding the actual *patta*-holder (Interview S. Kota journalist 27/3 2008). The bargaining power of the individuals was, as for compensation in general, key in settling the share. A common way of dividing the compensation money that was worked out in personal negotiations with the titleholder was 50% each. But some better off local (non-tribal) farmers with the ability to access information about the land acquisition were arguing for 2/3 share of compensation for themselves leaving the titleholder with a third (Interview villager S Kota Mandal, 25/3 2008).

The cultivator of government land was in a similar position to the assigned land cultivator since the lack of paperwork risked excluding him or her from compensation completely. There was however a clause in the 'rehabilitation package' which allowed those who could prove they had occupied the land for at least five years to claim land compensation (though not a job or other benefits). The feasibility of convincing the government to recognise land use is not known as no cases of government land compensation were encountered at the site.

A sliding scale for compensation was thus created during land acquisition for the refinery from those with clear entitlements put on paper and knowledge of their rights, to those with unclear status or a weaker knowledge of government rules, and finally on to the paperless, landless and uninformed. The direct negotiations between landowners with private land titles and the company are sure to first provide better compensation, and secondly allow less to be siphoned off by various bureaucrats and politicians.

Many were not particularly happy about how the refinery had been imposed on them:

Older villager: First they [the government] sold the land to Jindal. Next they will sell us.

Younger villager (jokingly): Who would want to buy you? Land is useful but you are not (S Kota Mandal Group Discussion 26/1 2008).

But responses varied between different landowners as there was no significant difference in the value of dry versus irrigated land; dry was valued at 200,000 rupees (approximately £2,600) per

acre and wet at 225,000 rupees (approximately £2,900). This ensured less resistance from the north-western section of the proposed site which was unirrigated land used to grow cashew nut at much lower value than what could be produced on the irrigated land:

Earlier we got 10,000 per year from our lands and now we get 7 lakh in one go. Don't you think this is a good deal? (Interview Sarpanch, S Kota Mandal, 19/3 2008)

Those on government land or cultivating assigned land without holding the titles were in the worst position and formed some of the strongest opposition members:

Once this was government land but we made cultivable with our effort and hard work. We have invested both labour and capital which is mostly borrowed one. We have created irrigation facilities through borewells with our private investment. The government could have denied then itself instead of allowing us to cultivate. They have give d-form pattas, why did they give if they don't want us to cultivate this land (Interview refinery opposition group member, S Kota Mandal 26/1 2008)?

The promise of economic development from an alumina refinery thus seemed to leave families of illiterate farmers with no other real skills than agriculture to hope for the one promised job in the refinery for future sustenance for the entire (often joint) family. Or maybe even this job would not be accepted since there was the possibility to accept cash instead. It was found that only half of those surveyed by Reddy et al. (2010a) had received a temporary job while waiting for the promised job in the refinery. One fourth of the eligible had accepted the 300,000 rupee cash whereas the final fourth was still waiting for jobs. Only 146 people were listed as receiving minimum wages of Rs. 2,200 per month (about £32) from the company in 2009 (Government of Andhra Pradesh, Revenue Department 2009a; Reddy et al. 2010a).

Beyond the payment for the acquired land, the company's efforts to "develop this backward area" (Phone interview JSW employee, Visakhapatnam 5/4 2008) were at times quite ambitious though not particularly grounded in the local reality with its aim to transform farmers with no formal education into industrial workers in the course of a year at an industrial training centre. Even more improbable were the plans to develop a call centre at the JSW subsidiary JSoft in S Kota town where farm women via a short training course would move from rural agricultural labourers⁹¹ and housewives to office workers with a salary of at least Rs. 20,000 per month

⁹¹ Very few women were found to own land and when they did it was in many cases under the control of the eldest son.

(approximately ₹260, a very good salary in rural Vizianagaram District) (Interview JSW employee, S Kota 5/4 2008).

The cash provided will not be sufficient for anyone to rebuild an agricultural livelihood again as a farmer. And the very limited experience, if any at all, the affected had of other types of jobs do not make a transition to non-agricultural work seem very promising. The people receiving cash compensation can thus not be expected to be able to invest this money productively, nor will migration to a new location be possible. The compensation money might last for a few years but after this the future will look difficult, as has been the experience elsewhere in India in similar situations. Yet it is not very likely that either the larger opposition group or the people directly affected would have accepted an offer for large-scale resettlement given the poor outcomes of such attempts in the past.

The next section looks at the unknown number of people who did not find direct mention in compensation policies since their land and livelihoods had been excluded.

5.5.2 Land users out of bounds

As has been shown the direct compensation policies were tied to formal land ownership. A few lost their house sites and became what the AP R&R policy considers a “Project Displaced Family” with the right to rehabilitation, while others received compensation tied to the land holding. The majority of people in the refinery area as well as everyone in the mining area are in the much vaguer category of “Project Affected Family” however. These are the many families in the refinery area who supported themselves as agricultural labourers, minor forest produce collectors and livestock herders, or who were simply making a living just outside of the refinery boundaries. In the poorly defined mining area the situation was even more difficult since official documents did not acknowledge anyone living or using land within the proposed mining lease limits despite the existence of fields, plantations and grasslands. As at the refinery being outside of the boundaries prevented any direct compensation claims.

The people outside of the boundaries were not counted in any government documents making the analysis difficult of how many and in which ways people might be affected. There has also been very little supporting work from e.g. NGOs or academics to try to clarify the situation. It seems fair to say that we will never know exactly who they were.

What remains in terms of compensation at the mine site are general area development funds such as the Samatha Judgement's suggested share of profits for a local development fund. In the MoU this was specified as a "minimum of 0.5% of revenue [of the mining operations] shall be spent on the health, training, social infrastructure and welfare of tribals" (MoU between GoAP and JSW 2005, 4). No further details are available to answer who should control the money and what type of activities would count towards its goal of local development. It can also be questioned whether compensation from mining alone is justified when the main profit will come from the refinery given the assured low ore price in the MoU.

Mining in general, and bauxite mining especially with its high grade of mechanisation and open cast operations, does not generate many jobs (Bhushan et al. 2008). And for the mine-affected in the Agency, the refinery is too far away to be able to compensate livelihood losses, apart from already having its quota of local jobs filled by the immediate land losers in the S Kota area.

For the Galikonda mine a mining promoter under pressure did move beyond the rehabilitation policy but without specifying which particular costs to the local population were enough to create the need for compensation. The EIA report even hints at it being based more on apprehensions rather than tangible risks. It is also unclear how far from the mines and for how many households the support is extended. What follows in the EIA report is a list of "Community Development Initiatives" which somewhat like 'grants' are gifted to people by the government rather than being part of a right to compensation for risks from mining. The Initiatives' package of Rs. 58.7 million (about £860,000) includes a wide mix of support including entrepreneurship training, scholarships and general infrastructural improvements (Indian Council of Forestry Research and Education n.d.).

The transfer of land from one government department to another for the mines becomes a matter of compensating the Forest Department. This involves not only money for the land but the payment of a Net Present Value of the forest, a payment for the calculated value of benefits the current forest provides. In addition new land will have to be transferred to the Forest Department where it can raise forest. Additional land acquisition for the compensatory forest again raises the possibility of further dispossession in so called forest areas. One compensatory forest plantation for coal mines in the Scheduled Areas of Khammam District of AP acquired 10,000 ha of land inhabited by Kondha Reddi tribals in Scheduled West Godavari District thus creating double displacement from the mine and the compensatory forest plantation (Sarin 2009).

For the Araku Group of mines 306 ha of land for new forest plantations have been allotted in Visakhapatnam and Narsipatnam Districts. The current use of the land is left unspecified in official documents, even the direct link between a mine and its compensatory forest is hidden since the same document concerns three different projects (Visakhapatnam District Collector 2005). To make matters even more unclear about where the new forest is planned for, a letter attached to the Galikonda EIA mentions forest land in Makavarapalem Mandal of Visakhapatnam District, the same Mandal proposed for ANRAK's alumina refinery (Indian Council of Forestry Research and Education n.d.).

5.6 Conclusion

This chapter has discussed the expected impact of the bauxite project on livelihoods in two locations in and around the Visakhapatnam Agency. It has done so by detailing two areas now proposed for bauxite industry where tribal villages sustained themselves on marginal farming, but with a significant degree of self-reliance and some hopes for future improvement either due to good access to borewell water for irrigated agriculture or via coffee plantations. The limits to tribal land rights were acutely felt at both the sites since the mine area was defined as forest land, despite having many villages living on top of and next to the bauxite mountains, while the refinery had been placed outside of the Scheduled Areas where tribal land legislation is no longer applicable, even though a majority of the villages were tribal.

The proposed land use for the two project components, despite significant differences in site settings and the nature of the undertakings, are all too similar by not providing more than cash compensation, and this only to the few who have formal land titles, excluding everyone in the proposed mining area, with the exception of some jobs and general 'welfare programs'. The only rehabilitation is proposed to take place at the refinery where a few families lost their house plots and thus qualified as displaced. For both mine and refinery people around the proposed sites were left uninformed about what was being planned for the land and resources they depend on to make a living. For the mine people had virtually no information other than what had been told to them by activists or journalists. At the refinery many remained uninformed about the exact extent of land acquisition even as the land of their neighbours was being forcefully bought. This is a sad result after decades of struggle for not only the right to land but also the right to rehabilitation and participation in decisions over natural resources and development. It seems indeed as if Iyer's (2007) statement is correct that displacement policy is returning to an earlier

era of only providing monetary compensation instead of attempting to make the displaced the main beneficiaries.

The way land tenure had been framed to exclude many users was found to be the main reason for the poor compensation, but the way planning was being carried out further strengthened this tendency. A higher priority was seemingly given to land acquisition over social justice. The land tenure, compensation and mitigation policies had been framed by a law that allowed them to be assembled by 'creative' planners, without wider deliberations on the fairness of procedures, in such a way as to leave most people outside of their scope, or only allowing for minimal compensation. Assigned land cultivated by poor, mainly tribal farmers in the refinery area was re-framed into government 'waste' land of little value. And the mining area was framed as forest land though not with actual forest on it since this would have created difficulties in getting environmental approvals.

There is no evidence that particular groups of people have been targeted due to ethnic or other criteria, rather, this is simply the most feasible manner to acquire land without creating protests. But the distributional and justice outcomes of this mode of planning are definitely very worrying since the poorest of the poor, those least likely to be able to cope with a change away from agriculture, were disproportionately affected. At the same time there were instances for both mine and refinery where additional compensation was proposed compared to what would have been strictly necessary according to policies. The State rehabilitation policy only forms the base and beyond this there are possibilities to demand better compensation. There are thus possibilities to demand a better deal.

Unfortunately, several observations around land use for the bauxite project compare all too well with other reports in what seems to constitute an important part of the explanation for why these have become so contentious across central India. The layout of the alumina refinery for Vedanta Aluminium in Lanjigarh, Orissa, similar to the S Kota refinery left a number of villages without their fields but just outside of the boundary walls of the plant to face severe pollution (Amnesty International 2010). The nearby bauxite mine was, similar to the mines in Andhra Pradesh, defined as forest land without actual forest to leave people without compensation (Amnesty International forthcoming).

Although mining mitigation and reclamation are not very well studied in India, the risks from the aluminium industry in India are not new, nor are those in charge of planning unaware of the risks.⁹² A failure to take wider risks into account can not be seen as being based on ignorance of the consequences. Similarly the problems of outsiders coming to benefit from the natural resources of the Scheduled Areas have been known and well-studied for long (Vyasulu 1981; Singh 1986). The only new factor might thus be that today those affected as well as various other groups have greater opportunities to protest against plans (the topic of chapter 7).

The next chapter looks beyond the immediate legitimacy over the need to protect tribal land rights to examine how government procedures mediated outcomes for other resources potentially affected by the bauxite project. In a setting where the government is supposed to guarantee the rule of law and a fair share of available resources the question is how, and if so to what extent, policies were framed to mitigate negative externalities coming from the industry, and whether they were inclusive to allow representation of the affected to directly make their concerns heard.

⁹² See e.g. the debate between Srinivasan et al. (1981) and Subrahmanyam (1982) in EPW on the establishment of Nalco, or the Government of Orissa's (1996) environmental survey of the aluminium industry.

6 Investment approvals: Mediation or facilitation?

6.1 Introduction

The previous chapter detailed how land settlement and compensation policies for both mine and refinery, though being in areas with different livelihood and land tenure histories, excluded people from being seen as affected and thereby made them eligible for minimal or no compensation. This chapter continues the discussion of Fraser's concept of mediation via government procedures to understand how needs are translated into actual outcomes over what should happen to people, land, water, forests, and minerals. This mediation process takes place in the complex and at times overlapping system of regulatory controls around investment approvals across national, State and local decision-making forums. At issue, though often couched in apolitical technical language, are power struggles over who should make decisions and who should benefit. These struggles over representation are not settled merely, or even necessarily mainly, in legal texts and policies but also in the implementation process.

The analysis aims at understanding to what extent mediation was able to accommodate concerns over tribal social justice only very weakly present in the setup of the bauxite project (as presented in Chapter 4), and how the State government handled its multiple and often contradictory commitments of ensuring that due process of law was followed, but also to facilitate company approvals as part of promoting private investment in the State. The company itself was rarely visible in these processes other than at high-level meetings in Delhi or Hyderabad. Partially this invisibility was due to research depending to a large extent on public documents. More fundamentally however this is how the bauxite alliance has been formed; the State government is not expected to contribute in any significant way financially, technically, manpower-wise or otherwise to the actual establishment and operations. 'Mediation' is what top politicians of the bauxite alliance do to justify the right to be included as alliance members.

Specifically, the chapter examines whether and to what extent elected local Panchayats and other bodies with legal entitlements for consultation on the use of land and natural resources in their areas were able to make their voices heard. This inclusion or exclusion of public concerns is also facilitated at a more technical level in the environmental concerns which forms the second part of this chapter. If mining and refining of bauxite ore is seen in technical reports as directly or indirectly affecting livelihoods, they can determine whether people will be able to demand to be included in decision-making, or at least whether they will have the right to demand

compensation. Before this discussion, the first section of the chapter introduces the debate in recent years on regulation and investment promotion related to the mineral industry, and to what extent social justice considerations has been part of this debate.

6.2 Reform and continuation in the system of controls

The federal setup dictates to a large extent where the decision-making power lies in respect to mining investments. With land, water and minerals all being State subjects according to the Constitution it could seem like the State governments would be in charge. Historically this has not been the case however, since the Centre has had various ways of ensuring its influence, earlier via administrative licensing and funding approvals, and later via environment and forest equivalents. Also the mining lease involves a shared responsibility.

Significant changes to industrial and trade policies have allowed an opening up for international commerce. The removal of the industrial licensing system, the scaling down of tariffs and increased ease of accessing foreign currency represent significant improvements for industrialists (Jenkins 1999). The bauxite project in its current form would indeed have been impossible without these changes given the reliance on imported technology, at least partially international funds, and global markets for the end product. But, as we will see, in terms of internal regulation it remains doubtful to what extent reforms have been undertaken. Much official attention has been spent in recent years on the transformation of the Indian state from an ‘interventionary state to a regulatory one’ (Rudolph et al. 2001b). This has involved setting up independent regulatory bodies in for example electricity or telecom to attempt to avoid political intervention. For other forms of regulation permanent expert committees have been created by, for example, the Ministry of Environment and Forests (MoEF).

The key investment approvals related to mining and industrial operations⁹³ are those for Environment,⁹⁴ Forest,⁹⁵ Land acquisition⁹⁶ and Mining lease.⁹⁷ By examining these four

⁹³ First three identified in (Government of India, Department of Industrial Policy & Promotion 2002a), mining lease in (Planning Commission 2006, 2).

⁹⁴ The EIA was made mandatory for certain activities in 1994 under the Environment (Protection) Act, 1986 with amendments up to 2006 (Government of India, Department of Economic Affairs 2008).

⁹⁵ Changing use of forest land has to be approved by the central government under the Forest (Conservation) Act, 1980. Proposals beyond 40 ha of land are examined by the Forest Advisory Committee under the Ministry of Environment and Forests (Government of India, Department of Economic Affairs 2008).

⁹⁶ The decision to approve land acquisition tends to depend both on the State government and on the approvals for environment, forest and mining. A vast number of procedures have to be performed within the State government such as excluding an industrial site from the land ceiling limit, re-zoning it from agricultural to industrial use, and re-framing the land as being part of an industrial township rather than coming under the local Panchayat.

approvals it is argued that the process of government mediation has a very limited usefulness at present. For all the intricacies which continue to exist, and all the plans and documents which are being produced, there is little mitigation of actual negative consequences for peoples and environments. Independent analysis is only really possible when activists take up court cases, or in rare cases when media reports can trigger investigations (as described in chapter 7).

Procedures within the State government are particularly opaque and difficult to follow. There are of course detailed procedures at the State level for the allotment of mining leases, but the frequency of mining scandals in Andhra Pradesh in recent years seems to indicate that favouritism is the norm rather than the exception. The obfuscation between regulation and facilitation of investments (and investors) was at its most evident within the Mines & Geology Department of the AP State government.

6.2.1 Recent reform in the approvals regime

The official story within key central government departments has in recent years been to portray the existing regulations as some of the main obstacles to investment and economic growth. One of the first major ‘reform’ committees was setup under the Ministry of Commerce in 2002 since

[The] Government considered that there was a need to recast the project approvals and [the] regulatory framework with a view to speeding up the process and ensuring that scarce resources are deployed effectively (Government of India, Department of Industrial Policy & Promotion 2002a, 1).

And the bureaucracy surrounding investments has certainly continued to be very complex. In 2002 it was found that the number of clearances for a typical mining project is 37 separate approvals at the central government level and 47 at the State government level (Planning Commission 2002a).

The Govindrajan Committee setup by the central government to look into project delays stated “that while overall policy has been liberalised, reforms in institutional mechanism and procedural simplification to translate policy liberalisation into ease of doing business have generally lagged behind” (Government of India, Department of Industrial Policy & Promotion 2002b, 7). The main reasons for this were, according to the Committee, forest and environmental clearances as per the Forest (Conservation) and Environment (Protection) acts respectively. Not only were these approvals lengthy in time but the variation was also significant. The normal approval time

⁹⁷ Major minerals like bauxite are covered by the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957 and the National Mineral Policy 2008 (or prior to this the Mineral Policy from 1993).

was about six months but certain cases would take up to 3-4 years indicating unclear procedures and a case-by-case approach to regulation. The committee came to the conclusion that

in order to simplify the procedures for grant of approvals, reduce delays and simplify regulation of projects during their operational phase, re-engineering of the regulatory processes ... is an immediate necessity (Government of India, Department of Industrial Policy & Promotion 2002b, 15).

Similar terms of reference were put in place for the new National Mineral Policy since yet again over-regulation had been identified as the main problem which could explain why “the [mining] sector is unable to contribute to growth of the gross domestic product (GDP) of the country in any significant way, let alone up to its potential (Planning Commission 2006, 12).” The delays in procedures for granting reconnaissance permits, prospecting licences, and mining leases, the three administrative steps according to the Mines and Minerals (Development and Regulation) Act before mining can commence, was the main focus of the mineral policy committee but again the forest and environmental approvals were identified as needing to be ‘speeded up’ (Planning Commission 2006, 2).

The problem with the mining lease delay was somewhat different, however, compared to the environment and forest issues, since much of the problem was perceived as being due to State government interference in the process (for reasons detailed in Chapter 4). This was expressed as follows by the then Union Minister of State for Mining at a public meeting:

Today it takes too much time to get all the licences you need for operations. There are too many clearances that act as hindrances. State governments have demanded value addition within their borders for granting of leases and this we want to limit. They will still be allowed to put up conditions but there will be time limits to how long this can go on before mining is freed up (Speech by T Subbarami Reddy, Union Minister of State for Mining at the Mining Engineer Association’s Convention in Hyderabad 7/4 2007).

Based on these guidelines, the “re-engineering” of pre-economic reform approvals has proceeded in closed government-business forums in recent years. The results, including the EIA amendment in 2006 and the New Mineral Policy of 2008, have seemingly been in line with the goal of reducing obstacles to investment. Between 2006 and 2008, across the country not even one of 952 industrial projects and only 10 out of 587 proposed mines were rejected on environmental grounds (Dutta 2009). From 1998 to 2005 the Ministry of Environment and Forest have cleared on average 125 mines, or 8,650 acres of forest land, per year and the trend is

increasing (Bhushan et al. 2008). It would thus seem like the continued delays in mineral projects are to a lesser extent than earlier due to central government approvals.⁹⁸

A closer reading of the actual reformed legislation makes the regulatory changes less dramatic than what the above statistics on rejected projects indicates. The EIA 2006 Notification has for example increased rather than reduced the scope and detail of environmental regulations that large-scale mines and industries like those of the bauxite project will have to adhere to (Ministry of Environment and Forests 2006; Amnesty International forthcoming). Again, this causes us to return to the point about how outcomes are more due to changing priorities among decision-makers rather than actual policy reform. Further evidence to this point is the marked difference in the implementation of environmental regulations since the Congress Party's Jairam Ramesh took charge as environment minister from the DMK's A Raja. One important example for mining is how soon after Ramesh became minister in 2009 a notice was issued to implement the tribal Forest Rights Act before any forest land could be used for industry (Ministry of Environment and Forests 2009). This was not a concern for the previous minister who allowed approvals to continue despite the new act coming into place. Another example is how the reported widespread destruction of forest in Goa caused the Minister to impose a temporary moratorium on new mining in the State.

In none of the terms of reference for the above reform committees do we see a discussion on improving the quality of environmental control or attempts to better take the concerns of affected people into account. But social concerns do at times get heard and the adopted version of the national mineral policy included statements on the importance of sustainable development and support for tribal people. The text was however based on a caretaker rather than inclusive, deliberative approach when detailing how

a framework of sustainable development will be designed *which takes care* of bio diversity issues and to ensure that mining activity takes place along with suitable measures for restoration of the ecological balance. *Special care will be taken to protect* the interest of host and indigenous (tribal) populations through developing models of stakeholder interest based on international best practice (Ministry of Mines 2008, para.2.3, emphasis added).

State-level 'reform' has proceeded with less debate in recent years but along similar lines as central ones. Andhra Pradesh has been intent on projecting an image as a top reform State to

⁹⁸ Further 'reforms' are suggested as indicated in recent committee reports (Government of India, Department of Economic Affairs 2008).

attract investors (Suri 2005) but again the actual changes in policies might be less dramatic. The 'Single window clearance' office which has been created to allow investors to file all applications at one office in the Industry Department is really only a single window case management window since approvals are still made by each concerned Department. The difference seems to be that certain timelines have been introduced and regular meetings are held to keep information flows going between Departments (Interview Industry Department official, Hyderabad 2008).

Despite the efforts of successive 'reform' committees to 'simplify' the complex regulatory system, central government legislation and rules continue to be added or amended at a high rate. State governments operate in much the same manner by amending policies and laws with Government Orders (GOs) (see Chapter 5 for GOs related to compensation from land acquisition). Frequent amendments create a significant amount of uncertainty of what is actually the law. Where the larger civil society across India has some ability to demand transparency in frequent central government amendments, changes in the States receive less attention.

The uncertainty surrounding environmental regulations is a vital case in point. Given recent EIA amendments in 2006 and 2008, additional Ministry circulars, and added requirements based on Terms of Reference documents for each project by the MoEF Expert Committees, it is anything but clear what regulations are actually supposed to be followed. And as if this was not enough further requirements may be added from court cases or via special reports. The controversial Lanjigarh alumina refinery and Niyamgiri bauxite mine in southern Orissa have together had at least six special reports made on the initiative of the Supreme Court or the MoEF. And yet a seventh committee is working on a new report at the time of writing (Central Empowered Committee of the Supreme Court 2005; Central Empowered Committee of the Supreme Court 2007; Wildlife Institute of India 2006a; Wildlife Institute of India 2006b; Ramanathan 2010; Central Mine Planning & Design Institute 2006). Additional reports for APMDC-JSW bauxite mining in Andhra Pradesh include a watershed report (not available with the author) and a wildlife report (Salim Ali Centre for Ornithology & Natural History 2008). As controversy continues to follow bauxite projects in tribal India, governments and other authorities thus respond by adding more and more information on which to base regulatory decisions. But these reports rather than clarifying the issues seem to mainly add further complexity.

Another aspect of this is how for controversial bauxite mining projects the publicly available EIA report, also the only document which is translated into the local language, only covers a subset of

all the information on which decisions are supposed to be made leaving an accountability gap. The inter-dependence between different approvals add to this where a mining lease can not be granted without Forest Department consent, or land acquisition can not proceed without approval from the affected Panchayat(s).

6.2.2 Public consultation in the approval process

The only mandatory public consultation as part of investment approvals are the environmental public hearings. These hearings, held at or close to the proposed project site, do provide important information via the Environmental Impact Assessment report but are only advisory to the decision on environmental approval taken by the MoEF of the Centre. Possibilities for wider representation on local natural resources and land use are however possible as part of the Panchayat Raj legislation with its vision of democratically elected Panchayats as part of a move towards decentralisation and self-governance. Though earlier forms of Panchayats have been in place in Andhra Pradesh since 1957 (Srinivasulu 2002) the main difference came about with the 73rd Constitutional amendment in 1993 which formalised local governance in rural areas across India via Panchayat Raj. Panchayats exist in a three-tier system from the village (*Gram*) *Panchayat* to the sub-District *Panchayat Samithi* (in Andhra Pradesh known as the Mandal Parishad) and the District-level *Zilla Parishad*. At the village level not only do direct elections every five years function to hold Panchayat members to account, there is also the Gram Sabha, the village assembly, consisting of all eligible voters and meant to work as a public forum for transparency and accountability (Johnson et al. 2003). There is extensive reservation for members of Scheduled Caste, Scheduled Tribe and Other Backward Castes according to their proportion of the population. Additionally 33% of the seats are reserved for women both as part of the above three minorities and for the general category. The difference in these reservations compared to State and national elections is that they only last for one session after which the constituency becomes open for competition again. The empowerment impact of reservation policies was found to be limited by Johnson et al. (2003), since most reserved candidates tended to lose their seats in open competition.

Three main critiques have been made against Panchayat institutions over the years; States have been unwilling to devolve significant power to the Panchayats; a resistant bureaucracy has limited actual effectiveness; and local elites have influenced outcomes (Johnson 2003; Srinivasulu 2002). In Andhra Pradesh the Panchayats have in recent years often seen themselves being bypassed in influence and allocation of development funds through the creation of a number of other institutions such as water user associations, self-help groups and joint forest management

committees, while much of actual control over programs has remained within the bureaucracy. This process was particularly apparent during TDP rule leading to interpretations that it was aimed at bypassing the traditionally Congress-dominated Panchayats (Johnson et al. 2003).

The right of Panchayats to be consulted in relation to land acquisition has been established in Andhra Pradesh after much protest and litigation. Both the Gram Panchayat and a Gram Sabha meeting will have to provide their consent according to the AP Panchayat regulations. But once consultation has been secured, as happened in the High Court case of the Surampalem dam in Andhra Pradesh, the underpinning of the judgement can be removed by changing the law. The AP government introduced its R&R policy and thus made the government order invalid (Ravi Rebapragada of NGO Samatha at public meeting in Visakhapatnam 26/3 2010). Demanding the right for consultation is an ongoing struggle where pressure has to be continuously re-asserted on the authorities.

The Panchayat Extension to Scheduled Areas Act (PESA) in 1996 was meant to implement Panchayats in the Scheduled Areas across India. PESA places pre-eminence on the Gram Sabha over the elected Gram Panchayat and empowers it to act to prevent land alienation, the right to be consulted on land acquisition, ownership of minor forest produce, the power to control local plans and resources, and control over minor mineral leases. According to this act:

[T]he Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas.

The provisions are thus stronger compared to non-Scheduled land acquisition though the central government legislation does not fully specify what consultation actually means, that is whether it is seeking consent or simply an opinion from the Panchayat.

Actual implementation of PESA has come to be to significantly weaker and highly varying since specific legislation had to be passed by each of the concerned States. In Andhra Pradesh this was done via the Andhra Pradesh Panchayat Raj (Amendment) Act, 1998, (Act 7 of 1998). Similarly to other States with Scheduled Areas, the AP Act locates consultation and planning related to land acquisition at higher levels than the Gram Sabha. In Andhra Pradesh consultation is supposed to take place in the Mandal Parishad while actual planning and implementation of projects in the Scheduled Areas remain coordinated at the State Level completely, thereby bypassing the Gram Sabhas. Similarly, decisions over forest, water, land and minerals have never

been fully devolved to the Panchayats. Minor forest produce, for example, remains the monopoly of the State government 'Girijan Co-operative Corporation' with profit-sharing but no real decision-making for Panchayats (Reddy et al. 2004).

But even the AP PESA Act with its weakened local decision-making compared to the national legislation remains not in force, or at least at an uncertain state, since the rules without which the act can not be put into operation have been left unnotified for more than 10 years (Dandekar et al. 2010; Reddy et al. 2010a). This legal technicality is not well-known among the public who can see that Panchayats exist, participate in elections in the Scheduled Areas and know about the potential of the PESA provisions.⁹⁹ This situation is not unique to Andhra Pradesh but sadly the norm across central India though the kinds of exclusions vary between States. In for example Jharkhand and Orissa Panchayats are routinely either ignored or forced to agree to major land acquisition by police presence (Bhaduri 2007). Saxena concludes that in general

since its passage [PESA] has almost been forgotten and has not become part of mainstream political or policy discourse. ... The implementation of the law has been severely hampered by the reluctance of most state governments to make laws and rules that conform to the spirit of the law. Weak-kneed political will has usually led to bureaucratic creativity in minimalistic interpretations of the law (Saxena 2005, 25-26).

The reason behind the reluctance of the nine States with Scheduled Areas to implement PESA according to the intentions of the national act might be possible to summarise in the statement of a former Madhya Pradesh Chief Minister: "Its implementation would put an end to mining projects" (cited in Dandekar & Choudhury 2010, p.18). Yet, laws like PESA can not be completely removed due to electoral pressure and therefore remains as mobilisational factors and potential tools in struggles to secure representation for the poor.

6.2.3 Investment approvals and State-Centre disputes

While the environmental clearance with its public hearing has at least to some extent involved local people, forest and mining clearances have historically been managed completely within governments. This has not prevented contention however, both between national and State governments and between Departments within governments. Much of the mediation around bauxite mining in the regulatory system of the past, and to some extent continuing today, seems to take place as contestation between different Departments especially in the State with no clear mechanism for how to resolve differences of opinion. As the States have been given more of the

⁹⁹ This non-implementation tactic has also been used in the past in Andhra Pradesh when the rules for the APSLTR Act of 1959 were left unnotified until the 1970 rebellion (Balagopal 1989).

responsibility to pursue economic development projects, issues between Centre and State seem to have reduced in intensity though not completely disappeared, as was evident in the conflict over the new mineral policy.

Eager to get started on the administrative 'work', a high-level meeting of key State government Departments was convened on July 2nd 2005, the day after the MoU with JSW had been signed. Attending this meeting were ministers and bureaucrats from the Revenue, Forest and Environment, and Mines & Geology Departments. APMDC was also present and given a key role in coordinating all the 'work' to ensure approvals (Government of Andhra Pradesh, Industries and Commerce Department 2005b). The reason for bringing these Departments together is understandable given past conflicts. Ever since plans to exploit the bauxite deposits started in the 1980s the State's Forest Department has been working against the Mines & Geology Department (Interviews retired IAS officers, Hyderabad March-April 2007, March 2008). As recently as 2001 the Forest Department refused to approve bauxite mining since "local people/NGOs were against plans; the proposed area is in notified tribal area; and the forest area is rich in flora and fauna."¹⁰⁰ But at the meeting on July 2nd 2005 the AP Minister for Forest and Environment made it clear that he had no objections to mining:

The Hon'ble Minister for Forest informed that the mining of Bauxite will help in industrial growth of the nation and as bauxite capping is devoid of any forest, the Forest officials will immediately take steps for giving necessary clearances from the State Government (Government of Andhra Pradesh, Industries and Commerce Department 2005b, 4).

As tends to be the case in official documents, and despite explicitly referring to the earlier conflict between the Departments, no satisfactory explanation was given for why the Forest Department had changed its mind. Local people and NGOs are still against the plans, it is still a notified tribal area and it remains doubtful that any significant changes to flora and fauna could have happened since 2001 which could motivate this radical about turn. What does seem to be the case is a changed view of the state of forests in the proposed mining area but how this change has come about is not known. The decision as recorded in the meeting minutes was instead simply to go through the earlier denied application for forest approval:

It is decided that the Forest Department shall go through the proposals of APMDC submitted for forest clearance for Araku group of areas and accord clearance for the said areas and submit the proposals to the Government of India under Section-2 of the Forest

¹⁰⁰ Letter from the Ministry of Environment & Forest rejecting clearance based on information from the AP forest Department, 3/5 2001 cited in (Government of Andhra Pradesh, Industries and Commerce Department 2005b, 3).

Conservation Act. 1980. If at all there are any procedural hurdles, the same shall be sorted out by way of direct interaction with the APMDC (Government of Andhra Pradesh, Industries and Commerce Department 2005b, 3).

An important part of the reduced tension between Forest Departments and Mining Departments across India is the new approach of 'Compensatory Afforestation' which has been worked out with Supreme Court intervention. Compensatory Afforestation involves the payment of a calculated net present value for the existing forest and plantation of new forest in other location(s). Despite the many uncertainties surrounding implementation due to long-drawn controversies between the Supreme Court and the Centre, companies are seemingly willing to pay the significant sums of money involved for the net present value in order to allow their projects to move ahead, and Forest Departments seem to be willing to exchange currently held land for new land elsewhere where forest can be planted (Interview researcher Hyderabad 26/2 2008).

The forest clearance was thus not an issue in itself but became difficult when the AP government wanted the company to pay for the net present value of the forest proposed to be turned into a mine. Two new MoUs were signed in order to deal with forest payment. According to the first MoU "[a]ll the expenses in obtaining clearances *as well as for taking up afforestation program* on account of forest land should be paid upfront by JSW (MoU between GoAP and JSW 2007a, para.IV, emphasis added)." But the most recent MoU (as far as is known) simply omitted the clause mentioning the payment for forest without offering any explanation (MoU between GoAP and JSW 2007b). Again the trail of what is actually happening in the corridors of power disappears. The issue of who should pay for forest compensation has presumably been sorted out but the documents do not reveal by who or how. Forest clearance has still not been granted to the project.

The until then swiftly moving APMDC-JSW project, came to a halt from which it has not recovered when the rare Blewitt's Owl was discovered in the proposed mining area in a special report kept out of the public view but reported widely in local newspapers. The report incomprehensibly never looked for any owls at the proposed APMDC-ANRAK mining site despite there being clear indications they might be present also in this area. Evidence towards this is a Right to Information letter from the Forest Department which stated that

The Orissa Bird and Bio-cultural survey have undertaken an ornithological survey of the Eastern Ghats and ... rediscovered the highly endangered bird "Blewitt's owl" near Araku and proposed to designate the entire belt covering Sileru to Lammasingi, Paderu to Araku and

Ananthagiri,¹⁰¹ etc. as an 'Important Bird Areas' (IBA) of the country (Government of Andhra Pradesh, Forest Department 2007, 2).

Not part of the report the APMDC-ANRAK Jerrila bauxite mines moved ahead and were granted environmental clearance in May 2009. The timing of this approval was crucial just ahead of elections which enabled a new Environment Minister to take charge with a more stringent interpretation of the law. The Jerrila mine is currently in the final stages of forest approval but might not find it easy to move ahead since also here the Forest Rights Act has to be taken into account.

A mining lease scandal occurred for the Jerrila mountain proposed to be mined by APMDC on behalf of ANRAK aluminium in Visakhapatnam District. The size of the lease area was exaggerated seemingly to include the part of the mountain which is in Orissa. Since the mining lease is paid for per hectare exaggerating the size of the lease would open up possibilities to pocket some money on the side. The surveyor who did this was part of the original group from the Geological Survey of India who investigated the deposits in the first place making it seem extremely unlikely that it was an innocent mistake. The NGO Samatha contacted the Central Vigilance Commission (CVC) at the Centre who in turn ordered the State government to conduct an investigation by a committee headed by the Chief Secretary (Interview Activist, Visakhapatnam 17/3 2008). The usual media stories were made to highlight the survey scandal but after this it is not known what happened.

6.3 The exclusion of local decision-making

The discussion in this section focuses overwhelmingly on the refinery. This is because firstly, PESA has not been introduced in AP and the Panchayats of the Agency were therefore not included in any discussions as detailed above. Secondly, the environmental public hearing is yet to be held for the mines though the EIA report has been released.

6.3.1 Land acquisition and Panchayat raj

Land for the alumina refinery was spread over five Panchayats in S Kota Mandal and thus required separate decisions for all five. Despite bearing the name of a village council, each of the Panchayats consisted of a large number of villages and hamlets, none having more than a few hundred inhabitants and sometimes only a few families. Within each of the Panchayats there was only a relatively small amount of land being acquired meaning that many of the Panchayat members neither lost land themselves nor lived in the villages affected. The S Kota area being

¹⁰¹ The described area would cover all the bauxite ore deposits of Visakhapatnam District.

non-Scheduled meant both tribal and non-tribal people were represented among the elected Panchayat representatives. Though not being of very large means, the Sarpanches were found to be significantly better off than most other residents and seemed to be somewhat isolated from pressures from those losing land. Crucially the Sarpanches were all Congress party-associated and non-tribal. Panchayats which are supposedly apolitical were found to be heavily dominated by Congress and TDP during fieldwork. Many of the key opposition figures were or had in the past been elected to local positions as TDP supporters (a situation found to be very similar in Araku and Ananthagiri Mandals).

Approvals according to Panchayat Raj were 'engineered' swiftly as soon as the refinery move to S Kota had been decided. An administrative order was passed to direct the local government-employed Panchayat staff to organise Panchayat meetings before end of December 2006 (Government of Andhra Pradesh, Mandal Development Organisation 2006). At the meetings identical resolutions were drafted by all five Congress sarpanches, according to interviews since they had been developed "in consultation with" the local Congress ZP politician. The only difference between the draft resolutions seen were the details of survey numbers to be acquired (Kiltampalem Gram Panchayat 2006; Mushidipalli Gram Panchayat 2006; Interviews with sources with insight into S Kota panchayat operations, S Kota 19/3 2008).

The Panchayat member of the village surveyed as part of fieldwork, also a tribal, was continuously met in a drunken state during fieldwork and admitted to knowing nothing of these plans. Frequently he would simply put his thumb print to any document he was presented, given that he was illiterate. Whether or not signed and verified copies of the Panchayat and Gram Sabha resolutions actually existed remains unknown since it was not possible to obtain these. Certainly no villagers had ever seen the resolutions or discussed them. The resolutions can only be assumed to exist since land acquisition and the environmental approval were able to move ahead.

The long reach of the bauxite alliance to the refinery site has its roots in the control over local political institutions and politicians. The exact nature of this control is difficult to grasp but has to do with money power and to some extent, the control over the bureaucracy and all supposedly independent government institutions. An interview with an agricultural extension worker frequently sent out to do surveys for land acquisition confirmed the behaviour encountered for the S Kota Panchayat approvals. The administrators stay away while party workers and politicians

figure out ways to deal with those opposing land acquisition (Interview Local Government Employee, Visakhapatnam 14/3 2008). What is presented seems to conform with the wider experience of studies in India that “decentralisation have failed to prevent a local (and primarily landed) elite from controlling the local bodies” (Johnson et al. 2003, 2).

Bureaucratic creativity in relation to land acquisition has tended to be in favour of displacement with a minimum of local deliberation. Srinivasulu describes the general administrative involvement in land acquisition for Special Economic Zones across Andhra Pradesh as follows:

The role of local revenue administration ... is crucial in making or rather pressurizing farmers to concede without resistance to the establishment of an SEZ [Special Economic Zone]. Using their connections with the local pyravikaars [local fixers] and the Panchayat raj functionaries, the subaltern bureaucracy of the Revenue Department could successfully spread the message that there was no point in resisting land acquisition as the government has supreme power to acquire ‘any land, any where, any time’ (Srinivasulu 2010, 13).

An important point not elaborated by Srinivasulu is to what extent, if at all, the Revenue employees worked on their own initiative or were directed by higher up interests. The experience at the refinery land acquisition was that even though local employees would get rewarded for ‘efficient’ land acquisition, the real control was with high level politicians who would make phone calls to emphasise current priorities by directing employees of various departments to drop other work and go out to do surveys.

While it was possible for JSW to secure the necessary Panchayat and Gram Sabha approvals via Congress party connections at the refinery, much energy has been spent on not having to go through the same procedures for the mines in the Agency. It is not clear why it would have been more difficult to get the desired decisions in a similar manner given that similarly ‘politicised’ Panchayats were found in Araku during fieldwork dominated by Congress and TDP. Perhaps a remnant of earlier difficulties to convince the tribal MLAs of the Tribes Advisory Council about the 2001 mining project’s benefits still remained (Rajendra Prasad 2000). Or maybe it was simply since the unclear status of Panchayat regulations in the Agency opened up for the possibility to avoid potentially ‘messy’ discussions completely.

APMDC has several times responded that it feels there is no need to consult Panchayats before mining starts but changed the reason why this is the case from time to time. At one point it was since major minerals like bauxite do not need consultation since PESA only gives local decision-making rights over minor minerals (The Hindu 2008c; Human Rights Forum 2008b). Later

APMDC tried to view the environmental public hearing as sufficient in terms of consultation. One unnamed APMDC employee was quoted saying that “[a]s per the Mines and Minerals Regulations the outcome of the public hearing is construed as the consent of the people” (‘Senior APMDC Officer’ cited in ‘The Times of India 2009’). These rare statements from APMDC could be easily countered in the media by arguments about how PESA also gives decision-making rights over forest produce and water bodies, while the environmental public hearing is based on entirely different legislation compared to both the Mines and Minerals (Development and Regulation) Act cited in the news article and PESA, making APMDC position(s) irrelevant. But statements in the press were not enough for inclusion and the protests continued with further demands for PESA/Panchayat deliberations (as discussed in chapter 7).

6.3.2 Environmental public hearings

Since the refinery was seen as paving the way for the controversial mines much of the discussion at the public hearing was on this topic rather than the pollution control measures of the refinery. About 1,000 people attended the public hearing held at the government school next to the proposed site on 4th June 2007. True to the focus on socio-economic rather than environmental issues the JSW representative explained in detail the benefits for the government, for building contractors and local people in the afore-mentioned order. The presentation ended when he “also expressed that there will not be any adverse environmental impacts in the surroundings due to the proposed industry (Andhra Pradesh Pollution Control Board 2007).” 40 people spoke at the hearing of which only four were in favour. The conclusion was that 96% were against the project of those attending (Andhra Pradesh Pollution Control Board 2007).

The environmental public hearing has only a consultative status and it is thus fully possible not to follow the recommendations of those voicing their opinions at these meetings. The MoEF expert committee meeting held in Delhi’s central administrative quarters on Lodi road in October 2007 called AP government and JSW representatives to ask them why people were opposing the project. Blame was put on external mining protesters. Meeting notes reveal that the “Representatives of the Government of A. P. informed the [MoEF Expert] Committee” (Ministry of Environment and Forests 2007b) that “[m]ost of the persons attended (sic.) the Public Hearing were outsiders and not the real stake holders and directly affected parties” (Ibid.). In fact “[a]ll the local authorities concerned with the project whose consent is necessary and all the Sarpanches/Panchyats/Hamlets have supported the project without any reservation” (Ibid.). The signatures of the local sarpanches declared that the ‘real’ project-affected people were in favour (Ibid.).

Neither activists nor those losing land had any knowledge about what was going on in these high-level meetings in Delhi. Agendas are usually posted on the MoEF website in advance for those who are able to access these, but the meeting notes would not be available until more than a month after the meeting had actually taken place. Since Right to Information would take as much time or longer than waiting for the notes to be posted online all that could be done was to wait for the minutes to be posted on the website. This gave the planners a significant advantage of at least a month to move ahead with plans. Instead of drawing the conclusion that no refinery should be approved separately from the mine which it requires, or at least not ahead of the mine to create undue pressure to approve the mine later, it was enough to get the signatures of the same Panchayat leaders who had already signed documents to agree to the refinery far removed from any real democratic participation. The refinery was thus approved six months after the stormy public hearing held in June 2007 (Ministry of Environment and Forests 2007e). Land acquisition commenced only a few days after the environmental clearance was issued on 18th December 2007.

A public hearing is yet to be held for mines meant to supply ore to JSW Aluminium. Indications of how such a hearing would proceed comes from the public hearing which took place in October 2008 in Chintapalli town for APMDC-ANRAK's proposed Jerrela mine. A large gathering of protestors arrived at the site of the hearing, but so did a large police party which stopped and checked all approaching vehicles for suspected Maoists. No discussions according to PESA had been held in the area, Forest Rights titles had been claimed but remained to be settled. The distance away from the hills actually proposed for mining and the many people stopped from reaching the site made those who did come to the hearing walk out in protest (Interview activist Visakhapatnam 8/6 2008). The hearing was thus an affair of APMDC presenting the EIA with one University professor from Visakhapatnam making a few comments. Local people and activists were seen as having lost their chance to a hearing and the environmental clearance was approved in May 2009. It is currently under appeal at the National Environmental Appellate Authority in Delhi (as discussed in chapter 7).

The one mandatory point of information sharing and public debate which the environmental public hearing represents has still remained somewhat of a stumbling block for projects. However, the AP government has been able to find an 'innovative' way around it for a particularly important project. By notifying the area for the ANRAK Aluminium Complex as a

SEZ (Special Economic Zone) the AP government could acquire the land without a public hearing, and thus also without an EIA report spreading some amount of detailed information. The ability to do this rested on the technicality that the SEZ was seen as an industrial park which will have to get a number of companies in it before it can be assessed on its environmental merits. In this case there was only one company in the park, and it was well known that it was going to be ANRAK Aluminium, but the principle remained. Once the public hearing was held all land was already in the possession of the government. The result was that there was really very little left to discuss at the hearing other than the amount of money local people should receive in compensation for the land. Whether this attempt to prevent information disclosure will be possible to challenge remains to be seen.

6.3.3 Water for the refinery or for Visakhapatnam city?

Even municipal councillors of Visakhapatnam city, the second largest city in Andhra Pradesh, have found it difficult to withstand the power of the Chief Minister over access to vital local resources. The issue is over water, a very sensitive topic since the city is growing rapidly with frequently occurring water scarcity. The JSW refinery located about 60 km from Visakhapatnam city needs as much as 30 million litres of water per day and is located just next to an important water reservoir. The Tatipudi reservoir used for local agriculture in Vizianagaram District (though not at the refinery site since the irrigation canals bypass the area) and as a source of drinking water for Visakhapatnam city is only 2-3 km from the proposed refinery site and was therefore immediately suspected to become its main source of water. The EIA report remained vague over the water source however stating that:

Water requirement will be met from Raivada reservoir [another dam in the area] or from such other sources or from any existing water reservoir with approval of Govt of Andhra Pradesh which have no impact on local environment. The water will be taken from the source to the plant site through pipeline. The water requirement for the proposed plant and it's associated facilities will be about 33,600 m³/day (Vimta Labs 2007, C2-3).

Just ahead of the public hearing as sentiments were running high over the water issue (among other things), JSW issued a press release declaring water would come from Visakhapatnam city via the municipal Greater Visakhapatnam Municipal Corporation through a dedicated pipeline instead of from the Raivada reservoir indicated in the EIA. The approval to draw water from the city was secured 1 week ahead of the public hearing on 28 May 2007 "in view of apprehensions expressed by some sections of people in the media" (JSW Aluminium 2007). Meeting minutes from the Chief Minister's office reveal that as late as in early May 2007 the plan was still to follow

the EIA report and get water from the Raivada reservoir but this changed by the middle of the month when the JSW chairman made a visit at another high-level meeting (Government of Andhra Pradesh, Industries and Commerce Department 2007a; Government of Andhra Pradesh, Industries and Commerce Department 2007b).

Granting water to industry, and that too industry outside of the city limits, for water-short and quickly growing Visakhapatnam city was not going to be popular among Visakhapatnam city residents however. Several issues were at play with the proposed water supply. Firstly, the ability to supply water depends on Godavari river water arriving from the Polavaram mega dam to Visakhapatnam city in order to re-route this water to the refinery. But the dam has been locked up in litigation for a number of years making it certain there will not be any water in several years, if at all. Secondly, water from Godavari/Polavaram when/if it arrives has already been promised to the farmers who had to let go of part of their share from the Raivada reservoir when its water was diverted to Visakhapatnam city in 1997 (Government of Andhra Pradesh, Irrigation and CAD Department 2007). Thirdly, water is already insufficient for the needs of Visakhapatnam city with requirements projected to grow dramatically from 304 million litres per day at present to 614 in 2021. Industrial needs are expected to reach 1151 million litres per day in 2021. Compared to these demands the current supply is only 54 million litres per day due to recent drought conditions. The water from Godavari would add another 810 million litres per day which is still quite far from satisfying even the projected water requirements of the city, let alone all other demands for water (Visakhapatnam Urban Development Authority 2007). The conclusion is that the uncertain supply of water from Godavari would have to contend both with strong farmer lobbies and Visakhapatnam city residents before any supplies are made to industries like JSW.

The contract to supply water was made via VIWSCO (Visakhapatnam Industrial Water Supply Corporation), a company owned by the city of Visakhapatnam via its municipal corporation GVMC together with central government entity Vizag steel and private company Larsen & Toubro. With a 51% majority controlled by the city it would have seemed within its right to cancel any contract (these contractual matters were not analysed as much in the news as political statements and counter-statements hiding the 'facts'). In the month following the public hearing, debates in the Visakhapatnam city council were intense over the water supply issue. At first the supply agreement, which had been a technical one made by an engineer, was cancelled (The Hindu Business Line 2007b). Newspaper articles over the following weeks indicated that pressure was being put on the city councillors to approve the supply of water without really indicating the

nature of pressure or who was exerting it (The Hindu 2007a; Patnaik 2007; The Hindu Business Line 2007a). A few weeks later the mayor declared that the agreement was approved again and the refinery would be allowed to use Godavari water (The Hindu Business Line 2007c). Again, there was no explanation provided on how the water supply company would be able to manage serving its different customers. One commentator stated that the “city council are just following what the CM wants whether there is enough water or not” (Interview activist Visakhapatnam 29/3 2008).

But when the environmental approval letter for JSW’s refinery was made public the discussion returned to where it had begun since according to the MoEF letter the “[t]otal water requirement from Canal/Tatipudi reservoir will be 8 MGD (1,400 m³/h) and permission is accorded by the Greater Visakhapatnam Municipal Corporation (GVMC) [via] letter dated 28th May, 2007 (Ministry of Environment and Forests 2007e).” When the 28 May letter referred to in JSW’s press release was supposed to open up for the use of Godavari water via VIWSCO, the MoEF approval letter indicated the Tatipudi reservoir as the source. A new round of media discussions followed with the company denying it will take local water but evidence indicating the opposite. Importantly for the project was that land acquisition could move ahead as the environmental approval had been received.

The contract to supply Godavari water to JSW Aluminium remained despite the protests and the seeming impossibility of meeting all water needs. And in addition to JSW, 38 million litres per day was allocated to the ANRAK refinery from VIWSCO further deepening the water supply conundrum (GVMC 2008). Squeezed between several strong interest groups; farmers demanding water for agriculture based on earlier promises made by the State government, residents of Visakhapatnam city in need of drinking water, and the State government’s promise to supply water to the refinery, the contract to provide water for JSW Aluminium from the Godavari stood. In 2008 the TDP organised a ‘mahadharna’ (mega strike) on the issue while activists continued to ask questions in 2009, and resorted to court litigation to resolve where water would actually come from (The Hindu 2008b; The Hindu 2009d).

But the State government continued to do nothing (at least publicly) to solve the issue. The answer to whether water will be provided to Visakhapatnam city, to local farmers or to the JSW refinery will seemingly depend on the balance of power between different users at some point in the not so distant future. If the recent past is a good indication it will be the farmers who lose out

while the elected politicians find somebody else to blame for their decision (or lack of decision) to allocate water despite the apparent scarcity.¹⁰²

6.3.4 Bringing people back in

The story so far on the possibilities for deliberations in existing forums on the use of land and water is uniformly one of State government attempts to curtail debate. But this does not represent the entire picture since in the different arms of the government, State as well as Centre, there are different opinions of what should be done to land and resources in the Agency. These seemingly always ongoing processes to re-negotiate who is allowed to participate and make decisions signify that new possibilities might emerge as soon as old ones are found to be under the control of vested interests who want to limit the debate.

Recently the internal debates in governments became apparent when the Tribal Welfare Department was encouraging people in Araku to claim titles under the Forest Rights Act (Government of Andhra Pradesh, Integrated Tribal Development Agency 2007). During fieldwork in the Agency it was found that the historical opportunity to get rights to land for farmers based on customary usage had been applied for by every household surveyed. As one arm of the State government, the Mines & Geology Department, was attempting to permanently take away land for mining another, the Tribal Welfare Department, was trying to support people to get the land titles issued. Indicating the difficulties of predicting final outcomes, wildlife concerns in the form of the endangered Blewitt's Owl suddenly halted the mining project in Araku and Ananthagiri Mandals and offered a chance to settle the forest rights. But many uncertainties remain regarding what will happen even if the forest rights settlement process is completed. What is the legal protection against acquisition for the title deeds conferred under this Act compared to private *pattas*? To what extent, if at all will people be consulted before the acquisition of this land? And how will compensation be calculated? The Act is silent about these issues and it can therefore be expected that future litigation will have to decide.

The latest part in the often bewildering changes which are taking place in the battle over local representation, is the MoEF circular which makes it mandatory to consult Gram Sabhas across India before any land claimed under the Forest Rights Act is used for other purposes. No land

¹⁰² When water was diverted from the Raivada reservoir to Visakhapatnam in 1997 then Congress opposition politician Konathala Ramakrishna went on a hunger strike on behalf of the farmers. In the 2004-2009 period he was the most powerful State government minister from Visakhapatnam District and a strong supporter of the bauxite project (Interview retired IAS officer Visakhapatnam 29/3 2008). In 2008 the TDP opposition was keen on highlighting this dilemma but remained silent on the fact that they in government were the ones who had decided to take water from the Raivada reservoir for Visakhapatnam city in the first place (The Hindu 2007a).

can be used for other purposes unless a majority decision in the Gram Sabhas of the area has approved the changed land use including the compensation they will receive (Ministry of Environment and Forests 2009). The new Act and an Union Environment Minister intent on seeing it implemented seem to support the Samatha Judgement's intent to have local decision-making over natural resources and a community right to be compensated for the use or extraction of these.

The Indian regulatory landscape at times opens up new possibilities for the poorest despite the general trend of a consolidation of power at the top. But the fractured openings in an ever-changing, contradictory regulatory system mean that only some of all those potentially benefiting from this kind of change will actually be able to do so since it will depend on the ability to access information about potential rights and then find an appropriate way to approach the government to get these rights (including the ability to take the matter to court). The people of the Agency are not likely to on their own to be able to utilise new legislative opportunities. But since tribal welfare issues, usually defined as related to tribal people living in the Scheduled Areas, are being followed by some of the most capable civil society actors of the State we might see implementation in the Agency, while the not quite so poor and, crucially, not Scheduled in S Kota are left out.

6.4 Technical exclusions in Environmental Impact Assessments

Using EIAs to understand livelihood impact come with significant limitations given that people, habitations and livelihoods at the proposed site find almost no mention. Indirectly important information is required in the 2006 EIA Notification about existing and planned new land use including a demand to specify in hectares the extent of land proposed to be used with special emphasis on the use of agriculture and forest land (Ministry of Environment and Forests 2006). Though no larger survey is available detailed land information, or even the exact location with project boundaries, are routinely not provided in bauxite project EIAs (Vimta Labs 2006; Global Experts 2008; BS Envi Tech 2008; Indian Council of Forestry Research and Education 2008). Presumably sensitive land details can be omitted since regulators have tended to approve the EIA anyway. An alternative explanation for these omissions would be that the consultants simply do not know exactly where the proposed project is coming up given the unknown strength of local protest and the many last minute changes to the extent of the land.

The task of the EIA is instead limited to measure existing pollution in the area, detail the proposed pollution control techniques, and estimate future pollution load once the proposed activity has started. As long as the future pollution load is within the national limits for all the measurement locations within a ten kilometre radius from the proposed site, and there are no special biodiversity reasons why the activity should not be allowed, there are few regulatory possibilities to deny an approval. The result is that pollution mitigation plans are made without taking into account the locations where people live and work, and therefore would be most likely affected in case of a spill.

But even within this narrow scope of the EIA process there are reasons to question the reports on the technical exclusions that seem to be part of current Indian practice (Amnesty International forthcoming; Vimta Labs 2006; Indian Council of Forestry Research and Education 2008; BS Envi Tech 2008). This includes the way general statistics are given for the District rather than for the actual area which is acquired, and how a standardised 10 km 'study area' is used to detail environmental pollution with the effect of hiding local details and presenting a view which might not correspond to the actual ways in which an industry spreads pollution. Other EIA exclusions include maps which do not detail whether there are villages on or just next to the proposed project boundaries. And the pollution control measurements can ensure people are not taken into concern in future monitoring by choosing not to include nearby habitations. This effect becomes particularly severe when the pollution monitoring avoids those locations most at risk given the prevalent wind direction and ground and surface water flows. The way the EIA focuses on narrow technical issues frames the discussion away from larger issues of resource use and local livelihood concerns.

When environmental impact assessment reports are often found to be lacking (Dutta 2009; Bhushan et al. 2008) it is nevertheless well-known that the discrepancy between plan and implementation is at least equally large (Behera 2008; Nayak 2008; Amnesty International 2010). Since this thesis is concerned with a mine and refinery still under implementation the discussion here is naturally limited to the EIA. For the refinery it is also possible to analyse the way land was acquired and its implications for pollution control. The EIA report discusses pollution as a matter of technical measurement and mitigation which can be equally applied in any location, rather than something which needs to take local livelihoods and environments into consideration (Tingay 2010).

Despite these deficiencies the EIA and its public hearing have for many years constituted the only public discussion point and have therefore received wide attention among activists in India. The often poor quality of EIAs and the way reforms in the environmental regulations have changed in recent years are among those best understood and critiqued in the entire regulatory system of investment approvals.

6.4.1 Refinery EIA

The environmental public hearing for the initial refinery location at Sabbavaram in Visakhapatnam District had been held just days before the new EIA study was supposedly initiated in November 2006 (The Hindu 2006b). Such was the rush to get the environmental approval application for the new location completed that it seems like the Terms of Reference document setting out the requirements for the report did not reach the consultants until the end of March 2007 (Vimta Labs 2007; Ministry of Environment and Forests 2007a). Information about the changed location seems to have been circulated in the media only towards the end of December 2006 (Patnaik 2006).

The way land acquisition proceeded at the refinery left people more vulnerable to pollution than would have been necessary. By looking at the 10 km study area rather than those having land acquired we get a population of 65,155 people where 13% are tribal and 10.5% are dalits rather than the much higher concentration of tribal people at 57% and dalits at 8% respectively presented in Table 8 on page 127 (Vimta Labs 2007). Further, the goal of minimising official displacement by circumventing house sites left hundreds of people in several villages in the immediate vicinity of several potential sources of pollution without significant buffer zones. The waste ponds can spread pollution either as dust in case of strong winds, or via water over the waste pond walls in case of a flood or into the groundwater if the ponds are not properly sealed. Close proximity to the waste ponds are for all these forms of pollution more likely to cause increased problems for people (though in the case of water the flow and direction of water bodies and groundwater are also of relevance). Air pollution as part of the processing activities, and from the thermal power plant are also important. Indirectly livelihoods are at risk since surrounding agricultural lands are likely to suffer from reduced productivity.

For the EIA soil samples were taken along the main roads rather than at or near the planned sites for the red mud or the fly ash dumps. Wind directions for the winter season are measured as being North-West or West-North-West for 30% of the time but only two out of eight air samples are taken in this direction. Water and air samples follow the same convenient locations without

mentioning reasons either from pollution prevention or from health effects to the population angles. Groundwater samples were similarly chosen not close to waste pond sites where pollution is most likely to happen. All emissions will be within the prescribed limits and therefore pose no risks to human health and safety, or to plants and water sources.

The EIA fails to mention the fishing pond which is located in between the main plant site and the red mud waste pond. It also does not mention the rivulet Chilikalagedda which seems to run just on the borders of the proposed fly ash pond. There is no mention of groundwater levels which could be expected to be shallow given the proximity to the Tatipudi irrigation reservoir. No hydrological maps are presented to indicate other water bodies and their flow. Groundwater flow is also not presented. Thus, the risks involved with a potential spill from one of the waste ponds and the risk of it spreading into surface and groundwater sources can not be evaluated based on the information presented. But reading the EIA the impression is that on all accounts is the refinery an opportunity for economic development with only minor risks:

The proposed alumina refinery has certain level of marginal impacts on the local environment. However, development of this project has certain beneficial impact/effects in terms of providing the employment opportunities that the same will create during the course of its setting up and as well as during operational phase of the project (Vimta Labs 2007, C9-1).

Actual pollution mitigation of course also depends on carrying out plans as predicted in the EIA report and using the installed equipment. The Vedanta alumina refinery in Lanjigarh, Orissa is the most thoroughly analysed refinery in India and presents a long list of issues which did not follow the predictions of its EIA; the waste volume reduction system was not used resulting in excess toxic water being disposed off in waste ponds not designed for this purpose; the ground in the waste ponds had not been prepared properly leading to leakages to groundwater and a nearby river; dust and other forms of air pollution have also been found to be intense for many reasons including use of coal with higher sulphur content than prescribed and no dust mitigation efforts for either transport or waste areas. The sensitivity to pollution is also high since people of the Lanjigarh area live right outside of the boundary walls of the refinery, as is proposed to happen at S Kota (Behera 2008; Nayak 2007; Amnesty International 2010; Amnesty International forthcoming).

6.4.2 Mining EIA

The public hearing for the APMDC-JSW mines of the Araku Group have been delayed several times without an official explanation. Most recently the hearing was supposed to be held in October 2009. The EIA, believed to have been made as early as 2006 though it is undated, has thus not been made available to the larger public. As with the APMDC-ANRAK bauxite mines in Visakhapatnam District it is the central government institute, the Indian Council of Forestry Research and Education, which is responsible for the EIA.

The APMDC-ANRAK mining EIA manages to carve out an area of operations for the mine where no displacement will take place. When no displacement or compensation issues for people exist the report is framed safely within the terms of compensating for forest loss between different government departments since the land has been settled as forest land. At the mine site the Galikonda EIA manages to completely erase the only village which exists on top of the mountain and which would seemingly have to be acquired (Indian Council of Forestry Research and Education n.d.). How it can do this is quite mysterious since the village Barjholia is mentioned in several sections in the report. It is enumerated among villages close to the mine site (without further details about its exact location), and soil samples have been taken “on the way to Barizola (Indian Council of Forestry Research and Education n.d., 63).”

The exact borders of the mining areas are not known, indeed the limits have not been properly presented even in the EIA, making it impossible to understand the detailed land impact. But similar to the refinery the mining EIAs fail to consider the precarious locations of many villages in the valleys below the mine site. Dust pollution and water runoff might prove hard to contain. Boulders and other debris could easily reduce agricultural productivity. And even if plans to create new forest in the mined out area succeeds this is likely to be based on commercial forestry which does not take into account the existing unique environmental qualities or the livelihood needs of people.

This area is also defined as having very little forest cover or other important environmental values (which could have included the rare Blewitt's owl for example). Beyond the borders of this area we know a significant population makes a living from coffee plantations and farming in similar ways to the Araku area. But the EIA does not tell the reader where in relation to the proposed mines these people live but generally promises that pollution will be within the prescribed norms (Indian Council of Forestry Research and Education 2008).

The accountability aspects of the EIA are particularly weak. Three monitoring stakeholders are identified for waste management; the contractor, APMDC and the Forest Department. But in the environmental monitoring plan only APMDC and the Forest Department find mention with the former taking all roles other than those directly relating to trees. Why there is no role for even the State Pollution Control Board remains unanswered.

The Galikonda EIA even seems unsure of its own mitigation efforts. On the one hand any negative concerns presented in the report are not based on the supposedly authoritative science represented by the environmental consultants but only those of local people. The EIA report includes statements such as “local people have the apprehension that their coffee plantation[s] may be disturbed” (Indian Council of Forestry Research and Education n.d., 192) or “the local people perceived that the water requirement for the Mines may reduce their water availability” (Ibid.). But on the other hand the EIA proposes “[c]ompensation of local people for their disturbance of agriculture/plantation lands, and deterioration of soil quality due to soil erosion, landslides, flooding, loss of fertility etc” (Ibid., p.151) and “[c]ompensation in terms of loss of agricultural crop/coffee plantations“ (Ibid.). It seems like the environmental experts who wrote the report are not willing, or able, to side with those who might suffer negative consequences, yet they are finding ways to recommend some remedies without acknowledging whether concerns are real or imagined. When it can not be determined that concerns are genuine, and still there is compensation proposed, this compensation appears to be more welfare than a right. Other mines will thus not be obliged to provide even this support unless faced by similar public attention.

6.5 Conclusion

This chapter has examined the possibility for mediation through regulatory processes between the conflicting needs to protect tribal livelihoods or introduce bauxite industry. This story, especially when read together with the framing of land acquisition in chapter 5, reads almost entirely as a concerted government effort to circumvent or exclude poor people and those interested in social and environmental concerns. This is perhaps not surprising based on the literature on patronage and industrialisation. And yet the fact that so many protective laws exist, and many different Departments in which administrative approvals are produced, indicate at least possibilities for wider concerns to be raised. It took a good amount of ‘ingenuity’ and effort for the bauxite alliance to facilitate the many investment approvals and still avoid the influence of outside voices which would most likely not have approved of their plans.

The main point of contention for approvals has been the right to representation. Elected Panchayats were either completely sidelined as in the proposed mining area, or put under heavy political influence as at the proposed refinery in much the same ways that even the municipal councillors of Visakhapatnam city had to stand to the side after what was perceived as pressure exerted by State politicians. These tactics did not work for Central government approvals like that for the environment however. The environmental public hearing had to be held in a relatively open manner and its rejection of the planned refinery was brought to the MoEF expert committee at the Centre. But in the end the bauxite alliance with its direct links to top decision-making forums could overcome this hurdle as well and allow the approval. Oppositional counter-claims could never reach Delhi in time due to informational disadvantages.

Investment approvals are not posing the same challenges as they used to prior to economic reforms but the experience for the bauxite project is that this is not so much due to them being abolished but rather part of the new priority given to approving projects over other goals. The many concerns relating to displacement, environmental degradation and water use are thus only to a very limited extent, if at all, mitigated by these complicated procedures. It can therefore be tempting to see investment approvals as mainly being about going through the motions of procedures which have little or no meaning. But the sheer complexity and number of documents required, the many plans and at least a few transparency clauses where information has to be shared, do represent openings for challenges. There is strong tension between the political efforts to facilitate investments on the one hand, and the continued existence and even creation of new policies which attempt to enable better representation. The end result of these tensions is great uncertainty over outcomes since gaps will be left to allow legal and other forms of challenges.

The EIA reports for the bauxite project presented a technical view of environmental mitigation which did not attempt to take into account the locations where people live, local livelihoods or even particular site conditions in its plans. Making people invisible helped lower the possibilities for demand over representation but also enabled compensation (redistribution) to be set to virtually the lowest amounts allowed by the law.

Given the description of government mediation mainly along the lines of investment facilitation in this chapter it should perhaps come as no surprise that a lot of opposition was created against what was perceived as the planning of unjust outcomes. The next chapter takes a look at how

these injustices created an opposition to the bauxite project which played its part in the mediation of outcomes by demanding a stop to mining based on social justice for tribal people, but also on the inability of the government to allow wider deliberations or provide fair compensation.

7 Attempting to talk to the hand: The challenges facing the opposition to bauxite mining

7.1 Introduction

Despite the pessimism of the previous chapter where government mediation overall showed little concern for public concerns such as social and environmental matters, there were others working for a broader and more inclusive perspective. A large number of actors and organisations have protested against especially bauxite mining and demanded plans to be withdrawn based on the need to protect tribal land and the impossibility of properly compensating those affected. Any real mediation is thus found to be dependent not so much on the State government but on the amount of pressure civil society actors are able to exert. For the opposition to the bauxite project to have a significant impact it will need to open up the government for engagement out of the private sphere of policymaking and project implementation in which issues are currently dealt with together with select business interests.

This chapter starts off with an examination of why the possibilities for the immediately affected tribal people to make their voices heard have been so limited, whether they live in the hills, cut off from much of the rest of the State, or on the plains. The next two sections examine the main opposition to the project, consisting mainly of urban NGOs and members of left parties, and the attempts to affect change through political mobilisation and litigation.

7.2 Why is there so little agency in ‘the Agency’?

The first challenge to opposing the bauxite project has been to find enough grassroots support to allow large-scale mobilisation at the sites. A starting point for explaining the low activity among tribal people themselves seems possible in the general lack of resources, which in much of the social movements’ literature is a key concern for understanding why movements fail to occur (Goodwin et al. 2003). Seen in this light it might not be a major surprise to claim that poor people in remote hills with a difficult topography, conditions found in the Agency, will find it very difficult to on their own create and sustain an opposition movement. And yet tribal social movements have at times been very strong in Andhra Pradesh as well as in many other parts of India. A look across the border to Orissa would indicate a very different situation where at least in some cases local people facing industrialisation have protested strongly, for example against the bauxite project proposed in Kashipur. As one activist commented:

Kakinada is the one place in AP where there is a strong local movement against a project. People tend to look down on Orissa for being backward and say that in AP we have so many

movements but this is not really true on the ground. In AP there is not the same type of grassroots resistance and much could be learned from POSCO, Kashipur etc (Interview activist Visakhapatnam, 3/1 2008).

But the weakness in local resistance could also be assessed as a sign of maturity:

There is not the same strength of movements in AP but also not the same domination by outside middle-class leaders as in north India. You have to show you are giving real benefits rather than go on talking about the same old thing whether this is the Samatha Judgement or the Forest Rights Act (Interview activist, Hyderabad, 22/2 2008)

A better explanation instead seems to be the possibility to localise resistance to the immediately affected villages. If the government had proposed to change land rights legislation across Andhra Pradesh a much larger opposition would have been expected similar to what the earlier TDP-led government encountered in 2000.

TDP was outright trying to change the 1/70 Act [the AP Land Transfer Regulation of 1970] which was against the interest of all tribals and got massive protests until the deal was cancelled. The Congress says it is upholding the 1/70 but does mining. In this way mining has become a local issue with less protests compared to earlier (Interview elected CPM representative 8/5 2008).

In addition there are special challenges facing any potential social protest in the Agency. The continuous Naxalite presence since the 1960s has resulted in significant security operations by the State government often restricting public life. Encounter killings of suspected militants used to be rampant in the Agency as elsewhere as part of AP government attempts to combat Maoists (Balagopal 2006). Maoists operate less frequently in the Agency these days compared to as recently as 10 years ago much due to the special police force. Nevertheless people associated with the government have been killed recently by the Naxalites, and this too expressly for supporting bauxite mining (Sreenivas 2009; Deccan Chronicle 2008; The New Indian Express 2007; The Hindu 2007b). Even limited Maoist presence makes it more difficult for political parties and NGOs to operate in the Agency. Additionally it enables the government to frame people as Maoists. While local CPI activists were taken to jail for agitating against bauxite mining during fieldwork (Interview CPI party member 7/1 2008), mainstream parties did not seem to be overly restricted in their abilities to organise public meetings or move between villages. A former Naxalite supporter had even become the MLA in Paderu, the constituency next to the proposed Araku group of mines.

Only one example was found of an independently organised group making claims on bauxite, the Adivasi Vimukti Sangathan (Adivasi Liberation Organisation), based in Paderu town of the Agency. This is a recently formed group of young, first generation educated tribals who have chosen to stay in the smaller towns of the Agency rather than to move away for better job opportunities on the plains. Other organisations called themselves ‘community based organisations’ but were dependent on outside funding via larger NGOs, or were related to a political party like the AP Girijan Sangham (Tribal Organisation/Movement), the local wing of the CPM. When money gives voice, this voice is overwhelmingly with non-tribals.

Village leaders¹⁰³ visited in the Agency during fieldwork remained largely non-committal on whether they would join a protest movement or not. Since no activity was seen on the ground at the time of visits a tactic of wait and see was seemingly adopted. One village indicated its willingness to send a few people to protest rallies despite mentioning Congress contacts as the most important (Interviews Araku mandal 10/5 2008). Another village had seen internal strife when a few educated villagers had argued against the village leader in support of mining (Interviews Ananthagiri mandal 10/4 2008). Yet other village leaders already had roles as members of parties and/or NGOs who were strongly against the project. Somehow the general sentiment had come to be that mining represented a threat rather than an opportunity for reasons which limited fieldwork at the sites could not hope to fully understand. Despite the ambivalence shown in interviews, general sentiment against the mines was widespread to the point where even government officials would warn against venturing out into the villages since they were against the mining (Interview Revenue Department Employee Araku Mandal 8/5 2008).

By and large it seemed like the lack of local mobilisation was a cause for concern also among those who had been using the courts to good effect when demanding that the government would follow the law:

It will come through [meaning the project will move forward] but right now the tribals of Vishakhapatnam are resisting. It is ultimately the physical resistance which counts. When the bulldozers come are you going to remain standing (Interview activist Hyderabad, 7/3 2007)?

The lack of noticeable mobilisation at the proposed sites during fieldwork did not necessarily mean that people were passive. They just did not have the means to voice their opinions and instead waited for tangible signs to target.

¹⁰³ Though the organisation of traditional decision-making forums within villages in the Agency is likely to vary depending on the community in question responses indicated that the head’s authority was rarely questioned.

They [JSW] did not ask to give our land to them. They did not know peoples opinion, there is no agreement with Gram Sabha. All this was done in secret manner. They are working [surveying the land] when we are away from the fields. When we see these people working on our land, we catch them and beat them and give the information to newspaper reporters. We have done this two-three times (Interview S Kota Mandal 26/1 2008).¹⁰⁴

Like the ‘weapons of the weak’ described by Scott (1985), people in the Agency, like those in the S Kota area before them, would target any sign of this unpopular project by sabotage or engage in other disruptive activities once these become visible. These are the only means available to them when most of the work proceeds in inaccessible government and business forums far away from their habitations. There are limits to this sabotage however since, as happened in S Kota, long-drawn protests when the government can claim to have followed the law, may result in people getting arrested.

7.3 The opposition to the bauxite project

When local mobilisation was limited, the campaigning by non-tribal organisations and parties took on crucial importance. A number of NGOs¹⁰⁵ and left parties¹⁰⁶ formed the main part of this opposition. Though as we will see the project opposition was not particularly well-coordinated, it was able to highlight the immediate threat of displacement for tribal people, and shared a wider concern over what would happen to natural resources and livelihoods if mining started. There was a tacit agreement among this diverse set of actors that the risks of mining were too large and the project had to be stopped. Based mainly outside of the Agency, the organisations and actors of this bauxite project opposition had, compared to tribal groups and individuals, greater freedom to operate, better resources and, education as well as better access to media and the courts.

Many organisations had been engaged with the issue for more than a decade which meant that there was ready support for new campaigning as soon as the bauxite project was announced in 2005. A set of strategies which had proven successful in preventing past projects could again be

¹⁰⁴ There is no evidence of any government worker or other surveyor working for the project having ever actually been beaten up so this testimony might be a slight exaggeration. Several people did display instruments they had confiscated however.

¹⁰⁵ The perception of NGOs as money enterprises has created a rift where many organisations will refuse to call themselves NGOs and be sure to clearly differentiate between NGO employees and activists. It is believed the term NGO can still be used in this thesis to signify a wide range of organisations working on social issues however different their styles of operation may be.

¹⁰⁶ BJP and the TRS have virtually no presence in coastal Andhra so have never taken a position on the issue. All other opposition parties have been opposing the project although with varying levels of intensity. The new party Praja Rajam headed by movie idol Chiranjeevi had not been formally launched at the time of fieldwork and its position remains largely unknown.

employed. At the same time bauxite mining agitation had become widespread enough to attract interest from political parties which came with its own opportunities as well as risks. For now it should be enough to conclude that earlier campaigning on bauxite mining which had been led by NGOs now broadened to include left political parties. Certainly this was not a grassroots opposition, a mass-based uprising with a local base. Most activities were based on raising public opinion and using the courts rather than the political system of the State Assembly or National Parliament.

7.3.1 Opposing organisations

To understand the impact of the bauxite opposition the main organisations which were part of it, the claims that were made, and the activities carried out are discussed in the following sections. The bauxite opposition was very active during fieldwork both in the Agency and in other parts of coastal AP. Much of the media and policy activities took place in Visakhapatnam city while mass meetings and other outreach activities naturally centred on the proposed sites of the project. Table 10 below summarises the main actors opposing the bauxite project, and their main strategies and partners. In the table, 'legal' work is to file cases in various courts of law but occasionally also try to use various government institutions such as the AP Human Rights Commission or the Central Vigilance Commission to highlight certain wrongs. 'Media' involves writing articles or providing information to journalists to raise public awareness on a certain issue. 'Grassroots' work is more mixed including public meetings, production of information leaflets and booklets, and organising *padyatras*, the in AP very common foot march when politicians and party workers take their messages to 'the people' by walking like common people. 'Political' work for the parties involves raising questions in Assembly and Parliament or in other ways attempting to use normal political methods. For NGOs political work can be more indirect by making representations to politicians who might support their cause.

Table 10: Main organisations in the opposition to bauxite mining

Organisation	Strategy	Collaboration
NGOs		
Samatha	Legal, media, political	CPM
Sakti	Legal, grassroots	-
Human Rights Forum	Legal, media, grassroots	CPI, CPM, CPI-ML
Political parties		
CPI (Communist Party of India)	Grassroots, political	CPM (State-level)
CPM (Marxists)	Grassroots, political	CPI (State-level), Human Rights Forum, Samatha
CPI-ML(New Democracy) (Marxist-Leninists)	Grassroots, political	Human Rights Forum
Revolutionary		
CPI Maoist	Violence, media	*

Note: * Collaboration with the CPI Maoist is illegal

The three most active civil society organisations on the bauxite project, referred to here as NGOs, all have histories of working on social issues in the area going back to the 1980s. Sakti and Samatha can both even be said to have mining and tribal rights as part of the core of what they do. With this in mind it is peculiar to find that there was no collaboration detected between these three organisations during fieldwork though they have known one another well for decades and are all largely working towards the same goal, i.e. to stop bauxite mining.

Left parties are grouped according to parliamentary (CPI and CPM), semi-parliamentary (CPI ML(ND)) and revolutionary left (CPI Maoist) which indicates the extent to which they engage with formal politics as opposed to revolutionary activities. The TDP party is not part of the list of organisations since its earlier history while in government and activities at present makes opposition to bauxite seem more populist than sincere. Collaboration did take place at times with TDP however to make use of its superior resources.

Samatha was founded in the late 1980s but was able to expand significantly after winning the Supreme Court judgement in 1997. It and has since been able to expand along quite traditional NGO lines with a set of offices, regular staff employed, supported by national and international grants to do work loosely associated with tribal welfare or mining. All this time the organisation has been headed by the couple Ravi Rebapragada and K. Bhanumathi. Whether there have been earmarked funds or not, Samatha has remained engaged with mining issues leaving little question as to where the organisation stands on the issue. A number of smaller NGOs in the coastal Andhra Pradesh region receive most or all of their funding via Samatha though otherwise operating independently. Samatha is also heading the national network ‘mines, minerals &

People' (mmP) which consists of a range of NGOs and activists across India working on mining issues. The organisation thus has possibilities to act locally as well as at State and central levels.

Sakti is run by Dr Sivaramakrishna who during the course of his PhD on tribal folklore seems to have gained an understanding of the many injustices faced by tribal peoples. Many years of work on the ground in especially West and East Godavari Districts has made him a true expert in the settlement patterns of land and the ways in which one can engage with the government and the courts. He is, however, also an office-holder of the Hindu right-wing organisation VHP (Vishwa Hindu Parishad, World Hindu Council) and as such very controversial to anyone else in the bauxite project opposition more influenced by left arguments. *Sakti* has been active on tribal rights ever since the early 1980s. It has, like Samatha, been litigating on mining but also against other non-tribal commercial activities in the Scheduled Areas of the State, whether done by government or private companies.

The loosely left-oriented *Human Rights Forum*, an offshoot from the civil rights movement and specifically APCLC (Andhra Pradesh Civil Liberties Committee), is a self-funded group of middle-class activists with State-wide reach who are able to do human rights work alongside jobs like lawyers, teachers or journalists. A core concern for the Human Rights Forum has been to try to ensure that governments, and especially the AP State government, follows the law while fighting Naxalites. However, the Human Rights Forum has also been urging the Naxalites to stop using violence as a means of furthering their cause. In recent years the Human Rights Forum has become further engaged with economic and social rights, including bauxite mining, partly as a result of the reduced intensity in the government-Naxalite conflict in Andhra Pradesh. The Human Rights Forum was headed by K Balagopal, a human rights lawyer and prolific writer on social issues in English as well as in Telugu, until his untimely death in October 2009.

CPM, like the other left parties, does not have overall coverage even in tribal Visakhapatnam where it has been very active in recent years, but has instead worked in pockets where it has a local supporter base, mainly in Araku Valley. District and Mandal party officials have been very active in staging *dharnas*, speaking at public hearings and conducting *padyatras* (Interview High-level CPM representative, Hyderabad 9/3 2007). At the time of fieldwork CPM had received a lot of criticism for how the Left Front government of West Bengal had forcefully acquired land and injured a lot of farmers in the process for industrial projects in Singur and Nandigram (both of which were cancelled later). Since West Bengal is the home State of all the national top CPM

leaders it was very difficult for the AP CPM party to distance itself from what was going on there. The party was nevertheless able to take a clear stand against mining based on tribal rights but never showed much presence in the refinery area other than to object against it as a way of opening up for mines.

CPI has worked in similar ways to CPM but in the Western parts of the Visakhapatnam District where the ANRAK Aluminium/APMDC project has been making strong headway. *CPI* party members were thus not encountered as frequently as those of CPM during fieldwork.

CPI-ML(New Democracy) (here abbreviated *CPI-MLND*) is one of several Marxist-Leninist groups active in coastal Andhra Pradesh as well as in certain other pockets across India.¹⁰⁷ The Marxist-Leninist groups are parties which have abandoned the cause of revolution, at least temporarily, to join in electoral democratic politics. As such they are ideologically much closer to the *CPI(Maoist)* with little belief in democracy, but still participate in elections and remain legal with no known connections to actual Naxalites. *CPI-MLND* are active in trade union work but became engaged on the issue of refinery displacement when other opposition attention was directed towards the mines.

The *CPI(Maoist)*, here referred to as the Naxalites, was formed through the merger of the Andhra Pradesh based Peoples' War group with the Jharkhand-centred MCC (Maoist Communist Centre) in 2004. Through this merger the two main Naxalite groups in India joined forces to get an almost complete coverage across tribal, central India, and also in pockets elsewhere across the country. It is predicted that Naxalites are present in 160 Districts across India (Banerjee 2006). The history of the Naxalite movement in India formally goes back to the rebellion in Naxalbari, West Bengal, in the late 1960s which gave it the name. A pre-cursor to this event was however the Srikakulam rebellion in coastal AP in 1969 indicating the long presence of violent left insurgency groups in the Scheduled Areas of Andhra Pradesh (Reddy 1977).

The Visakhapatnam Agency used to represent a core area of the operations of the Peoples' War but its presence is much reduced nowadays due to the strength of the State government special police force, the so called Greyhounds (Balagopal 2006). A number of support organisations have had to distance themselves from the Naxalites after the organisation became outlawed leaving it very isolated within the State at the moment. The experience of increasing strength of

¹⁰⁷ Other ML-formations include *CPI-ML* and *CPI-ML(Liberation)*.

the Naxalites in other parts of India has thus seen a reverse trend in Andhra Pradesh making the organisation much less influential than it used to be. The Naxalites do however make their presence felt in Andhra Pradesh at times from locations across the borders in Orissa and Chhattisgarh. Directly related to bauxite mining, the organisation has attacked a number of local politicians in recent years where one of their grievances was the proposed bauxite project. These attacks usually take place at night with few traces left behind but have been reported in the local news based on pamphlets left after the attack (Rao 2010; The New Indian Express 2007; The Hindu 2009b; The Hindu 2010a; Narasimha Rao 2010).

A number of other actors and smaller NGOs were also involved in protest activities against the bauxite project. Foremost among these were journalists of especially the Telugu language press, but also the more urban-based English language newspapers. Increasingly the so called electronic media, mobile 24 hour TV news teams, have become common. The role of media is important though often difficult to separate from formal politics since especially the two largest Telugu language papers Eenadu and Andhra Jyoti have a distinct TDP flavour (more on media in the chapter 8) while the new Telugu-language Sakshi newspaper and TV station was formed as a Congress counterweight with direct ownership by Chief Minister YSR and his family.

7.3.2 Claims made by the opposition

The issues presented in the previous two chapters, on tribal livelihoods (chapter 5) and bureaucratic approvals (chapter 6), formed the basis of agitation against the bauxite project. Potential oppositional claims based on economic rights or what appeared to be rent-seeking by members of the bauxite alliance (highlighted in chapter 4) remained largely absent however. It seemed like any suggestion towards a greater share of resources for local people would indicate an approval of the plans to mine and point towards possibilities to mitigate its negative effects. In other words this would be a sell-out when more important concerns were at stake.

Oppositional groups interviewed seemed to take corruption among top decision-makers for granted but believed that it was generally not possible to prove. Or as one opposition politician said about the Chief Minister and his suspected connections to the mining company Gimpex: “They mix like water and milk. I can give information which leads to suspicions but not direct evidence against Gimpex” (Interview opposition MP Hyderabad 29/2).

The CPM poster below (See Figure 7) can illustrate the type of claims which were being made by the opposition and provide some details to what appeared to be a largely shared view of the

Agency and its people.¹⁰⁸ The poster places the tribal far up on the hill surrounded by nature. Holding a spear makes the image of the tribal appear somewhat primitive rather than as a citizen with the right to self-determination. The hill is covered in greenery but it is not really obvious how anyone will make a living off these steep slopes and degraded forest. The Chief Minister at the time, Y Rajasekhara Reddy (YSR), is placed at the centre of the poster to signify his centrality to what is being planned but also to make it clear the poster is talking to the government. YSR is equipped with devil horns, possibly as an indication of him being Christian, but mainly thought to represent his perceived sinister plans. Foreign-looking company representatives are at the bottom of the poster despite one company being the Indian big business entity the Jindal Group, while the other is the government of Raz Al Qaima, part of the United Arab Emirates.

Figure 7: Anti-bauxite mining poster by CPM posted in Araku Valley in the Visakhapatnam Agency



Tribals on resource rich hills
 We won't sell our lands for Bauxite
 Officials! Don't enter our villages.
 The Congress Government Plans to steal the Bauxite Hills
 Jindal, Ras Al-Khaima Companies
 Signed: Communist Party of India(Marxist)

Source: Photo taken by author April 2008

As discussed in chapter 5, water changes from mining were among the top concerns. These had become widespread to the point of being seen as the truth among opposition members:

¹⁰⁸ In support of views of bauxite are also interviews (25-30 of them) with representatives of all organizations mentioned in Figure 7 below other than CPI which did not directly engage with the APMDC-JSW project due to lack of support in its proposed areas of operation, and the CPI(Maoist) since it is an outlawed organisation.

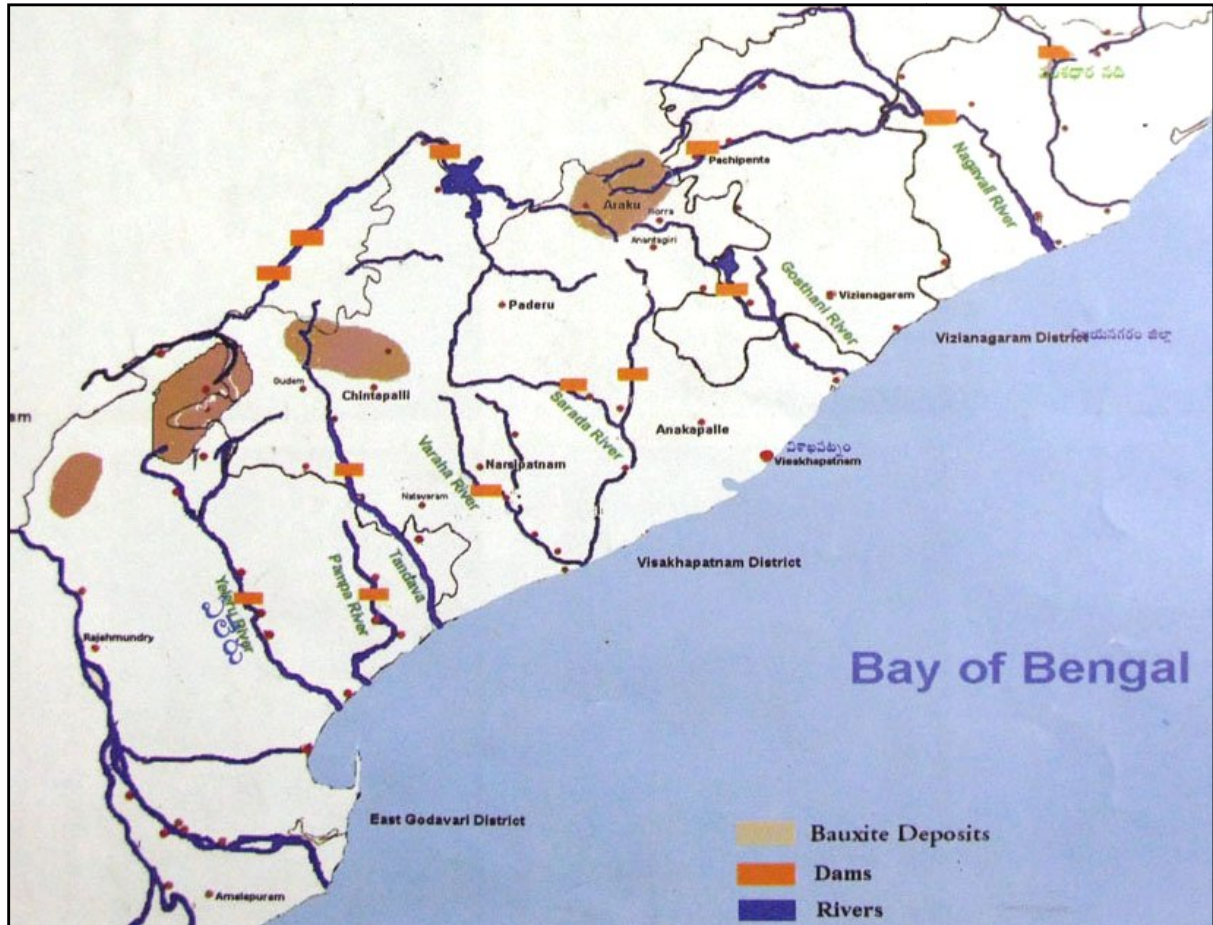
It is a well-established fact that the hills containing bauxite deposits have a good capacity for retention of water, which will be lost forever if the hills are opened up for mining (Human Rights Forum 2008a).

Water enabled the project opposition to present a reason for why a wider audience including urban residents of coastal towns should be worried about mining. The threat posed by mining was described as follows at a meeting in Visakhapatnam:

The rich forests of the Eastern Ghats in north coastal Andhra Pradesh, are the birthplace of many ... blessed water resources that include rivers, springs, streams and ponds. It is these water bodies that have ensured that the region from time immemorial has remained rich and fertile with verdant forests, lush agriculture and a history of prosperity. It is these water resources that provided livelihood to diverse traditional occupations and gave bountiful water supply for the millions of people for drinking, irrigation and other uses. ... Now, there is a serious threat [bauxite mining] to the people of the region and their very survival as this life giving source is not only being tampered with, but also brutally destroyed by the very policy makers and the government whose primary duty it is to protect them as custodians of the resource under the Constitution of India (Press release 'Water for people and life' from meeting of parties and NGOs in Visakhapatnam June 17 2007).¹⁰⁹

¹⁰⁹ Signatories include Samatha, TDP, CPI and CPM but not Sakti or the Human Rights Forum.

Figure 8: Map of bauxite mining and rivers in coastal Andhra Pradesh



Source: Prepared as part of Samatha’s campaign ‘Health of the hills is the wealth of the Plains’, undated

A map was made by Samatha to illustrate the risk to water across coastal Andhra Pradesh (See Figure 8). The message is that once the watersheds for these rivers are mined for bauxite the entire river will be at risk. Additionally the dams indicated on the map are all irrigation reservoirs which allow storage of water for the dry season. If the dams receive less water in the future this will affect every coastal farmer as well as residents of coastal cities. The watershed analysis by Samatha was supported by Sakti who claimed that the loss of forest to bauxite mining would affect water availability in dams: “The hill streams originating from these forest ranges feed Eleru, Tandava, Varaha, Raiwada and Tatipudi reservoirs. These streams will be very adversely affected (Sivaramakrishna n.d.).”

The wide agreement within the bauxite project opposition on the dangers to water from bauxite mining can seem a little peculiar since there is only one bauxite mine operating in the region, Nalco’s Damanjodi mine in southern Orissa. And even this mine has never been studied in any great detail, though visitors and reports frequently mention reduced water availability for farmers (Patra et al. n.d.). Even government reports would agree that risks to water are particularly

serious from bauxite mining and can not be mitigated (Wildlife Institute of India 2006a; Central Empowered Committee of the Supreme Court 2005).

For coastal Andhra Pradesh, the narrow strip of land between the Eastern Ghats and the Bay of Bengal is without major rivers between the Godavari, which drains in Krishna District to the south, and the Vamsadhara in northern Srikakulam District. Instead water comes from the immediate hills of the Agency area which potentially makes the rivers more vulnerable to drought since the catchment area is much smaller. In terms of the effect of mining on rivers it is clear that the hills where bauxite exists are part of the catchment areas. But exactly how mining would change the availability and flow of river water across the region is not readily apparent.

The water narrative, as presented in chapter 5, was one where mining would create changes to the hydrology of the mined mountain to reduce its capacity to retain water in the wet season and slowly release it during the rest of the year. Mining would not reduce the overall availability of water throughout the year but lessen the flow from mountain springs during summers when no other sources are available for tribal villages. But even if this effect was proved locally to the detriment of nearby villages, the bauxite deposits are only a small part of the total catchment area of any of the rivers involved. It is not clear how mining over smaller parts of a watershed could drastically change the overall flow. Similarly, forest could be important to reduce soil erosion and protect dams from siltation (apart from how reduced soil erosion is good for farmers in the hills), but dense forest would naturally need water for its own survival and reduce rather than increase the flow in downstream rivers. The larger area risks to rivers from mining for coastal AP in this light rests on a fairly weak foundation. Local concerns seem much more serious however, and would require further detailed studies.

Forest risks were described as equally serious to water risks in a poster made by Sakti as follows:

Bauxite will be exploited by strip mining. A power shovel bites into the forests, soils, Laterite¹¹⁰ and Bauxite, piling up rows of soil and Laterite on one hand and Bauxite ore on the other hand. In this process the Eastern Ghats forest land will be laid bare (Sakthi n.d.).

But at the same time the poster admitted that “[t]he bald hilltops indicate the Bauxite mineral reserves (ibid.)” making it less clear which forest would be cut down for mining. In an interview a high-level member of the AP State CPM party agreed to the loss of forest which would come from mining and its impact on the “32 rivulets [which] travel through the hills” (Interview CPM

¹¹⁰ Laterite is a soil rich in oxides of iron and aluminium.

party member Hyderabad 9/3 2007). The main emphasis was however on social concerns based on how mining would open up of one of the few remaining parts of the Scheduled Areas in the State which are still predominantly tribal. Even in the Districts immediately west of Visakhapatnam land alienation to non-tribals is a major issue. The CPM member mentioned the Scheduled Areas of East Godavari District which has 30-40% non-tribals. An influx of outsiders creates social problems and drive tribal people off their land. The changes in the social composition of the area would also dilute the tribal vote in local Panchayats.

Activists in Araku were found demanding to be heard via their Panchayats during fieldwork lacking the knowledge that their government had not implemented this act (Interviews in the Agency area):

PESA has not been notified in AP so [the] Panchayat is not valid. The AP government says 20 households is too small so a proper decision can not be made. It is sad we only learned this as of late (Interview activist, Hyderabad 22/2 2008).

Some connected livelihood risks with democratic deficits since common property resources like water sources and forest would be affected. This led to a legalistic interpretation by the HRF in favour of local decision-making according to PESA:

Under Sec 4 (d), [of PESA] the power to safeguard and preserve the community resources, which is another name for common property resources, shall be with the Gram Sabha. Though the land being leased to APMDC for mining is forest land, undertaking mining in that land will affect the water resources of the neighbouring hamlets since the water retained by the bauxite hills is the source of the rivulets and subsoil water that the people depend upon. ... The land proposed to be mined is also a source of minor forest produce such as thatching and dry twigs. It is a source of grazing for animals. The ownership of such minor forest produce is conferred on the Gram Sabha by Sec 4 (m) (ii) of PESA and that right cannot be unilaterally taken away (Human Rights Forum 2008b).

With all this attention given to the social and environmental issues of mining in the Agency, it is interesting to see to what extent the refinery was attempted to be linked. The CPM was of the opinion that “the tribals are made to suffer in the hills for the mine and they are also made to suffer on the plains for the factory” (Interview CPM party member Hyderabad 9/3 2007). Attempts were made by the CPI-ML(ND) lead refinery opposition group to link it to the mining agitation when naming the local opposition group Bauxite Vyathirekha Porata Committee (the

Struggle Committee Against Bauxite). The connection between the two project components was expressed as follows:

It is not the Boddavara [S Kota] area that will be destroyed due to bauxite mining and Jindal refinery. In the 15 Km radius from refineries, the land, water and the climate will be polluted due to poisonous drainage from the refinery. In the future, the rivers like Goshtani and Sarada which are providing irrigation water to Tatipudi and Raivada reservoirs, may be dried-up so the farmers depending on these reservoirs has loose their land and livelihood. If the rivers [stop their] flow through Araku hills and valley, a number of reservoirs in Vizianagaram will be dried-up. Visakhapatnam city and Vizianagaram town will face drinking water problem. Therefore we have to resist bauxite mining which is questioning the sustainability of the human life (Bauxite Tavvakala Vytireka Porata Committee 2008).

Sakti was similarly urging the application for environmental clearance of the refinery to be declared as premature based on the lack of clearances for the mine on which it depended:

As per the agreement, factory is dependent on the ore to be supplied by APMDC. Since the APMDC did not so far get the necessary permissions, the attempts to push proposals on factory are premature. So I request you to stop further steps on the proposals on the factory forthwith (Sivaramakrishna 2006).

The HRF also expressed the clear connection between the two project components as part of the strategy to introduce it against local wishes:

There is no independent and comprehensive EIA of the project that examines the bauxite mine, refinery, smelter, power plant and other components in a holistic manner. An alumina refinery cannot be run without bauxite. However, the project promoters and the State government are deliberately bifurcating the bauxite mining and refining portion. Instead of discussing the combined impact of all these projects, the promoters and the government have split the project into small parts where each is to be evaluated on its own making it impossible to understand the overall impact. What is even more of a concern is that if the refinery is approved it will be used to blackmail a clearance for the bauxite mines in the Visakhapatnam Scheduled area (Human Rights Forum 2008a).

Despite being clearly identified as linked to one another, the main demand which emanated on the ground for the refinery was fair compensation, while mining had to be stopped outright. The problem with this line of argument is that once the refinery is built the likeliness of future mining will be very high since cancelling a large private sector investment would set a very poor precedent for a government intent on promoting economic growth.

From this discussion a characterisation of the opposition to the bauxite project as primarily being based on social justice seems apt. Environmental changes coming from the project were translated into effects on tribal people which would not be possible to mitigate by the current project promoters or indeed by any potential technological or other approaches. The many conservational values of the Agency including a number of rare animal species were not a mobilizational factor or even an issue to be raised in the press but could be mentioned as yet another reason to protect the area. To improve the possibilities for wider mobilisation attempts were made to extend the area seen as affected if mining starts beyond immediate site issues. The connection to water scarcity in coastal AP worked to some extent while the refinery struggle never raised enough support on the ground to really have an impact.

Almost completely sidelined from the opposition's discourse were issues of economic growth and development, the very heart of suggested benefits according to the bauxite alliance. The oppositional groups and individuals seemed convinced about the ills of mining to the point that even if what was seen as high-level corruption was possible to manage and a larger share of profits were to be distributed locally there was still no point to debate these. Even if at some point in the future tribal people were educated enough to qualify for jobs at the mines and in the refinery this would still not make the project worthwhile in the eyes of the opposition since the number of negatively affected would always be larger than the beneficiaries. There were thus very few openings towards deliberations which could lead to a compromise between the opposing positions on bauxite mining and refining.

The next section examines the various ways in which the bauxite opposition's messages were being presented.

7.3.3 Competitive mobilisation

The messages by the groups opposing the bauxite project were brought out under what seems possible to refer to as competitive mobilisation:

There only used to be us and the Birla case.¹¹¹ We were there on the ground and could see what was happening. If the government passed an order we could see what was happening and make it become implemented. Nobody used to understand why we worked on these mining issues. Since 97 everyone talks about these things (Interview Ravi Rebapragada, Visakhapatnam 28/3 2008)

¹¹¹ The case which lead to the Samatha Judgment.

Padyatras on the bauxite issue were organised almost weekly by various parties during fieldwork.¹¹² Meetings would be organised sometimes with speakers invited from a cross-section of parties and NGOs but at times also independently by more resourceful parties. CPM organised a meeting in Araku Valley which reportedly had 10,000-15,000 people attending in early January 2008. This was a follow up meeting to a meeting advertised under the banner “Let us fight against the government on bauxite” with central CPM party member and MP Brinda Karat as special guest on 6 November 2007, also in Araku Valley.

The number of people in interviews claiming to have taken ‘the people’, presumed to be some of those who would be immediately affected if mining started, on informational trips to the nearby Nalco bauxite complex in Orissa, almost made it seem as if little else was done than travel. Similarly the case of a share in the income from tourists at the Borra caves is another instance where a number of people interviewed belonging to different organisations would mention this as something they had worked on, but fail to mention any of the others who also did. It was important to be seen as the organisation bringing real benefits and one NGO felt it necessary to set the record straight when it felt CPM had been claiming too much credit on the issue (Interview activist Visakhapatnam 29/3 2008).

At least initially, the bauxite alliance attempted to counter the intense activities of the bauxite project opposition. When the NGO Nature based in Araku produced a critical information booklet in Telugu 2006 called ‘Bauxite for who?’, this created a response from APMDC in the form of a pamphlet by the name ‘Bauxite for you’ (Interview Activist 9/5 2008). Samatha’s documentary on mining was also met by an APMDC documentary. JSW Foundation, the Corporate Social Responsibility arm of JSW, made a sudden appearance in Araku conducting health camps and donating ambulances (The Hindu 2007d). But given the bigger financial resources available to the bauxite alliance it should seemingly have been possible for it to outspend any opposition group. A source with insights into APMDC’s operations responded to the question of how the organisation planned to reach out to people by simply saying: “We don’t since we don’t have the budget for this (Interview 9/4 2007).” Towards the end of fieldwork not a single effort to promote the bauxite project was noticed from the government or the company. The public voice was overwhelmingly won by the opposition groups.

¹¹² TDP held an “Anti Bauxite Excavation Pada Yatra” in Araku, Ananthagiri starting 22 Apr 2008. CPM held at least three padyatras, one from 19 Feb to 2 Mar also in Araku and Ananthagiri Mandals where reportedly many activists fell ill due to poor water and food. Two earlier padyatras were made in Araku and Sapparla mining areas respectively. CPI made a padyatra in the mining areas of ANRAK Aluminium in Dec-Jan 2007-2008.

The strength of opposition was particularly apparent in the Agency where surveyors, or indeed any person who could be associated with the project, would be threatened on sight:

Surveys by Jindal and Al Khaima are going on secretly. Nobody has seen them but they are ongoing. We saw some people in helicopter and opposed them. Other people came as tourists and under cover did survey 2 months ago. They were from SSSC in Calcutta.¹¹³ They were warned and were never seen again. For the last year they have seen others come and go to secretly do surveys (Interview local CPM representative 8/5 2008)

Even air surveys could not be performed easily since helicopters would be chased away in case they attempted to land for a closer inspection (Narasimha Rao 2008). There were similar restrictions to what the government or JSW could do at the S Kota site despite having been granted environmental clearance and most of the land already acquired. Several instances of removed surveying instruments and other tools were uncovered. Interviews testified that the company had asked for these to be returned but been denied (Interviews S Kota Mandal).¹¹⁴ The sites were thus close to being no-go areas for the bauxite alliance while work proceeded on administrative approvals of mining lease and environment in far away locations from the proposed sites (for the mine), and adjustments were made to the land acquired in Revenue Department offices (for the refinery). It was as if those opposing the bauxite project, when not allowed to make their voices heard, believed they could prevent the project from moving ahead simply via denial of information about ground 'realities'.

The local strength of those opposing the bauxite project was hardly going to convince anyone that it was not moving forward, albeit at a very slow pace. But even the ability to significantly delay the project against the odds of available resources becomes somewhat curious since accompanied by an almost complete lack of coordination of strategies or sharing of information between actors of the opposition. The NGOs had core ideological differences which prevented basically any form of cooperation. Samatha can be characterised as 'apolitical' in that it does not prescribe to any particular ideology compared to right-wing Sakti and left-wing Human Rights Forum. Sakti was difficult for anyone to talk to due to its association with right-wing Hindu groups. In common with the Human Rights Forum, Sakti was aiming towards tribal empowerment and learning while utilising very small funds for the purpose. Both organisations shared a critique of Samatha as the NGO which receives large funds with a generally corrupting

¹¹³ Possibly the informant was referring to the 'Centre for Studies in Social Sciences' (CSSS) in Calcutta.

¹¹⁴ A similar story is retold eloquently by the affected in a documentary movie by Das et al. (2006) for the Kashipur bauxite project. In this case surveyors were working under disguise first as nurses and midwives and later under the cover of a newly created 'NGO' until thrown out by objecting villagers.

influence. That this point was shared by others was apparent in an interview with an activist not related to either HRF or Sakti: “NGOs have no resource constraints and so they corrupt local people” (Interview activist Hyderabad 18/10 2006). Samatha on the other hand seemed to view the other organisations as intellectuals with too many ideals to be able to get work done.

Despite the many differences among the NGOs, they had come to similar conclusions about the livelihood risks and injustices tribal people faced from bauxite mining. And none of the interviewees indicated doubts over the sincerity of the others in truly working towards the goal of stopping mining. This represented a major difference compared to how the political parties were viewed as from time to time making radical about-turns in policy.

The fact that both Sakti and Samatha had been litigating separately on the issue which led to the Samatha Judgement was another issue preventing collaboration. “Today PIL [Public Interest Litigation] has too many petitioners and this confuses the issue. Samatha forgot that APMDC was a petitioner” (Interview activist Hyderabad 12/10 2006). Because of this one activist was even of the opinion that “the government won the [Samatha] case since government corporations were allowed to do mining” (Ibid.). Recognition was also important when attempting to explain the deep fissures between NGOs:

The Samatha judgement gives credit to the organisation but we want tribal people to be in control. We want tribal youth to be our cadre for their own village and work for their own benefit (Interview activist 9/5 2008).

Competition thus characterised the behaviour of organisations that all seemed to sincerely believe in the need to oppose mining. Working together with other similarly sincere but otherwise different organisations to gain overall strength in raising demands seemed not possible due to the many fissures. It thus seems like more could have been made out of civil society opposition given the sum of capabilities, and the history of blocking mining plans in the State.

The left parties did a better job working together than the NGOs potentially since there was already an established cooperation in the State Assembly to combine the power of their few MLAs to get heard. They were also frequently seen working together at meetings. It was however very important also for the parties to be recognised for organising certain activities on the ground separately from other parties depending on where a party had a supporter base.

The highly educated NGOs and the local mobilisational reach of the political parties at times found a good fit for cooperation. The NGOs had the ability to access information and take this

to courts and media. They communicated in both English and Telugu via written material and often shared this with the parties to allow information to be brought to the villages. The work of the parties proceeded via meetings and *padyatras* with written material limited to pamphlets and posters, at times reproduced in the press. The parties had the manpower to spread messages to rural areas and organise events beyond what the NGOs could manage. At higher levels this cooperation seemed to work quite well with distinct complementary roles. But surprising cases were found at the sites where people would simultaneously identify themselves as party and NGO members (Interviews Ananthagiri Mandal May 2008). While civil society organisations, political parties and NGOs, recruit local tribals to their organisations, they were always found to be subordinate to non-tribals in decision-making. The hierarchical nature of society is thus replicated in the tribal areas. The subordination to outsiders in many cases seemed to prevent local voice.

Parties with their larger number of members compared to the NGOs did extensive work to reach out to villages in the Agency:

CPM did an excellent job in the tribal areas when conducting *padyatras*. They went to the different areas and spent a week in each proposed group [of bauxite mountains]. After the *padyatra* they had provided so much information in the hills that even your average person who was not even particularly politicised was writing slogans on the walls against the project. They could have done something similar [at the refinery] in the plains (Interview activist Visakhapatnam 13/3 2007).

Instead of CPM, a small group of people from CPI-MLND was inspired to leave its usual base in Visakhapatnam city and take up the cause of those affected by the land acquisition of the refinery. This small and seriously resource-short group, though supported by a collective of larger opposition parties, arrived late (once the environmental public hearing had already been held) and with too little knowledge about what exactly was being planned to seriously hamper land acquisition. When Panchayat approvals and other necessary surveys had been possible to carry out by the government prior to the environmental approval it was possible to move ahead swiftly once this final approval was secured in late 2007. The environmental approval coincided with a protest *dharna* at the local Revenue office aimed at getting some kind of clarity on land acquisition and compensation plans. The subsequent arrest of 42 people of the local opposition group in S Kota town was widely covered in the press but had no real effect on plans. By the time the protesters were released on bail hundreds of acres of cashew had already been acquired and cut down in January 2008 (Interviews S Kota Mandal January 2008). The S Kota opposition never recovered to even be able to claim better compensation than the uniform rate calculated by the government.

One problem for the bauxite project opposition was that the belief in modernity and industrialisation is so strong in this, one of the main IT States that no political party will be taken seriously if it argues in favour of marginal livelihoods rather than large-scale industrialisation. It was mining most people were agitating against, not yet another industry in the plains despite various concerns voiced about the need for proper compensation for the displaced.

7.3.4 Limited resources force a turn to mainstream politics

When the outcome of the many public meetings in the Agency and in nearby cities, the many articles published in the press and other attempts at getting heard failed, two general outcomes were visible. Left parties increasingly teamed up with ‘mainstream’ political parties, especially the TDP, but also at times with local Congress party members to gather strength, while the NGOs took to the courts to wage independent legal battles. The turn to mainstream politics did give some visible large mobilisation but also resulted in weaker claims such as demands for better compensation rather than the cancellation of the project.

Formal politics has captured most of the space for protest in the Agency areas. Even those who have tried to stay independent will at one point or another be forced to either become associated to one of the political parties or go the NGO route with what is seen as expensive offices and (at times foreign) funding to at all manage their daily lives. This means better resources in exchange for a weaker claim. Those who do not go the NGO route and instead start to depend on formal politics for support find strong caste and class interests and the fluidity of interest groups to almost invariably mean there will be a change in message to favour economic activities.

TDP is by far the largest and most resourceful party of the political opposition in Andhra Pradesh, but also generally not trusted by many of those opposing bauxite mining due to the years it spent doing everything it could to make mining happen when in power. Its enormous party office in the posh Jubilee Hills area of Hyderabad is equipped with an entire floor with library and computer facilities which all the other organisations including the NGOs would not be able to match combined. It was found during fieldwork at the proposed sites that many of the most prominent activists were, or had at some point been, associated with TDP. This was true both in the refinery and the mine area with the most interesting conflict of interests presented by someone who was a NGO member and TDP Sarpanch at the same time. The said Sarpanch was claiming, like others, that ‘the party is nothing and people are important’ (Interview Araku Mandal April 2008), but it remains very unlikely that all the party activists would quit TDP if the

party was to regain State power and continue its work to open the mines as before. People who are TDP members were clearly better off and better educated than those from other parties, and could thus be expected to create more opposition had they wanted to. A few voices were trying to explain TDP's new approach to opposing bauxite mining. A local Vizianagaram District party worker was claiming a change in the ways of the party was part of it re-connecting with the masses once being out of power (Interview Visakhapatnam 1/2 2008). Closer to the top of the party a TDP MP was pursuing mining deals in a claimed fight against corruption (Interview TDP MP, Hyderabad 2/3 2008).

TDP mobilisation was at times large-scale, only to again fall silent. Despite 'highlights' like the former Chief Minister, the so called CEO of Andhra Pradesh, Chandrababu Naidu riding on a bullock cart in one mobilisation campaign relating to the ANRAK alumina refinery, the seriousness of formal politics to actually speak in favour of the affected has repeatedly been negated in the past where populism in opposition and money power when in government has been the norm. Allegations were being made about top TDP politicians attempting to lead the opposition against bauxite mining when they themselves were largely funding their political careers from mining ventures. At other times it was claimed that TDP politicians would only speak on behalf of the big landowners and once these claims had been settled renounce the opposition (Interview journalist Visakhapatnam 5/1 2008). In an increasingly competitive political system this tension between large promises and radical turnarounds is seemingly becoming more and more challenging to manage. There is enough media coverage for a significant amount of people to take notice.

Very few opportunities for a face to face debate between the two sides presented itself. The main vehicle for 'communication' was instead one-sided newspaper stories where those letting opposition groups speak vastly outnumbered those defending the bauxite alliance. Opportunities to debate had to be seized whenever possible, such as when CPM activists stormed the stage in Araku Valley, the main city in Araku Mandal, when high-level State Congress politicians had a public meeting (Interview CPM representative 8/5 2008). Another such opportunity was the conference on bauxite mining organised by Andhra University in Visakhapatnam city which saw NGOs in a heated argument with the head of APMDC (The Hindu 2009c).

These arguments did seemingly result in as little mutual understanding as the frequently occurring stormy scenes in the State Assembly, the only existing forum for authoritative debate on the issue

within the State. Over the years the opposition parties have on a number of occasions created turmoil in the Assembly over mining leases, including those for bauxite mining, with loud and extended arguments at times complemented by walkouts, *dharnas* (inside and outside of the Assembly hall) or generally obstructing any other proceedings from taking place (The Hindu 2008a; Indian Express 2009; Indian Express 2010).¹¹⁵ It would seem as if the opposition parties worked hard but lacked the key informational resources which would be able to conclusively show that their accusations were correct. But the well-documented case of suspected corruption for the APMDC-ANRAK Jerrila mine only resulted in a central government investigation when it seemingly was the kind of proof the opposition parties had been looking for during all the time spent objecting in the Assembly (See section 6.2.3 for more on the alleged corruption).

One typical counter by the Chief Minister to the ‘noise’ raised in the Assembly was to dismissively politicise the matter by saying that “TDP leaders are indulging in mudslinging as they are jealous, shaken and perturbed over the rapid strides made by the Congress regime on all fronts particularly, industrial sector (Cited in The Hindu 2008a).” A more nuanced discussion over costs and benefits including the distribution of these was seemingly impossible as long as the Chief Minister could claim that at least some industrialisation, irrespective of the distribution of costs of benefits, is taking place much along the lines of what the earlier TDP government had proposed. Bauxite protests as part of formal politics thus included very limited possibilities to evaluate genuine concerns compared to ‘noise-making’, and so the results of this form of opposition remained very limited.

The NGOs did not get involved with this style of politics. There was apparently little to be gained from even interacting since activists thought that “these miners they are all like marwaris (meaning they only think about money)” (Interview Activist Hyderabad 10/10 2006) while the Visakhapatnam Collector would return the ‘favour’ by accusing one activist of being an “anti-development junkie” (Interview activist Visakhapatnam 6/1 2008). Instead the NGOs reverted to the old tactic of approaching the courts to achieve justice, or at least to delay plans.

¹¹⁵ It has not been possible to follow the debates in the Assembly from a closer distance than what has been reported in the press other than via a few interviews. Supposedly the recorded debates, and documents submitted, are public information and possible to access from the Secretariat, but time did not permit figuring out on which day an interesting debate had been held, exactly where to go and how to access the transcriptions, and then having them translated into English.

7.4 NGOs and legal activism

Legal activism, as the Samatha Judgement shows, has been a successful strategy of mining activists in Andhra Pradesh. This has been part of the story of increased legal activism across India since the 1980s, further encouraged by the introduction of public interest litigation by the Supreme Court in the 1990s, which has increased the role of the judiciary in governance. The active intervention by courts has been described as a “massive expansion of civil, political, economic, and social rights as the court increasingly supported citizens’ rights against arbitrary encroachments by the state” (Hardgrave et al. 2000, 108). But cumbersome procedures to approach the courts and a massive number of backlog cases has led to major delays throughout the court system while at the same time ensuring that access to justice has been severely limited (Galanter et al. 2003). One commentator saw this as a breakdown in the possibilities for problem-solving and consensus-reaching in India:

There is no solution in India to evaluate different claims in a clear and critical manner. All statements become political and then it is difficult to evaluate the truth of claims. The courts are the only place where disputes are settled but they are the least equipped and do not have the time to study issues properly (Interview Retired IAS Officer, Hyderabad 29/3 2007).

One serious problem with using the courts for social justice is the large scope for interpretation afforded by the Indian legal framework:

There is a large legal space within which interpretation and the invocation of fundamental principles of justice provide fertile ground for creativity. This is specially true of Indian law, despite its numerous, for Indian laws are a labyrinth of contradictory ideologies existing simultaneously. Forest laws are essentially colonial and capitalistic in nature. The Directive Principles which amongst other things also relate to common property resources are, however, socialistic in orientation. Between these two is sandwiched a liberal ideology embodied in the Fundamental Rights. To add to the confusion there is a whole range of case laws ranging from anarchic neo-colonialism to utopian socialism. Given sufficient ingenuity, the country's jurists can protect their laws in favour of justice; there is sufficient elasticity to interpret them in ways leading to fairness. But it also demonstrates that the very fluidity can spell disaster for these laws; it can allow vested interests to alter them in favour of injustice (Singh 1986, vii-ix).

Among the NGOs contesting the bauxite project all of them had great capacity to bring cases to courts within the State, but only Samatha had the connections in Delhi to challenge central government decisions. Activists were not necessarily positive about the possibilities for justice via courts to the point where some felt that legal activism had started to play out its efficacy:

The Supreme Court is leading the economic reforms in our country since the politicians need the vote to get re-elected. Judges don't need votes. Since 1990 when the structural adjustment started the parliament has not amended a single law to suit globalisation. All the necessary declarations of law have come from the Supreme Court definitions (Interview activist, Hyderabad 7/3 2007).

Allegations of bribed judges were being made in relation to poor verdicts but comments were also being made about how judges had bought into the corporate idea of development and were free to follow this conviction in ways the politicians were not.

The time may soon come when we completely will have to write off the judiciary as a means of getting justice. Still we may not have reached this stage but soon we may (Lawyer Prashant Bhushan at public meeting in Delhi 20/12 2007).

NGOs using the Right to Information Act and other channels to access information, and with access to lawyers across India are in a unique position for legal activism. If a case is at all accepted it is virtually guaranteed to continue for years. Beyond attempting to reach a positive verdict activists have several avenues of appeal, which irrespective of initial court judgements, guarantee further delays. Recent experience does seem to show that major projects involving a range of complex issues have continued to be possible to challenge in court. The Polavaram dam was brought to court initially in 2005 since villagers threatened by submersion in Orissa had not had a public environmental hearing, and is still being deliberated on in courts of appeal. Similarly, the Niyamgiri bauxite mine in Orissa was held up in a Supreme Court case from 2004-2008.

Political parties have the capacity to access information, with party workers often available at the particular sites of contention, and if ever having been part of a government, an intimate knowledge about government procedures. But parties only rarely filed cases and the reasons for this are not entirely clear, other than the risk of taking on an issue which, due to the slowness of courts, may not give them any clear advantages electorally. It is easy to think that years in court might be wasted in case of a policy turn-around of the kind seen by Congress or TDP, especially in AP where a change in government would mean radical changes to the approach the parties take to mining. The CPM has been an exception in launching a court case against the environmental approval of the Jerrela bauxite mine.

7.4.1 Ongoing court cases related to the bauxite project

Cases against the bauxite project and appeals on approvals were launched at virtually every possible instance by a wide range of actors, at times even in the same court independently by

several actors, as summarised in the table below. The list is testament to the very active vigilance on the issue but also of an almost completely disorganised approach to litigation.

The route taken for ordinary cases is via lower courts to the High Court of the States, and then on to the Supreme Court. For environmental matters it is possible to appeal decisions by the MoEF to the National Environmental Appellate Authority (NEAA), also in Delhi. This is a somewhat dysfunctional one-man entity proceeding while plans for a new green tribunal are being worked out (Interview activist Delhi 13/10 2009).¹¹⁶ But the possibilities for appeal do not end here since creative lawyers have realised that also the NEAA can be appealed. The Delhi High Court has command over the functioning of central government offices and if it can be shown that a fair hearing was not conducted by the NEAA the case can be returned for a re-hearing. This has happened for the ANRAK-APMDC bauxite mine and the case is ongoing.

The current status of the Supreme Court case launched by the former TDP MLA is not known. The other cases are briefly discussed below.

Table 11: Ongoing cases on the bauxite project in Andhra Pradesh

Court	Petitioner	Respondent	Issue
AP High Court	Sakti	GoAP	Mining not according to land transfer rights.
AP High Court	4 tribal MLAs	9 respondents in total including Gol MoEF, Gol Ministry of Tribal Welfare, GoAP Tribal Welfare	Environmental hearings held without first consulting the Tribes Advisory Council of the State. No Gram Sabha meetings in affected villages
AP High Court	Samatha and Forum for a Better Visakha	GoAP	Water for the JSW Refinery
Supreme Court	Shoba Hymavathy, ex-MLA TDP, Vizianagaram District.	JSW Aluminium	Against Bauxite mining & establishment of Aluminium industries in S. Kota, Vizianagaram District
Related case: Delhi High Court	Samatha	MoEF/National Environment Appellate Authority	Trying to get the case of ANRAK/APMDC mine environmental clearance re-tested

Source: Website of the Andhra Pradesh Pollution Control Board

Re-visiting the Samatha Judgement

A case was launched by NGO Sakti in the AP High Court shortly after plans for the JSW project became known based on violation of tribal land rights in the project setup.¹¹⁷ Given how the MoU directly confronts the Samatha Judgement and the land transfer regulations this case would

¹¹⁶ The Delhi High Court has instructed the Centre that it has to staff the NEAA properly but a separate case is ongoing to find out why this is still not happening despite a court order (Interview activist Delhi 13/10 2009).

¹¹⁷ Writ Petition No 1571 of 2006

have surely been anticipated by the project promoters (See Chapter 4 for details of the MoU). The key issue in the court case was whether the agreement entered into by the State government over bauxite mining with a private company is against the law which only allows mining in operations owned or controlled by the State or central governments.

After only four months of deliberations on the issue, something which could be considered very quick for the Indian court system, the case was denied on a technicality saying that it was too early to evaluate the agreement since it was yet to come into effect. The brief court order gives very little information about its reasoning:

In view of the stand taken by [GoAP, Mines & Geology Dept] and [GoAP, Energy, Forest & Environment Dept], it is clear that so-called agreement entered into between [JSW Holdings Ltd.] and the State Government cannot be implemented till the Central Government grants permission ... and environment clearance is granted by the competent authorities. Therefore, the writ petition is liable to be disposed of as premature (High Court of Andhra Pradesh 2006, 2).

By avoiding a judgement until all the administrative approvals have been secured, it is hard not to think that the judges were trying to avoid making a judgement on this sensitive issue. The court left it open for the case to be re-opened at a later stage by saying that:

[T]he petitioners shall be free to file fresh petition as and when the Central Government grants permission ... and environment clearance is given by the competent authorities (High Court of Andhra Pradesh 2006, 2).

But by the time all approvals have been secured it would most likely be too late to approach the court again. Significant investments would be used to argue why the project should be allowed to go ahead. Once mine clearances have been secured the refinery will be ready for operations and this will exert a lot of influence on the judiciary to come out with an approval of plans. Is it the case that a new principle is being worked out, that economic development projects, however these may be defined, are allowed to carry on work while matters are being heard in court? Does this show the reluctance of courts to intervene?

Appeal of Jerrila Bauxite Mine environmental approval

It is in the appeals against environmental approvals where almost all issues can be discussed due to the, as previously mentioned, very wide set of requirements with additional demands created by Terms of Reference documents and other reports. The APMDC-JSW and APMDC-ANRAK bauxite projects in Andhra Pradesh have both had very similar requirements, but since it is only

the APMDC-ANRAK mine at Jerrila which has been cleared it is here discussed for its shared characteristics with the APMDC-JSW mines. CPM filed appeal on Jerrila in the NEEA independently from Samatha for not holding the public hearing in the area where mining was proposed (Patnaik 2009). It seems like CPM and Samatha later came to cooperate in the appeal based on Samatha's longer experience with litigation.

Environmental clearances are routinely appealed to the National Environmental Appellate Authority (NEEA), and almost as routinely turned down. But this court is only semi-functional with a single staff member, and has only allowed one appeal, on the Polavaram dam, in its entire history. Of importance was that the Polavaram case was launched by the same activists who are fighting bauxite mining indicating that some key experience exists.

The appeal against the Jerrila mine environmental approval was launched 26/3 2009 and hearings were held on six occasions until August the same year (National Environment Appellate Authority 2009c). The grounds of appeal were:

1. The public hearing did not ensure widest possible participation
2. The EIA report is faulty
3. The environmental clearance will negatively affect the local environment

Each of the above grounds of appeal included a very wide set of issues, ranging from technicalities about the way the EIA report was made, to the size of economic compensation from mining, and a lack of local participation. All these claims were rejected by the NEEA in its verdict on 28/8 2009, but a further discussion on public deliberation and PESA below reveals some interesting features of how claims and counter-claims are used in the environmental litigation process.

PESA

As part of item number 1 above on participation in the public hearing the point was raised that local Gram Panchayats had issued statements against mining and should be heard. Panchayats are not mandated to be heard in environmental regulations but this point was nevertheless discussed in the NEEA appeal for unknown reasons. CPM's statement against the environmental approval highlighted (among other things) a lack of local consultation:

[T]he Gram Panchayat[s] of G.K. Veehi and Galikonda Mandal Parishad of Chintapalli have passed resolutions opposing the proposed activities of mining and transmitted those resolutions to the collector Visakhapatnam and to the member secretary AP Pollution Control Board (National Environment Appellate Authority 2009a, 4).

APMDC had to respond in court and did so differently to the claims presented in chapter 6 by saying it had indeed taken the Panchayats into account. Crucially it had done so already in the year 2000 during the earlier TDP government according to the following statement:

[T]he resolution dt. 19.02.2000, duly signed by 130 people, passed by the Jerrila Gram Panchayati conclusively expresses the intent of the local body in favour of the proposed bauxite mining. The said Gram Panchayat after considering the proposal made by this respondent passed another resolution dt.02.10.2008 affirming its earlier resolution dt. 19.02.2000 (National Environment Appellate Authority 2009b, 5).

The APMDC statement was supported by documents in Telugu only half legible due to poor photocopying. The original statement from 2000 was from a Gram Sabha meeting and included a list of 130 names with fingerprints for each person to show people approved of bauxite mining. Crucially the 2008 statement which verified the earlier resolution was made by the much smaller Gram Panchayat only consisting of elected Panchayat representatives.

It is not clear how the NEAA in Delhi evaluated which resolutions are valid between those presented by the CPM and the ones by APMDC. In the end, the NEAA chose to believe APMDC and the resolution passed in 2000 was accepted (National Environment Appellate Authority 2009c).

Tribes Advisory Council

A case was launched by the excluded tribal MLAs when the two bauxite projects of the State moved ahead without them being consulted (case filed August 2008). The Tribes Advisory Council case is similar to the one about consulting Panchayats not only in the demand for local representation but in the government response of having held earlier consultations in 2000. One can not place too much hope on the council since it has approved of the Polavaram dam which threatens to become a larger source of displacement than even the Narmada dam.

Challenges were supposedly also made against the Gram Sabha approval for land acquisition at the refinery which respondents in the villages had never heard of (Interview, Visakhapatnam 17/3 2008). But the current status of the case is not known. There are only a few organisations with the capacity to access needed information and then go to court and it seems like it was not possible to give the refinery case enough attention since the priority was to challenge the mining part of the project.

Water for the refinery

The case of water allocation for the alumina refinery has been moving as slowly as possible in the High Court of AP since it was felt that the present judges were not positive to the case. Various procedural technicalities have been referred to in order to delay the case. Sooner or later the judges will either retire or get transferred and this is when an opportunity might arise to move the case forward towards a (for activists) positive outcome (Interview activist, Visakhapatnam 26/3 2010).

Other legal ‘opportunities’

Since the APMDC-JSW project has been stalled for the last five years even before it could reach the critical environmental clearance for the mine, this possibility has not been utilised yet by activists. As the Jerrila mine is currently under environmental appeal this also looks certain for APMDC-JSW though legal opportunities might be very different in case the proposed Green Tribunal replaces the NEEA as has been proposed for some time. A case would also be expected on the implementation of the Forest Rights Act since forest land is being diverted for mining before the settlement process according to this Act has been completed. Another unexpected possibility is the implementation of the old AP State Forest Act from 1967 where the settlement process was not done properly despite being open until 2005. A recent judgement has ordered that the entire process should be thrown open again to properly set rights including private land titles in the Agency area currently settled as forest (Interview activist Visakhapatnam, 26/3 2010).

The most appropriate description of the litigation strategy against the bauxite project seems to be a mass flooding of cases in as many courts as possible with the hope that at least a few of these will be able to find support from the judges, or at any rate will require (the usually time-consuming) deliberations which will slow project implementation down. The case which seemingly required immediate attention of the courts, whether or not the signed agreement is in line with the State land transfer law, was deferred to a later point in time when it might no longer have any practical meaning, whereas the case on environmental approval of Jerrila mine allowed deliberations on a matter like PESA which is not part of the legal requirements of the Environmental (Protection) Act or as far as is known any other requirements which have been set for the mine approval. These almost endless possibilities for legal challenges, and the unpredictability of court judgements, might imply that this is indeed the best available strategy for individual activists looking for ways to achieve justice. And yet additional possibilities exist in finding faults in procedural issues related to, for example, land acquisition.

7.4.2 Looking for procedural errors

The history of loopholes in implementation of laws leaves policymakers somewhat reassured that they can work their way around the land transfer law as well as the many administrative procedures. But the impossibility of following dense procedures is also one of the key methods to stall projects. Activists have for decades been able to use unclear procedures, improper information, and poorly equipped and trained bureaucrats to their advantage by bringing procedural errors to court. Attacking mistakes made in bureaucratic procedures remains a very rewarding arena for litigation aimed at creating delays wherever possible. This can involve objecting to road widening activities taken up as a separate project, but which will enable trucks to move ore from the mines to the refineries. The timing of the road widening might be the only apparent sign that this is possibly not mainly improving local infrastructure but rather meant for the industry. The entire field of land acquisition is filled with intricate procedures which can be exploited including inconsistencies in land records, whether or not proper surveys have been undertaken (by not only the Revenue Department but also potentially the Departments of Forest, Agriculture, Civil Engineering and others depending on type of project and area), or whether correct information in the 'prescribed format' was presented to the public in the right location. And if forest land is involved, even if the forest only exists in outdated land records, further litigation possibilities arise (Interview Activist Visakhapatnam 27/3 2010).

The possibilities to launch cases against procedural errors are often bound to the timeliness of obtaining information. No court is likely to undo land acquisition once completed even if certain errors can be proven. The Right to Information process with its several months' long procedures for appeal might thus not be suitable for this form of litigation which instead must rely largely on 'leaked' information from insiders (See chapter 8 for a discussion on the usefulness of Right to Information to obtain sensitive information).

For the bauxite project there were very few attempts to raise demands for better compensation, seemingly since this would have been seen as agreeing to the project. But looking for procedural errors in effect does the same thing. If for example land acquisition procedures are followed and people get the compensation money they are entitled to then everything is ok with the project. When nobody looks for better compensation for the displaced or allowing them a chance to be heard via Panchayats, but instead attempts to stall the project by any technical matter possible, the critique of activists being anti-developmental possibly becomes more relevant. Another

aspect of such oppositional activities is how activists are not likely to get a chance to be heard in the new, increasingly formalised policy forums where business associations have reserved seats.

What by many was seen as mass litigation to oppose projects was interpreted as a large-scale failure to communicate by one informant:

When I was working we did not have all these acts so basically litigation was not an option. People would come to us and we would listen to their complaints. Then we would look at the other side and see what truths there were in that initial statement. We wanted the projects to move on so would seek a solution that could take as many claims into consideration as possible. Today when you go to court you might win the case but the losing side who is forced to do a certain thing will feel let down and will only grudgingly implement the order and that too do as little as possible. There are serious problems with how this is done in India today however and it is only getting worse. People just do not listen to one another. The media tells one-sided stories and the courts can not settle disputes it has no experience or time in dealing with (Interview retired IAS officer, Hyderabad 6/4 2007).

7.4.3 Uncoordinated legal activism

It has been the experience that legal activism on social issues requires coordination and sharing of information in order to be effective (Epp 1998). The bauxite cases detailed above seem to be yet another example of how not mainly the resources, but more possibly the will, is not fully in place in India today to make legal activism a viable strategy to achieve long-term change despite the hard and sincere work of many public interest lawyers and activists. Instead of working on coordinated strategies to change core issues, activists are seen as anti-developmental due to their many years of using the courts to delay projects using bureaucratic approvals and the poor flow of information between government departments to their advantage. The almost complete lack of cooperation among the many organisations working in the bauxite opposition seems to be the main challenge to organising large-scale change.

In all the bauxite project litigation not a single judgement has so far worked out in favour of those opposing it despite the many attempts. But most cases are still ongoing and this presents us with the strange situation that the project is allowed to continue despite cases which potentially threaten to deem it, or at least some aspect of it, illegal. Regardless of the outcome of cases, such as the one testing the legality of the bauxite project based on land transfer rights, it seems like de-facto the project will be allowed in order to not negate already made investments. Without re-writing the formal rules, the judiciary is in this sense tilting the balance in favour of the bauxite project.

If information and other resources are not shared any major impact can hardly be expected other than as the odd victory of e.g. the Samatha Judgement. What remain are independently fought legal cases as and when an opportunity arises. The ability of the handful of activists and lawyers who do this sort of work on mining and tribal rights is nevertheless impressive. But if it had been possible to focus on only a few cases and activists had campaigned jointly to put pressure on authorities as well as judges, positive outcomes would seemingly have been more likely. Beyond the need to cooperate for legal success, national-level litigation creates tensions due to the unknown interventions and lack of information-sharing locally.

Legal activism offers the best opportunity to get the government to respond to allegations since each party of the case is forced to submit verified documents in support of their respective positions. The court records with attached documents offer the best source of information available, far superior to vague newspaper articles or attempts to interpret government documents obtained via Right to Information. In court it is not possible for the government, as with RTI requests, to simply respond that certain information does not exist since the court can demand it to be submitted, or even created in case it really does not exist. Consequently, legal activists are among the main information holders in contestations to a large extent determined by the possibility to withhold or access the information which allows challenges to be made. Litigants, who are able to access the information which allows an initial court challenge, can thus use the courts to 'produce' additional information likely to allow further challenges.

7.5 Missed opportunities

Two major opportunities did exist for the opposition to permanently stop the project but a lack of strategising and coordination has seemingly prevented both. The first was to stop land acquisition for the refinery since it is linked to the mine and therefore should not be treated as a separate activity. Had this acquisition never happened the company would most likely not have been willing to spend more efforts on getting the mine approved. Clear statements by NGOs about the need to prevent the refinery by connecting it to the mines, combined with political party and other activists mass mobilising at the site under the watchful eyes of journalists, would presumably have been sufficient to prevent the refinery from moving ahead but as far as is known this was never even considered.

The second opportunity is the Forest Rights Act which affords large community reserves, potentially encompassing several hundred acres, to be granted across the very areas which are

now being proposed for mining. Not only do community forest reserves give land tenure to people who for centuries have been denied these, they also give the right to representation since the MoEF has recently made Gram Sabha decisions are mandatory before any land claimed under the Forest Rights Act is used for other purposes such as mining. To realise this second opportunity was definitely more challenging compared to the first one due to the hurried introduction of the Act in 2007 and 2008 with a lack of information about the opportunities it provided, but also what was required to make different claims. Also, it was only in 2009 when the MoEF circular came which made Gram Sabha deliberations mandatory. Since this circular is not part of any law it is liable to be changed at any given time should the preferences of the Centre change.

At the time of writing the implementation of forest rights land titles is still very much under contestation which means it is technically not too late to demand community reserves in the areas proposed for mining. As Ramanathan (2010) shows other tribal groups in AP have been able to reopen the process by claiming they were not aware of the importance of community reserves. But who will coordinate claims for the bauxite mountains? Who will carry out the surveys and the legal work necessary to apply for the community reserves? The resources seemingly exist among the groups and actors opposing mining but coordination and information-sharing issues prevent the work from being done.

7.6 Conclusion

This chapter has detailed the opposition to the bauxite project which despite limited grassroots opposition came to encompass a broad range of civil society organisations and political parties working on behalf of tribal people with the main goal to stop mining. The bauxite project opposition had a significant presence in the Agency via the large number of *padyatras* which were organised by political parties, and its activities were frequently covered in the press. Further, NGOs took a large number of cases to court and a great number of articles were published in the local press. At times issues were also raised in the State Assembly by the political parties. It was shown that the demands of the oppositional groups were in unison focusing almost single-handedly on the environmental degradation expected from the proposed mining operations and their negative effects on tribal livelihoods via displacement, water and forest loss. The refinery, though also inhabited mainly by tribal groups, was effectively seen as yet another industry coming up in northern coastal Andhra Pradesh and never gathered significant support. Also some of the opposition functioned on the basis of denial of information similar to the bauxite alliance. When attempts were made to prevent surveys via helicopter or on the ground for the proposed mines,

or survey instruments were confiscated at the refinery site it was as if the mere denial of information on ground 'realities' would be enough to prevent the project from moving ahead.

None of these activities were able to significantly disturb the government however as the left parties could not mobilise enough people, and the NGOs failed to strategise and coordinate litigation efforts. When the bauxite project did run into difficulties and became significantly delayed this was only partially due to the project opposition. Vital were also planning failures, larger changes in political conditions, and the sheer complexity of potential issues which could work against project implementation. The refinery was delayed for more than a year by changing sites presumably based on high land prices in the original location. Later when the environmental approval for mining was about to move ahead wildlife concerns that were not really part of the project opposition's agenda stopped the mining component of the project. And once it was ready to restart after unknown government deliberations, a new central government Minister was in place who demanded more stringent compliance with environmental laws and implementation of the Forest Rights Act before any mining could start.

Mediation by civil society pressure, other than attempts to delay or stop the project, was found to be very limited. The pressure certainly contributed to additional reports being made by the government to study various concerns and seemingly also contributed to a better adherence to bureaucratic procedures. Few, if indeed any, claims were however made by the project opposition to find alternatives which would enable tribal people to live better lives away from the current desperate poverty. At least the bauxite alliance had a plan of action which, however flawed, could instil some hope for a better future. Possibly a lack of belief in the ability of the government to provide support on the ground meant that there were no opposition demands for, for example, improved agricultural services or the provision of irrigation to improve tribal agriculture-based livelihoods. The opportunity to discuss an alternative mode of development where natural resources are utilised to improve living conditions of tribal people has not been seized upon.

The existence of so many public forums where challenges can be made seems to contribute to a lack of focus of efforts of the opposition. This is particularly apparent in court litigation where if you fail in one attempt many other possibilities exist, and continue to be created through ever-changing legislative amendments. Multiple forums also fragmented the opposition when the different conditions for access ensured that only the most resourceful could gain entry. Somewhat counter-intuitively it thus seems like the many forums which exist for challenges in

India's democratic setup work more against than in favour of the opposition and induces individualised opposition strategies possibly best characterised as 'noisemaking' aimed at paralysing the project rather than coordinated, strategic interventions. When your opponent does not wish to debate making noise might be the only strategy which remains. The problem is, however, that voices with genuine concern might find themselves drowned out in this noise. There is also, as Simonson states

an irony to the noise of public controversy. Though it may be loud enough to set public agendas in the press and legislative bodies, it always carries the capacity to turn away those who hear no music in democratic disagreement and news-based social conflict (Simonson 2001, 407).

There is then, a risk that conflictual opposition can brand the noise-makers as being "anti-development" and contribute to even further reducing the likeliness of them being invited into the elite government-business forums where most decisions seem to be made these days. The result will be to continue the side-lining of social justice claims in favour of a more narrow alliance agenda.

The discussion in this chapter completes the analysis on the mediation over the need to protect tribal land. The next chapter takes the treatment of information within and between different government departments and by the company, as well as that of the members of the opposition to the bauxite project, as crucial to the satisfaction of outcomes.

8 Habermas' nightmare?: Distorted communication and bauxite mining contestation

8.1 Introduction

The previous chapters have identified a number of information problems which have had an impact on the possibilities of different actors to understand and take appropriate action related to the bauxite project. The problems have ranged from the project conception when a MoU was signed with no prior public debate and doubtful public benefits in chapter 4, to the affected being kept completely uninformed about what is being planned in chapter 5, to the more intricate government procedures which worked towards excluding people both from being seen as affected and from taking part in deliberations in chapter 6, and the populist noise and mass litigation by sections of the project opposition which largely drowned out a discussion on genuine grievances in chapter 7. This chapter continues this discussion on information problems by detailing information access and availability issues encountered during fieldwork. The strategies used to uncover information are used as further evidence to illustrate the depth and nature of the information problems which shows the need to move beyond political economy explanations. Information is here seen as not only a vital resource with access determined by sheer power. It is also uncertain, complex, full of contradictions, and coded in particular languages which determine who can and who can not access and make use of it.

It can be empirically seen from the discussion in previous chapters that people are simply talking past one another at the moment, if they indeed talk at all, leading to entrenched positions of oppositional discourses. In these contestations the genuine core of real grievances is most of the time marginalised by either a government intent on only, if at all participating in debate, discussing narrow, technical-rationalist conceptions of industrial development, or lost in the din of noisy oppositional groups supported by a populist, politicised media. But what theoretical model might help improve our understanding of the implications of this situation?

8.1.1 Systematically distorted communication

To reiterate briefly from chapter 2, as part of communication, information is crucial since without it very little purposeful communication can take place. If people do not know the what, where and how of the planning for the bauxite project there is really very little which can be achieved even if deliberations were to take place. Informational problems are particularly relevant when it has been found that significant knowledge exists, even though often fragmented among many different actors, both as a result of extended bauxite industry operations in the country, and

as part of the work of oppositional groups who have used the law to improve the realisation of rights in support of tribal livelihoods.

In Habermas' theory of communicative action it is open and non-coercive communication away from the distorting influences of the state and the market which is the essence of how people build solidarity and understand one another. "Through communicative action, formerly oppressed people may be capacitated as meaning may be clarified, ambiguity and contradictions reduced and an acceptable outcome negotiated" (Hillier 2002, 26). Communication can thus be seen both as a process of reaching mutual understanding and as a tool for emancipation. If there is no informational foundation for communicative processes this seems to build up towards a situation possible to refer to as Habermas' nightmare with no possibilities for mutual understanding leading to inevitable and, quite likely intractable, conflict. And when the goal of emancipation suffers continued inequality is a likely outcome due to the asymmetrical power relations which currently exists.

Though Habermas' theory of communicative action remains significantly idealised, much critical theory research has attempted to understand those settings in which genuine deliberations can take place, and what might reduce distortions (Crossley 2004; Ojha et al. 2009). Habermas treats systematically distorted communication, the failure to reach the goal of communicative action and therefore to reach mutual understanding (Edgar 2006), as unintentional, thereby indicating that a refusal to participate in deliberations is not part of conscious strategies of domination. But Bohman (2000) argues that this is not necessarily the case and that there are situations of purposefully distorted communication. In his view much domination is built around avoiding consensus-building rather than engaging in and winning debates. This is how elites can best assure themselves of a disproportionate share of resources:

[T]he success of a deliberation may simply not be a matter of putting one's reasons up for evaluation by others when one avoids communication altogether. Contested topics may simply be avoided. For example, large advantages in the agency freedom of one group over all others may be due to the possession of vastly greater resources or other forms of social power; the achievement of their goals may not depend upon the consensual resolution of a conflict with groups with less social power (Bohman 2000, 9).

Avoidance of debate in the bauxite project case was exemplified by how the government secretly signed a deal seemingly against the public interest (chapter 4) and worked to avoid deliberations locally, at State-level and in national forums (chapters 6 & 7).

But since Indian laws require certain documents to be produced as part of government procedures at least parts of the administration can not remain completely silent on what is being planned. There may be attempts to prevent information from reaching the public but legislation exists to ensure at least some transparency which can allow challenges to be made. In addition the media produces many stories often based on protests or controversy, but also allowing alliance members to speak. In these cases what information reaches the public, its quality and timing, are likely to be crucial for the stimulation or suppression of deliberations. And even if alliance members are attempting to suppress public deliberations, it might be possible for alternative public spheres in civil society to support communication. The varying capacities and interests of the actors in the bauxite project opposition to first access, and then to interpret and share information in various forums, will be decisive for the success of such alternative spheres.

8.2 Fieldwork strategies to uncover information

Where to start enquiring about the planned bauxite industry operations is far from obvious. If you try to see company representatives in their local registered offices you will find JSW located on the outskirts of Visakhapatnam in the housing colony for employees from their other facility in Vizianagaram District. A few rooms seem to function as temporary offices while others are meant for managers staying overnight. There is no reception staff other than the local security guard, in fact the office seems to have very few, if any, permanent employees. Similarly ANRAK Aluminium, the other currently proposed aluminium project in AP, is located in a plain family home in posh Jubilee Hills in Hyderabad without any hint of it actually functioning as an office space. There is not even a company name visible.

The State government offices are only marginally more approachable since they at least have official addresses with signboards. Key in the AP government planning effort is the Mines & Geology Department, and its head the Vice Chairman and Managing Director. This Department operates on the 7th floor (usually without the lift working) of the extremely worn down BRK Bhavan of central Hyderabad next to some of the most insignificant departments of the State government. There is an air of efficiency in dealing with the director and the number of visitors is impressive. Yet, every time one approaches with questions some obstacle or another appears. Finally, a made-up second permission from the State government beyond the research visa (which was cleared by the Centre but supposedly with input from the State government) puts a stop to personal interactions.

The fieldwork strategy instead changed from the largely unsuccessful attempts at meeting policymakers in Hyderabad to engaging with the vocal and widespread opposition in more directly affected Visakhapatnam city. It is in Visakhapatnam where bauxite mining becomes a major issue, possibly even disproportionately large compared to its actual economic importance, or even compared to the size of land acquired or pollution caused.¹¹⁸ The many opposition parties and activist groups who had been campaigning on the issue as well as local journalists would not necessarily be close to the corridors of power in Hyderabad and Delhi where all decisions were made and the planning was detailed, or at all even be aware of the fact that JSW is head-quartered in Mumbai, but had surprisingly often managed to get hold of some government document or other piece of information which could reveal something about what was being planned. Much effort had been put into uncovering what was being planned by a dedicated set of groups and individuals, but there was little coordination taking place to analyse and disseminate these dispersed documents. Only an outsider on research work managed to stay clear of the politics of information access well enough to gather what is presented in this thesis.

These politics of access worked in many, and sometimes unexpected or even quite random, ways. Using the researcher role to stay ‘neutral’ was a good start when meeting people for the first time. At the same time a balance had to be struck since there was no neutral position available on the particular project. Not taking a stance might seem suspect and thereby limit information access and a foreign university would only go so far in establishing trust with respondents. Introductions from other respondents were much more reliable and opened up opportunities for further enquiries in the opposition but almost never for the government and especially not the company, which was unknown to everyone since it was not at all present in the State. Using earlier established connections from NGO volunteering would open new doors but it would also at times be necessary to distance yourself from the same organisation when one of the many feuds between various civil society groups and political parties became apparent and could close doors to information.

The importance of introductions made informal personal contacts of vital consequence to information access. Fishing for contacts across different social networks improved the results remarkably (activist, academic and family friend contacts turned out to be especially valuable). Academics would be the one group who would have connections with the widest range of people

¹¹⁸ Many other ‘development’ projects are currently implemented in Visakhapatnam city and surrounding areas such as expansion of the Vizag Special Economic Zone (SEZ), new IT SEZ and several of the main IT companies setting up offices, a “Coastal Corridor” comprising new ports, petro-chemical and other industry etc.

including politicians, bureaucrats and activists but they were often actively staying away from the contentious nature of the topic. Activists had contacts which led to the particular sites where the project was being implemented. Family friends provided contacts among retired IAS officers and it was possible to snowball among these. Many, if not all, of the retired officers might have been interested to share their viewpoints without introductions but finding out who is who and getting contact information is not a straightforward task in India. None of these networks had many contacts in the current administration or, in the case of the retired IAS officers, were willing to disturb the extremely busy top administrators with questions since they themselves know the kind of pressure this work involves.

Sheer luck was certainly also part of the information search. I came across a person who had a good friend and former 'junior'¹¹⁹ high up in the local administration. When the 'senior' requested information on my behalf it was possible to get access to a wide range of government documents which would never have been made available otherwise, or at least would have taken months or even years to get hold of via Right To Information. Other chance meetings on the bus to and from S Kota led to Revenue Department officials doing survey work for the land acquisition. The unofficial interactions proved much more useful than the general waiting in various offices for people invariably away on some program, function or simply on leave. This informal access can hardly be said to be a representative sample but such is the nature of secretive, contentious industrial development that it would have been difficult to research it in any other way.

As the research moved from policy corridors to the opposition to bauxite and then to the sites of implementation, issues of access to information became less and less problematic. In the towns and villages on and next to the proposed sites a very different set of dynamics were operating. Here people would even go out of their way to contact others I might be interested to meet irrespective of their particular position on the issue. On the other hand police enquiries were being made about the foreigner who was moving about and what his purpose was in an area where he clearly did not belong, but these never resulted in any confrontations.

8.3 Accessing information from the government

8.3.1 Administrators in Hyderabad

Having realised that bureaucrats do not like to provide information since it risks compromising their work, one strategy was to depoliticise the information I was looking for and make it less

¹¹⁹ A junior is somebody a year or two below you in University.

risky for bureaucrats to share. One such approach was to ask for official statistics and publications. But one of the ground rules of government information seemed to be that even an ostensibly simple piece of statistics was always available somewhere else rather than in the office where I happened to be searching for it. The land information office in Hyderabad insisted that it was better to approach the Joint Collector of the appropriate District and then go to the local Tehsildar for the records. But once at the Tehsildar's office in the Visakhapatnam Agency, population statistics were available for all the Mandals in the Visakhapatnam city office (Interview local revenue office employee 11/4 2008, visit to 'Chief Commissioner of Land Administration's office Hyderabad 15/2 2008). It was never tested whether the Visakhapatnam office actually had the information since a much more useful second option was suggested by the head of one local revenue office; approach a local NGO and they will be able (here also interpreted as willing) to provide you with the information you are looking for (Interview Tehsildar 11/4 2008 and activist 9/5 2008).

If the information was not available somewhere else I had invariably gone to the wrong branch of the government. It is possible to spend quite a lot of time travelling between government entities in Hyderabad like the Mines & Geology Department and the Andhra Pradesh Mineral Development Corporation, APMDC, and the Industry & Commerce Department, all seemingly part of the same Industry Department of the State government. The result of such travel was a brief note consisting of a few pages and the suggestion to obtain a copy of the documentary made by APMDC to promote bauxite.

For written government information there is surprisingly no library which collects even the Gazettes where government orders are published. Researchers doing policy analysis will usually go and ask the officials of the particular department to provide information as and when they need it (Interview academic, Hyderabad 18/2 2008). The provision of information will then seemingly depend on the 'esteem' of the person asking and his/her institute or organisational belonging, combined with the willingness of the bureaucrat to part with a certain piece of information. It is, in a sense, a patron-client type of exchange of a valuable resource.

Even within the government there are indications of very limited information flows. Chibber (2003) uses the poor flow of information as a crucial part of his explanation of why the Planning Commission has not been able to design appropriate plans ever since its inception. It is thus not necessarily easy for the Industry Department to be able to access information about land from

the Revenue Department although part of the same government. Though difficult to evaluate as an outsider this information seems to have been accessible during project planning and no department kept its files secret. When lower government officials were ordered to go to work to collect information they did so with the higher officials stressing its importance. It was however found that JSW on a number of occasions had to step in to ensure information kept flowing from one department to the next as the faxed messages from JSW to the environmental consultant for APMDC's mine EIAs show. JSW was even given revenue map data and took this to digitally create and update the land acquisition map presented in chapter 5.

But indications were that it was not up to even high-level bureaucrats to set the priorities of work to be carried out in the Department. Industrial projects like the bauxite project are top controlled by the Chief Minister and a small set of locally powerful Ministers not necessarily at all connected to the relevant Departments of Industry & Commerce or Mining (and even less Environment, Forest or Tribal Welfare). Politicians are supposed to be more accessible than bureaucrats but the fieldwork efforts resulted in even less success in this respect. It is easy enough to get hold of the phone numbers of the politicians since these are even often listed on websites. After many phone calls with no answer local politicians of the tribal constituencies would sound very forthcoming once answering. But meetings agreed on would invariably lead to a particular date being set aside but no time other than for me to call in the morning. Whether this was a tactic to only seem available is not known.

When I retold a retired IAS officer of how I had been struggling to get information from the government and how I felt that I, just as anyone else, should have a right to access basic information about what was being planned the otherwise very forthcoming former bureaucrat got suddenly very angry and loudly exclaimed "Who are you to get information?! Who are you?" His argument against information access seemed to build on how people could misuse it and politicise the issue to create all sorts of trouble. Instead the 'good administrator' should selectively understand the intentions of the person seeking information and somewhat magnanimously deliver this to people found having "genuine intentions". The interviewed ex-IAS officer was very aware of how this could lead to all sorts of problems with corruption but seemingly felt it was the only available option. There seemed to be no particular need for even poor people to have a right to information to be able to claim justice since this was the job of the administrator. It would be better to reform the education of the elite bureaucrats than to try to open up information flows according to the officer (Interview retired IAS officer Hyderabad 26/2 2008).

A different retired IAS officer recognised the impossibility of accessing information for ordinary people. His advice was very different from that of the first respondent: “Say in your report that nothing of the information you have was given by the government voluntarily” (Interview retired IAS officer, 29/3 2008). This statement would have been true had I only attempted to get information via the official channels of communication. Informal and unexpected possibilities did open up information channels which proved immensely valuable (as discussed below in section 8.5).

Despite all this secrecy the quality of the government’s information production must also be questioned. What kind of information could be produced without local people participating, or often even actively working against this collection as discussed in chapter 7? How could government employees be expected to produce accurate information when they are working in early 20th century facilities with no proper equipment, and seemingly have little relevant training? And what kind of quality can be produced when government departments are reducing its staff drastically as was the case for the Agriculture Department which at times during fieldwork seemed to work mainly as a land acquisition assessment department rather than providing support to help farmers produce better harvests?

8.3.2 Accessing ‘expert’ knowledge

When interactions with politicians and bureaucrats proved largely futile, attempts were instead made to engage with outside experts to see if there were specific studies which could give a better understanding of the aluminium industry and the local conditions and environments of the area where it was proposed. General information was found to be almost equally difficult to find as the more contentious material directly related to the project despite the experts working removed from direct government control and in an environment of supposed freedom of speech. Information control was especially strong if in any way related to environmental matters or to maps.

Enquiries were made at one university whether there might be studies looking directly, or even indirectly, at the environment in the particular locations of the Agency where mining is proposed. I had low hopes of finding a study of actual mining effects but even indirect studies were, according to the professor, completely impossible to find at the very university where the people making the discovery of bauxite in the 1970s were based. According to the professor nobody studied the area these days. They had no maps or even older material in any way relevant for my

study whether it was bio-diversity, forest, agriculture or other areas. I should instead go online and use Google maps for satellite photos to understand forest cover and ask the NGO Samatha for additional information. I later realised this professor had spent a lot of time working on forestry and wildlife in Visakhapatnam. He had taken a number of books into his private chambers at the university thereby denying me and others in the department access to them. Further, there are of course many sociologists, anthropologists, geologists and other researchers at the university who are interested in these areas of the same District where the university is based. The reasons for the professor to deny the existence of any information were never quite clarified. As far as is known he has not done any work related to the bauxite project (Interview academic 7/1 2008).

Another enquiry for academic material led to a response from a professor in a sad two by three metre closet-sized office: “If you require information for research purposes I will give information but otherwise I will not”, was his response (Interview researcher 11/1 2008). I had assumed that my university credentials were already clear since I had been introduced by another employee of the university as a researcher. Once further papers and a business card from the University of East Anglia had been provided the valuable pieces of information were given having first been signed “with best compliments”. These were all own papers by the researcher in question written for various seminars and seemingly things any academic would want to hand out in the hope it would spread the work further.

With such poor initial results to enquiries for what to me was very basic and non-politically charged material, it seemed like the university world was almost hopeless. Academics would respond with a gasp to my chosen topic and exclaim that it is a very contentious topic. But then most unexpectedly other contacts led to the few free-thinking members of staff who still seem to remain. Surprisingly it was in the Geology Department where people proved most open to discuss bauxite mining and its various potential implications. This is a department marginalised by the politicisation of the bauxite issue where their science had no longer any value and where they not only had to see these “national treasures” not being used for public good but also could not even travel anymore to the hills for research purposes since people might mistake them for being surveyors or otherwise associated with the mine promoters (Interview Professor, 7/2 2008). The department had even been carried out research on pollution from aluminium operations supposedly not available. Also in other departments there were a few academics who felt it was ridiculous with all the secrecy and were happy to let me copy any map. But originals in

full size colour could not be given to me since in turn they would struggle to get new ones from the Geography Department who are in control of this 'asset'.

Another interesting aspect of information control in the university world was the library, accessible via invitation letter only. Once inside, the only things immediately accessible on the dusty bookshelves were ancient books of little relevance for my purposes. But statistics from the Census of India could be accessed from locked glass cupboards only after a brief visit to the head librarian in her air-conditioned office. Once the appropriate invitation letter had been shown she would instruct the staff to open the cabinets to allow me access. Photo copies could only be made however if the Xerox machine operator was present in his office, which he was not on my visit. But the story did not end here since other opportunities exist for those who have special resources, like a digital camera, and the authority to walk past the information guardians with it still in possession, and find a quiet place in which some pages of what in the end turned out to be really not very useful 'public' information can be copied.

Even these tactics were insufficient for copies of the still most useful information on the bauxite deposits, the PhD theses on bauxite ore geology made in the late 1970s and early 1980s. These theses are kept in a separate section of the library in a corner on the top floor with a dedicated guard. Again the invitation letter had to be produced, now with the added signature of the head librarian. But you can in this case not even think of going to look for the absent photo copy operators since the PhDs are only possible to read in the adjacent reading room where people take notes from thick books by hand. The explanation for this is that some PhDs are yet to be published and allowing free access could ruin future publications. A question for guidance to the particular PhD I am interested in to the guard/librarian only leads to a vague nod towards a disintegrating indexing card system. This librarian was clearly not a guide to information even if it was only a collection consisting of a few hundred titles.¹²⁰

When the PhD theses are not available the geological reports prepared by the Geological Survey of India in the 1970s can still command a premium price as advertised on its website. Reports on the bigger deposits cost hundreds of thousands of rupees.¹²¹ Several conclusions can be made from this. The main characteristics of the aluminium industry in terms of geological and

¹²⁰ Interestingly a large number (58 in total) of Andhra University PhDs other than those on geology have been digitised and made accessible for free via the University of Mysore, <http://dspace.vidyanidhi.org.in:8080/dspace/> [Accessed 2009-10-09].

¹²¹ The "Final report on the investigation for bauxite in Galikonda block, Visakhapatnam District, A.P." is available for the sum of 538,520 rupees, approximately £6,400 on <http://www.gsi.gov.in/1120.htm> (accessed 8/10/2008).

operational characteristics but also its negative consequences for local employment and the environmental were already known in the late 1970s/early 1980s. These had been evaluated in many committees and compared with international experiences. Yet, the same debates are continuing today 30 years later. Very little openly available information seems to be produced nowadays on, for example, environmental characteristics and industry to inform the debate. And the existing older information has largely been forgotten or hidden away which prevents learning from it.

The ‘experts’ are impressively effective at keeping information under control and only part of this can be said to be due to the influence exerted by the government. Certainly a company which ‘leaks’ information will find it difficult to get new contracts from the government as one environmental consultancy found out in a letter:

[T]here are reports that the [name of company] officials at certain levels are providing information to outsiders, without maintaining the confidentiality expected of a professional organization and this has resulted in unseemly controversies at the public hearings organized in respect of Irrigation Projects (Government of Andhra Pradesh, Irrigation and CAD Department 2005a).

The advice of the government officer who wrote the letter was for the company to “... induct competent officials with professional expertise related to irrigation projects and possessing integrity and high standards of efficiency” (Ibid.) which could be seen as a warning not to let information slip out again.

Other forms of keeping control were more intricate based on known occurrences where top experts in environmental management in coastal Andhra Pradesh would alter final results to suit dominant interests. Surveys would be made to verify whether sand mining along the Andhra Pradesh coastline should be allowed, or whether pollution levels for industries in the region were according to set limits. The information would be collected via field visits and analysed properly according to prescribed procedures in both cases. But then the expert authoring the sand mining report would change the crucial data in the final write-up to lower the number of found turtle nests in the area and therefore make sand mining seem like a less damaging activity. The pollution control lab had a general procedure to always fix test results to be within the limits during the process of transcribing the measured results into the environmental scorecard. Only once did the lab question the results when it was found to be much above the limits. But instead of denying the industry an environmental compliance certificate the test result was used to

negotiate with it to have pollution control equipment installed, which eventually also happened (Interviews researcher and lab worker, Visakhapatnam 4/4 2008).

Individuals expressing an opinion against the bauxite project could expect visits both from government employees and from the company. But since not much could be done to stop people free from direct government or company patronage from speaking their minds various offers of benefits would instead be made. In the case of a NGO JSW Foundation, the company's CSR division, would come forward saying "anything you want us to do to avoid another Nandigram¹²² we will do" (Interview activist Visakhapatnam 4/1 2008). Academics were also approached by JSW with offers of hosting a conference on bauxite mining¹²³ (Interview researcher 7/2 2008).

8.3.3 Leveraging information technology for information dissemination

New legislation and information technology offers hope for improved information access (See Chapter 3.3.4 for more on the use of the Right To Information Act during fieldwork). Information technology has been adopted by the Andhra Pradesh government to show it is not only keen on attracting IT companies but also to put to use technology to modernise governance. Some of the many IT projects of the government include the eSeva project set up at local offices across the State for payment of utility bills (among other things), a new web portal with information on all the State's various departments,¹²⁴ and an e-procurement website to raise the government's efficiency in procurement for public projects including the controversial irrigation dams.¹²⁵ The central government has been even more proactive in its work to spread information via websites. The Ministry of Environment and Forests is one of the ministries which have moved furthest with putting its material online. Right To Information requests will even be denied with justification that all material is already available somewhere on the complex and frequently down website of MoEF, as though any significant part of the Indian population would have access to computers with internet connectivity and English skills enough to navigate the poorly designed site (Interview retired IAS officer 29/3 2008).¹²⁶ The way new material is added with delays while old information is removed within a year speaks of a very limited window of opportunity to access information.

¹²² Nandigram in West Bengal witnessed violent clashes over land acquisition for a proposed petro-chemical plant.

¹²³ The national seminar on bauxite mining in Andhra Pradesh and Orissa held at Andhra University 17-18 July 2009 is for this reason assumed to have been paid for by JSW.

¹²⁴ Andhra Pradesh online, <http://www.aponline.gov.in/>

¹²⁵ Andhra Pradesh government e-procurement website, <http://www.eprocurement.gov.in/>

¹²⁶ An improved website with better functionality was launched by the MoEF in 2009. The discussion here refers to the previous version and may or may not apply to the new one.

The Ministry of Corporate Affairs is another example of a ministry which has enabled IT for information distribution about registered companies all across India. But only users willing to pay Rs. 10 per copied page and who have a credit card will be able to access this supposedly public information. Once information has been ordered and a confirmation email has been received the information seeker will have to make a visit to the physical office of the Registrar of Companies in the State where the company happens to be registered. In the case of JSW Aluminium this is Mumbai despite the Jindal Group being based in Delhi and the aluminium project of the particular company being in AP.¹²⁷ The service is clearly not aimed at the general public but at companies.

Potentially useful is the new website for AP government orders but it can instead serve as an example of how critical information is not reproduced in easily accessible ways, at least not as long as the information remains critical. Searching is cumbersome according to each department and per type of order. Once particular orders are found, the interesting ones will often be classified as secret. As this service is new as of 2008 more orders have been added since it was first accessed and some useful information was found to be available.¹²⁸

A relevant critical capability perspective comes from Jose Thomas et. al (2008) who compared the information accessibility and use in Kerala and Andhra Pradesh. The comparison worked out much to the advantage of Kerala not because of the size or quality of investment in information technology solutions, but for the ability of people in the State to make use of, and to some extent even have an interest in, information. Similarly, information searches on the bauxite project using information technology were somewhat useful for a researcher with a Master of Science background but it remains doubtful any wider dissemination actually took place. Having said this much has changed during the course of research on the bauxite project. Possibly due to the many RTI requests received by APMDC it has recently started to post all its mine agreements (MoUs) on its website.¹²⁹

8.3.4 The poor quality of official information

From the way bureaucrats held on to their information and independent experts and institutions worked to prevent access, from the wealth of government surveys carried out, and from debates in media and court cases where it is mainly official information which is referred to as evidence, it

¹²⁷ Ministry of Corporate Affairs website, <http://www.mca.gov.in>

¹²⁸ AP Government Order Issue Register, <http://goir.ap.gov.in/Reports.aspx>

¹²⁹ APMDC website, <http://www.apmdc.ap.gov.in/new%20projects.html> [Accessed 2/7 2010]

is apparent that it is government information that is the main resource everyone is fighting over. The government is the provider of authoritative information, the kind of information which comes from surveys carried out by certain authorised personnel and performed according to specific procedures deemed to give it legitimacy as accurate and non-politicised. But is this dependence on the government warranted by the quality and independence of its information production?

Though difficult to follow, government surveys gave the appearance of being anything but non-politicised as top Hyderabad bureaucrats and, at times, even the politicians themselves would bypass local and usually unavailable bosses, and call to order survey work. In this rush to get survey workers out to upcoming industrial locations a good amount of confusion would be created since this was not according to the proper procedure that the local workers had been trained to follow where orders are passed via established hierarchical channels and made in writing. In what appeared to be uncoordinated pressure to get all surveys done at the same time, one survey team was sent out but unable to complete its work since the Revenue Department had yet to produce the basic details of the land to be acquired and therefore surveyed. But other employees would not need to be ordered but instead take great pride in their efficient work on behalf of the company. One such incidence was of the Revenue Department official who bragged about finishing land acquisition for an earlier project in just a few weeks and thus getting handpicked for the important ANRAK Aluminium project (Interview government worker 5/2 2008).

The sheer complexity of land information and the poor information management skills of government employees stuck largely in a pre-computer era with 1950s facilities posed serious challenges to the quality of information production. Even though officials were at times using remote sensing technology like Google map satellite imagery to plan for land acquisition, the more detailed management had to be dealt with on the ground. In a meeting one such local surveyor in his two by four metre bare office would take out worn 1950s village maps from a steel *almeira* (cupboard) and start to repair one with a razor blade and tape. Small wonder then that this map was handed over to the company and digitised openly enough for the official land acquisition map to be labelled “JSW Aluminium” and not Government of Andhra Pradesh even though it was the government which was responsible for acquiring land (See Figure 5 on page 128). But however well maps are digitised this process can not compensate for poor input data. The basis of local maps had seemingly not been updated for decades in an area where much of

the land consisted of assigned titles with owners who one way or another had sold this land 'illegally' with the result of incorrect land registers. And even if they had been updated it remains difficult to see how razors and tape could be used to provide enough detail to correctly depict constantly changing land holdings across several thousand acres of land in the Mandal. In the end, as discussed in chapter 5, the government was not interested in providing compensation for other people than those present in its own ancient land registers, but the Revenue Department officials for months still had to travel daily by bus from the head office in Vizianagaram to the site and work on weekends to set issues with the land acquisition straight.

These details about government capacity and interest in providing quality information combined with the deficiencies of EIA reports discussed in chapter 5 & 6 indicates a lack of local knowledge about the details of who is affected and what land they use to provide proper compensation even if the government was truly interested in, or forced to by public pressure, to attempt to do so. And not enough ground data exists on water (for example the flow and variability of groundwater, water bodies and rivers/rivulets), land (for example soil types, how mine reclamation and forest growth should be carried out or waste contained), weather patterns (for example wind, rain and temperature data) and other essential site level characteristics and processes necessary for proper environmental mitigation.¹³⁰ As far as can be ascertained this information is not properly present in any official documents studied since it was not collected in the first place. Top administrators and EIA consultants might not be interested in site characteristics since they have been trained in rational science where technology works the same irrespective of local specifics, but even if they were, the incapacity of the local government workers to produce this information will be sure to prevent proper compensation and mitigation.

The voluminous reports and the large amount of documents which were produced by the government as well as various consultants did however show that the information which did exist was certainly not scanty. It even contained much information of reasonably high quality despite the issues detailed above. A further problem was however what norms, rules and legal paragraphs the produced documentation was supposed to adhere to when, as mentioned in Chapter 6 and 7, the uncertainty over what the law is was significant. When so much of the contestations revolved around different interpretations of what the law is, and when courts are one of the main forums for challenging the plans of the alliance, the uncertainty of overlapping and unclear legal

¹³⁰ A similar problem was encountered by environmental consultants doing a study on a proposed port in coastal Andhra Pradesh. No information was available from the State or central governments on the occurrence and extent of flooding so historical estimates had to be used instead (Interview environmental consultant Norwich 2/11 2009).

paragraphs was particularly severe. This inevitably leads to the conclusion that it is essentially impossible for a mineral project in Andhra Pradesh, and presumably this is true for much of the rest of central India, to implement best possible social and environmental practices at present.

For non-local forms of information the company did not have to rely much on the government or its internal resources since the information was available on the market. The technology supplier would provide the equipment and an engineering group would prepare the site. Once the difficult issues of getting administrative approvals and land are resolved even a new company in the aluminium industry found that the required technical knowledge is available on national and international markets. But also the company, as far as can be ascertained, showed little inclination towards gathering the social and environmental information which could have improved the understanding of why so many were protesting. Under these conditions opposition actors and organisations will be sure to continue to find genuine reasons to object to bauxite mining and refining in future resource struggles across central India.

8.4 Information from the bauxite project opposition

The failures to come up with much detailed information or even comments on the project from the government and the lack of written sources in libraries opened up for interactions with the many vocal groups opposing the bauxite project. The base for most of this opposition was in Visakhapatnam, a rapidly growing city of coastal Andhra Pradesh. It was known that some activists had been very active obtaining information via Right To Information but as it turned out virtually every respondent had some document to add to the puzzle of what was actually being planned. How these had been obtained was rarely disclosed other than by saying they use Right To Information and other methods. It is here assumed that NGOs have mastered Right To Information procedures well enough to mainly depend on it for information access, whereas journalists and other independents do not have the time, knowledge and resources for RTI requests and therefore have to depend on the unknown other methods.

8.4.1 ‘Moneyed’ NGOs and struggling activists

The way information collection and dissemination takes place among NGOs and activists was found to be surprisingly typical of so many other actors during fieldwork. There were only a few organisations working on the issue with the people and the funds to collect information on a larger scale and it was on these that many other organisations and individuals, not to mention many of the journalists covering the issue, had to rely. Repayment for this kind of favour would come from journalists in the form of publications mentioning the name of the organisation or

party that provided the information or simply by writing stories on select topics. When activists of smaller means did not have much to offer the civil society gatekeepers of information, or did not want to get involved in deal-making over information, the larger resources naturally created a fair bit of envy and resentment of especially the 'moneyed' NGOs.

One of the most important documents spreading information about a particular industrial project is the EIA report. This is a document people affected by a project are supposed to be able to read in their own language and it is to be made available some weeks ahead of an environmental public hearing at a number of local government offices. It is also the only document which has to be made public, making the public hearing where this report is formally presented the venue to air all sorts of viewpoints on a particular proposed project. The wide variety of concerns usually debated at the hearings meant, according to one EIA consultant, that public hearings are on anything but environmental issues since the economic issues of those affected tend to control the agenda (Interview Hyderabad 4/3 2008). As things turned out it was only the big NGOs who had the capacity to get advance information about the existence of a particular public hearing, its location and thus the availability of the report in certain government offices. These organisations knew their rights and were able to demand access to the 'public documents'. And once they got access they could pass the reports on to experts who could give critiques.

Others interested in the EIA reports including not only other activists with smaller resources but also journalists would be forced to go and ask the NGO in very similar ways that people approach the local government for favours. If the NGO did share information it would want to be properly credited for being the one who had put in the hard work to uncover it. While the NGOs need to show they are doing good work to continue getting the attention of donors their comparatively vast resources and what was experienced as secrecy were sources of constant contention by other activists who rightfully felt information dissemination would help the common cause.

There is a perception that activists used to get information from bureaucrats, at least occasionally or by certain helpful individuals, on an informal, friendly basis but that this space has been closed (Interview activist Hyderabad 10/10 2006). As the contacts activists had with friends and relatives working in the government lessened, the Right To Information Act has been taken up on a major scale by some. Despite the many benefits this offers (as detailed below) the use of

legal means to demand information is not likely to work to close the gap in understanding between activists and the government.

Another strategy to obtain information is via litigation in the public interest. This requires even more resources since not only do you have to obtain information which allows you to challenge plans, you also have to know the law and its current praxis to know where and how to file a case. For these very reasons NGOs were found to have significant legal knowledge but also the ability to get lawyers to take up their cases, presumably more or less for free. Once you know the law and court procedures well enough to file cases and can obtain information via Right to Information, public interest litigation can be used to obtain even more information in court which may open up for further challenges. This is one of the few ways where you can demand that the government or other respondents provide information (Interview activist, Delhi 13/10 2009).¹³¹ And compared to using Right to Information you do not even have to know what information to ask for since you will receive anything that the court asks the other side to provide.

8.4.2 The media: Active and free, yet ultimately ineffective

Some very competent journalists were operating out of the small towns where the refinery and mine were coming up. However, with the limited interest of the English press in covering rural stories it was quickly realised that I needed to talk to the Telugu media. Especially the papers (unofficially) aligned with the TDP party, such as Eenadu and Andhra Jyoti, were working to press the government into accountability on its programs and projects all over the State. It was the Telugu media which had a presence through local journalists wherever an issue appeared and a readership keen on stories on corruption and poor people losing out from economic development. The government responded to this reporting directly by pressing a few cases against the editor of Eenadu but was otherwise largely forced to allow the papers to operate. Some saw the launch of the paper and TV station Sakshi, owned by the son of the Chief Minister YSR, as a strategy to counter the critical coverage of the government (Interview activist Visakhapatnam 2/2 2008). There were also frequent comments about the recent spread and popularity of the 'electronic media', intensely competitive TV news stations in Telugu who would show up all over the State to broadcast images directly to millions of homes. The TV news crews were only rarely present in the particular locations of this study, perhaps since it has not (at least

¹³¹ How the courts handle and evaluate information is not very widely known. What is discussed here is only the basic procedure that all parties of a case get to take part of what all other parties submit in court, and how this can be a very useful way of finding out new information.

yet) been possible for them to get the kind of local presence necessary to stay and uncover details which the printed media could find.

Telugu media stories on the upcoming refinery included how information about land acquisition had not been made available to the affected (Eenadu 2007), how the boundaries of the area to be acquired were changed secretly against the law (Eenadu 2008b), and how a payment of commission was forcibly taken from the farmers out of the land compensation money (Eenadu 2008a). For a story to 'qualify' for the English media (for example The Hindu, Deccan Chronicle or the New Indian Express) it had to be related to water availability in cities and especially Visakhapatnam, or as a report on a meeting held by political parties. But at least The Hindu keenly covered tribal issues in the State.

Some exaggerations seemed present in the articles which had been published and certainly the capacity to obtain and interpret government documents varied enormously from one journalist to the next. But there were journalists who were found to possess maps and other government documents on which to base stories. They would not say how they got hold of these but one journalist claimed he had made both RTI applications and travelled to Hyderabad to access certain information (Interview Journalist 19/3 2008). Presumably most of the information would have come from sources in the local government rather than through formal means. On several visits to government offices journalists were found to be casually having a chat with the government workers (based on visit to several local Revenue offices).

But the many stories covering various aspects of the bauxite project had seemingly had very little actual impact. Even some of the more successful local journalists had started to get a bit tired of the lack of change after all the hard work they had put in. The frustration was most apparent from the journalist who exclaimed that their stories were just "cries in the wind" (Interview Journalist, S Kota 19/3 2008). This was not the fault of the journalists but of the larger system. When there is no independent government or other body to keep the State in check, actors from the political opposition or civil society, or possibly the Centre, would have needed to step in. News stories spread information about the proposed bauxite project to an impressively wide audience in rural, coastal AP but in themselves would not carry much weight in a court case or be possible to use to initiate investigations. The media did a good job at shaping the local public opinion but when this opinion is of little relevance to actual outcomes it will not be able to make a difference.

8.4.3 Political parties

All opposition parties quickly took positions as being with ‘the people’ and against bauxite in coastal AP. This included, as discussed in chapter 7, the TDP, which made an impressive complete turnaround from its earlier attempts to start mining when in power, and a number of left parties. Opposition politicians were generally very keen on meeting a foreign researcher. The left parties had cells which operated only in certain locations and this seemed to restrict the detailed knowledge they could provide. Limited resources and a lack of experience of ever being part of the government meant they were not able to find out much about the detailed plans of the government or shed information on the ways in which it operates. And even if the left parties had access to information they would have had few useful ways to put it to use other than further news stories in an already filled media space on bauxite.

Many left parties, active for decades in coastal Andhra Pradesh, preferred struggle on the ground to information collection and dissemination. There was even a disdain for information as something ‘bourgeois’ among the more radical groups (Interview activist Visakhapatnam 2/2 2008). The thinking was seemingly that when the government was invariably going to be wrong and had to be opposed, what was the point in spending time and effort to re-learn this for every new instance. But the lack of knowledge on laws and procedures meant those working to mobilise farmers to reject land acquisition, despite the impressive self-sacrificing approach taken, were somewhat like the blind leading the blind. Party workers would not be aware of even crucial details like that the refinery was located on purpose just outside of the Scheduled Areas to allow private ownership of land (Interview left party worker 27/1 2008).

The TDP, in power since the 1980s for all but the last four years, and with significant monetary resources, had a clear informational advantage. With the former MLA and a number of Panchayat and Mandal Parishad seats in the S Kota and Araku constituencies of the bauxite project area there was also a significant local presence. But, as chapter 7 detailed, somehow the party chose not to capitalise on the available resources other than to host a few padyatras and meetings in the Visakhapatnam area, and to raise ‘noise’ in the Assembly. It had significant amounts of information from local stories to the politics and economics of the business deal and whatever it was not in possession of it could most likely have gathered. No wonder then that even a left party worker would provide contact details to TDP members in my information searches (Interview CPM Party Worker 28/2 2008). A visit to the TDP headquarters did show an impressive library and full time staff working on information collection. But the question is what

does the party actually do with its information? No reports of particular in-depth have been seen on bauxite mining or any other current event. And the parties do not usually engage in litigation for which information would be crucial. Possibly it uses information as part of its frequent objections to the State government in the Assembly, but if this was the case the left parties who also have a few MLAs would have been able to get copies.

8.4.4 The politics of mine opposition and information control

As already indicated, it turned out to be very easy to meet and interact with activists and opposition party members, as most were only too happy to talk to a foreign researcher. There was not even much of a need for informal introductions, even when the researcher was seen as aligned with certain activists. This does not mean information-sharing between parties and activists is particularly good. To start with serious fault lines existed between some of the main organisations working on the bauxite issue which effectively blocked all direct information sharing.

One NGO interview started with a 15 minute rant against Samatha since I happened to mention I had earlier volunteered for them (Interview activist, Hyderabad 12/10 2006). The antagonism was based on the credit the organisation had received for a judgement with many imperfections. A head of a smaller NGO went as far as to argue that Samatha is really working for the government. How else would it have been possible for the government to mention the existence of the judgement in the agreements signed with the companies for bauxite (Interview activist, 9/5 2008)? Once activists had been allowed to settle down it was possible to discuss the issues and frequently access information which had been painstakingly collected by them.

NGOs might not get along for ideological reasons but were also keen on promoting their own “names” (presumably to be able to attract more funds) and parties functioned in much the same way (Interview journalist Visakhapatnam 10/1 2008). The result was a lack of coordination of information or efforts which would have been effective at achieving the claimed goal of opposing the bauxite project. “All-party meetings” on the bauxite issue would be organised where a wide range of activists and political parties would be invited to speak.¹³² But padyatras in rural areas were organised by each party singularly, and if others were invited to join the timing of such invitations would be so as not to take away the limelight from the organisers (Interview activist Visakhapatnam 26/2 2008). NGO joint campaigns would often also function much in the same

¹³² Such as the “All Party Meeting” in Vizianagaram organised on 5th January 2008 or the “Chalo S Kota” meeting in S Kota, Vizianagaram District on 28th January 2008.

singular manner. In one of the rare joint efforts one NGO would threaten to pull funding from the yatra when another had taken too much credit for the ongoing campaign on its website (Interview activist Visakhapatnam 14/5 2008).

Trust between parties and activists did not run very high either. One particularly revealing case was when a local political worker first blamed a local NGO head for being a “cunning fellow” only interested in money while the NGO head the next day returned the ‘favour’ by accusing the party of sending out “double messages”. Both the party worker and the NGO head seemed equally single-minded in their opposition but had somehow failed to understand one another despite living in the same town (Interviews with party worker and NGO head 8/5 and 9/5 2008). Other activists saw politics as a necessary evil with which one would have to engage in order to make an impact. It was only the parties who had the capacity to mobilise on the ground even though it was found that the support could often be withdrawn as quickly as it had started (Interview activist Visakhapatnam 26/2 2008).

The result was that the bauxite opposition worked diligently in its local cells and each NGO/activist/party/journalist had only a small piece of the puzzle, usually confined to the particular location(s) they operated in or certain issues that they were following. A few individuals were able to somewhat move between different information holders to allow information to be circulated but the result was nevertheless fragmented understanding. Much of the information presented in this thesis is thus the collective effort of very time-consuming information gathering which could have also contributed to a more comprehensive, shared understanding of what was being planned by the project opposition itself.¹³³

8.5 Site visits: Open access to people and documents

Having searched libraries across the State and enquired at what felt like countless other locations it almost becomes a shock when detailed statistics can be swiftly printed from a PC at a local revenue office. Further, when the printer stops working the missing pieces are copied to my USB pen drive. And this was all thanks to the ‘junior’ who had called on my behalf to open up the information reserves.

But despite the right introductions, there were similar challenges to accessing local maps and statistics at the sites to those in the central departments in Hyderabad. On any given day it would

¹³³ As things turn out it seems like this PhD will be finished ahead of the bauxite project completion which means it might not be too late for it to contribute to the information sharing started in Oskarsson (2009).

be almost impossible to first find the tehsildar, the senior-most officer in the office, present and then have him or her pass the word to the right person to provide me with information. Invariably this would require several visits since either the statistician (for population and land statistics) or the surveyor (for maps) would be out. In the case of the Agency the problem was compounded by the fact that one statistician worked with revenue villages and another one on forest villages. Only the person in charge of any particular document or map could bring this out of the locker for me or anyone else to see.¹³⁴ Most peculiar was one incident where the surveyor in a joint meeting with the tehsildar agreed to meet me the next day only for him to take leave on the day of the meeting seemingly without informing the tehsildar (Interviews at tehsildar office 8/5 2008).

But the fact that I at all was able to access local government offices was nothing short of amazing to many activists. To put things into perspective, about 1.5 months before I approached one of the offices for documents in December 2007, a group of 42 people, project-affected villagers led by a group of opposition politicians from all the major opposition parties, had spent four days on a dharna outside the same office demanding to know the plans for land acquisition. The officials stayed away from the office and the dharna ended when the police moved in and arrested about 30 of them. It was during the two weeks this core group of activists were held in Visakhapatnam jail when land acquisition started. Over the coming months the tehsildar would continue to avoid responding to letters which objected to the land acquisition notices despite such a letter having been handed over personally by the same set of opposition politicians with a large media gathering present (Based on personal visit to tehsildar's office 27/3 2008). A case was later launched against the tehsildar but the land acquisition continued (Interview activist Visakhapatnam 14/5 2008).

At the sites, local lower-level government officials would even call to ask when to meet up and then show up as promised. When doing so the officials did make sure they had political cover from some Sarpanch and were in sync with the local company employees before they talked. The only thing which can really explain why the sites were so much easier to research other than a general curiosity to meet foreigners would have to be in the changed power differential. A foreign researcher could apparently not be ignored. On one particularly good day I was having tea at a roadside stall while waiting for the bus and various political party members and activists kept

¹³⁴ Based on visits to Revenue, Tribal Welfare, and Mandal Development offices, Visakhapatnam District in March-May 2008.

passing by and decided to talk to me. Gone were all the travels from department to department in Hyderabad and the secrecy of the academic experts.

Every single person sought at the various sites turned out to be forthcoming and, if not eager to respond seemingly, only unable to provide information when it was really not available. In an interactive effort with villagers I showed them maps with the refinery area outlined to try to identify where their particular land was located. This surprisingly only resulted in vague interest despite the fact that some of the respondents had been arrested only a few months earlier when demanding information. It seems as if a map to them was nothing substantial which could be relied on. A map could according to the villagers seemingly be drawn today and changed tomorrow just like any other government plans.

As noted in chapter 5, several members of the bauxite opposition indicated they had not received land acquisition notices but had joined the local opposition group thinking they would be part of the second phase of acquisition. It was not that they knew a second phase would be coming, but why wouldn't their land be acquired when all other land was? I could verify against the map how the land they owned was outside of the plant boundary and how their village houses were also outside but this had no calming effect. Documents were not too surprisingly only of interest to the children of the almost exclusively illiterate land losers. The 15-16 year olds with 7-8 years of (poor) schooling behind them treasured the documents but were unfortunately not able to make much sense of the Revenue Department technical jargon in English. And time did unfortunately not allow for longer personal interactions to help clarify the documents.

On the other hand, powerful individuals existed among those losing land. One villager was found studying land acquisition maps and documents on a visit to his home. The man, a non-tribal who had illegally bought land many years earlier, was naturally tight-lipped over where he was able to get hold of these documents. Unfortunately he also seemed to have little interest in sharing it with other villagers though nominally he was a member of the bauxite opposition. Then again, my own efforts to spread information had few people interested.

The main problem with information collection in the villages was not the willingness to discuss and share. Villagers just did not know the details of what was going on. Nor did local government officials in the mining area either really know what was being planned more than what they had read in the news. They had not even been called in to do surveys as part of the

planning process as happened for the refinery. Instead, as discussed in chapter 7, a consultancy firm was contracted (and apprehended) for survey work in the hills.

The surprising amount of information in circulation at the refinery found little productive use other than for a few news stories and individual bargaining. But the project opposition, instead of being on site, spent a lot of their time filing Right To Information requests. Why did the opposition also choose to stay in the cities and wage procedural battles to get their hands on government information? This acceptance of the government's authority as information producer does not seem to make sense given the poor quality of many of the documents. Is this strategy influenced by the court's insistence on government as the authority? Or is it based on the preference of activists to remain in the cities rather than travelling to rural locations? Fieldwork at the sites seemed to indicate that a more useful approach, or at least an approach which would have complemented government information, would have been to go to the sites and collect information directly on people, land and even the political influence which made work move forward.

8.6 Conclusion

This chapter has examined information access and availability during fieldwork and compared the personal experience of the researcher with the information problems which were part of the story told in the previous chapters. The picture which emerges is not one of an all powerful alliance which has perfect information itself and the ability to control others from accessing it. Rather the poor information flows seem to be the result of a widespread recognition of information as a valuable resource which needs to be protected and only let go of in case something can be gained for the individual or organisation from doing so. This behaviour was found to reach far beyond the key planning State departments the alliance can hope to control, to the entire government, but also much beyond this to encompass most organisations and individuals encountered during fieldwork including researchers, journalists, opposition parties and NGOs.

The informational struggles over access and availability were almost exclusively over the government-produced information which was seen as authoritative due to its perceived high quality and strict procedures supposed to guarantee independence from political influence. But there is little to indicate that either quality or independence is particularly well assured based on what was observed during fieldwork. Survey workers were found to be heavily influenced by top administrators and politicians and using poor facilities and methods to produce information. Combined with the many site specific information gaps found in the public documents and

special reports examined throughout this thesis, the low government ability to produce information makes it seem impossible to properly compensate land losers or mitigate negative environmental effects according to best possible practices even for the most concerned alliance. When mediation is impossible future mineral projects are certain to generate continued protests from civil society.

When much of the project opposition, as well as the supposedly independent experts, treated the government information in similar secretive ways to the alliance, what resulted was a fragmented understanding based on public information of deficient quality. To actually build functional alternative public spheres, when much of official debate is characterised by an alliance unwilling to communicate and a noisemaking opposition, it will be necessary to improve information sharing but also to complement the poor quality official information with truly independent information production of a higher standard.

Though limitations in information flows were severe during fieldwork it is not argued here that there is such a thing as perfect information. There are always certain actors and organisations with better access to information than others and there should not be a belief in the creation of a perfectly transparent mode of organising society. Even with better access to information struggles would still have to take place to ensure justice. The very promising Right To Information Act was found to come with many procedural issues which limited its usefulness, but the possibility to access information has certainly improved in recent years. This gives some reason for cautious hope for improved communication in the future.

For now, the conclusion is that the satisfaction of needs is the sum of the many informational problems which at the moment prevent any meaningful communication from taking place. This complete breakdown in communication seems to imply that contestations over mineral projects in tribal India are destined to move towards paralysing standoffs where little productive can be accomplished. Neither industrialisation nor tribal social justice stands to gain in this process. A few mineral projects which are able to generate especially large civil society opposition, such as the bauxite project of Visakhapatnam studied in this research, might find themselves getting stuck somewhere in the process but many will, despite the friction of local resistance, be able to slowly push ahead without mediation to the definite detriment of some of India's poorest and most vulnerable people.

9 Conclusion

9.1 Introduction

At the beginning of research I had expected to find an all-powerful alliance which would be able to push its project through due to superior resources despite the existence of protective laws and an active civil society. But instead it became increasingly clear during writing and analysis that these were very unruly processes where information would slip out every now and then to allow challenges. The organisation of the thesis reflects this exploratory nature of the research process where much additional understanding emerged in the later stages of writing up.

This final Conclusion chapter reconnects to the research questions in chapter 1 and reflects on the theoretical lessons which are suggested by the contestation over mining on tribal land. Finally, a brief discussion is held on the relevance to methods and policy choices suggested by the results in this thesis. Some suggestions for further research are also developed.

9.2 Theoretical reflections

This thesis has detailed the contestation over bauxite mining as involving a wide range of discursive and non-discursive struggles. In these struggles a wide number of actors and organisations have taken part including industrialists, politicians, bureaucrats, the judiciary, NGOs, party workers and the mass media. Material interests seemed to provide a driving force for the first three mentioned providing an explanation for the conception of industrialisation plans. But the multiplicity of groups represented and the many separate public, and sometimes not so public, forums which were used to further different claims placed emphasis on the discursively differentiated codes that additionally required an analysis of language and power.

A pure political economy explanation to this thesis would arguably have been more useful had the examined results pointed towards a more expected outcome where the vast differences in apparent power and access to material resources between the alliance and the opposition determined outcomes in favour of the powerful. But this was not the way the contestation unfolded. Instead we saw a very drawn-out process resulting in what appeared to be a stalemate between the opposing forces. These outcomes relied not only on oppositional information access; if they had then information could have been viewed as a key resource in

a political economy power struggle. Instead the opposition was found to have relatively poor internal cooperation and information-sharing, but a great ability to organise mobilisation meetings, and to use the media and the judiciary to launch challenges. These challenges restricted the freedom of the bauxite alliance to operate and confronted the less than perfect treatment of information within many different branches of the government. The uncertainty over the letter of the law with semi-implemented laws existing in overlapping legal jurisdictions between Centre and State, the poor ability to obtain and process site information for use in planning documents, and the poor state of land records were all equally important in explaining the experienced stalemate as oppositional activities. At the same time, a setting characterised by complexity and uncertainty was seen as allowing manipulation of outcomes in favour of the alliance thereby providing one answer to why the current confusion is allowed to continue by top decision-makers.

The approach taken in this thesis did not attempt to deny the usefulness of power and resources in influencing outcomes. Instead it attempted to use this as a foundation for the account of the contestations over bauxite industry. The chosen framework based on Fraser (1989) allowed for a study basing itself on political economy with an analysis of material interests, livelihood concerns and environmental protection, what was termed as issues of redistribution. But it also emphasised the importance of identity claims in Indian politics, and the strong cultural model of 'the tribal' being in need of protection which exists both in sections of the government and in civil society. Issues of identity were referred to as recognition in the Fraser framework. Chapter 4 and 5 could be likened to traditional political economy chapters which looked at the groups and actors immediately involved, the expected flow of monetary benefits and the livelihood impacts coming from the bauxite project. The mediation processes of chapter 6 and 7 could have been analysed according to the same frame. But this would have missed out on the unique character of the contestation which came to be defined by who could access key information, and then master techno-bureaucratic languages and procedures to access forums where challenges could be launched.

Informational problems were seen as being of a foundational nature to the processes of contestation and came to take on a dominant position in the narrative of the thesis. Summarising these difficulties for broader deliberations ('the satisfaction of needs' in Fraser's framework), chapter 8 placed strong emphasis on the informational constraints which seemed to create conditions which prevent meaningful deliberations. This is not to deny that there

were important material issues at stake. Rather the thesis aimed to show that as the contestations moved further and further away from the actual sites, factors other than the immediate livelihood needs of tribal people, or indeed national economic development via industrialisation, came to be more important.

Alternative approaches could have emphasised the power of certain decision-makers to influence opaque procedures and forums hidden from public view (like for example Jenkins (1999)), or the importance of patronage politics (Kitschelt & Wilkinson (2007)). As mentioned above, this thesis used these explanations as part of the conclusions but found them too limited for a full understanding. A 'cultural politics' approach similar to what Baviskar (2008) suggests could possibly have resulted in similar findings as the discursive path taken in this thesis by combining an analysis of power and politics with the importance of cultural protection of the tribes. This approach might have been more useful had the focus of the thesis been to examine the roots of the strong cultural protection which comes out as one of the main reasons why land rights continues to gather such strong support despite the poor implementation. It would have required a deeper ethnographic engagement at the sites than what the present study attempted at the cost of a reduced effort to examine the larger governance issues which were part of the mediation by the government and the oppositional groups described in chapter 6 & 7.

Another very interesting approach, and one which was initially attempted, would have been to examine the internal mechanisms of alliance-making. How decisions are made and according to what priorities in the balance between commitments towards tribal welfare and economic growth are not very well understood at the moment. Especially important would have been to gain a clearer understanding of how and what parts of the bureaucracy are needed to further industrialisation plans, and what means exist for alliance members to ensure that they adhere to plans. Similarly, more research needs to be done on the usefulness of the developmental alliance concept beyond the high-level forums where policies are made and MoUs are signed. At the sites very few, if indeed any, of those seen as alliance members were present and yet work was ongoing. Following this approach would have required an ability to interact with government and company representatives beyond what was possible during fieldwork however.

9.2.1 The developmental alliance and its challengers

This thesis has used Kohli's concept of a developmental alliance to study a mineral project under implementation in tribal Andhra Pradesh. According to Kohli, India's experience of economic reform should not be seen as market reform along 'neoliberal' lines, but instead as a slow reorientation of interests since the early 1980s which has enabled a closer cooperation between top policymakers and domestic big business leaders. In this research the alliance formation proposing to establish bauxite industry in Andhra Pradesh was seen as a subset of the national developmental alliance consisting of a small set of State-level politicians and a big business group. The concept was found to work quite well at the level of national and State policy deliberations including the signing of Memorandums of Agreement to formalise the mineral projects. At this stage only a few top State government politicians and managers of the company were involved and their roles were quite distinctly organised. The private business partner took care of almost all technical and financial details, while the politicians could rationalise their inclusion by using the State government to mediate in favour of the company on sensitive issues like the acquisition of land and compensation to those losing it. Another key area requiring political intervention was to prevent, or if this was not possible interfere with, deliberations in democratic forums ranging from Panchayats to City Councils and Tribal Advisory Councils.

Any significant debates or disagreements within this alliance formation were difficult to detect. The sort of uncertainties related to mining like royalty income to the mineral-bearing State, or how to compensate for forest land, which have tended to create contention for decades across India did not create significant problems according to bauxite project meeting notes and media coverage. There were also no alternative potential uses for the ore other than to have a refinery built in the State, removing potential disputes similar to those between iron ore miners and steelmakers over export of ore. The, as far as could be ascertained, almost complete lack of monetary benefits for the State government did not seem to trouble anyone in the government, the company or even the project opposition who all chose to focus on other issues.

Electoral and economic changes occurred during project implementation but neither the 2009 election nor the global economic recession seemed to have a major impact. The power of any State-level politicians to carry out 'development projects' is highly contingent on the amount of support they can build at the Centre, which still has an important say in administrative

approvals. The AP Congress party found itself in a particularly powerful position as the only major Congress-ruled State with a majority on its own, and was in the 2004-2009 period left largely on its own to pursue projects like bauxite mining. The Chief Minister of Andhra Pradesh Y Rajashekhara Reddy was one especially important factor in this balance of power and his passing away in an accident has left the State government divided. But even with Chief Minister YSR still in power the stronger Congress mandate at the Centre in 2009 seems to have somewhat modified the balance of power in favour of the Centre, and increased environmental protection specifically. Frequent, and often unexpected, realignments can thus be expected for even seemingly powerful politicians. Especially interesting in this case was that it was electoral gain for the Congress party which contributed to reduce the power of the State government rather than a negative popular vote. Any study of alliance-making in India must thus avoid seeing members of even the same political party as representing a coherent set of ideas or necessarily following the authority of superiors. The constantly ongoing re-negotiations of policy in India set the country apart from the top-down, national-level authority of the East Asian developmental states.

The ability of politicians to intervene has in this thesis been described as relying on the vast gap between the letter of the law and actual policy preferences on, for example, land rights in the Scheduled Areas. This 'old style' politics where top rulers are able to use their agency to manipulate outcomes has been largely possible persist due to remaining as well as newly introduced legal and administrative complexities. But what is different is that in an expanded economy the stakes have been raised many times over due to economic growth. Seen from the point of view of mineral projects in central India, economic reforms supposed to decrease the influence of the state over the economy do not seem to have put checks on, but rather increased, the possibilities for politicians to extract rents. This understanding of the mineral industry seems impossible to align with the literature on neoliberal reform which was supposed to reduce government intervention in favour of market mechanisms even if one would think of India as a case which has not liberalised enough (such as Krueger 2002).

Much of the agency of politicians naturally depends on their ability to influence the bureaucrats who ultimately are the ones who know about the details of procedures and carry out specific administrative tasks. How this happens and what has changed as part of the economic reforms process has been difficult to study in this research since only very few in the government were willing to share information or take part in interviews (chapter 4 and 8

did contain some discussion however). From the way administrative approvals are processed and other procedures are carried out as part of daily routines, the core functioning of the bureaucracy seems little reformed despite the emphasis placed on 'speeding up clearances' and reducing red tape in policy circles. Also the means to control bureaucrats, including the possibility to transfer them to new posts, is thought to remain largely unchanged since before the economic reform process started. A few departments were found to be more important than others, especially the Industry Department (including Mines & Geology, APMDC and the industrial development company APIIC) and the Revenue Department. These departments had Ministers with high influence in the State government. And APMDC and APIIC were staffed with what appeared to be handpicked bureaucrats who stayed in their positions for many years. As an empirical observation in the case study, the control over the bureaucracy which is implicit in the developmental alliance seems to hold but more work is needed to understand it theoretically.

Mining, despite the widespread protests, is expected to continue to allow major profits to be generated for a few, ensuring that further alliances between businessmen and politicians are formed for advanced industries like alumina refining or steelmaking. Plain mining seems to increasingly be under the sole control of politicians, directly or via sub-contracting, but also based on leakages from the large public sector mining companies. The main driver for increased mining is not merely a case of whether or not civil society protests are being heard or regulations are improved. As long as the political incentives to generate funds to fund political campaigns remain, and big business companies are willing to provide the money for preferential treatment the current cooperation is expected to continue.

The studied bauxite project with its anticipated, strong opposition protests nevertheless saw continued government support. This seems to additionally indicate that for politicians, any project is better than no project at all, however small the chances are it will actually be implemented. For, rents can be made also from slow-moving or not-moving-at-all projects. And indeed this will have to be the case since otherwise there would be no certainty for rulers to be able to benefit, since large-scale industry is all but certain to have a longer 'gestation period' than five years, after which elections frequently throw politicians out of power. While speculative, it is nevertheless important to also raise the question of how the main opposition parties who have plenty of funds, and access to vital information (though not in power) use

their agency apart from in token protests. Are there payoffs also for these parties to ensure they do not protest strong enough to derail projects?

The stalemate which is in place at the moment might even be preferred by politicians who are now more needed than ever in industrialisation. But the question is whether this state of affairs is also acceptable for the industrialists? Decisive might be whether signing a contract represents a reservation of the ore deposits in their name, in the belief that they at least some time in the future will be able to profit from them. If not maybe at some point there will be a loss of patience with the messy politics of industrialisation resulting in support for reforming the system towards more transparent tendering and implementation processes. By ensuring land was acquired for the refinery and some initial ground preparation work started, the company had taken significant steps towards completing the MoU. But news reports about poor finances and the lack of progress for the mines seem to have stopped further refinery construction making it uncertain who will make the next move to get the project moving again. Will the government accept the risk of protest and pursue environmental clearances for the mines, or will the company invest in the refinery in the hope of making mine clearance more likely? A completed refinery without significant progress on the mines seems very unlikely since it would mean replicating Vedanta's costly mistake at Niyamgiri in Orissa if the mines are cancelled in the end.

Though caste domination of Reddys and Kammas remain in Andhra Pradesh politics it has been difficult to find an overall ideology to explain why an alliance was formed and stayed. Kohli's alliance was identified at the national-level based on a historical-institutionalist perspective. But the alliance formation might make more sense not so much from a nationalist point of view as from the continued, and seemingly increasing, demands for politicians to generate large funds which are not properly accounted for, in order to win elections. Big business leaders know how to deal with such demands after decades of experience but unless they themselves go into politics and continue to create bonds with other politicians they might be side-stepped when the next MoU is signed. When politicians are increasingly also businessmen in Andhra Pradesh, and all big business leaders have direct representation in the national parliament, an alternative view might be to see the alliance as a convergence of business and politics.

Challenges to the bauxite alliance came from a wide range of actors including not only the political opposition and NGOs, but also from many other individuals including sections of the media. However, NGOs and left parties as individual organisations had definite constraints compared to the bauxite alliance. As donor attention has shifted towards northern India leaving Andhra Pradesh out despite its poor tribal region this has definitely affected NGOs. The left parties were never very strong financially, and poor electoral fortunes and internal splits have left them with what seems to be a relatively weak base with presence only in certain locations. The media was found to follow the bauxite project closely but suffered in credibility from accusations of publishing politically motivated, one-sided stories. And yet this largely un-coordinated effort of disparate groups and individuals made its presence heard across almost every imaginable forum ranging from the sites, to State and national parliaments and court and media outlet. The sum of oppositional efforts was to seriously question and restrict the work of the bauxite alliance. The strictly oppositional discourse did not allow room for negotiations but nevertheless seem likely to, as in 2003, prevent bauxite industry from being established. Outside events contributed to this, especially the decision by the MoEF to cancel the bauxite mining project at nearby Niyamgiri in Orissa.

The activities of the project opposition adds to the picture of a government inability to impose its authority under conditions of relatively strong freedom of expression, and a large number of forums outside of its control where challenges can be made. It however also added to the picture of fractured interest groups, present also in the developmental alliance, given the strong splits within the opposition. Even a relatively coherent oppositional message of project opposition did not seem to improve cooperation since many other cross-cutting issues existed to prevent this.

9.2.2 Tribal land rights, mining and livelihoods

The point that tribal people need their land has become well-established to the point of being seemingly impossible to refute in Andhra Pradesh. This thesis has attempted to show how this came to be by detailing the history of land rights in the Visakhapatnam Agency area of northern Andhra Pradesh, and the various past and present movements and actors who ensured legal rights were recognised, and later succeeded in blocking change aimed at reducing their strength. The end result has been that the on paper very strong APSLTR Act from 1970 stands until today, though it seems like it would never have been applied to private mining and industry had it not been for a few legal activists who managed to win the Supreme Court Samatha Judgement.

But the current attempts to reinterpret land legislation by using a government proxy for private mining shows the malleability of the legislation and the need for ongoing public awareness and pressure. Andhra Pradesh is in no way unique in the inconsistency between laws meant to protect tribal land rights but widespread land alienation to commercial (and other) interests in reality. Since the onset of economic reform, but also as far as is known before this all the way since Independence, no tribal land law in any Indian State has been repealed or even reduced in strength. From time to time State governments have been interested in amending the laws to open up the Scheduled Areas whether for public or private mining, forestry or non-tribal agriculture, but all these attempts have proven impossible. The poor realisation of rights is more due to implementation rather than legal support.

During the contestations to keep the law in place in AP, enormous loopholes have continued to exist in actual implementation. The main issue is the little land which is actually under tribal private ownership and control, given alienation to non-tribals of agricultural land and the vast stretches of forest land (often forest only in name) claimed by the government. Other loopholes include the many government industries who continue to operate supposedly in the public interest. For example, Singareni Collieries are using vast areas for its coal mines, which are some of the biggest in India, in the Scheduled Areas of Khammam District. Other industries like public sector SAIL (Sponge Iron India Ltd.) and paper industry like Ballarpur Industries are further non-tribal industries. Beyond these heavy industries, the situation for small-scale mining for construction materials or gemstones is largely unknown. These activities might be able to go on undetected in remote areas, at least for a while. Additional land is threatened by mega-dams like the Polavaram dam in East and West Godavari Districts. It should not be difficult to show that similar or even worse land relations exist in other parts of the Scheduled Areas of central India.

Another important matter is the coherence of the Scheduled Areas where any citizen is free to settle and work as long as s/he does not attempt to purchase or lease any land. The Visakhapatnam Agency at the focus of this thesis is relatively unique in the State in its homogenous population (despite the great diversity of tribes who live there) and low extent of land alienation to non-tribals. But most of central, tribal India or even the Scheduled Areas of Andhra Pradesh are not similarly homogenous, and hence have higher levels of tribal agricultural land. The reasons for this might be recent or more distant migration, or due to

classification issues where a group of people may be considered a Scheduled Tribe in one State but not in another, the result being the creation of a real mix of peoples. Adding to the confusion over the Scheduled Tribes and their Scheduled Areas are the non-Scheduled tribal villages such as those next to the proposed JSW refinery.

The implications of the many loopholes are so severe as to put serious doubts on the very reason to continue with special land rights for tribal people. But instead legislative responses have invariably been not only to protect, and occasionally strengthen the formal land transfer laws, but also add new legislation. Now the Forest Rights Act will allow also non-tribals to own land which, though seemingly justifiable based on years of occupation just as in the case of tribals, will further confuse land entitlements. And the struggle to get local democracy in the form of PESA implemented also has implications for decision-making over local natural resources including land.

It might be tempting to see the messy state of legislation as part of the story of how formal legal change is not needed since laws can be side-stepped, but this would not tell the entire story. Some fundamental rights have become established to the point where it is very difficult to change them, and land for tribal people seems to be one such right. It might not be ideal or have a very good track record in terms of improved human development in an economy where most good prospects are away from agriculture. It might even, as Baviskar says, leave tribal people “tied to nature in a particular place” (2005, 5110) and thereby work to reduce possible livelihood alternatives. But it is nevertheless a by now well-established right which struggles can use to mobilise around for actual implementation.

Somewhere in the discussion over the right to land and the many semi-implemented pieces of legislation meant to ensure this right, the actual livelihood needs of the people themselves seem at risk of getting lost. In our case, if bauxite mining is prevented thereby allowing people the possibility to stay on their land, how much will this help in reducing poverty? At the moment people in the Agency will still have to battle for rights to forest land while those in the refinery area struggle to pay off the debts taken to prepare and cultivate their land. This seems to leave little room for actual poverty reduction in either case at least in the short term. And even if rights are extended to include former forest land via the Forest Rights Act then what will happen to livelihoods? And what if the refinery area is declared Scheduled and thereby possibly offered better protection by the legislation against usurious money-

lending?¹³⁵ Surely securing land rights and improving the protection against money-lenders would be important but these possibilities do not seem to point to certain improvements for poor people who often already have significant areas of land under cultivation and yet remain poor. It seems easy to forget that irrespective of the outcomes in the intense struggles over bauxite mining, land is merely a necessary but not a sufficient condition to lift tribal people out of poverty since the people lack the capabilities and resources to use it productively and thereby move away from the current intense poverty.

The opposition to the bauxite project would thus do well to develop alternative models of land use which could offer hope for pro-poor development in the future. The coffee production and the tourism potential of Araku and Ananthagiri Mandals are two realistic examples discussed in this thesis where surely many others could be imagined. To outline development alternatives is not only an imperative for future livelihood improvements once mining has been prevented but an essential tool to claim legitimacy in the ongoing struggles. The bauxite alliance with its plans to industrialise the region today offers some amount of hope for a better future,¹³⁶ at least for better educated village elites, however flawed their plans may be.

The question might then be does it matter at all that these bauxite hills are Scheduled? In this study the answer would certainly be affirmative. The ease with which land could be acquired for the refinery makes it seem as crucial comparative evidence of much less protection for land outside of the Fifth Schedule. The people affected were somehow perceived as less 'tribal' when outside of the confines of their Agency, and their land could be acquired like any other land on the plains. Indeed the refinery case seemed to show that the land settled with assigned land titles was even preferred compared to privately held land for its weaker tenure, but presumably also due to the confused nature of notionally illegal land holdings and the reduced capacity for protest of the inhabitants. The Scheduled Area legislation, the Constitution, the APSLTR and the Samatha Judgement, offers area-wide protection where the Forest Rights Act and PESA will vary in strength from place to place. In the current context of marginalisation of the poor, the former might seem preferable though with less democratic potential.

¹³⁵ Money-lending is regulated by the A.P. Scheduled Areas Money Lenders Regulation 1960 (Regulation I of 1960).

¹³⁶ Thanks to Amita Baviskar for this point.

The land rights legislation is however only effective combined with continued civil society pressure. With all the deviations away from local, tribal land use and the continued poverty of the population, why has civil society reacted so strongly against bauxite mining projects? At the moment any planned bauxite mine in India will generate almost automatic protest on a national and, at times, even international scale. The strength of this mobilisation could be said to be somewhat surprising. Though the bauxite industry certainly comes with a number of negative costs to local populations and environments it is not obvious that it is any more damaging than other extractive industries, or indeed comes with problems more difficult to mitigate. Many other forms of mining remain to be 'discovered' by the wider civil society and the media where large-scale coal and iron ore mines, strongly toxic chromium mines, and radioactive uranium mines, would have to be among those most in need of more attention based on the scale and toxicity of their operations. Another striking feature of bauxite project contestations is, as has been shown in this thesis, the lower level of protest against the alumina refinery compared to the mines, despite the refineries generating more polluting waste and using more water.

It seems like the strength of bauxite mining protests can only be fully comprehended in relation to the particular locations of tribal Andhra Pradesh and Orissa where the main ore deposits exist. It is as if this form of mining has come to be seen as an attack on the last green hills of the tribes. The lush forests of bauxite mountains like Gandhamardhan and Niyamgiri in Orissa can seem like green havens inhabited by tribal peoples not too far from the ideal image of miniature Scheduled Areas as they still exist in the popular imagination far away from the poverty, deforestation, mega-dams and pollution which have all created havoc for tribal people and their lands, including the (also Scheduled) valleys below the bauxite mountains, over the years. When other forms of mining take place in Scheduled and non-Scheduled locations across much larger areas, displace larger numbers of people and produce more toxic wastes, it is the created connection between sustainable tribal livelihoods and green, life-supporting bauxite hills which seem to offer extended protection beyond the land rights legislation. Whether this connection exists in reality or not is actually unimportant for the success of mobilisation. As long as protests are loud enough to get heard it is possible to affect change.

The important role of the cultural dimension in finding continued support for special land (and other) rights for tribal people is poorly represented in the existing literature on land

rights in India. This body of writing instead tend to focus on the legal texts and the reasons why these have been largely left un-implemented by State governments. Reasons found are usually based on classical political economy explanations such as the implementation being captured by local, landed elites (Rao et al. 2006), or the complicity of governments with industrialists (for example Bhaduri 2007, Balagopal 2007b). While there is a case to be made that the cultural image of the tribal is part of what, at least in the case of bauxite mining, protects people from land alienation, this thesis has cautioned against being overly optimistic about the importance of land rights for tribal poverty reduction.

A related problem with the large body of ‘tribal land’ studies which exists is that these tend to confine themselves to State-limited studies (A number of such studies were presented in Chapter 2) with a definite risk that the larger picture gets lost. This is probably related to the varying context of the State land transfer laws and their implementation across India, but is nevertheless surprising given the importance attached to property rights for poverty reduction in social science literature in India and elsewhere (Mearns 1999, Besley and Burgess 2000, Dreze and Sen 2002). This thesis has shown the continued need for wider area protection of tribal land in the Scheduled Areas, over the more recent PESA and Forest Rights Act. While the latter two undoubtedly offer more democratic and locally accountable visions of the governance of local natural resources, including land, the case study clearly showed that the implementation process of these laws ensured that they can not be expected to yield as strong results, or in any case is likely to vary significantly from place to place depending on local mobilisation and general awareness. There are many other good reasons why these laws should be implemented, but for the moment they do not seem to represent alternatives to the vital State land transfer rights. There is a great need for future research to attempt to link the different local studies, of which the present study is but one instance, in order to understand the larger relevance for protecting tribal land holdings across central India.

9.2.3 Information deficits and deliberative democracy in central, tribal India

This thesis has described the contestation over tribal land rights and mining as mainly being over the informational resources which allow or prevent challenges (part of the argument below is a reiteration from the Conclusion of chapter 8). It was found that two factors conditioned the bauxite alliance to attempt to limit deliberations by creating a situation of systematically distorted communication (in Bohman’s sense) where the control of information was a key feature. The first of these was the strength of the tribal land rights legislation in

Andhra Pradesh and the known civil society objections to a potential amendment, which had spoiled earlier attempts to introduce bauxite mining in the State. It was well understood that oppositional groups and individuals would seek to challenge the plans and that an open contest would likely end in favour of those against the project. The second factor was the way the alliance was incentivised to avoid transparency. Rent-seeking for political gain was seemingly accepted in exchange for preferential treatment for the business group. A marked silence thus characterised the alliance despite strong attempts by the project opposition to get it to respond.

The picture which emerged throughout the contestation was not one of an all powerful alliance which has perfect information itself, and the ability to control others from accessing it. Rather the poor information flows seemed to be the result of a widespread recognition of information as a valuable resource which needed to be protected and only let go of in case something could be gained for the individual or organisation from doing so. This behaviour was found to reach far beyond the key planning State departments the alliance can hope to control, to the entire government, but also much beyond this to encompass most organisations and individuals encountered during fieldwork including researchers, journalists, opposition parties and NGOs.

The informational struggles over access and availability were almost exclusively over the government-produced information which was seen as authoritative due to its perceived high quality and strict procedures supposed to guarantee independence from the influence of political and other vested interests. But there is little to indicate that either quality or independence is particularly well assured based on what was observed during fieldwork. Survey workers were found to be heavily influenced by top administrators and politicians and using poor facilities and methods to produce and process information. Combined with the many site specific information gaps found in the public documents and special reports examined throughout this thesis, the low government ability to produce information at the moment makes it seem impossible to properly compensate land losers or mitigate negative environmental effects according to best possible practices even for the most concerned alliance. When mediation is impossible future mineral projects seem certain to generate continued protests from the immediately affected and, at times, also from larger civil society.

When much of the project opposition, as well as the supposedly independent experts, treated the government information in very similar ways to the alliance, what resulted was a fragmented understanding based on public information of deficient quality. To actually build functional alternative public spheres, when much of official debate is characterised by an alliance unwilling to communicate and a noisemaking opposition, it will be necessary to improve information sharing but also to complement the poor quality official information with truly independent information production.

For now, the conclusion is that the satisfaction of needs is decided by the sum of the many informational problems which at the moment prevent any meaningful communication from taking place. This complete breakdown in communication seems to imply that contestations over mineral projects in tribal India are destined to move towards paralysing standoffs where little productive can be accomplished. Neither industrialisation nor tribal social justice stands to gain in this process. A few mineral projects which are able to generate especially large civil society opposition, such as the bauxite project of Visakhapatnam studied in this research, might find themselves getting stuck somewhere in the process but many will, despite the friction of local resistance, be able to slowly push ahead without mediation to the definite detriment of some of India's poorest and most vulnerable people.

Finding ways out of the current situation of distorted communication do not seem to be straightforward. Increased transparency, mainly via the India's freedom of information legislation, has been shown in this thesis at risk of creating further inequality rather than reducing it since procedural and other obstacles only allow those with superior resources to actually access information. In a setting where the powerful already possess better capacity to process and make use of information further inequality must be anticipated. But there are always certain actors and organisations who will have better access to information than others and there should not be a belief in the creation of a perfectly transparent mode of organising society. Even with improved access to information struggles would still have to take place to ensure justice. The Right To Information Act did offer improved possibilities to access information giving cautious hope for improved communication in the future.

Alternative forums might also enable better communication. At the moment there are no forums for actual dialogue between the opposing discourses on mining and land use in Andhra Pradesh as well as elsewhere across central India:

While at an international level, the mining industry has at least acknowledged the importance of civil society organisations and stakeholders in their documents and policy papers, in Jharkhand, there is absolutely no space for people's representatives, civil society organisations, or NGOs to sit and dialogue with the government and mining industry today (George 2010, 185-186).

But the creation of new forums which can improve dialogue seems difficult when it was found that there are already too many forums across India which, though in many cases performing important functions, lead to a fragmentation of deliberations. Social concerns over mining projects are still relatively young in India however, and it might be possible that the passage of time will allow the creation of alternative forums.

Information problems are rarely studied in Habermasian writings and could thus be an important addition to theory relevant also outside of India. They were in this thesis seen as being of a foundational nature and therefore highlighted as a core reason for what was observed as a stalemate in the mining contestation. Much of this situation seemed to come from what appeared to be a conscious strategy of the bauxite alliance aimed at preventing information flows and thereby gaining the upper hand in contestations lending support to Bohman's (2003) theory of systematically distorted communication.

This thesis has been concerned mainly with an area referred to as tribal, central India, loosely the main part of the Scheduled Areas in which most of the Scheduled Tribes live, and in which the nation's main mineral deposits exist. Andhra Pradesh as a State was seen as among the most law-abiding having earlier implemented the Samatha Judgement, and certainly having a more rule-abiding and efficient bureaucracy, as well as politicians more concerned with listening to the voices of the poor compared to the rest of the region. Other factors in favour of better communication than the norm of central Indian States were also the freedom at which oppositional groups, NGOs and political parties as well as the media could operate, and the at times oppositional (to the government) judgements delivered by the State judiciary. The conclusion of this is that despite the condition of systematically distorted communication experienced in Andhra Pradesh, we would expect the situation to be even worse in the rest of central, tribal India. With a reduced freedom of the press, few oppositional NGOs, activists or political parties and an even more difficult security situation due to occasional government-Maoist skirmishes, the possibilities for democratic deliberations look very slim.

The communicative problems of this thesis might however be important for the difficulties to solve some of India's other seemingly intractable conflicts. Though the focus of the thesis was central India the marginalisation of its peoples was so all-encompassing that very few of the actors involved were found to actually be tribal themselves, or indeed even live, work or in any other way be directly related to the region. The communication issues might thus be seen as part of a much wider phenomenon in India where both rulers and oppositional groups based in major cities like Delhi, Bombay and Hyderabad, fail to understand one another leading to communicative breakdowns and intractable conflict. At the same time great care needs to be taken to understand how a significantly idealised model such as that of communicative action actually applies to conditions such as those in India which are far from ideal.

9.3 Summary of findings

This thesis has detailed the contestation over a bauxite industry project, a mine and a refinery, proposed on tribal land in Visakhapatnam District, Andhra Pradesh. While doing so it has detailed the opposing positions on land use; whether the land should be used for marginal farming and forest product collection of tribal people, or turned into a bauxite mine and an alumina refinery for the benefit of large-scale industrialisation. Working to introduce bauxite industry is a cooperation seen as an alliance formation, termed the bauxite alliance, between State government politicians and JSW, part of the Indian big business group Jindal. Opposing these plans is a wide range of individuals and organisations, mainly operating in coastal Andhra Pradesh, including a number of NGOs and left (political) parties.

Chapter 4 examined the organisation of the bauxite project, the people and organisations behind the proposed mine and refinery, and their respective capacities to carry out plans. The bauxite project between the AP government and Jindal South West (JSW) of the Jindal Group was never open to public debate and there are only some brief details of what led to the decision to sign a Memorandum of Understanding to formalise the project. The setup which appeared strong did have significant weaknesses as it was based on using a public sector company with little actual mining experience or funds to overcome the ban on private mining in the tribal areas. The privately owned refinery was located outside of these tribal areas but then had to compete for land with agricultural communities, something which across India has proven very controversial in recent years. By choosing this setup in order to circumvent the land rights legislation the bauxite alliance was in effect adding legitimacy to a continuation of tribal land rights.

The selection of business partners for mining seems to indicate private rent-seeking motives among top State politicians rather than public benefits. Nalco, another public sector company, was overlooked for several years as not only the deal was signed with JSW but also with another private company ANRAK Aluminium. When private companies with no previous experience in alumina or aluminium production were selected ahead of an experienced and profitable public sector company which could have operated entirely in the Scheduled Areas, the AP government was in effect choosing a more difficult solution with less potential for public income.

Chapter 5 continued the discussion on the legitimacy of land rights for tribal people by evaluating the actual land use at the two sites now proposed for industrialisation. By detailing the different groups of people currently living on or close to these sites and their current livelihoods, comparisons were made to the proposed new land use as presented in plans, and the compensation proposed by the bauxite alliance. In both areas it was found that there were significant causes for hope that agriculture-based livelihoods could improve the living conditions for some of the State's poorest citizens if allowed to continue undisturbed by industrialisation plans. Coffee production in the Araku and Ananthagiri mining areas, and rice and sugarcane production based on personal investments made in borewells could have paid off.

An important part of the outcomes is the mediation by the government and various consultants working on behalf of the bauxite alliance. But these efforts were almost exclusively aimed acquiring land rather than providing fair compensation. This was achieved by framing the land at the sites as forest land for the mines and government 'waste land' for the refinery whether or not tribal people actually have used and depended on this land for generations and consider it their land. Compensation for land at the refinery, where land acquisition has been completed, was only paid to the few recognised landholders, and rehabilitation depended on losing your house site (which happened for about 70 households) rather than losing your agricultural land (which affected 600 households). The different, mainly tribal people at the two sites with currently different livelihoods, and facing very different types of industries, thus faced similar poor outcomes of dispossession and increased risks for future pollution for very little gain. The need to protect tribal land was further emphasised.

Chapter 6 continues the examination of government mediation meant to ensure that legal rights for tribal people to access and use land, water and forests were taken into consideration. Similar to the experience for land acquisition these processes were found to not work particularly well for the bauxite project. In fact much of the planning gave the impression that the government was more interested in facilitating investments rather than in mediating the concerns of the poor. This facilitation was possible due to the ability to interpret rules and regulations according to the letter rather than the intent of the law. The fact that planning could coherently exclude the poor from so many forums and so many reports is an impressive discursive feat. The results of the mediation processes were a denial of representation for local forums, as well as exclusions in the technical documents themselves where it was impossible to detect people and their land needs.

Chapter 7 detailed an impressive and highly skilled bauxite project opposition which took shape around the need to protect tribal land with the demand that the mining project should be cancelled. This opposition mainly consisted of NGOs and left political parties, which were mainly active in coastal Andhra Pradesh, but occasionally had the capacity to raise debates in the State Assembly, go to court, or organise demonstrations in Hyderabad or Delhi. The project opposition had a coherent and seemingly genuine concern that mining would cause the destruction of tribal livelihoods and might even pose dangers for water in the entire northern coastal region of the State.

Via mobilisation activities especially in the Agency political parties remained active but could not seem to make much of an impact on the project. The government was rarely available to answer questions and when it did the claim was that it was strictly following the law and only aiming to support industrialisation for public benefit. NGOs did not have the capacity to have sustained presence in the villages and thus remained largely in the cities of Visakhapatnam and Hyderabad. Using their access to information they ensured a significant publicity to the issue and brought cases to court. In the end neither small nor large cases could halt the project. Legal activism in combination with significant media coverage and intense lobbying by the political opposition could accomplish little more than slowing the project down more via sustained ‘noise-making’ rather than debate.

Chapter 8 summarises the satisfaction of the need to protect tribal land rights as depending on the many informational problems which were part of the narrative presented throughout the thesis. A reflective discussion of the difficulties faced during fieldwork to access even basic information about what was being planned for the bauxite project adds to this story. The politicians in charge of planning in the State government have avoided debate whenever possible by hiding any detailed information about what was being planned knowing well that it would not have been successful in a direct contest. The company has been barely visible throughout the process but has demonstrated its ability to purchase the services of consultants who can perform various information collection activities. But even if the government had made more information available for public debate, the quality of its information production was found to be unable to generate the kind of site-specific information about people and the environment which would be required for a genuine attempt to properly mitigate risks according to best practices.

The bauxite alliance's hegemony over information was found to be far from complete and every now and then pieces of information did slip out to allow challenges to be made. Especially useful was the Right to Information Act which allows any citizen to demand information from the government. What seemed to mainly prevent a complete stop of the project, as demanded by the project opposition, was the widespread use also in the opposition of information control strategies, and, somewhat counter-intuitively the multiple forums where challenges could be made, which fragmented rather than strengthened opposition. Both of these factors seemed to favour independent mobilisation and litigation work over sharing and strategising.

When only very few actors are able to access the information required for a wider understanding of the implications of the proposed bauxite project, the result is a complete breakdown in communication leading to the current contested deadlock. Neither industrialisation nor tribal livelihoods are well served by this process thought to have much in common with similar long-drawn battles over minerals and land currently going on across much of tribal, central India. Without improved communication among the opposition the prediction is that tribal and other people will continue to lose out in future industrialisation since most cases across central India will not be able to generate the kind of oppositional noise experienced in the Visakhapatnam bauxite project.

9.4 Methodological reflections

The ability to access information directly from the government via Right to Information and put this to use in the analysis of ongoing contestation over natural resources is possibly the most interesting methodological aspect of this thesis. Via this Act, and with thanks to the many people who worked hard to access government documents still only reluctantly released, it was possible to follow much of the planning for the bauxite project in ways previously unimaginable. For people who know what information to ask for and have the resources to follow up on appeals, Indian government departments offer significant opportunities due to their meticulous use of documents to detail their work. To be truly useful the RTI procedures will have to be simplified and the compliance mechanisms made more stringent but this may well happen since the Act was still new during fieldwork. On the other hand policy discussions have been made about amending the law which might reduce its usefulness. And there is also the risk that administrative procedures themselves will change towards less paper-based operations in response to the new information access.

The incompleteness of official information due to the poor capacity of the state, but also related to the many exclusions which at least the project documents examined for this thesis had seemingly been designed to contain, mean that a particularly promising arena for research is likely to be in action research type of investigations which combine analysis of public documents with on-the-ground ethnographic work. Many researchers and activists would be well-advised to start making information applications themselves and using these during fieldwork to engage with communities who are facing threats to their livelihoods such as the bauxite project detailed in this thesis. It is at the sites where gaps in official knowledge become most apparent and also where these might be possible to bridge through joint information gathering and knowledge-sharing exercises. New technological tools such GIS mapping are becoming more feasible to use and can complement other data collection methods at on site. Sharing information and jointly creating new knowledge together with affected people could additionally help improve the currently poor communication flows.

9.5 Policy relevance

The multiple land uses in areas almost exclusively settled as government land, and the negative social and environmental aspects of mineral projects are only grudgingly starting to get acknowledged by top policymakers, whether as a result of social protests or the threat of generating further support for the Naxalites. A new draft of the Mines and Minerals (Development & Regulation) Act (MMDR) is at the time of writing seeing a much wider set

of interests represented than the mineral policy of 2008 including at least some of the better known NGOs. Sustainable development has become a key term in this policy document and importance is also being placed on strengthening governance indicating an understanding that many mining operations have not operated according to the law. One of the main policy prescriptions in the new draft is to allot a 26% share in any new venture to local people. While this is a promising suggestion likely to give some amount of information about, and influence over, proposed mining ventures, it remains doubtful whether it will really please any side at the end of the day. Firstly, mining is not always a very profitable business. In for example bauxite, the real profit exists in the latter stages of alumina and aluminium. And spread over the many thousand people living in the immediate proximity of any mine, anywhere in India, it is not certain that it will actually be possible to even monetarily properly compensate everyone (irrespective of the many other costs which needs to be better attended to than they are currently). Secondly, 26% is too low of a share for any real influence in company behaviour. So how will people go about influencing the company if it is found to cause pollution or other problems?

A better proposal rather than making people shareholders would instead be to strengthen democratic accountability. Tribal land rights, the Samatha Judgement, PESA and the Forest Rights Act all promise significant rights over natural resources to the tribal and forest-dwelling peoples of central India but every new piece of legislation and every new judgement also adds to the confusion of what the actual rights are. As if this is not enough the administrative process is at the moment completely beyond the comprehension of most people. And despite the extensive bureaucratic procedures there is a desperate need for actual regulation of activities which threaten the lives and livelihoods of poor people. At the moment liberalisation seems like it will improve opportunities to reap even larger benefits through old style politics. A simplification of the legislation towards local democratic decision-making would go a long way towards letting people themselves decide what they need though the literature on Panchayats in India, and the experiences in this thesis lend support for continued work on higher-level institutions.

Related to this, increasing access to information, which has been described as a serious issue in this thesis, might not be enabling for the poor but actually work in further increasing inequality since only those with the right resources can hope to access and make use of it. What might be even more needed than information sharing for largely illiterate communities

is something which might be possible to call information ‘fixers’, people who have the ability to access, share and translate various types of information into forms which make sense to people with different cultural or educational modes of understanding. India needs people who can take on roles as mediators, arbitrators or facilitators between groups who are today not able to communicate with one another. One example of direct relevance for the topic of this thesis would be the kind of mining ombudsman, which exists in for example Canada and Australia to help indigenous peoples and other groups understand technical mining plans, but also to provide local support in the negotiations over benefit-sharing which have become mandatory in both countries.

But many other potential fixers might be called for, some of whom even might be able to inform policymakers and courts about the actual concerns of poor people, separated from bureaucracies often dominated by elite interests, or the ‘noise’ of automatic protest by some political opposition parties or NGOs, which at times threaten to get more attention than genuine concerns in local protest movements against industrial projects in India. Various Supreme Court committees like the Commissioner on the Right to Food or the Centrally Empowered Committee on diversion of forest land are the closest to at least somewhat independent commissioners today and seem to point towards solutions.

9.6 Suggestions for further research

Closely related to the necessity for mediators between different kinds of information needs, an overall research program which strives towards spreading information about policy and practice around mineral development in tribal India and the different livelihood implications these have seems very worthwhile pursuing. There is little research on the implications of the rapidly expanding (at least in terms of number of MoUs signed) mineral projects in tribal India, which is surprising considering the amount of work which has been dedicated in recent years to, for example, forestry and dam displacement issues. At the moment the best sources are reports made by NGOs and independent activists who often lack the resources for, and the interest in, longer research engagements necessary to produce academic research. Related to mineral projects are, as this thesis has attempted to show, a wide range of interconnected topics in the intersection between specific livelihoods and environmental settings, the particularities of the proposed mining and refining activities, and the political economy issues of how to ensure Fraser’s three Rs of representation, redistribution and recognition. This thesis also indicates the need for spaces to be carved out for deliberations to move away from the current polarised debate. These all require much more in-depth understanding.

Work on alliance-making in India's political economy along the lines of Kohli's developmental alliance has barely started and it will be very interesting to see if further studies will be conducted using this interpretation (See e.g. Sud (2008)). Different dynamics across federal India, in relation to different economic activities and depending on party structures should all be rewarding. Possibly most interesting would be further empirical work to confirm the sidelining of the bureaucracy when the earlier two entities of Kochanek's 'iron triangle' (2007), the politicians and the industrialists, do better than ever before. The work on failing communicative processes and informational problems in relation to the work of Habermas needs more theoretical work but is likely to be the aspect of this research which is of widest academic interest outside of India.

Annexure A: List of people interviewed

Scoping trip October 2006

No.	Date	Location	Alias	Type of Interaction
1.	2006-10-09	Hyderabad	Academics	Informal discussion
2.	2006-10-10	Hyderabad	Activist, Academic	Informal discussion
3.	2006-10-11	Hyderabad	Academic	Informal discussion
4.	2006-10-12	Hyderabad	Activist	Informal discussion
5.	2006-10-12	Hyderabad	Activist	Interview
6.	2006-10-16	Hyderabad	Academic	Informal discussion
7.	2006-10-18	Hyderabad	Lawyer/Activist	Interview
8.	2006-10-19	Visakhapatnam	Activists	Informal discussion
9.	2006-10-20	Visakhapatnam	Government officer	Interview
10.	2006-10-26	Bhubaneswar	Lawyer	Interview
11.	2006-10-26	Bhubaneswar	Activist	Informal discussion
12.	2006-10-26	Bhubaneswar	Academic/Activist	Interview
13.	2006-10-27	Bhubaneswar	Activist	Interview
14.	2006-10-28	Bhubaneswar	Journalist	Interview
15.	2006-10-28	Bhubaneswar	Politician	Interview
16.	2006-10-29	Bhubaneswar	Activist	Interview

Fieldwork January 2007 to May 2007

No.	Date	Location	Alias	Type of Interaction
1.	2007-01-15	Delhi	Activist	Informal discussion
2.	2007-01-24	Delhi	Activists	Informal discussion
3.	2007-01-30	Delhi	Academic	Interview
4.	2007-02-01	Delhi	Academic	Interview
5.	2007-02-03	Delhi	Environmentalists	Informal discussion
6.	2007-02-07	Delhi	Academic	Interview
7.	2007-02-09	Delhi	Activist	Interview
8.	2007-02-24	Delhi	Activists	Informal discussion
9.	2007-02-27	Online	Activist	Informal discussion
10.	2007-03-02	Hyderabad	Academic	Informal discussion
11.	2007-03-05	Hyderabad	Academic	Informal discussion
12.	2007-03-07	Hyderabad	Lawyer/Activist	Interview
13.	2007-03-10	Hyderabad	Politician	Interview
14.	2007-03-10	Hyderabad	Politician	Informal discussion
15.	2007-03-13	Visakhapatnam	Journalist/Activist	Interview
16.	2007-03-29	Hyderabad	Retired IAS Officer*	Interview
17.	2007-03-30	Hyderabad	Academic	Interview
18.	2007-04-02	Hyderabad	Retired IAS Officer	Interview
19.	2007-04-03	Hyderabad	Government officer	Interview
20.	2007-04-04	Hyderabad	Retired IAS Officer*	Informal discussion
21.	2007-04-05	Hyderabad	Environmentalist	Interview
22.	2007-04-06	Hyderabad	Retired IAS Officer	Interview
23.	2007-04-06	Hyderabad	Retired IAS Officer*	Informal discussion
24.	2007-04-07	Hyderabad	Government officer	Interview
25.	2007-04-09	Hyderabad	Academic	Informal discussion

26.	2007-04-09	Hyderabad	Government officer	Interview
27.	2007-04-09	Hyderabad	Retired IAS Officer*	Informal discussion
28.	2007-04-18	Delhi	Academic/activist	Interview
29.	2007-04-24	Delhi	Activist	Informal discussion
30.	2007-04-28	Delhi	Activist	Informal discussion
31.	2007-05-04	Delhi	Ministry of Tribal Welfare, Government officer	Interview
32.	2007-05-09	Delhi	Industry Representative	Phone interview
33.	2007-05-10	Delhi	Industry Representative	Interview
34.	2007-05-15	Delhi	Supreme Court hearing, Lawyers/Activists	Informal discussions
35.	2007-05-16	Delhi	Supreme Court hearing, Lawyers/Activists	Informal discussions
36.	2007-05-17	Delhi	Academic	Interview
37.	2007-05-18	Delhi	Supreme Court hearing, Lawyers/Activists/journalists	Informal discussions

* Recurring interactions with the same person.

Fieldwork January 2008 to May 2008

No.	Date	Location	Alias	Type of Interaction
1.	2008-01-04	Visakhapatnam	Opposition Party Worker	Interview
2.	2008-01-04	Visakhapatnam	Activists (two)	Interview
3.	2008-01-05	Visakhapatnam	Activist	Interview
4.	2008-01-05	Visakhapatnam	Journalist	Interview
5.	2008-01-07	Visakhapatnam	Opposition Party Worker	Interview
6.	2008-01-07	Visakhapatnam	Academic	Interview
7.	2008-01-09	Visakhapatnam	Academic	Interview
8.	2008-01-10	Visakhapatnam	Academic	Interview
9.	2008-01-22	Visakhapatnam	Academic	Interview
10.	2008-01-22	Visakhapatnam	Right to Information Activist	Interview
11.	2008-01-26	S Kota	Local opposition group member	Interview
12.	2008-01-26	S Kota	Local opposition group members (two)	Group discussion
13.	2008-02-03	Visakhapatnam	Activist	Interview
14.	2008-02-05	Visakhapatnam	Academic	Interview
15.	2008-02-06	Visakhapatnam	Academic	Interview
16.	2008-02-07	Visakhapatnam	Academic	Interview
17.	2008-02-14	Hyderabad	Government officer	Informal discussion
18.	2008-02-17	Hyderabad	Activist	Interview
19.	2008-02-18	Hyderabad	Academic	Interview
20.	2008-02-20	Hyderabad	Journalist	Interview
21.	2008-02-22	Hyderabad	Former Tribal Welfare Department employee	Interview
22.	2008-02-22	Hyderabad	Journalist	Phone interview
23.	2008-02-23	Hyderabad	Activists	Interview
24.	2008-02-25	Hyderabad	Journalist	Phone interview
25.	2008-02-26	Hyderabad	Retired IAS Officer	Interview

26.	2008-02-26	Hyderabad	Opposition party worker	
27.	2008-02-27	Hyderabad	Academic	Interview
28.	2008-02-28	Hyderabad	Academic	Interview
29.	2008-02-29	Hyderabad	Opposition party worker	Interview
30.	2008-02-29	Hyderabad	Government official	Interview
31.	2008-03-01	Hyderabad	Opposition party politician	Interview
32.	2008-03-03	Hyderabad	Retired IAS Officer	Interview
33.	2008-03-04	Hyderabad	Environmental Engineers (two)	Interview
34.	2008-03-04	Hyderabad	Academic	Interview
35.	2008-03-06	Hyderabad	Retired IAS Officer	Interview
36.	2008-03-17	Visakhapatnam	Retired IAS Officer	Interview
37.	2008-03-18	Visakhapatnam	Academic	Interview
38.	2008-03-19	S Kota	Revenue Official	Interview
39.	2008-03-19	S Kota	Congress Party Worker	Interview
40.	2008-03-19	S Kota	Sarpanch, S Kota Mandal	Interview
41.	2008-03-19	S Kota	Elected Mandal Parishad Member	Interview
42.	2008-03-19	S Kota	Sarpanch, S Kota Mandal	Interview
43.	2008-03-19	S Kota	Journalist	Interview
44.	2008-03-27	S Kota	Revenue Official	Interview
45.	2008-03-27	S Kota	Revenue Official	Interview
46.	2008-03-27	S Kota	Sarpanch, S Kota Mandal	Interview
47.	2008-03-29	Visakhapatnam	Retired IAS Officer	Interview
48.	2008-04-04	Visakhapatnam	Environmental Engineer	Interview
49.	2008-04-05	S Kota	JSW Employee	Interview
50.	2008-04-10	Araku/Ananthagiri	Opposition Party Worker	Interview
51.	2008-04-10	Araku/Ananthagiri	Trade Union Worker, Associated to Opposition Party	Interview
52.	2008-04-07 & 08	Araku/Ananthagiri	Village elders of four villages	Group discussion
53.	2008-04-07	Araku/Ananthagiri	Activist	Interview
54.	2008-04-10	Araku/Ananthagiri	Congress Party Worker	Interview
55.	2008-04-10	Araku/Ananthagiri	Sarpanch (Panchayat Head)	Interview
56.	2008-04-10	Araku/Ananthagiri	Tribal Welfare Department Officer	Interview
57.	2008-04-11	Araku/Ananthagiri	Revenue Department Officer	Interview
58.	2008-04-11	Araku/Ananthagiri	Tribal Welfare Department Officer	Interview
59.	2008-04-11	Araku/Ananthagiri	Revenue Department Officer	Interview
60.	2008-04-11	Araku/Ananthagiri	Revenue Department Officer	Interview
61.	2008-04-11	Araku/Ananthagiri	Revenue Department Officer	Interview
62.	2008-04-11	Araku/Ananthagiri	Journalist	Interview
63.	2008-05-08	Araku/Ananthagiri	Revenue Department Officer	Interview
64.	2008-05-08	Araku/Ananthagiri	Mandal Development Officer	Interview
65.	2008-05-08	Araku/Ananthagiri	Opposition Party Politician	Interview
66.	2008-05-09	Araku/Ananthagiri	Opposition Party Worker	Interview
67.	2008-05-09	Araku/Ananthagiri	Activist	Interview
68.	2008-05-11	Araku/Ananthagiri	Activists (two)	Interview
69.	2008-05-12	Araku/Ananthagiri	Opposition Party Worker	Interview
70.	2008-05-12	Araku/Ananthagiri	Revenue Official	Informal Discussion

Annexure B: List of seminars and meetings attended

1. Seminar: Salwa Judum & Chhattisgarh, 2007-01-20
2. National Convention on Land Grab, Delhi, 2007-02-07 & 08
3. Public meeting on restoration of tribal land rights, Hyderabad, 2007-03-31
4. Annual Meeting of the Mining Engineer's Association of India, Hyderabad, 2007-04-07
5. CSE Mining Meeting, Delhi, 2007-04-26 & 27
6. Presentation by Independent Fact-Finding Team to POSCO Project Area, Delhi 2007-05-04
7. All party meeting against bauxite mining, Vizianagaram 2008-01-04
8. TDP MLA Ganta Srinivasa Rao meeting Visakhapatnam, 2008-01-05
9. Chalo S Kota, Protest Meeting, S Kota, 2008-01-25
10. Protest Meeting against Land Acquisition, S Kota, 2008-03-27
11. Southern Regional Strategy Meeting on SEZ, Chennai, 2008-09-13 & 14
12. Livelihoods and bauxite mining seminar organised by Samatha and CESS, Visakhapatnam 2010-03-26

Annexure C: Livelihoods Questionnaire

Location (Village Name):

Household Information

Name of Community/Tribe

Name (household head listed first)	Age	Gender (Male/Female)	Relationship to Household Head	Literate (Yes/No)	If yes, what level of education?
1)
2)
3)
4)
5)
6)
7)
8)

Household is living in present village since?

If present location is not birth location for household head: What is the name of native village?

.....

What was the reason for moving to the present location?

.....

Occupation (for adult household members)

Household Member	Main occupation	Secondary occupation (if any)
1)
2)
3)
4)

Do household members migrate for seasonal work? (Yes/No):

If yes to where and for how long time per year?

Assets and Debt

Does the household own agricultural land? (Yes/No)

If yes, in whose name is the land title?

What type of land title exists (for example: no title exists/patta land title/D-patta land title)

What size of land is with the household?:

What are the main crops grown?:

If agricultural land is on lease what are the conditions of lease agreement?

Does the household own its house? (Yes/No) If no, what type of lease?

Does the household own farm animals? If yes, what kind?

What other main assets does the household own?

Does the household have any debts?

If yes how much?

Who does household owe money? (moneylender/bank/government):

What are the terms of debt (interest rate or other form of payback)?
.....

Access to Government Programs and Services

Does the household have ration cards?

Does the household use government support like ration price food shops/Public Distribution System?

Are household members receiving pension from the government? (Yes/No) If yes, how much is the pension?

What other government benefits and programs does the household have access to?
.....

Membership of Organisations

Is any person of household member of:

- Self Help Group (SHG)? If yes, indicate name(s) of member here:
- Panchayat? If yes, indicate name(s) of member here:
- NGO? If yes, indicate name(s) of organisation and member here:
.....
- Protest group? If yes, indicate name(s) of organisation and member here:
.....

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