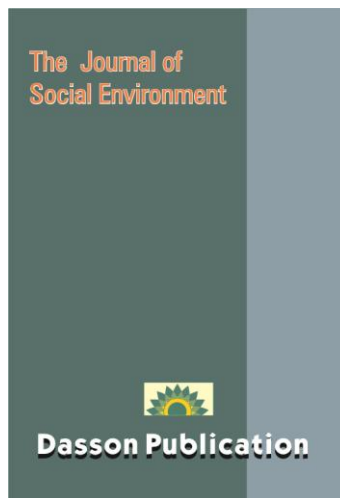


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Developmental projects and Environmental Justice struggles in Odisha: A study on protest movements against developmental projects

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Abstract

The state continues to be the key institution around which struggles for environmental justice in India are articulated. Its dominant role in the economy and its hierarchical, authoritarian and legitimate role as arbiter of rights and resources, the violation of its own environmental laws or acts in ways inimical to environmental justice has been protected by indigenous people. In my paper, I draw on the theme of the protest movements against developmental projects which are rooted in the livelihood and survival of the common people and the violation of human rights. The threats of displacement, loss of livelihood, alienation from their own surroundings are catalysts for this strand of the movement. Based on this perspective, I discuss how the main aim of these environmental justice struggles in Odisha are based around the re-scaling of development projects to the local level, the defense of common property resources and the restoration of participatory, community based forms of environmental management.

Key words: 1.Environmental Justice; 2.Developmental Interventions; 3.Protest Movements; 4.Indigenous people; 5.Human Right.

Introduction

Environmental Justice can be defined as an equal distribution of environmental risks and an equal concern and respect for all people regardless of race or income in environmental decisions¹. Historical analyses reveal that environmental injustices have been occurring worldwide for centuries (Taylor, 2009). However, it is only in the past three decades that scholars have begun to systematically study such injustices under the research title of environmental justice. In a broad context, a healthy environment is the basic right of all the Earth's inhabitants, a right reaffirmed by the Rio Declaration (Cutter, 1995). When the United Nation's Rio Declaration in 1992 is applied in a global context, every individual and local community also has equal right to enjoy the environment is the starting point in defining environmental justice. The environmental justice movement represents an increasing awareness of environmental problems and their connection with social justice in minority and poor communities. People in these communities, most of whom have never participated in any government activities before, started to challenge the developmental projects in their neighborhoods. Accordingly, "Environmental justice is focused on ameliorating potentially life-threatening conditions or on improving the overall quality of life for the poor people"(Pellow, 2000: 582). Poor or minority people in affected communities have been coming together to fight against environmental injustice. Research on environmental justice provides some evidence of disproportionate environmental burdens and violation of cultural and human rights helped to mobilize grassroots activities at the local and national levels. Environmental justice advocates have made it clear that minority and low-income people living in communities with uneven environmental burdens still have very limited participation and influence over environmental decisions. Meaningful participation from poor or minority communities in government environmental decisions is an important goal of the environmental justice movement. Environmental justice movement is trying to address issues of power imbalance and give poor and minority communities more opportunity to participate.

Environmental discourse across the globe by drawing heavily from the North American movements for environmental justice, which emerged as marginalized communities found that they were bearing disproportionate environmental costs of industrialization and growth and organized to resist this discrimination (Bullard, 1993; Taylor, 2000). The concern with social justice and the notion that “environment is where people work, live and play”, separate American environmental justice movements from mainstream North American environmentalism (Harvey, 1999). The North American environmental justice movement has much in common with the “environmentalism of the poor” in the South (Martinez-Alier, 2002). Both bring human beings, specially marginalized people, back to the center of environmental struggles wherein claims for environment protection are close linked to the claims of social justice. These movements also bring human rights and incommensurability of values to the centre of environmental struggles (Martinez-Alier, 2002), thus challenging a global capitalism reliant on valuation and commodification. Scholars and practitioners have started to frame such environmental movements focused on social justice as environmental justice movements (Carruthers, 2008; Okereke, 2008).

Environmental Injustice and Environmental Justice

Environmental injustices arise when specific social groups shoulder a disproportionate burden of environmental hazards, such as hazardous waste or chemical production facilities, or lack proportionate access to environmental amenities, such as forests and green space which they were using since generations (Pellow, 2000). Accordingly, "Environmental justice is focused on ameliorating potentially life-threatening conditions or on improving the overall quality of life for the poor and marginalised" (Pellow, 2000: 582). Consequently, environmental justice is achieved when all people can confidently live in communities that are "safe, nurturing, and productive," and when "people can reach their highest potential without experiencing the violation of their rights" (Bryant, 2003: 4). The environmental justice movement brings together historical, social, economic, and ecological dimensions of environmental problems in an effort to highlight how environmental inequalities are a current outcome of historical and present day discriminatory practices and structural inequalities.

Within literature on environmental justice, recognition has largely been expressed in relation to the claims of indigenous and local peoples to cultural respect and self-determination (e.g. Escobar, 2008; Castree, 2004; Schlosberg, 2004; Vermeylen and Walker, 2011). Implicit in this framing is the increasingly common understanding that the movements for environmental justice have emerged as a response to the current developmental paradigm. Wherein benefits go to privileged few where as environmental and social costs are borne by the marginalized, impoverished majorities (Carruthers, 2008; Schroeder et al., 2008). The language of environmental justice, with distributional, participatory and recognition aspects (Schlosberg, 2004), provides a powerful lens and a common metaphor for mobilization across scales and boundaries. In the wake of economic development, various countries have taken up new infrastructural and development projects in order to fulfill the increasing demands of the growing population. The discourse on development-induced displacement in India has shown a dismal picture and it has caused serious concern to the government and its policies at large. Developmental projects in the form of Extractive industries such as mining or mining based industries epitomize the dynamics of trans-locality and flows with their ability to tap global capital flows to reach out into the remotest parts of the earth in search of low cost raw materials. These projects besides contributing to the so-called development of the country adversely affect the local population, which leads to their physical relocation, disruption of livelihood and potential breakdown of communities (World Bank, 2004).

The protest struggles in Odisha against developmental projects are examples of how global capital flows materialize as extractive activities and lead to environmental and social injustice; and

violation of Human Rights of the communities living nearby these sites since generations. In the wake of development, the government is very hasty regarding the implementation of infrastructure projects. The nature of projects undertaken by developing agency has changed drastically from construction of dam to thermal power stations, mining, industries, highways, airports and other development projects. Since Independence, roughly 60 million people are supposed to have been displaced in the name of development projects and of them, very few have been resettled successfully (World Bank, 2004). Thus, the issues embedded in environmental justice struggles against developmental projects are human rights oriented. Human rights, such as the right to community-determination, the right to be treated fairly and the right to sustainable and livable communities are deeply embedded in the values of the environmental justice movements.

Developmental projects and Human Rights Violation

Right to development as a human right was declared in 1986², however, was acknowledged in the Second UN World Conference on Human Rights in 1993 in Vienna integrating the economic social and cultural rights with the civil and political rights; it articulated an amalgamation of the two sets of human rights as an essential fore condition for the 'right to opportunities for development' to take effect (Sengupta, 2001: 2527). The development paradigm in post independent India continues to haunt the marginalized and vulnerable section of the society even today, especially the indigenous and tribal population. The notion of development has not changed since independence, the policy framework is beached on the theory of "public interest" or "public purpose", and it is the government or more specifically some bureaucrats exercising the executive power finalize the policy which has ineluctable ramifications on the lives of lakhs of peoples affected by such projects. Thus we face a contradiction wherein accomplishments to promote the one human right (Development) gives rise to the contravention (displacement) of another. State's obligation to provide humanitarian assistance and promote devotion of human rights, in case of development-induced displacement, requires a balance of the state's right of "eminent domain" against a human being's right to home and property. In this light, development which can be the proper expression of a state's responsibility to ensure the protection and welfare of its citizens, leads to arbitrary displacement, injustice and impoverishment.

The empirical perspective on the worldwide and most definitely in the Indian context, especially in Odisha reveals a bias in the development discourse; one which has posited the individual and the investor at its helm and on account of which development as we know it, is inherently ill suited to promote human and social development, as was and is being envisaged. A number of place based struggles were evident in various parts of the state, including the famous cases of Kashipur, Kalinganagar, Anti-POSCO movement of Jagatsinghpur and the Save Niyamgiri movement. A study of seven development projects with a sample of 301 households (with 43.8% tribal households within the sample) showed that legal landlessness increased from 15.6% of the households to 58.8% after displacement (Pandey, 1998). More important, since large areas of land cultivated by scheduled tribes are not legally settled in their names, they receive no compensation when such land is taken up for development projects. Ota, in his study of displacement in upper Indravati Project³ found that on an average, each displaced family had been cultivating 1.50 acres of state owned and 2.34 acres of private land before displacement and that 49% of the sampled family were landless. After displacement, landlessness increased to 85.25%, the average legal landholding declined to 0.62 acres and the average government land cultivated came down to only 0.2 acres (Ota, 2001). Due to centuries-old social injustice and repression, many people are being aroused, organized, and mobilized for the purpose.

The influx of corporations into Orissa and the increasing prominence of extractive industries in the post-liberalization era have created a close relationship between the state decision makers and

the companies. Activists allege that this is “state capture”, by corporations who obtain leverage through election funding to political parties, employment to relatives of state officials as well as direct financial inducements (Hindu, 2010). The state support to corporations ranges from crafting pro-business policies, providing permissions and clearances including for capturing common resources such as water, acquiring land for corporations through exercise of eminent domain and repressing local resistances as and when they occur. The government has dealt with local movements resisting displacement and environmental destruction through filing of false cases, arrests, imprisonment, beatings and even killings (Pati, 2006; Sarangi et al., 2005). The provincial government justifies the repression by equating the private investments with development, and those opposing these projects termed as being anti-development. The main opposition to the provincial state’s neoliberal development strategy based on extraction has emerged as a response to displacement, environmental destruction, enclosure of commons and environmental degradation caused by the extractive processes.

Orissa had a number of movements including tribal rebellions against the colonial state (Pati, 2006) and widespread peasant and tribal mobilisations during the independence struggle. In the post independence period, the first major movement was in context of the Hirakud dam project, which displaced approximately 150000 people (Nayak, 2010). The proposed displacement was resisted strongly by local people, who were forcibly moved away from the submergence zone. The struggle for obtaining compensation for displacement from Hirakud dam continues till date (TOI, 2011). A number of major dam projects were implemented between 1960-1990, including Kolab, Balimela, Rengali, Indrawati etc.; all of them displaced large number of people (Pandey, 1998) and faced local resistance. Similar mobilisations of local people resisting displacement occurred in cases of large industrial projects, including the Rourkela steel plant, NALCO and HAL plants in Koraput, NALCO’s aluminium smelter and thermal power plants in Talcher-Angul regions (Pandey, 1998). They were suppressed by the government, and people were forced to move. The displacements were seen as the part of development by the state, and therefore retained a authenticity which was extremely difficult to overcome. However, two remarkable movements, Gandhamardan and Baliapal struggles in the 1980s stand out for success in achieving their aims, and became examples for grassroots mobilizations against large projects and displacement in Orissa. Both of these were public sector projects, one for bauxite mining by BALCO, a state owned multinational and the other for a proposed national test range in Baliapal area in coastal Balasore. The threat of livelihood loss and displacement mobilised the local population. The Baliapal movement remains an example for the new struggles, and its repertoires of contention and framing became part of the narratives of resistance all across Orissa. The Baliapal and Gandhamardan movements were against state projects of national security and industrial development respectively. They came into existence at a time when state led development projects were being increasingly questioned as it became clear that the costs of development were mainly being borne by the poor, mainly tribals and rural poor.

The incursion of private capital

After the 1990s, private capital started replacing state projects as the major drivers of enclosures, displacement and environmental damage. These again led to resistance from affected people, leading to sustained movements in different parts of the state. These included the Chilika movement and the Gopalpur against projects by TATAs, the Kashipur, Kalinganagar, Jagatsinghpur and Niyamgiri movements. Other movements include those against bauxite mining in Maliparbat of Koraput, the proposed Arcelor Mittal plant in Keonjhar. In 1991, the State Government leased out 400 ha of Chilika lake to TATAs for the project (Mohanty, 2000). There was resistance to the TATA Prawn project by the local people, and the issue also attracted the attention of student groups from Bhubanwesar who helped the local people to organise on the issue. The Chilika Matasyajivi

Mahasangh (a mass organization of 122 villages) became involved and the “Chilika Bachao Andolan” was launched. The TATA’s project was challenged both on livelihoods and environmental grounds. Another movement which involved investments by the TATAs was the resistance against the Gopalpur Steel Plant. The TATAs signed a MOU with the State Government to set up a steel plant in highly fertile coastal land near Gopalpur port in South Orissa. TATAs wanted 7000 acres of land which would displace around 25,000 people. Government used the “public purpose” provision in the Land Acquisition Act in order to acquire the land. The state cracked down with repression, using arrests, beatings and intimidation. The grab for land, water and other resources for extractive projects accelerated in the late 1990s, and have led to protests and resistance across the state.

The flat topped mountains of Eastern Ghats are the “best quality” bauxite deposits available in the world and had been on the radar of the prevailing aluminium industry for quite some time (Padel and Das, 2010). The major mountains notorious for mining and mining leases in Odisha were Panchapatmali (already being mined by NALCO), Baphlamali (mining lease to UAIL), Niyamgiri (leased to OMC for Vedanta), Maliparbat (leased to Hindalco), Kodingamali, Sijlimali, Kutrumali and Sasubohumali. These mountains also occur to be the tallest mountains in the area and are headwaters of the major river systems. Bauxite deposits on top of mountains act as water towers and are the source of perennial springs, which serve as the main source of water for survival and subsistence in these fifth schedule areas populated by Kondha, Paroja and Jhodias tribes. All these mountain tops are sacred in the cosmologies of the local tribal communities. A strong resistance movement developed against these projects on displacement, livelihoods and environmental grounds. It was met with heavy repression by the government as well as powerful, pro-industrialization elites of the region. The movement also garnered support from social justice and environmental networks in India and abroad. The Kashipur movement became one of the landmark struggles of tribal Orissa in the 1990s. The repression of the movement has continued and intensified (PUDR, 2005; Sarangi et al., 2005), and the company has been able to take possession of most of the land. A substantial movement also emerged against the mining of bauxite on Maliparbat and Deomali in Koraput district by Hindalco. Maliparbat is the origin of many perennial streams which are the main source of water for cultivation in the tribal villages below it; and the area is famous for vegetable cultivation (Pattnaik, 2008). Many villages also protect forests on the hill slopes. Strong resistance emerged against mining Maliparbat, and the Mali Parbat Surakshya Samiti was formed (Mohanty and Satapathy, 2012). The company started mining Maliparbat in 2008 but stiff resistance of the MPSS led to the deferment of mining in 2010. Another effort to start mining in 2012 led to protest by the people and the mining remains suspended (Mohanty and Satapathy, 2012). Proposed mining of other mountains such as Kodingamali, Kutrumali and Sasubohumali have also been opposed by local people (Das, 2001), and alumina refineries proposed by Aditya Aluminum at Kansariguda and RSB ltd in Kalyansinghpur block have been opposed (Mohanty, 2013).

Niyamgiri, the mountain revered by Dongaria Kondhs and other local communities, is another rich bauxite deposit besieged for mining by the London based Vedanta (Padel and Das, 2010). In 2003-2004 Vedanta started to build a 1.5 million tonne alumina refinery at the foot of Niyamgiri in Lanjigarh and applied for permission to mine bauxite from the mountaintop (CEC, 2007). The construction of the refinery and proposed mining of the Niyamgiri led to the emergence of local resistance over land acquisition, displacement and environmental destruction, with protection of the biodiversity rich Niyamgiri and the unique dongaria kandhs providing the loci of a trans-local movement with global reach. In May 2013, the Supreme Court the 2009 judgment that empowered the palli sabhas to decide on the question of bauxite mining, basing its decisions on interpretation of Forest Rights Act, 2006 and the PESA. Subsequently, 12 palli sabhas of the tribal communities of Rayagada and Kalahandi in Odisha rejected the mining project. In voting against permitting Vedanta to engage in mineral extraction, the Dongria Kondh and others have signaled that their identity,

which is so intrinsically linked to land, means more to them than whatever monetary gains they would have made by handing over their land to Vedanta. By calling for a referendum to determine how the Kondh felt about their land being mined for its mineral wealth, this is India's first environmental referendum. It breathed new life into the hitherto silenced palli sabhas (gram sabhas) which under the Panchayat (Extension to Scheduled Areas) Act have the right to determine what kind of development activity they want on tribal land. The 12 palli sabhas, who said 'no' to Vedanta, have also indicated that there is a way to voice your opinion that is not fierce and bloody. They have signaled a 'thumbs up' for Gandhian Model of participatory democracy.

The flow of extractive capital into resource rich hinterlands of Orissa led to a massive rush of corporate investments into the iron and steel sector (Sengupta, 2005). These included a number of mega projects such as the POSCO project in Jagatsinghpur; the TATA project in Kalinganagar, the Arcelor-Mittal project in Keonjhar, the Jindal project in Angul district etc. The increasing demand for iron ore, both locally and for exports, also led to a manifold increase in mining iron ore from the districts of Keonjhar and Sundergarh. Most of these large mining and processing projects have faced resistance in view of the large scale displacement, land loss, violation of human rights and environmental costs. The most notable and sustained movements emerged in Kalinganagar and Jagatsinghpur against the steel plants being set up by TATAs and POSCO respectively. The killing of 12 tribal's by police firing at Kalinganagar on 2nd January, 2006 was a grim and tragic twist to the ongoing struggle of the people affected by Tata's Kalinganagar Steel Plant (PUCL, 2006). On January 2, 2006, during efforts by TATAs to initiate construction, there was resistance by local villagers in a violent way. The police opened fire and 14 people died, including one policeman (PUCL, 2006). All the villagers killed were tribal's. This protest movement is a deviation from the earlier successful peaceful protest movements against developmental projects led to constant war of attrition, which included arrests, beatings, attacks on the villages by police and private militias, false cases etc, which has led to death and injuries of a number of people. In 2013, the TATAs' get access to the land and start construction after major repression of the movement.

The long-standing movement against the POSCO steel plant continues, in the lines of Baliapal and Gopalpur movement based around Gandhian model of peaceful protest. The POSCO project eyes for 5,500 acres of land on the Jatadhari estuary in Jagatsinghpur district, for a massive steel mill, a captive port and a township (GOO, 2005). Most of the land is categorised as forest land, even though much of it has been used for highly labor intensive and income generating betel vine cultivation. The movement, led by POSCO Pratirodh Sangram Samiti (PPSS), has faced continued repression from police and private goons, yet has stood firm against displacement (Asher, 2007). Recently, four young leaders of PPSS were murdered in a bomb attack by goons supporting the project (Gatade, 2013). The movement remains strong and firm on the ground, in face of constant provocation and repression by the state and pro-company elements. Resistance also erupted at the site of the proposed 12 million tonne steel of Arcelor Mittal plant in Keonjhar in 2008. The project is on hold and there is uncertainty whether the project will go ahead. The project would displace more than 9000 people, mainly STs and SCs, and local villagers have organised to resist the acquisition (Bosu, 2010). There has also been sustained opposition to mining the Kandhadhar Mountain on Sundergarh-Keonjhar border for iron ore on cultural and religious grounds (TOI, 2012).

Water allocation to extractive industries has also emerged as a major source of popular mobilisation. In western Orissa, farmers movement have mobilised against the allocation of water from the Hirakud Dam reservoir to the mushrooming industries in the area (Panda and Mohapatra, 2007). The proposed diversion of water from Mahanadi River to the POSCO plant in Jagatsinghpur led to the formation of Mahanadi Bachao Andolan, which has strongly opposed diversion of water from the Mahanadi River to the industries. The upper Suktel Dam project is facing resistance from the Lower Suktel Budi Anchal Sangram Parishad, who seek to delegitimize the project by linking it to

water supply for proposed alumina refinery based on Bauxite mining from Gandhamardan mountain (Patra, 2013). Large number of thermal power plants MOUs has been signed by the Government of Orissa. As these projects have started acquiring land, significant opposition has been generated on both displacement and environmental grounds for many of these projects, including the JP Power Plant in Angul, KU TPS in Subarnapur, KVK Nilanchal TPS and TATA's Naraj TPS in Cuttack district. Along with displacement, water diversion to these power plants and environmental pollution are major issues of contention.

Extent of Land Acquisition and Displacement by developmental projects

The major issues appeared to have caused concern among the people in the context of developmental projects in Odisha are allotment of vast tracts of land mainly forest and agricultural land for the establishment of huge industries. These lands are used by the local communities for farming and cultivation for their livelihood and some families for their housing for generations. In this process by allotting these lands by signing MOU with the private companies a huge section of common people will be affected (Mukhopadhyay, 2006:44). The second major concern is the discharge of high temperature, poisonous waste water to the nearby sea and rivers will raise the dissolved solid content of the water and cause death of all aquatic life forms. Thirdly, the direct leasing of hills and mountains for mining activities which is not only covered with dense forest but also home to a wide variety of fauna and flora. The indigenous communities living in these areas e.g., (Paudi Bhuyans a tribal community living nearby Khandadhar Hill) whose sustenance totally dependent on forests especially fuel, fodder, fruits and medicinal plants, are facing disastrous results arising out of the destruction of forest cover. The mining in these areas especially bauxite an iron ore mining will severely affect the streams which is the important source for the supply of clean drinking water for the tribal communities living nearby mountains. The proposed mining activities in these areas at the cost of much more precious resources like forest, water and land will have devastating impacts on the environment and ecology of this area. Fourthly, the supply and allocation of water for the construction and operation of the developmental projects is another issue of concern. The inefficient use of water resources, which is becoming a scarce resource both in terms of quantity and quality has been raised by local people, experts and activists that this would severely impact the drinking and agricultural water supply of the dependent areas. Finally the human rights violation and impoverishment of people living inside these areas with the imposition of developmental projects. The signing of MOU with the private companies in sites decided in conference halls by marking on the map spread over the conference table even without any physical verification and systematic study of the possible impacts on people living in and around the sites. The socio-economic issues related to industrialization are never given due importance before or during the finalisation of a project. The threats of displacement, loss of livelihood, alienation from their own surroundings and denial of human rights are catalysts for this strand of the movement. As a result, government and corporate houses are now facing mass discontentment in many places against developmental projects especially in Odisha. Largely the outcomes of developmental projects were massive environmental degradation and development induced destruction. Which were justified by the utilitarian logic of "few people have to sacrifice for the greater national good" (Roy, 1993: 47). The central theme of the protest movements against developmental projects are rooted in the livelihood, protection of human rights and survival of the common people.

Conclusion

In this paper, I have tried to describe how the environmental justice movement represents an increasing awareness of environmental problems and their connection with social justice in minority and poor communities. People in these communities, most of them have never participated in any government activities before, started to challenge the developmental projects. The development is important and unless we develop, we will not be able to feed the increasing masses of people. But the process of the development and the way it is being carried out needs to be critically evaluated and examined. The zeal of development should not undermine the existence of the people, i.e. one should not become the slave of the development. If we look in this perspective, the development can't be seen in isolation with resources used by the people, which are siphoned off.

Around the world, social movements for environmental justice and the struggle for protecting the livelihood resources eventually led to a form of environmentalism that made it possible for them to see the interconnections among environment, development, survival, sustainability and peace. The principal planks of the environmental justice struggle were national unity, which involved the solution of the minority problems and the raising of the depressed classes. The concern for preservation of livelihood goes hand in hand with the preservation of the environment. The poor register their protest in various ways - by sending letters and petitions to those in authority or through direct forms of confrontation like - the 'dharna', 'pradarshan', 'hartal', the 'gherao', and the 'jail bhara andolan' to protest against the destruction of nature and their livelihoods. In a nutshell, the movements conceive of participatory democracy as a parallel politics of social action, creating and maintaining new spaces for decision-making (i.e., for self-governance) by people on matters affecting their lives directly. The main aim of these movements are based around the re-scaling of development projects to the local level, the defense of common property resources and the restoration of participatory, community based forms of environmental management. As a form of practice environmental justice for them is a long-term political and social process aimed at creating a new system of governance functioning through more direct participation and control of concerned populations. Thus, the challenge is for the state to include all the stakeholders, particularly directly affected population in the planning and implementation of large development policies. Using their options within a democratic framework, using participatory approaches with Indigenous people and other stakeholders, can demonstrate the impacts of conservation interventions on livelihoods and help explore different scenarios for conservation and development interventions.

Endnotes

1. The U.S. EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies... It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work." www.epa.gov (accessed January, 30,2015)
2. Declaration on the Right to Development was adopted by the UN General Assembly, resolution 4/128 on December 4, 1986.
3. Ota took a sample of 500 families affected by Indrāvati Project. Of this 42% are tribal households

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