8. Conclusion

A significant body of research on resource projects in indigenous territories around the world has shown that vast disparities of wealth and power usually play out to the advantage of the promoters and developers, at best with some form of consultation and perhaps compensation or a share of revenues for the traditional inhabitants.

> [C]omplications and challenges … are almost always the same: environmental pollution and consequent community backlash; dislocation and relocation; new forms of poverty and inequality; and local-level grievances stemming from perceived minimal contributions to local economic development (Gilberthorpe and Hilson 2012: 1).

What is not quite so common in the literature, however, is a discussion of when and how an aggressive process of industrialisation is halted in its tracks. This book provides such an account, even if an incomplete one, since the pursuit of local self-determination remains unfinished and the development proposal is in limbo rather than being decided in favour of the local land users.

When the Jindal South West (JSW) bauxite project got stuck, the core conflict was over the question of whether the constitutionally protected Scheduled Areas should be used for mining rather than the low-intensity cultivation and extraction of forest products that constituted Adivasi livelihoods. Informational problems turned this dispute into something that no side was able to resolve. Examples included the serious problems with the land records available to the government, which did not allow for a swift and efficient process of land acquisition, and the reluctance of oppositional groups to share the information of admittedly poor quality

with one another. The result was a *landlock*—a complete paralysis over the question of how scarce land and natural resources should best be put to use. This has wider significance, given the many similar conflicts that continue to linger in a state of uncertainty as a multitude of industrial projects have been proposed, without providing significant local benefits, in rural parts of India.

To explain the experience of deadlock between different forces, the analysis in this book has moved beyond a view of land conflict as something that involves exclusively material interests. If that were the case, then the state government and its private business partner would already have secured a decisive victory, given their superior access to resources. Instead, we have seen a long, drawn-out process of contestation, where the discursive resistance to Adivasi dispossession has strong historical roots and many active supporters. Since this particular struggle took place mainly in the arena of discursive claims made well beyond the proposed mining and refining sites, an account of governance processes allowed for a better understanding of the importance of informational problems in shaping the outcomes of the contest.

The chosen approach did admittedly entail the loss of a deeper ethnographic or socio-cultural account of the people who lived at the proposed project sites. However, it allowed for a wider appreciation of the way that India's geographically dispersed institutional landscape, and its many different actors, engaged with manifold controversies in a multitude of forums, and selectively interact in their attempts to influence outcomes. This has made it possible to produce a more general account of the way in which the all too common land conflicts across the country are negotiated in uncertain, frequently overlapping and even purposefully unclear processes.

The proliferation of groups with a capacity to contest major resource projects, and indeed the wider process of industrialisation, has been a significant phenomenon across India in recent decades. The inclusion of more voices speaks well of Indian democracy when the rights of certain groups of people are being denied, and yet there are significant challenges when each of these groups has different modes of engagement. One gets the impression that the overall debate takes place between multiple actors using different means of communication, indeed different technical and natural languages, across multiple forums. The result has been that people appear to be talking past one another, with a breakdown in mutual

understanding. While the resulting deadlocks may protect some people from very harmful projects, they do not result in productive outcomes in the poverty-stricken parts of central India, as poor people are still threatened with the loss of their lands while investors waste their money in endless controversies.

Land Rights and Adivasi Livelihoods

In Andhra Pradesh, it is no longer possible to refute the argument that Adivasis need their lands and forests:

> Land and the produce of the forest remain their main source of livelihood, but [the] availability of land is restricted by forest reservation on the one hand and non-tribal encroachment on the other (Balagopal 2007b: 4029).

This book has attempted to show how strong support for land rights came to be institutionalised in the Visakhapatnam Agency, and to document the various past and present movements and actors who have ensured that such rights are recognised in law, and have since succeeded in blocking changes aimed at reducing their strength. The end result has been that the *Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959* remains in force, although it might not have been applied to bauxite project proposals had it not been for the non-governmental organisation (NGO) interventions that led to the Supreme Court Samatha judgment in 1997.

Adivasi land has been subject to a 'precarious balance' (Balagopal 2007a) in recent decades, but attempts to reinterpret the land legislation through the use of a government proxy to allow private bauxite mining have shown the need for ongoing public awareness and pressure. Andhra Pradesh is in no way unique in demonstrating the inconsistency between formal Adivasi land rights and the reality of widespread alienation to commercial and other interests. Only a small amount of land is actually under tribal private ownership and control, given the alienation of agricultural land to non-tribal farmers and the vast stretches of nominally 'forest' land that is claimed by the government. Other loopholes include the many state-owned industries that continue to operate on Adivasi land, supposedly in the public interest, and the threats posed by the construction of mega-dams. Similar patterns of alienation have been observed in other parts of central India (Padel and Das 2010; Lahiri-Dutt et al. 2012).

Also important is the limited coherence of the Scheduled Areas, where any citizen is free to settle and work so long as no attempt is made to purchase or lease any land. The Visakhapatnam Agency is unusual in Andhra Pradesh, and more generally in central India, in having a predominantly Adivasi population, albeit with a great diversity of tribal groups, and a low level of land alienation to non-Adivasi people. The same level of tribal domination is not found in other Scheduled Areas for a variety of historical and demographic reasons, resulting in a mix of peoples that is far from the ideal of a protected region outlined in the Constitution's Fifth Schedule. Adding to the confusion is the existence of other areas containing non-scheduled Adivasi villages, such as those at the proposed JSW refinery site. While the ideal of distinct Adivasi territories remains on paper, government policies continue to dilute its actual meaning. The Forest Rights Act is one example, given that it allows non-tribal forest-dwellers to claim land rights based on long-term occupation of the land.

With so many loopholes and inconsistencies, it can be tempting to cast doubt over the need to persist with special land rights for Adivasis. It might even leave them 'tied to nature in a particular place' (Baviskar 2005: 5110), thereby reducing possible livelihood alternatives available elsewhere in the country. Nevertheless, throughout the period of national independence, including the recent period of economic reform, tribal land transfer laws across India have not been repealed or even reduced in strength. From time to time, state governments show some interest in amending the laws to create more space for private mining, forestry or non-tribal agriculture (Rao 2003; Balagopal 2007a; Kumar et al. 2005; Yadav 2016), but these efforts have been blocked. 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 of them, even if it does not have a very good track record in terms of improved human development in an economy where most of the prospects are outside of the agricultural sector.

In the case outlined in this book, the land rights legislation certainly played an important role. At the refinery site, the people affected were located outside of the confines of the Agency and their land could be acquired much like any other land on the plains. Indeed, the refinery case seems to show that the land held by Adivasi farmers, as compared to privately held land, was preferred by the project's promoters because of its weaker tenure, the confused nature of the many illegal landholdings, and the reduced capacity for protest on the part of the occupants. The blanket protection of Adivasi land in the Scheduled Areas was clearly preferable.

But how is this related to the level of civil society opposition to bauxite mining proposals? In the context of widespread land alienation, the strength of this mobilisation is somewhat surprising. Although the bauxite industry certainly comes with a number of social and environmental costs, it is not obvious that it causes more damage than other extractive industries, or that the negative impacts are harder to mitigate. Large-scale coal and iron ore mines, strongly toxic chromium mines and radioactive uranium mines would seem to need more attention, given their scale and polluting potential. Another striking feature of bauxite project contestations is the lower level of protest directed against the alumina refineries as compared to the mines themselves, despite the evidence that refineries generate more polluting waste and use up more precious water resources in their operations.

The strength of protests against bauxite mining can only be fully comprehended with reference to the location of the main ore deposits in tribal Andhra Pradesh and Odisha. It is as if this form of mining has come to be seen as an attack on the last green havens of the Adivasis. The lush forests of bauxite hills like Gandhamardhan and Niyamgiri in Odisha seem close to the ideal represented in the writings of Verrier Elwin in the early twentieth century, with strong remnants still present in activist and popular imaginations. This is in stark contrast to dominant accounts of Adivasi central India as a region of poverty and violence. The paradox in the cultural politics of bauxite mining becomes apparent when Adivasis have 'to perform their marginality, their vulnerability, and, ultimately, their Otherness, in order to qualify as candidates before the [Forest Rights Act] and its accompanying discourses of tribal empowerment and security' (Ramesh 2017: 173).

In such cases, the livelihood needs of the people themselves seem at risk of being forgotten. In our present case, if bauxite mining was prevented, thus allowing people the chance to stay on their land, how much would this help to reduce their poverty? While improved security of tenure could lead to poverty reduction, people in the Agency would still have to battle for their rights to forest land, while those in the refinery area would still struggle to pay off the debts accumulated in the preparation and cultivation of their land. Even if their rights were extended through the Forest Rights Act, what would this mean for their livelihoods? Land rights alone do not seem to be sufficient for Adivasis who often have significant areas of land under cultivation, if not outright ownership, and yet remain poor. Although the efforts to protect Adivasi land appeared

to be well intentioned, failure to challenge the existing power structures that continue to shape everyday resource relations could mean that such struggles simply 'maintain a class system that further marginalises the poorest' (Shah 2007: 1825).

Irrespective of the outcomes of the struggle over bauxite mining and refining, land is a necessary but not a sufficient condition for lifting Adivasis out of poverty, since people lack the capabilities and resources to use the land more productively. Opponents of the bauxite project would therefore have done well to formulate alternative models of development that could provide solutions to the endemic poverty of the Agency. This should not have been impossible, given the increase in coffee cultivation that was already happening, as well as the tourism potential of the hills. To outline development alternatives is not only an imperative for future livelihood improvements once tribal land rights have been secured, but an essential instrument in claims for legitimacy in the ongoing struggles. The bauxite industry promoters, with their plans to industrialise the region, offered some hope for a better future, at least for educated village elites, despite the many flaws in these plans. A search for suitable development alternatives needs to become a key part of activist movements hoping to be taken seriously in future political debate about resource use and social justice in the hills.

State Intervention with Little Public Interest

India's economic reform process was supposed to open up the country to global markets, and yet mining has appeared in this book as a domestic affair dominated by big business and top-level politicians. It is certainly true that India's mineral commodities are now traded internationally in ways that were not possible before the late 1980s. These changes, along with more specific ones related to aluminium technology, made the bauxite projects of Eastern India seem feasible, at least at the planning stage. This book has emphasised continuity, rather than novelty, as a way of understanding the relationship of economic reform to electoral politics. From this point of view, the importance of state patronage has not been diminished with liberalisation, and this relates particularly to the crucial role of the state in controlling the transfer of vital resources such as land (Kitschelt and Wilkinson 2007; Kohli 2009; Sud 2009; Chandra 2015), which is regarded as 'the most important factor in inter-state competition for investment' (Levien 2012: 944).

The 'developmental alliance' (Kohli 2007) that sought to mine and refine bauxite in Andhra Pradesh certainly consisted of top-level state politicians and a big business group. Two features stood out amongst the decisions made by this group: first, the lack of public benefits in the initial agreement and in subsequent policy development; and second, the way that political interventions appeared to be directed against the implementation of environmental or social safeguards. The problem then is to explain such behaviour on the part of a democratically elected government that is supposed to work for the public benefit and is overwhelmingly dependent on the votes of poor rural people, some of whom are also tribal people.

The close collaboration between state and business was already apparent in the absence of any public debate over the memorandum of understanding (MoU). In that agreement, the private business partner committed to take care of virtually all technical and financial details, while the politicians could rationalise the inclusion of the state government as a vehicle to mediate in favour of the company on sensitive issues like the acquisition of land, the supply of ore that should have been reserved for the public sector under the terms of the Samatha judgment, and the obstruction of any democratic forums that were not directly under its control. The transfer of land itself required the state government to act as 'direct purchaser, property dealer, law interpreter, policymaker, and so forth' (Jenkins et al. 2014: 17).

It was hard to detect any significant debates or disagreements within the alliance. Uncertainties about royalty revenues for the state government or compensation for the loss of forest land have created controversies across India for decades, but did not generate significant problems for the JSW bauxite project. The almost complete lack of monetary benefits for the state government did not seem to trouble decision-makers, the company or even the project's opponents, all of whom chose to focus on other concerns. The preference to benefit private capital was not even accompanied by a clear strategy to achieve that outcome. This resembles the faltering national initiative to create 'special economic zones' across the country (Jenkins 1999; Jenkins et al. 2014).

Perhaps at no time in India's modern history were the potential gains from mineral industry investment greater than they were in the first decade of the present century, as international mineral prices reached all-time highs and the Indian domestic economy was amongst the fastest growing in the world. Despite widespread protests and the more recent downturn

in international mineral prices, the industry remains a source of major profits for some investors, so further alliances between businessmen and politicians are likely to be formed around industries like alumina refining or steelmaking. The current collaboration is expected to continue so long as the politicians need to generate funds to ensure their own re-election and big companies are willing to provide the money in return for preferential treatment.

For politicians, any project is better than no project—however small the chances that it will actually be implemented—because of the possibility of collecting rents from projects that move ahead slowly or do not move at all. Indeed, this needs to be the case because large-scale industrial projects nearly always have a gestation period longer than five years, and elections every five years often throw politicians out of power. Frequent landlocks might even be preferred by some politicians who are then still needed 'as facilitators rather than as overseers of business' (Chandra 2015: 57). The state is not expected to undertake productive activities these days, but still has a role in the management of social protest. With different groups taking widely varying positions on whether and how projects should move ahead, protests are bound to continue. Since there is no apparent move to reduce the web of complicated, ambiguous and even contradictory legislation, just about any position on mineral extraction can find at least some amount of legal support to help intensify and further entrench the incidence of conflict.

One key question is whether India's present approach to industrialisation will remain acceptable to domestic industrialists when '[t]he credibility of the Indian state as a broker of compromises on a large scale is so damaged by its repeated failures … that compensation-based schemes find few takers and become unviable as deadlock-breaking solutions' (Jenkins 2011: 62). The deciding factor might be the capacity of at least some projects to make headway. In spite of frequent landlocks, a signed contract might represent the reservation of an ore deposit in the name of investors who believe they will be able to profit from it at some point in the future. If, on the other hand, there are too many cancelled projects and too much uncertainty, there could be a point in the future where a loss of patience with the messy politics of industrialisation will result in a push to reform the whole system. This is not likely to result in a radical transformation of the wider political economy, and might even imply 'a deepening of the

stake of business in procedural democracy' (Chandra 2015: 56), given the length of time for which the present arrangements have been in place. It might, however, create the spaces where new alliances can start to form.

The large number of recent corruption cases in the mining sector might also indicate possibilities for improved accountability and governance.[1] Recent national legislation has even prescribed a minimum (26 per cent) public share of the profits to be derived from any mining project. While this would not have helped those people affected by bauxite mining in Andhra Pradesh, since the ore was to be sold at a self-determined price that would exclude the possibility of any meaningful revenues, it at least indicates a recognition of the existence of mine-affected communities that are not going to remain passive now that protests have started to gain more public notice.

There is a longstanding need to rework national policy to open up the mineral sector to public influence and align it to the changing roles of the state and the private sector (Lahiri-Dutt 2007, 2014). Numerous arrangements need to be worked out at local, regional and national levels to ensure that resources and decision-making powers are shared more equitably, and to allow some level of accountability to permeate the system. These are clearly significant challenges that come with the additional risk of further complicating an already very complex system of governance. Yet there are presently no obvious alternatives to increased public voice in resource extraction, and this must surely be preferable to the conflicts that too often lead to dispossession and environmental degradation, not to mention the plunder of resource wealth by the few individuals who can push their projects forward.

Systematically Distorted Communication

The landlock discussed in this book was the result of a number of informational problems that prevented meaningful deliberations when there was a proposal to use tribal land for the mining and refining of bauxite. The contestation, which came to be mainly about mining, involved a wide range of discursive and non-discursive struggles.

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1   Newspaper coverage provides some details about the charges brought against a number of key officials in Andhra Pradesh in relation to other mining and industrial projects (Anon. 2011, 2012; Ramana 2011).

A considerable number of actors and organisations took part in these struggles, including industrialists, politicians, bureaucrats, judges, journalists, NGO representatives and political party workers. Material interests appeared to be a driving force for the first three groups of actors, and yet the multiplicity of groups involved in the contest, and the many separate public (and sometimes not so public) forums that were used to further their claims, also involved a set of discursively differentiated codes. These require the analysis of language and power in a setting like that of urban planning in Pakistan, where '[o]rder and disorder on every scale … are produced through the cease-less circulation of … maps, forms, letters, and reports' (Hull 2012: 4).

The approach taken here is not intended to deny the importance of power and resources in influencing outcomes. Instead, I have tried to use these as a foundation for the account of discursive contestations over the bauxite industry. The distribution of power shaped the disposition of resources—especially land—that were at stake in the project. But as the contestation moved further and further away from the proposed sites of implementation, factors other than the immediate livelihood needs of tribal people, or even the national economic development proclaimed as the primary goal of the project's promoters, came to be more important. The ability to access and make use of different forums were key to this contestation.

An analysis of how informational resources shaped the outcomes of the struggle represents a challenge to the idea of deliberation or deliberative justice as the best way to handle complex problems and move towards improved mutual understanding (Fraser 2009). It does this in two main ways. First, there was the strong reliance of all concerned on government information that was seen as being authoritative, despite a politically motivated process of data collection that used inadequate tools and methods. Second, the dispersed institutional setting across federal India, with its highly variable and challenging modes of access, ensured that only some in the opposition could hope to influence the outcomes and, when they did so, the result was a fragmentation of understandings.

The analysis in this book has drawn on Bohman's (2000) discussion of Habermas to suggest that the avoidance of deliberation, as opposed to engaging and winning debates, can be a useful strategy for influential groups such as those promoting the bauxite project in Andhra Pradesh. It was found that two factors encouraged the promoters to adopt this

strategy. The first was the strength of the tribal land rights legislation and the knowledge that civil society objections to a potential amendment had spoiled earlier attempts to initiate 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 probably favour the project's opponents. The second factor was a seeming acceptance of rent-seeking behaviour for political gain as the price of the preferential treatment granted to the private investors. The bauxite alliance was therefore notably silent despite strong efforts by oppositional groups to elicit a response. Fundamental problems of communication, which I call 'Habermas's nightmare', arose when the dominant alliance of politicians and industrialists was unable to take advantage of its control over information production and key forums to ensure that its project would be implemented.

In the stalemate between the two sides, the outcomes were not simply dependent on the opposition's access to information. If they had been, then information could be viewed as a key resource in a political and economic power struggle. Instead, the opposition was found to have a relatively poor level of internal cooperation and sharing of information, but a great ability to organise protest meetings and to make use of the media and the courts to launch their challenges. These challenges restricted the operational freedom of the bauxite promoters and confronted the imperfect management of information within different government agencies. Uncertainty over the letter of the law in overlapping legal jurisdictions, at both state and federal levels, as well as in scheduled and non-scheduled areas, along with the limited capacity to obtain and process site-level information for use in planning documents, and the generally poor state of land records, were equally important in explaining the stalemate. At the same time, a setting characterised by complexity and uncertainty was seen as one that allowed for the manipulation of outcomes in favour of the bauxite promoters, thereby providing one answer to the question of why top decision-makers allowed the confusion to continue.

The opposition groups could have created alternative understandings, what Fraser (1989) would call alternative public forums, of what was being planned and who would be affected. But when many of the opponents, as well as supposedly independent experts, treated government plans and documents in very similar ways to the promoters, as resources to be used for political gain, what resulted was a fragmented understanding based on public information of deficient quality. To build functional alternative

public spheres, it would not only be necessary to improve the distribution of information, but also to complement the poor quality of that which already existed in government plans with some truly independent knowledge production.

For now, the conclusion is that the many informational problems 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 in which little productive work can be accomplished, and no advance is made in either the process of industrialisation or the advance of tribal social justice. Conversely, a few mineral projects with strong political support will be able to slowly push ahead, without mediation and despite the friction of local resistance, to the definite detriment of some of India's poorest and most vulnerable people.

Finding a way out of the current situation is clearly not a straightforward task. Increased transparency, mainly through freedom of information legislation, has been shown in this book to be at risk of creating further inequality, rather than reducing it, since procedural and other obstacles only allow those with superior resources to access the information. Even if greater transparency improves government behaviour, struggles will still have to take place to ensure that there is also justice.

New, alternative public forums could enable better communication and 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: 185–6).

The international connection created since Vedanta Resources decided to list itself on the London Metal Exchange has not so far opened up new possibilities for communication abroad, despite the different institutional setting and the new actors that have come to be involved (Kumar 2014). There is also a risk that international discussions might not improve communication at a national level, since there are already too many forums across India, and although these often perform important functions, they can lead to a fragmentation of debate, with separate litigation or media

strategies rather than collective and strategic interventions. While social concerns around mining projects are still relatively novel in India, and might become better articulated with the passage of time, it would seem that a reduction rather than an increase in the number of forums holds the promise of better outcomes. This is especially so if the remaining forums can be made more accessible to interested parties than is presently the case for any single forum.

The case presented here may not necessarily be typical of how land issues in Adivasi India are likely to play out, but a number of similar cases suggest that it is far from being unique (Oskarsson and Nielsen 2014). The most well-known of the resource projects facing landlocks are Vedanta's Niyamgiri bauxite mining and alumina refining complex, and the Posco steel plant and iron ore mine, both in the state of Odisha, and these have respectively lasted since 2003 and 2005.[2] The inability to reach any shared view of what should happen in these areas, despite the many years that have passed since they were first proposed, have led to grinding tests of endurance. It is remarkable that in both cases, despite a wealth of evaluation reports, fundamental local land use details cannot be accommodated in project planning circles.[3]

A 2014 decision against bauxite mining at Niyamgiri initially appeared as a final victory for a collection of 'heterogeneous actors and participants, with diverse interests and capacities, from around the world' (Kumar 2014: 196). And yet land struggles have, in a sense, been institutionalised, since Vedanta has already invested in a large refinery that is dependent on Niyamgiri ore, forcing the company to continue to seek support for mining the Niyamgiri hill. Not only do oppositional groups have virtually endless possibilities to launch different forms of appeal against new projects, the promoters can also object to decisions that go against them and find alternative routes, even in the face of seemingly clear denials. While bauxite ore only exists in a limited number of locations in India, the possibilities for appeals, modifications and workarounds create an endless circle of challenges and counter-challenges, with few options for more inclusive approaches to the politics of resource use.

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2   Posco announced the suspension of its project in 2015 (Anon. 2015b). The movement against the project did not trust this announcement, however, nor was it able to secure a return of acquired land well into 2016 (Paikray 2016).

3   Examples would include the reliance of the Donghria Kondh on the area around Niyamgiri Hill for cultural and livelihood purposes, and use of the proposed Posco for betel leaf cultivation (Pingle et al. 2010; Amnesty International 2011). In both cases, old surveys stating that the land is forest are still accepted, without recognition of local uses, underpinning further controversy.