



**Neoliberal Development Hegemony:
Implications for Human Rights.
The case of POSCO, Odisha, India.**

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DECLARATION FORM

The work I have submitted is my own effort. I certify that all the material in the dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed

Gargi Aleaz

Date: 30/ 09/2011

A handwritten signature in blue ink, appearing to read 'Gargi Aleaz', is enclosed within a faint, dotted rectangular border.

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ABSTRACT

Using the methodology of critical discourse analysis (CDA), I propose to analyze the reasons behind the reproduction of the global discourse of neoliberal development, which occurs in this story via the proposed establishment of the POSCO project. I argue that such an arrangement is the reason behind the threat to the right to life and violations of the right to development and livelihood of one's choice of the villagers to be affected by the establishment of POSCO.

On the face of it, the final forest clearance given to the POSCO project by the State seems like a decision within the parameters of Indian law. However a deconstruction of development along the lines of the post development school reveals that the functioning of the Land Acquisition Act 1894 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, give a legal veneer to the rights violating development policy of the state. This is aided by the public discourse created by the Odisha and the Central Government in India. The proposed generation of a vast number of jobs as a result of the POSCO plant, are the benefits that have been claimed to result from the project. However, the uncertainties of a new livelihood and a limited compensation package make it doubtful whether the project affected villagers will benefit from this projected common good. Interviews with villagers at the proposed plant site revealed that the anti POSCO villagers, wanted development of their choice to come about, in a manner that was participatory.

Key words: Land acquisition, POSCO, Odisha, neoliberal, development, hegemony, forest rights act

ABBREVIATIONS

BJD- Biju Janata Dal

CPI- Communist Party of India

FRA- Forest Rights Act 2006

FRC- Forest Rights Committee

MOU- Memorandum of Understanding

MZPSG – The Mining Zone People’s Solidarity Group

NCAER- National Council of Applied Economic Research

OTFD- Other traditional forest dweller

PD- Participatory development

POSCO- Pohang Iron and Steel Company

SC- Scheduled Caste

ST- Scheduled Tribe

TNC- Transnational Company

TABLE OF CONTENTS

1. Introduction.....	7-14
1.1 The story and an overview of its main actors	
1.2 Development practices of the Indian State and the Land Acquisition Act.	
1.3 The Forest Rights Act	
1.4 The Scheduled Tribes and Other Traditional Forest Dwellers	
1.5 Which human rights?	
1.6 Research questions	
1.7 Significance and Outline of the Research	
1.8 Overview of Chapters	
2. The Analytical Framework: Aspects of Development	
Theory.....	15-25
2.1 The Meaning of Development	
2.2 The dominant development discourse	
2.2.1 The concept of hegemony	
2.2.2 Neo liberalism	
2.2.3 The common good	
2.2 Deconstructing development	
2.3 Participatory development	
3. Research Methodology.....	26-32
3.1 Critical Discourse Analysis	
3.2 The Texts Analyzed using CDA	
3.3 Tools to analyze the text	
3.4 Conducting Interviews	
3.5 Advantages and disadvantages of using both methods	

4. Laws aiding Development and allowing the violation of rights I: The Forest Rights Act 2006.....	33-42
4.1 The implementation procedures of the Forest Rights Act (FRA)	
4.2 Implementation of the FRA in the project - affected villages	
4.2.1 The problem of quorum	
4.3 Evidence of forest established by the Majority Committee Report.....	
4.3.1 Evidence of forests for 75 year	
4.3.2 Evidence of forest dwellers for 75 years	
4.3.3 The final forest clearance	
4.3.4 Implications for human rights	
5. Laws aiding Development and allowing the violation of rights I: The Land Acquisition Act 1894.....	43-47
5.1 The Land Acquisition and the proposed amendments to it	
5.2 The economy of the villagers to be affected by the POSCO plant	
5.3 The common good vs. human rights	
6. The discourses of pro and anti neo liberal development.....	48-57
6.1 The discourse of poverty	
6.2 Poverty vs. Destitution	
6.3 Discourse of the Central Government	
6.4 The Voices from the field: The Pro POSCO villagers	
6.5 Demands for participatory development	
6.6 Critical Reflection	
7. Conclusion and Recommendations.....	58-61
7.1 Conclusion	
7.2 Recommendations	
Appendix A.....	72
Appendix B.....	75

CHAPTER 1: INTRODUCTION

The children, women and men of Govindpur and Dhinkia villages lay on their stomachs on the sand, under the scorching heat of the sun. They had formed three parallel rows in the open space that formed the main approach path to their villages. Some distance away police in riot combat armour waited and used a loudspeaker to ask the villagers to break up the human barricade that they had formed. They were also asked to give up their farmlands to the government peacefully, as they were merely encroachers on government land (Description of video footage shown on the NDTV website, 12th June 2011).

This can be summed up as the description of the images being flashed on NDTV which is a private news channel in India. The villagers depicted above, form part of a story spanning six years and still continuing. This research is based on their story, the essence of which is acquisition of farmland and the possibility of the disruption in the livelihoods of fisher folk¹, as a result of private - industry led development encouraged by the State². Largely similar stories have been repeated over the ages, in different locales of the country.

Using the methodology of critical discourse analysis (CDA), I propose to analyze the reasons behind the reproduction of the global discourse of neoliberal development, which occurs in this story via the proposed establishment of the POSCO project and argue that such an arrangement is the reason behind multiple violations of human rights.

¹ In the form of a lower yield of fish caught.

² The word 'State', used on its own will refer to both the Central as well as the State Governments of India.

1.1 The story and an overview of its main actors

The narrative begins with the South Korean transnational³ Pohang Iron and Steel Company Limited (POSCO), signing a Memorandum of Understanding (MOU) with the Government of the State of Odisha in India in 2005. The intention of the company is to set up a steel plant, an iron-ore mine and a captive port and will be the largest entry of foreign direct investment in India till date, amounting to 12 billion dollars. The area of operation of the proposed plant is to span seven villages in the Jagatsinghpur district of Odisha, displacing a total of 613 families (*The Times of India*, 8th March 2011).⁴ However, ever since the signing of the MOU, the fate of the project has remained undecided because of the sharp polarization between pro and anti POSCO villagers⁵. The latter consists of both those unwilling to see any change in their fishing livelihood as a result of the port that POSCO proposes to build and those unwilling to sell their lands to the Odisha Government, which has been attempting to acquire their farmlands so that POSCO can build its steel plant. In 2006, the Forest Rights Act (FRA) was passed in the Parliament and it came into force in 2008 and had to be implemented in all the forest areas of the country. The area, on which POSCO plans to build its plant, was officially termed forest land in 1961 and thus underwent the implementation procedure of the FRA

³ The term trans-national is more accurate in referring to companies functioning in many different countries compared to using the more common phrase of multi-national. This is because the latter gives the impression that the company is owned by multiple countries, whereas a more accurate picture is provided by the usage of the word transnational i.e. ownership by one country but operations in multiple countries (O' Brien and Williams, 2010).

⁴ The project affected villages are Dhinkia, Govindpur, Noliasahi, Bhuyanpal, Polanga, Bayanalakanda, and Nuagaon in the Jagatsinghpur district of Odisha. Patana hamlet in Dhinkia village and Noliasahi will be fully displaced, while the other villages will undergo partial displacement (Pingle, Pandey and Suresh, 2010).

⁵ Soon after the MOU was signed between the State and POSCO, the Communist Party of India backed POSCO Pratirodh Sangram Samiti (Anti POSCO Agitation Committee) was formed in Aug 2005 to protest against diversion of land for the proposed plant (Interview 15/1/2011).

(2006). The Odisha State Government was of the view that the area to be affected by the POSCO plant could not be classified as having been forest land for 75 years⁶ and thus the villagers could not claim rights under it. Two inquiry committees⁷ instituted by the Central Government, to investigate the implementation of the FRA (2006) established that there were forest dwellers in the area and diversion of land for POSCO would be in violation of this Act (Pingle, Pandey and Suresh, 2010). In spite of this, the project received clearance from the Central Government in early May 2011 (Ramesh, 2nd May 2011). The reason why Central Government clearance was required is because forests fall in the concurrent list of the distribution of powers between the centre and the states and are thus subjected to the executive decisions of both (Majumdar and Kataria, 1996: Art. 246 List III schedule 7).

The protestors are continuing to hold out against attempts of land acquisition by the Odisha Government (Satapathy, 24th July 2011).

1.2 Development practices of the Indian State and the Land Acquisition Act

Development practices have been causing displacement right from the time of independence in 1947. The development initiatives have included the construction of dams and other infrastructural facilities (Parasuraman, 1999) and have now come to include land acquisition practices of the State on behalf of transnational companies wanting to set up base. Sathe (2011) has indicated that though development induced displacement has been around for long, protests and activism from farmers was little initially and has picked up momentum only recently. She traces this change to farmers having become 'more vociferous, organized, aware of their rights and willing to take up the fight. In this, they have been assisted by the NGOs, civil society organizations, the media and the opposition parties' (Sathe, 2011:153). Sathe (2011) further points out that since the liberalization of the economy there has been an increased demand for land by a

⁶ This is a condition to be fulfilled under the Forest Rights Act (2006: I, 2[o]).

⁷ The mandate and workings of these two committees have been discussed in Chapters Three, Four and Six.

number of actors and this has contributed to farmers becoming ‘more aware of their economic power’ (Ibid).

The eastern Indian state of Odisha has come to host a number of such protest movements.⁸ Being rich in minerals, containing for instance 51% of bauxite and 34% of the iron ore of the country, Odisha has come to be the nesting ground for a wide variety of mineral extraction industries (Government of India, n.d.). Other states in India have also seen farmers protesting against displacement as a result of industrialization led development.⁹

Land acquisition is accomplished via the eminent domain powers of the State under the Land Acquisition Act (LAA) 1894, which allows for forcible acquirement of land under private usage (Levien, 2011). Most of the land to be acquired for POSCO is officially classified as government forest land¹⁰. The POSCO project affected people stand to get dispossessed of the land via the LAA, unless those possessing customary rights have them recognized by the State under the Forest Rights Act (2006).

1.3 The Forest Rights Act

The FRA (2006) provides the ‘right to hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers’ (FRA, 2006: II [3a]). The FRA (2006) has been created to recognize the

⁸ For instance, Kalinganagar in Orissa has seen 14 tribals (tribes are regarded as the indigenous people of India) losing their lives at the hands of the police, in the process of opposing the takeover of their lands for the construction of a steel plant by the transnational company Tata Steel. They still remain opposed to the plant (*The Hindu*, 13th May 2010). Similarly, Vedanta Alumina had faced opposition from tribals in setting up a bauxite mine in the Niyamgiri hills which are considered to be sacred by the latter. The Central Ministry of Environment and Forests, subsequently cancelled their license as they were found to be violating the Forest Rights Act as well as environment regulations (Sethi, 12th July 2011).

⁹ Singur in West Bengal saw the stalling of the construction of a Tata Motors plant in the state when farmers were unwilling to give up their lands to the company (*The Times of India*, 4th October 2008).

¹⁰ POSCO requires 3719.22 acres of land of which 3566 acres is government land. 2958.79 acres of the latter are officially categorized as forest land and 607.74 acres as non- forest government land (*The Times of India*, 8th March 2011).

customary rights of forest dwelling communities, whose rights to live and work on forest land had previously gone unrecorded under successive Indian Forest laws (National Advisory Council, 2010).

1.4 The Scheduled Tribes and Other Traditional Forest Dwellers

The anti POSCO villagers are claiming rights as Other Traditional Forest Dwellers (OTFDs) under the FRA (2006) and thus it becomes essential to brief the reader on what the latter and the category of Scheduled Tribes (STs) stands for.

The National Commission for Scheduled Tribes (NCST) in India, differentiates the tribal population of the country from other citizens, in describing them as, ‘primitive, geographically isolated, shy and socially, educationally & economically (backward)’ (NCST, n.d.). Though the concept of indigeneity¹¹ was one imposed by outsiders the tribes of India have internalized it and claim the rights following from it (Xaxa, 1999: 3595). The FRA (2006) is meant to protect the rights of those STs ‘who have been residing in such forests for generations’ (FRA, 2006).

An OTFD, who has been defined by the FRA (2006) as a person who can prove residence and /or dependence on forest land for a period of 75 years prior to 13th December 2005 (FRA, 2006: I, 2[o]), has been identified by the Act to have faced similar discrimination from the State as the forest dwelling STs. In this sense Art 10, 26 and 29¹² of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) applies to the OTFDs as well.

¹¹ The four aspects of the concept that the Chairperson- Rapporteur, of the United Nations Working Group on Indigenous Populations, found essential in any definition of indigenous people are- ‘ a priority in time; the voluntary perpetuation of cultural distinctiveness; an experience of subjugation, marginalization and dispossession; (and) self identification’ (Erica- Irene Daes in Saugestad, 2000: 305).

¹² These say that ‘no relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return’ (UNDRIP, 2007: Art.10). Article 26 (UNDRIP, 2007) provides rights to the lands and resources that the indigenous have traditionally used. The ‘right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources’ is provided for in Article 29 (UNDRIP).

1.5 Which human rights?

I argue that there are three kinds of human rights violations occurring to all people unwilling to give up their lands for the POSCO project. The first two rights are - the right to free choice of employment as stated in Article 6 of the International Covenant on Economic Social and Cultural rights and also in Article 23 of the Universal Declaration of Human rights. Secondly, the rights of people to freely pursue their economic social and cultural development, under the right of self determination, as stated in Article 1 of both the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights. The latter right is also stated in Article 22 of the Universal Declaration of Human Rights. There is no legal recognition of these rights under national law but under the international legal scanner they stand as violations. This is despite the fact that India is a signatory to both the International Covenants. What may follow from the first two rights violations is a threat to the right to life.¹³

1.6 Research questions

The central questions that motivate my research are - a) What makes rights violations in the POSCO story possible? And b) how can these rights be protected?

¹³ Article three of the Universal declaration of human rights states the right to life.

1.7 Significance and outline of the research

I took up the present case study as I was interested in understanding the implications of POSCO led development on the people to be affected by the project. The rights violations in the POSCO story have been established by a number of authors who include Asher (2009), the Mining Zone People's Solidarity Group (2010) and also by Central Government appointed Committee Reports i.e. Pingle, Pandey and Suresh (2010), Gupta (2010) and Saxena, (2010). My contribution to the above analysis lies in approaching the issue of rights violations from the perspective of deconstructing hegemonic development discourse as attempted by the post development school.

The main cause of rights violations can be traced to the way in which neoliberal development functions. The working of the FRA (2006) and the LAA, the discourse of poverty and the statements of support for POSCO by the Central and the State Government of Odisha are found to be both causes as well as the effects of the dominant development discourse, thereby contributing to rights violations.

1.8 Overview of Chapters

The thesis is divided into the following chapters. The analytical framework of development will be discussed in Chapter Two, where I will be looking at mainstream development theory and the critique of the latter by the post development school. Chapter Three gives an explanation of the research methodology used. The process, challenges and advantages of the two research methods utilized i.e. critical discourse analysis and interviews will be explained here. An analysis of the FRA (2006) and the LAA are provided in Chapter Four and Five respectively, so as to explain how they aid in the creation of the hegemony of development. Chapter Five also analyzes the extent to which the idea of the common good to be achieved via the establishment of POSCO will be

beneficial for those to be affected by the latter. Chapter Six discusses how the State creates the discourse of development through its statements, thereby influencing a section of villagers and how another section of villagers seek alternative practices of development. The Seventh chapter will include concluding observations and recommendations for a way forward.

CHAPTER 2: THE ANALYTICAL FRAMEWORK: ASPECTS OF DEVELOPMENT THEORY

This chapter explains the analytical framework of this research and is divided into four sections. At first I undertake a brief overview of what development has come to mean overtime. This is followed by a more in depth look at three particular ways of looking at economic development. These are – Firstly, the doctrine of neoliberalism that finds expression in the POSCO story, as a development discourse that violates human rights (violations as elaborated in Chapter 1). Secondly, I look at the theories which have deconstructed the concept of development, as I attempt to deconstruct a similar discourse. And thirdly, I look at the concept of participatory development. I also discuss the concept of hegemony and relate it to the doctrine of neoliberalism.

2.1 The Meaning of Development

Development has been defined by Dickson (1997) as ‘qualitatively ameliorated social, political and economic change’ (Ibid: 16); others like Peet and Hartwick (2009) define it as ‘a better life for everyone’ (Ibid: 1). However no consensus seems to exist on a single meaning or method and the terrain of development remains ‘ill-defined and contested’ (O’Brien and Williams, 2010: 310).

Different approaches to development and subsequent critiques to them have been discussed below. Modernization theory is primarily associated with Rostow (1960) who identified five stages that a country has to pass through so as to make growth the ‘normal condition’ (Rostow, 1960: 49) and move away from ‘traditional society’ (Ibid: 47). O’Brien and Williams (2010) have critiqued this theory as it conceptualized development as a phenomenon confined to the efforts of the nation- state and neglected the external

environment. Dependency theory critiqued modernization theory and argued that underdevelopment was a consequence of capitalist exploitation, and was consequently critiqued by the latter authors for concentrating solely on the external environment and neglecting internal factors of states as contributory causes (O' Brien and Williams, 2010). Neoliberalism and post development have been discussed in sections below.

Although economic development is a much larger concept, different authors (Hoekman and Kostecki, 2009; Peet and Hartwick, 2009; Sen, 1999, 2000) have pointed out the widespread tendency of associating it with different economic indicators, like trade (Hoekman and Kostecki, 2009: 532) economic growth (Peet and Hartwick, 2009: 2) and 'gross national product per head' (Sen, 2000: 18). This can be seen to be the effects of the neoliberal framework of market functioning and can be seen in practice when the Doha Round of trade talks of the World Trade Organization, which began in 2001, was called the Doha Development Agenda (Hoekman and Kostecki, 2009: 532).

Through his thesis of 'development as freedom' (Sen, 1999) economist Amartya Sen, attempts to bring about a 'pluralist conception of progress to the exercise of development' (Sen, 2000: 18) and moves away from the 'solitary and traditional measure of economic progress such as the gross national product per head' (Ibid). He does this by positing the thesis of both the 'ends as well as the means of development' (Sen 1999: xii) being equivalent to advancement of human freedom (Ibid). Sen (1999) believes that such freedom can be achieved by removing deprivations that limit choice and opportunities. This in turn enhances human capability to enable people to lead lives that they 'have reason to value' (Ibid: 295).

The annual Human Development Reports (HDRs) of the United Nations Development Program utilize Amartya Sen's ideas on development based on capability enhancement as their 'conceptual framework' (Fukuda-Parr, 2003: 301) The Human Development Index (HDI) published in the HDRs has been critiqued for not being able to give a comprehensive measure of human capabilities. This has been explained as the result of its focus on capabilities that are globally valued, i.e. survival capacity (indicated by life expectancy), knowledge and awareness (with literacy as its indicator) and having a favourable living standard (indicated by income) (Fukuda-Parr, 2003). Even though the HDI attempts to move away from a growth-only measure of development, economic

measures of development continue to predominate as has been pointed out by the authors above.

2.2 The dominant development discourse

The first development approach I discuss is that of neoliberalism and its manifestation in the concept of the common good. I relate the theory of hegemony to the latter two. The mechanisms of each of these concepts are essential to understand, before describing their workings in the story analyzed in the chapters that follow.

2.2.1 The concept of hegemony

The Gramscian theory of hegemony, the essence of which is domination by consensus, is a concept that combines the diametrically opposite concepts of force and consent (Crehan, 1997). An understanding of hegemony becomes essential as it has been used to describe the workings of neoliberalism in the world today (Plehwe, 2009: 22). Others like Harvey (2005) have pointed out the hegemonic hold of neoliberalism when he describes it to have become ‘the common-sense way many of us interpret, live in, and understand the world’ (Harvey, 2005: 3).

Cox (1993) says that it’s the consensus generated over power that helps hegemony thrive. ‘Coercion is always latent but is only applied in marginal, deviant cases’ (Cox, 1993: 37). The concept may appear standing strong and unchallenged but it stands on shaky ground as there are a number of forces that are always seeking to overthrow it. It thus describes a relationship of struggle between dominant and peripheral forces, the latter trying their best to overthrow the former (Crehan, 1997). Hegemony therefore ‘must be continually produced and reproduced’ (Ibid: 29). The continued attempts of the protesting villagers to

stop the acquisition of land for POSCO, symbolizes the resistance provided by peripheral forces.

Crehan (1997) maintains that Gramsci based his theorization on the Marxist assumption that relations of power are grounded in economics and this gets exemplified in the story analyzed in this research. The latter author also opines that ‘complete hegemony...is never an empirical reality... (it) is always in some degree partial and limited’ (Ibid: 34). The dominant powers may sometimes have to concede to the demands of the counter hegemonic groups (Crehan, 1997). This too is visible in the decision by POSCO and the Odisha government to leave out the private land in the village of Dhinkia from the land acquisition plans of the government, after the villagers had protested for five years against land acquisition (*The Times of India*, 8th March 2011). However this concession has not brought about any change in the production capacity and the locations of constructing the steel plant, captive port and the iron ore mine from what they were stated in the Memorandum of Understanding (2005) and it is doubtful whether such a concession would have been granted if it had brought about such changes.

2.2.2 Neoliberalism

Understanding the essence of the neoliberal doctrine becomes essential to analyze the workings of market forces found in this story in the form of POSCO. The functioning and the requirements of POSCO can be seen to act as a barrier to the solution of the social problem and thus inform step two of Fairclough’s (2001b, 2009) CDA methodology.

Neoliberalism has been called an ‘ideology of globalization’ (Colás, 2005: 76) where the latter has been described as the free flow of market dynamics the world over and the universal remedy to economic deprivation (Colás, 2005). Globalization has also ‘become the new word for mainstream development’ (Hettne, 2002: 8). The central premises of neoliberalism have been discussed by a number of authors and they are discussed below.

Firstly, neoliberals agree on the inevitability of the existence of a society rooted in the market. The market in other words ‘must be treated as a natural and inexorable state of humankind’ (Mirowski, 2009: 435). The needs of market forces, symbolized by POSCO in this story are thus given priority. This is for example visible, in no change being attempted in the location of the steel plant by the Odisha Government, inspite of the protests by the anti POSCO villagers, as POSCO has maintained that location of the plant is unchangeable (POSCO-India, n.d. [b]). Neoliberal market forces being characterized by fixity in structure and having a tendency to proceed by excluding other voices are characteristics that are thus visible and can be said to be the reasons behind human rights violations that are occurring.

Secondly, neoliberals believe that the functioning of the state ought to support the interests of the market economy, thus what is taking place is a redefinition of state power (Mirowski, 2009: 436; Yergin and Stanislaw, 1998: 214). One instance of the redefinition of state services is that the latter begin ‘to be provided on a contractual basis’ (Mirowski, 2009: 436). The goal then is to render citizens to be ‘customer(s) of state services’ (Ibid: 437). Some like Strange (1996) associate this redefinition of state power with a decline in the powers of the State. She (Strange, 1996: 229) says that the authority of states in ‘basic matters’ (Ibid) like providing ‘a clear system of law’ (Ibid) declines, while its authority in matters that are not so important for society gains prominence (Ibid). Others like Mann (1997) believe that neoliberal globalization affects different states in different manners and no generalized conclusion such as the decline of states can hold ground. The Singur¹⁴ story shows that, though the Indian state may be constrained by the demands of neoliberal development, people’s movements can keep it alive to their interests.

Thirdly, neoliberalism favours decision making by elites and the judiciary (Harvey, 2005). Thus democracy must ‘be kept relatively impotent’ (Mirowski, 2009: 436) so that

¹⁴ A group of farmers in the village of Singur, in the state of West Bengal, backed by the opposition party (the Trinamool Congress), had opposed the forceful acquisition of farmland by the State government. The land was intended to be acquired for the construction of the Tata Motors plant in their village. The company had to ultimately shift base to another state as the protest movement did not allow any construction work to occur (*The Times of India*, 4th October 2008). Some like Roy (2011) opine that this incident was the main reason why the Communist party of India (Marxist) government of West Bengal lost power after three decades of rule in the State (Roy, 2011). The new government led by the opposition party has promised a new policy were it will be up to the industry to acquire land for industrial projects and the government will not intervene with forceful acquisition (*The Hindu*, 19th June 2011, *The Times of India* 16th June)

things mostly remain as they are and are not influenced by any radical changes that citizens want to bring about (Ibid, 2009). The Singur story can again be cited to show that democracy cannot be said to be completely dead and people's movements can cause the downfall of State Governments that pursue rights violating neoliberal policies.

Lastly, any problem created by the market will have a market solution as well Mirowski (2009). The problems of displacement and joblessness that will be created on the establishment of the POSCO plant on land acquired from the villagers is sought to be resolved with the assurance of one job and a brick and cement house to each displaced family (POSCO India, March 2008). The solutions however remain limited to market and monetary measures and show the 'quintessentially reductionist' (Shiva, 1988: 232) worldview of neoliberalism that undergirds the functioning of POSCO, where reductionism is the assumption 'that a system is reducible to its parts' (Ibid: 235). The neoliberal system does not recognize, that 'in the case of living organisms... the parts are so cohesively interrelated that isolating any part distorts perception of the whole' (Ibid: 236). Thus intangible elements like attachment of the villagers to land and livelihood is not acknowledged by the Odisha Government or POSCO when farm land is sought to be acquired by the former for the latter. Shiva (1988) explains this further by saying that in 'reductionism: only those properties of a resource system are taken into account which generate profits...properties which...are commercially non-exploitative are ignored and eventually destroyed' (Ibid: 238).

The neoliberal economic doctrine was adopted in the 1980s in the wake of a severe debt crisis that affected the developing countries (O'Brien and Williams, 2010). The previous economic model of Keynesianism that had advocated economic growth via state intervention in the market was discredited by the neoliberals and they revived the free play of market forces which had been advocated by classical liberals (Steger and Roy, 2010).

On facing a balance of payments crisis in 1991 India had to adopt neoliberal economic measures that were formulated by the international financial institutions in return for loans from the latter (Frankel, 2005). The hegemonic impact of these policies is evidenced both, by the fact that they were viewed favourably by some of India's industrialists (Colás, 2005), and also by the Central government, then led by the

Congress (I) political party, being convinced of there being no other option than taking an International Monetary Fund loan (Frankel, 2005). However criticism of this decision, from opposition parties like the Janata Dal and some left groups, as one that would do away with India's independent economic stand and bring about inequity among citizens, portrays the limited nature of hegemony that Crehan (1997) talks about.

The harshness of structural adjustment programs¹⁵ on developing countries and their inability to deliver improvements in the lives of their citizens has led to a shift from the Washington consensus¹⁶ to the emergence of a post Washington consensus, which gives importance to governance, focuses on sustainable development and poverty alleviation (O'Brien and Williams, 2010). However both consensuses remain ingrained in similar methodology and theory and similar policy recommendations to developing countries (Saad- Filho, 2005). The 2008-09 financial crises that hit the USA has been said to cause a shift away from neoliberal policies and it remains to be seen whether this will mean major modifications in the rubrics of the doctrine (Steger and Roy, 2010).

2.2.3 The Common Good

'Neoliberalism defines well-being as utility maximization' (Fukuda-Parr, 2003: 304), where utility as defined by Bentham (cited in Alexander, 2008:10) stands for 'the greatest happiness of the greatest number'.

As economic globalization based on the neoliberal doctrine, is considered to be the remedy for poverty and economic backwardness (Colás, 2005) the idea of the common good can be said to be the basis on which the market economy functions.

However the critique against utilitarianism finds its basis in the conception of furthering the common good at the expense of 'certain inviolable claims and rights' (Alexander,

¹⁵ The neoliberal combination of deregulation, privatization and liberalization of economies as advised by the International Monetary Fund and the World Bank (Steger and Roy, 2010)

¹⁶ The adoption of neoliberal policies by international financial institutions and policy makers in the 1980s (Steger and Roy, 2010).

2008: 19). The idea of the common good and its critique are both applicable to the POSCO story and are described in Chapter Five.

2.3 Deconstructing development

This thesis attempts a critique of development along the lines of those who attempted a poststructuralist deconstruction of the latter. Poststructuralists concern themselves with deconstructing reality, i.e. ‘unearthing the origins of a way of thinking and knowing’ (Jones, 2003:147). This method of analyzing the discourse of development is primarily associated with the post development school of thought.

One of the pioneers of the post development school of thought, Escobar (2007, 1995), traces the emergence of development discourse to the 1945-1960 period which led to the creation of ‘a politics of knowledge, whereby experts classified problems and formulated policies, passed judgment on entire social groups and forecasted their future’ (Escobar 1995:45) Different levels of State government and international institutions became the policy makers and implementers of this discourse (Ibid) In other words what took place was the ‘institutionalization and professionalization’ (Ibid) of development (Ibid).

The prevailing cold war climate and the need to prevent poor countries from falling prey to communism, by alleviating their poverty, may have been one of the reasons for the emergence of development discourse (Escobar, 1995). Escobar (1995) however does not trace the overall ‘coherence of effects’ (Ibid: 53) of development discourse to ‘any sort of intentionality’ (Ibid: 232) and says that no one is ‘masterminding it’ (Ibid). Rather he follows Foucault when he traces it to ‘historical problematization and a systematized response to it’ (Ibid).

The tendency of development to create ““abnormalities”” such as the ““illiterate”” ...which it would later treat and reform’ (Escobar, 1995: 41) and the construction of poverty ‘as a social problem requiring new ways of intervention in society’ (Ibid: 22) are conceptions suggesting the non acknowledgement of opinions of those who were going to be affected

by development measures and the reliance instead on ‘expert knowledge’ (Escobar, 2007: 20). This continues in the POSCO story and has been analyzed in Chapter Six.

Post development rejects conventional development because, the need is to ‘rely less on expert knowledge and more on ordinary people’s attempts at constructing more humane and culturally and ecologically sustainable worlds’ (Ibid: 20). The alternatives to development that Escobar suggests is to rely on ‘alternative strategies produced by social movements as they encounter development projects’ (Ibid: 21). He also suggests bringing about ‘hybrids’ (Escobar 1995: 220) or ‘cultural (re)creation’ (Ibid) between local knowledge and modernity (Ibid).

There have been a number of critiques of the school, some of which have been responded to by the latter. Two such criticisms are identified. Firstly, Pieterse (2010) points out that post development fails to notice that development is not a homogeneous construct. For example – World Bank stories have not all been the same (Pieterse 2010: 116). Secondly, the latter author asks as to why the school rejects development completely as there have been achievements of the same that cannot be discounted (Ibid).

In response Escobar (2007) responds saying that the very task, that post development undertook was deconstructing the ‘overall discursive fact’ (Escobar, 2007: 22) of development and not its varied nature on the ground level. In other words, the project was not of providing, ‘a more accurate representation of ‘the real’’ (Ibid). Built on the conceptual tradition of post structuralism, the school instead questions as to what makes a particular idea ‘real’ and brings out the underlying power plays that go into making it dominant (Escobar, 2007).

To the second criticism there does not seem to be a defense. Pieterse (2010) further argues that their conception of alternatives to development is not very different from development alternatives like participatory development (Pieterse, 2010). For example a cultural hybrid of the indigenous Kayapo using video cameras and airplanes to protect forests (Escobar, 1995) entails participatory development of some kind that has enabled the community pick up the skills of operating these gadgets.

Thus although the post development school seems to advocate doing away with development altogether, some of the alternatives proposed seem to remain within the framework of development alternatives as (Pieterse, 2010) has pointed out.

This research draws on post development school's thesis of deconstructing development, but does not do away with the concept of development. The farmers to be affected by the POSCO plant wish to partake of the benefits of development but seek to exercise choice within the idea. A participatory approach that allows people to take charge of their development is argued for, and this may sometimes mean the voluntary acceptance of top down development.

2.4 Participatory development

Interviews showed that people opposing the project wanted development to be based on their choice and participation. Participatory approaches to development reflect the demands of the anti POSCO villagers regarding development practices that are to affect their lives and this constitutes the application of step four of Fairclough's (2001b, 2009) CDA method that tries to find solutions to the social problem being researched.

The post developmentalists may have remained wary of participation as they feel it to be the subtle imposition of the ideas of one group on the other (Rapley, 2006). However some of the alternatives to development that they have suggested are similar to development alternatives (Pieterse, 2010) like participatory development. This has been discussed in the previous section.

Rahnema (1992) maintains that participatory development was a move away from top-down procedures of development that failed to include the voices of the people. Participatory Rural Appraisal or PRA that developed in the late 1980s has become the most widely known methodology of participatory development ¹⁷ (Mohan, 1992). Chambers (1995) defines it as an approach 'for learning about rural life and conditions from, with and by rural people' (Chambers, 1995: 1). It seeks to combine the skills of technicians and the people to be affected. Development under PRA proceeds in a way

¹⁷ There have been other methods like Rapid Rural Appraisal (RRA) that developed in the late 1970s, which are not considered to be as empowering as PRA, as the former is more like a form of 'data collection by outsiders who then take it away and analyze it' (Chambers, 1995:10). PRA on the other hand allows the people affected by development projects to be in charge of planning as well as implementation of such ventures (Ibid).

that addresses the ‘needs and priorities identified by community members’ (Thomas-Slayter, 2009: 340). Its laudable features are ‘an open agenda, not a preset plan’ (NES 1990 in Thomas- Slayter, 2009: 343) and ‘valuing all voices in the community’ (Ibid). It goes forward with the development plan only when there is agreement on the steps to be taken and is undertaken in a cooperative manner (Ibid). The PRA method of participatory development seems to embody characteristics that differ significantly from the mainstream neoliberal approach which fails to value voices that vary from its fixed structure of functioning.

Criticisms against PRA have maintained that it can be used to ‘legitimize the agendas of others’ (Thomas-Slayter, 2009: 347). Mohan (1992) maintains that the PRA approach to participatory development makes true empowerment difficult as outsiders are resorting to their methods of communication and base the method on their values (Mohan, 1992: 52). Nevertheless it can be said that the PRA approach remains closest to what the people demand in Chapter Six, i.e. it provides choice and participation within development.

CHAPTER 3: RESEARCH METHODOLOGY

The two research methods I utilized were, Norman Fairclough's (2001b, 2009) five step method of Critical Discourse Analysis (CDA) which was utilized to analyze texts and secondly, interviews with pro and anti POSCO villagers which were conducted with villagers at the proposed plant site. I undertake a general discussion on the method of CDA and how it was employed to analyze the language in texts. This is followed by a discussion on the usage of the interview based method.

3.1 Critical Discourse analysis (CDA)

Discourses or the various portrayals of social reality, tend to be structured in ways that reflect different viewpoints espoused by social actors (Fairclough, 2001b: 123). A discourse may become hegemonic in nature, thereby becoming the 'legitimizing common sense which sustains relations of domination' (Ibid: 124). Drawing on Foucault's ideas (Bryman, 2008: 508), CDA is a theoretical approach with methodological implications and is used to uncover the abodes of societal power manifested in the usage of language (written or spoken) and is thus an analysis of how dominance is created and reproduced (Fairclough, 2001b; Fairclough, 2009; Wodak and Meyer, 2009). General discourse analysis differs from CDA as compared to the former, the latter has a more 'problem-oriented, interdisciplinary approach' (Wodak and Meyer, 2009: 2).

CDA relates to the post development school, as both have post structuralism as their foundational basis and deal with the task of analyzing the creation of dominance, thereby contributing to the analytical framework of this research. Neoliberalism was another analytical framework utilized and its dominance in the world today has been subjected to analysis by both post development and CDA.

Fairclough's (2001b, 2009) five step method of undertaking CDA proved useful in helping the analysis of data in the dissertation. The first step of this method involves the identification of a social problem. The social problem in this story can be said to be the threat to the livelihood of the anti POSCO villagers, by the Odisha Government's attempts to acquire their farmland for the project. The result has been continuous engagement by a section of the villagers, in fending off such land acquisition attempts.

The second step asks us to identify barriers that prevent solution of the problem (Fairclough, 2001b:125). In the POSCO story, the overarching barrier consists of the existence of a dominant discourse of development, i.e. the hegemony of neoliberal development, at both theoretical and policy levels globally. This discourse is found to be reproduced locally via the functioning of POSCO. The factors that aid this reproduction are the working of the Forest Rights Act, 2006 and the Land Acquisition Act, 1894 as well as support from the Odisha State and Central governments of India. These are discussed in chapters two, four, five and six.

The third stage of CDA asks as to whether the social order requires the problem at all (Fairclough, 2001b). Transnational corporations which are an important part of today's neoliberal order have specific needs of location (Sathe, 2011), which enable them to make profits and thereby compete globally with other industries. In the POSCO story, this means proximity to the sea and the important cities of the state of Odisha, and makes the company unable to yield to the demands of the unwilling farmers. Thus the social order seems to need the problem at hand.

This takes me to the fourth stage of CDA, which asks us to find ways past the barriers identified (Fairclough, 2001b). Demand for participatory development voiced by the anti POSCO villagers is a possible way past the obstacles and has been discussed in chapters two and six. The final step involves critical reflection over the last four stages of CDA (Fairclough, 2001b) and this has been undertaken in chapter six.

3.2 The texts analyzed using CDA

Those documents were chosen that would answer the research question using the CDA method and can be divided into two groups. The first group consists of texts that helped create and support the dominant discourse and the second group has those whose evidence and/or statements were not acknowledged by the dominant discourse, thereby helping the latter predominate. The first group of texts consisted of the following-:

- 1) Press Statements of POSCO- India found on their website and their statements found in their newsletter called PINE.
- 2) Text of the Land Acquisition Act, 1894 (LAA, 1894)
- 3) The Social Cost Benefit Analysis of the POSCO plant conducted by the National Council for Applied Economic Research (NCAER, 2007)
- 4) Statements of the State and Central Government regarding the establishment of the POSCO plant found in the online versions of two Indian daily newspapers in English i.e. *The Hindu* and *The Times of India*. The Government statements available on the website of the Ministry of Environment and Forests (Ministry of Environment and Forests, 2009); (Ramesh, 2nd May, 2011); (Jena, 1st March 2011)
- 5) Opinions of some of the pro POSCO villagers that were gathered from interviews conducted with them (Interviews, 18/1/2011).

The second group of texts consisted of -:

- 1) Interviews with some of the anti POSCO residents of the villages to be affected by POSCO (Interviews, 15th, 16th, 17th January 2011).
- 2) The Mining Zone People's Solidarity Group Report (MZPSG, 2010) that analyzed the NCAER Report.

There were also documents that contained texts that catered to both groups and these were-:

1. Text of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (FRA Rules, 2008).

2. The report of the POSCO Inquiry Committee was set up by the Central Ministry of Environment and Forests with the mandate of enquiring into compliance with clearances granted to POSCO and whether the implementation of the FRA (2006) had been completed in the project affected villages. The four members of the Committee submitted their Report in two parts (Pingle, Pandey and Suresh, 2010) and (Gupta, 2010), with the cause of dispute occurring over the issue of whether clearances that had been granted to POSCO ought to be revoked or not (analyzed in Chapter Six). There were similarities as well as differences in their analyses and this has been discussed in chapters four and six.

3. The Report of the Saxena Committee (Saxena, 2010) that had also been instituted by the Ministry of Forests and Environmental Affairs, to analyze the process of implementation of the FRA (2006) all over the country.

3.3 Tools to analyze the text

I will utilize the methods proposed by Fairclough (2001a) to conduct an analysis of vocabulary usage in texts to discover the sites of power. This will involve looking into the experiential uses of words. Experiential uses are when words are acting as a mirror to the author's knowledge and value system (Fairclough, 2001a). Apart from this, other analytical insights given by Fairclough (2001b) will be used to examine the language in texts. These involve, analyzing 'the relationship of semiosis to other elements within the network of practices' (Fairclough, 2001b: 130) in society, that are not only semiotic (Ibid), as language helps in 'extending and legitimizing' (Ibid) the dominant discourse. The relations between the Meena Gupta Report (Gupta, 2010) and the Central Government with POSCO and that between the NCAER Report (2007) and POSCO are two of these relationships that have been analyzed.

Fairclough (2001b) talks of the recontextualization of texts, 'which means that it is inserted into a different context, and therefore is combined with a different sort of language' (Fairclough, 2001b: 130) and thus transformed 'to suit the new context and its discourse' (Ibid: 131). The instances of recontextualization visible in the POSCO story

show the ‘mixing of...the discourse of economic development and political discourse’ (Ibid) and has been discussed in Chapter Six. The dominant discourse gets perpetuated through such reproduction in different contexts.

3.4 Conducting interviews

Interviews were conducted to get an insight into the viewpoints of the pro and anti POSCO villagers as they inform step four of the CDA method utilized (explained in 3.2). As I wished my interviewees to be people from both these groups, I started out by contacting the Mr. Abhay Sahu, leader of the Anti POSCO Agitation Committee (PPSS) with contact numbers I found on a blogsite (Janjagriti, 2010) maintained by the PPSS. Sahu invited me to Dhinkia and Govindpur villages in the Jagatsinghpur district of Odisha, which he said were completely anti POSCO in nature while the rest of the five villages had a combination of both groups.

I rented a car from Bhubaneswar, the capital of Odisha where I had put up at a boarding lodge and travelled to the POSCO site, a journey that took three hours, via severely potholed roads. I interviewed Mr. Sahu in Dhinkia village on 15th January 2011 as well as Manoj, a fisherman and resident of Noliasahi village who was visiting Sahu. In the next two days I started out by visiting Dhinkia again where I interviewed three residents¹⁸ and conversed with some members of their families. Govindpur was my next stop and I interviewed three residents¹⁹ who were also local government members (*Panchayat*) members of that village.

I had read on the POSCO India website that 52 pro POSCO families had left their homes and were now living in a transit camp built for them by POSCO in Badagabapur (POSCO- India, 22nd February 2008). I visited the camp, which was a few kilometers

¹⁸ The interviewees in Dhinkia village were Gitanjali Das, Nema Charan Rai and Beharai Darai.

¹⁹ The interviewees in Govindpur were Ashok Kumar Bardhan who was the Pradhan (head) of the village, Prakash Jena and Ranjan Sain.

away from Dhinkia and could interview three residents and one non resident²⁰ who were all supporting POSCO. All interviews lasted between 20 to 45 minutes and were recorded after seeking permission from the interviewee and thereafter transcribed. Common themes from the interviews were located and then analyzed as part of the CDA. My interview questions can be grouped into the following thematic categories.²¹ A) The effects on their lives if the POSCO plant was to be set up, and the reason behind any changes that had taken place ever since the announcement of its proposed establishment. B) The causes of rejection of or support for the compensation package provided by the government. C) The perceptions of the dialogue process between the government and/ or POSCO and the interviewee. This was to find out whether it had been a participatory dialogue process. D) The procedure employed in taking decisions and carrying out strategies of protest within the protest movement. This was to gauge whether it was a people's movement or one that was solely guided by a political party. E) Whether the villagers considered themselves to be rights claimants under the Forest Rights Act and how its implementation had taken place. F) Lastly, the processes of development that will be favoured by the interviewee.

3.5 Advantages and disadvantages of using both methods

CDA was used to analyze how various texts contributed to the creation of a hegemonic discourse of development, leading to human rights violations and thereby helped answer the research question. Interviews had opinions of consent to as well as dissent from the dominant discourse and thus contributed to the analysis undertaken by CDA, which served as the umbrella method of analysis.

The problem encountered while conducting CDA was verifying the authenticity of the statements of various members of the Government quoted in various newspapers as interviewing government officials had not been possible due to time constraints. I

²⁰ The residents were, Mr. Chandan Mohanty, who was the leader of the families, as well as Prakah Modali and Narahari Pant. The non- resident stayed in Noliasahi and was a fisherwoman by profession. She had come to visit her relatives at the camp and did not wish her name to be mentioned in the research.

²¹ The interview schedules have been attached in Appendix A.

decided to cross reference each official statement taken from ‘*The Hindu*’ and ‘*The Times of India*’, which are daily English newspapers in India. Thus if both the dailies had covered the statement, I would take it up for analysis using CDA. *The Hindu* has been described as having a left-leaning, independent viewpoint and *The Times of India* as having a conservative stance (Worldpress.org, n.d.). Nevertheless both are among the top three most widely read dailies in India (Indian Readership Survey, 2009). Both these newspapers have been described as ones that emphasize ‘accuracy’ (The Encyclopedia Britannica, n.d. (a) and (b)).

The interview - based method of research helped to understand the viewpoints of both anti and pro POSCO groups of people. However, I encountered a similar issue as Jones (2009) faced while undertaking his doctoral fieldwork in Singur where farmers were protesting against land acquisition. The problem was the extent to which the political identity of the villagers dominated their distressed villager identity. The doubt may always remain that there is more of politics than actual unwillingness in giving up land, inspite of what the villagers say. The solution to this dilemma is to treat the interviewee as a social person with many identities and to believe what they say as a record of their positions taken (Jones, 2009). Interviews with the farmers at the proposed POSCO site showed that both these identities of the villagers were present, with the distressed villager identity taking help from the political identity to find solutions. The anti POSCO villagers said that they supported the Communist Party of India as its ideology matched their interests and that even without the support of the latter they would have carried out a protest movement to safeguard their livelihoods (Interviews in Dhinkia and Govindpur villages, 15/1/2011, 16/1/2011 and 17/1/2011).

CHAPTER 4: LAWS AIDING DEVELOPMENT AND ALLOWING THE VIOLATION OF RIGHTS I: THE FOREST RIGHTS ACT

This chapter and the next discuss two Indian laws that are used to legitimize the development discourse and actions of the Odisha and the Central government of India. I proceed to argue along the lines of Escobar (1995, 2007), that the legal system of India *aids* the ‘institutionalization of development’ (Escobar, 2007: 19), with possible threats to the right to life and violates the rights to free choice of livelihood and development as well. This chapter therefore continues the discussion on step two of Fairclough’s (2001b, 2009) CDA method, as the functioning of particular Indian laws become barriers to prohibiting human rights violations.

The corpus of legality in India provides the Forest Rights Act, 2006 that has been discussed in the present chapter, for acknowledging the rights of people who have been dependent on forest land for long (FRA, 2006). However the latter law provides a possibility for the interpretation of the State government to predominate in the rights claiming process, leading to unfavourable outcomes for the rights claimants.

4.1 The implementation procedures of the Forest Rights Act

Ramnath (2008) points out that there have been both supporters as well as critics of the Forest Rights Act (FRA (2006)). Supporters welcomed the legislation because by recognizing rights to forest land, it provides security against eviction of forest dwellers for development projects. Moreover, it is hoped that giving forest dwellers ‘secure

tenurial rights for land ... (will) encourage sustainable management of the land²², (Ramnath, 2008: 38). However critics of the FRA (2006) like Savyasachi (2011) feel that by giving rights of private property over forest land tends to destroy the relationship of interdependence that forest dwellers and forests share with one another. He opines, 'It is not possible to belong to a place and own it as well... belonging comes with mutuality' (Savyasachi, 2011: 59). The exigency of the need for development propels the State to utilize all kinds of land for development projects. This has made the policy makers seek a practical balance in providing non- transferable land rights through the FRA (2006)²³ even though this may lead to the questionable risk of maybe diluting the element of 'belonging' that Savyasachi (2011) talks about.

I proceed to explain how the FRA (2006) gets implemented and then analyze its application, in the areas to be affected by the POSCO project.

The implementation of the FRA (2006) is a process involving a number of bodies, necessitating both coordination and cooperation between them. The rights claiming process gets initiated at the grassroots institution of participatory democracy in India, i.e. the Gram Sabha. The latter is responsible for meeting and electing a Forest Rights Committee from among its members. The Committee verifies and delineates rights claims on village maps and the Gram Sabha meets to pass a resolution, accepting or rejecting these claims (FRA, 2006: IV [6]). A quorum of two- thirds of the village population is essential to make the Gram Sabha meetings valid (FRA (2006) Rules, 2007: 3[1]). There are two committees above the Gram Sabha, i.e. the Sub Divisional Level Committee and the Divisional Level Committee²⁴, which examine the resolution. The Divisional Committee makes a final decision. There is also a State Level Monitoring Committee that is supposed to monitor the entire process. Any person or even State agencies aggrieved by the resolution of the Gram Sabha can petition the Sub Divisional level committee. And any grievance arising from the latter committee is heard by the Divisional level committee (FRA, 2006: IV [6]).

²² The FRA (2006) gives land rights to forest dwellers based on forest land they are presently cultivating, with a maximum ceiling of four hectares (FRA, 2006: III 4[6]).

²³ Land rights that are granted to an individual under the Act are non- transferable (FRA, 2006: III 4[4]).

²⁴ These are constituted at the block and the district level respectively. One finds institutions of local governance in India at the village, block and the district level.

The rules of the FRA (2006) necessitate a minimum of two proofs to be provided by the rights claimant to show 75 years of residence and /or dependence on forests and forest land. The Act lists a wide variety of evidence that can be produced and these can be divided into three groups - a) documentary evidence, for example - land deeds or government records; b) visual evidence, for example - old structures built on land and c) oral evidence from elders of the village other than the claimant²⁵ (FRA Rules, 2007:13). An overview of the implementation of the FRA (2006) in other parts of India does not provide a very bright picture. Most states have seen a minimum of 70 % rejection of rights claims received (National Advisory Council, 2010). This can be attributed to the policies followed by the Central and State Governments that have thwarted the very spirit of the Act (Council for Social Development, 2010). For example, the demand for specific documentary evidence that claimants do not possess has led to rejection of rights claims (National Advisory Council, 2010).

4.2 Implementation of the FRA (2006) in the project - affected villages

The implementation of the FRA (2006) in the villages to be affected by POSCO continues the story of rejection of rights claims and also brings out certain loopholes in the functioning of the Act. Three aspects of the FRA (2006) did not make it conducive to be applied in conflict situations like the POSCO case, where the people are polarized into anti and pro POSCO groups and the State is on the side of the latter. These aspects have been discussed below.

²⁵ What is questionable is that its possible for a cohesive village to be able to manipulate oral evidence and seek land rights even though all inhabitants may not have been resident there for 75 years. However, oral evidence of the elders of the village is sometimes the only proof that eligible villagers can produce to claim their rights under the Act.

The inability to procure written recognition of land rights in the forest and the loss of documentary evidence dating back 75 years were explained by some villagers as the reason behind the lack of the latter. They however maintained that elders in the village can testify the stay of their families in the village for over 75 years (Interviews, 16/01/2011 and 17/01/2011). Thus, though the reliance on oral evidence may seem questionable at first, it has to be read in the spirit of the Act which seems to be to recognize rights and not to take them away.

4.2.1 The problem of quorum

Gram Sabha meetings had been held in 2008, in all the seven villages of the proposed POSCO site to elect Forest Rights Committees. However none of the meetings fulfilled the quorum required, and this has left the implementation of the FRA (2006) incomplete according to the rules of the Act (Pingle, Pandey and Suresh, 2010). People's participation in determining rights is the crux of the FRA (2006) (Sathyapalan, 2010). However participatory democracy can end up giving negative outcomes for rights claimants, as those who are pro POSCO can refuse to participate in Gram Sabha proceedings, thereby thwarting rights of anti POSCO eligible claimants. This can be an explanation for inadequate quorum, another being the lack of sensitization among the villagers about the importance of their presence in the Gram Sabha. Solutions to this problem can involve giving more than one opportunity for quorum to be satisfied. If it still remains unfulfilled there should be allowance for proceeding with those congregated.

4.2.2 The three months rights claim period

The 2008 Gram Sabha meetings in all seven villages had proceeded with the people present even though the quorum had remained unsatisfied (Pingle, Pandey and Suresh, 2010). Potential beneficiaries of the FRA (2006) have to file their claims within a three month period from the date of the election of the Forest Rights Committee (FRA Rules 2007:11, 1[a]). Anti POSCO villagers mentioned that they had not filed rights claims as they had been unable to venture out of their villages, to collect records and documents that would have helped them as evidence. This is because they feared arrest by the police²⁶ and violence from the pro POSCO group (Interviews, 16/01/2011 and

²⁶ There have been skirmishes between pro and anti POSCO groups with each side filing police cases on the other (Interviews, 16/01/2011 and 17/01/2011).

17/01/2011). Pingle, Pandey and Suresh (2010) as well as Gupta (2010) have given the suggestion of a longer claims filing period.

4.2.3 The Interpretation of the State

The third loophole of the FRA (2006) is that the opinions of the State can predominate during the implementation stage and this is not helpful if the latter is pro POSCO. The Odisha Government is of the view that the project site cannot be considered forest land as per the FRA (2006) and cites two government records in its defense. The first record says that the POSCO project area was declared as protected forest only in 1961 and thus the area has not been forested land for 75 years (Pingle, Pandey and Suresh, 2010). The Indian Forest Rights Act 1927 describes a protected forest to consist of forest land as well as waste land (Indian Forest Rights Act, 1927: Chapter IV 29[2]). The Campaign for Survival and Dignity (n.d.) maintains that these declarations used to be made in colonial India to fulfill the British requirements for timber and not for protection and conservation of forests.

The second record maintains that in 1957, when forest lands of the surrounding region were transferred to the State Forest Department, only one²⁷ was included while six were not included. On the basis of this exclusion, the State Government has interpreted the land of the six excluded villages to be waste lands and not forested land (Pingle, Pandey and Suresh, 2010). Apart from this, the District Magistrate and Collector of Jagatsinghpur in an official correspondence to the ST and SC²⁸ Development Department maintained that no one from the villages had submitted claims to the Forest Rights Committees within the stipulated three months provided by the FRA rules, 2008, and thus there were no potential claimants (Jena, 1st March 2011). Thus the Odisha Government believes that there are no claimants of forest rights in the villages to be affected by POSCO.

²⁷ The village of Bhuyanpal was transferred to the Forest Department in 1957. The other six villages were not (Pingle, Pandey and Suresh, 2010).

²⁸ ST and SC stands for Scheduled Tribe and Scheduled Caste.

With this reading of the FRA (2006), it is highly possible that the State will reject forest rights claims when the latter reaches the Divisional level Committee which is responsible for making a final decision on the rights claims.

The Divisional committee is composed of three officials from revenue, forests and tribal affairs departments of the state government and three other members from the institution of local governance at the district level (FRA Rules, 2007: Section 7). If the government officials can persuade one member of the district level governance institution to conform to their views, or if one member of the latter belongs to the political party in power in the state²⁹, then the state government view can prevail in a ratio of 4:2.

Another way in which rights claims can be thwarted is in the help rendered to the villagers during the rights claims process. The Sub divisional and Divisional committees are responsible for helping potential beneficiaries with maps, records and information about the Act, that they are not likely to possess, to enable them to claim their rights in the three month claims period (FRA Rules, 2007: 6[b] and 8[a]). However given the possibility of the State's views prevailing via these Committees, the help rendered can be biased and can mislead the claimants.

4.3 Evidence of forest land established by Pingle, Pandey and Suresh (2010)

The Report of Pingle, Pandey and Suresh (2010), analyzed old government maps and records and established that the project area is forest land unlike the stance of the Odisha Government and also provided evidence that suggests the possibility of forest dwellers in the area.

²⁹ The party in power in Odisha is the Biju Janata Dal (BJD).

4.3.1 Evidence of forests for 75 years

The FRA (2006) requires OTFDs to show dependence on forest land through residence and/or cultivation and use for a period of 75 years (FRA, 2006: I, 2[o]). Forest land has been described by the Act to consist of ‘land of any description falling within a forest area, including protected forests’ (FRA, 2006: 1 [2d]). Thus the wastelands within protected forests also seem to be included in the definition of forests given by the FRA (2006). This wide definition of forests can be interpreted as a facilitatory feature to protect the customary rights of those who have been dependent on so called “waste land” adjacent to forests as well as on the surrounding forests.

Even if waste lands can be interpreted to be included in the definition of forest land provided by the FRA (2006), the Pingle, Pandey and Suresh (2010) analyze that the area could not be referred to as wasteland. They refer to old village maps of the project affected area, dating back to the 1920s, showing an intermixture of forests with cultivated land interspersed with the latter. This evidence seems to have been overlooked by the Odisha Government, when it relied on the 1957 decision mentioned in section 4.2.3 for deciding whether the project area had been forested (Pingle, Pandey and Suresh, 2010). Pingle, Pandey and Suresh (2010) as well as Saldanha and Rao (2011) point out that the density of forests had diminished over the years because of cultivation practices on forest land.

There is however no mention in the Act on how dense the surrounding forests ought to be and thus it seems to allow for depreciation of forests through cultivation practices over 75 years. This view was reiterated by anthropologist Dr. Urmila Pingle, in a personal correspondence. She was of the view, that according to the Forest Rights Act (2006), ‘Forest of any type regardless of density, (village forests of different categories) is forest, including cultivated areas within’ (Pingle, 2011). The 1957 decision of classifying only one village as forest land can be interpreted as one made on the density of forests in the area to be affected by POSCO. This goes against the spirit of the FRA (2006) that was passed forty nine years later in 2006.

The evidence of official village maps of the 1920s, combined with the government forest record of 1961, can be said to give the status of forest land to the project villages for 75 years as per the requirements of the Act.

4.3.2 Evidence of forest dwellers for 75 years

Documentary evidence: Both the Saxena Report (2010) and the Pingle, Pandey and Suresh Report (2010) had maintained that there were villagers with documentary proof to show that they were forest dwellers. Pingle, Pandey and Suresh (2010) maintain that villagers of the project site submitted documentary proof to show that their families had depended on forest land for more than 75 years. These were in the form of betel vine cultivation³⁰ and firewood collection tax receipts from the colonial rulers dating back to the early 1920s. This evidence shows the possibility of the existence of forest dwellers in the area.

The dissenting member of the Inquiry Committee, Ms. Meena Gupta, published a report separately from the Pingle, Pandey and Suresh report (2010) as she was not one with the views of the latter, had suggested that the authenticity of the documentary proof submitted by the villagers be checked (Gupta, 2010). The Government subsequently made no attempts to do so and stuck to its stand that there were no forest dwellers in the project affected area (Jena, 1st March 2011).

Oral evidence: Many villagers at the project site did not have access to documentary evidence and claimed in interviews that they were going to rely on oral evidence of elders of the village, which is permissible under the FRA, 2006 (Interviews, 16/1/2011 and 17/1/2011).

Previous settlements of rights: With regards to the settlement of rights, the Odisha Government had maintained that the rights of any people in the forest area would have been settled when such processes were attempted in the 1960s and the 1980s. Since no

³⁰ Betel leaf cultivation takes place on Government land that was classified as protected forest in 1961 (Interviews 16/1/2011 and 17/1/2011).

present resident of the villages of the POSCO site had their rights thus settled the State is of the view that there are no forest dwellers present (Gupta, 2010). Pingle, Pandey and Suresh (2010) however maintain that these processes had taken place in an incomplete manner and some of them had only acknowledged the rights of tenants. The FRA (2006), however acknowledges the rights of even those who did not have tenancy rights on the land. They also point out that the very purpose of the FRA was to correct the lapses of previous settlement of rights (Pingle, Pandey and Suresh, 2010).

4.3.3 The final forest clearance

The Gram Sabhas of two project affected villages of Dinkia and Govindpur had passed resolutions in early 2011, against the diversion of forest land for POSCO. However the Odisha government claimed these to be not valid, as according to its view the required quorum had not been met and the process of calling the meetings had not been in order as the elected head of the village (Sarpanch) had called it and not the entire elected body of the village (Gram Panchayat)³¹ (Ramesh, 2nd May 2011). The people of the villages, claimed that the required quorum had been met and that an invitation had been sent to other members of the Gram Panchayat who had decided not to attend. (Interviews, 17/1/2011) The Central Government however supported the State and went ahead and gave forest clearance to the project site on May 2nd 2011 (Ramesh, 2nd May 2011).

The forest clearance was in contravention to an August 2009 circular of the Ministry of Environment and Forests that prohibited diversion of forest land without consent of Gram Sabhas all over the country (Ministry of Environment and Forests, 2009). Moreover it can be said that the rights of villagers do not disappear even if there have been certain procedural flaws in recognizing them.

³¹ The FRA Rules 2007 require the Gram Panchayat to call a meeting of the Gram Sabha (FRA Rules 2007, 3[1]).

4.3.4 Implications for human rights

Sarin and Springate - Basingski (2010) point out that ‘evidence from implementation to date suggests that while the State is attempting the most narrow interpretation, grassroots movements are demanding implementation as per the spirit of the Act’(Sarin and Springate – Basingski, 2010: 32). In the POSCO story, such narrow interpretation by the Odisha government would have been possible if the rights claims had reached the Divisional Level Committee for a final decision. Moreover, the three months rights claiming period proved to be insufficient in a conflict situation like POSCO and has been pointed out by both Gupta (2010) and Pingle, Pandey and Suresh (2010).

Acting under the hegemony of the neoliberal development order, the State finds it essential for a narrow interpretation of the Act to prevail. The FRA (2006) makes this possible by vesting final decision making powers of the Act in the State. Thus as Ramnath (2008) maintains, the good intentions of the Act seem a fallacious legal discourse that will enable the Government to carry on its development plans with lesser protests behind a facade of legitimacy provided by the Act (Ramnath, 2008).

The National Advisory Council (2010) points out the need for the Central Tribal Welfare Ministry to be more proactive and check such situations by issuing guidelines, as section 12 of the FRA (2006) permits it to do (National Advisory Council, 2010). However, the bypassing of the August 2009 circular (mentioned above) shows that the Central Government has been pro POSCO in nature. Therefore there seems to be a need for a neutral body to be instituted to make a final decision in rights claims instead of leaving it to the State.

CHAPTER 5: LAWS AIDING DEVELOPMENT AND ALLOWING THE VIOLATION OF RIGHTS II: THE LAND ACQUISITION ACT 1894

It is through legality that the Indian state “normalizes” the coercive acquisition of private land, i.e. through the Land Acquisition Act (LAA), 1894 that has been discussed in the present chapter, thereby continuing the discussion started in the previous chapter on particular laws acting as barriers to the realization of rights. The chapter also has a discussion on the common good to be brought about by the POSCO project and its implications for the project affected people.

5.1 The Land Acquisition Act and the proposed amendments to it

Apart from the 300 acres of private land of the villagers of Dinkia which was decided to be left out from original plans of land acquisition (*The Hindu*, 3rd May 2011), the rest of the land is sought to be acquired by the Odisha Government under the LAA, leading to the rights violations discussed in Chapter One. Nevertheless, the period of struggle of the villagers of Dinkia to prevent the latter acquisition, ought to be analyzed as one attempting to bring about human rights violations in the lives of the villagers.

Such violations take place via the archaic LAA of 1894, that defines land as ‘benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth’ (LAA, 1894: 3a). It allows land under private use to be taken by the Government with the least possible democratic discussion. It allows for the Government to measure the land and decide on the compensation to which the people have to agree and hand over the land (Asif, 1999).

There are primarily two criticisms against this Act existing from colonial times. Firstly, it surrounds the aspect of coercion, whereby the State with its backing of coercive power can acquire private land for public purposes. Secondly, the Act has been critiqued for not being able to define what public purpose means (Levien, 2011). The apex court of the country, i.e. the Supreme Court allows the State to decide what public purpose means (Mohanty, 2009). Thus projects that are beneficial to only a minority of people like a water park can be claimed to fulfill public purpose. The extent to which the POSCO plant will be beneficial to all the project affected villagers is questionable and has been discussed in section 5.3.

Levien (2011) says that the proposed amendments to the LAA have a provision that says that the Government will acquire the remaining 30% of land from people if a private company has succeeded in acquiring 70% of the land in projects that are considered to be of usefulness to the public. This seems to diminish the coercive powers of the State as this principle seems to rely on the functioning of majoritarian democracy. He however argues that 70% of the land may belong to only a minority and the 30% of land may instead belong to the majority thereby canceling the “democracy” in the provision. Forceful acquisition of land from the people, to whom 30% of the land belongs to, may also affect a lesser number of unwilling land losers, but it nevertheless results in human rights violations. Thus the proposed amendment can be seen to be an attempt by the State, to minimize public gaze on its coercive potential in bringing about development, so as to reproduce its power in more subtle ways (Levien, 2011).

5.2 The economy of the villages to be affected by the POSCO plant

An analysis of the economy of the villages to be affected by the POSCO plant is essential to understand the following section on the common good better. A mixture of subsistence as well as a commercial economy is to be found in the villages that form the proposed POSCO plant site in Odisha. Betel vine cultivation is predominant among the farmers alongside which they may engage in the cultivation of cashew, paddy and

drumsticks and also engage in pisciculture. '*Paano, dhano and maacho*' (betel leaves, paddy and fish) (Interviews, 16/1/2011) were claimed by the villagers of Dhinkia to be their life sustainers (Ibid).

The Resettlement and Rehabilitation package given by POSCO is offering the betel vine farmers 'a one time payment of Rs.11500 per decimal'³², (MZPSG, 2010: ii). The MZPSG Report has stated that the 'minimum reported income per decimal (has been) Rs.33000 and maximum reported per decimal (has been) Rs.50000' (MZPSG, 2010: i).³³ Asher (2009) has found that all the fisher folk earn between Rs.100 to Rs. 5,000 per family per day.

5.3 The common good vs. human rights

What makes the POSCO project important for Odisha, is the estimation by the National Council of Applied Economic Research (NCAER) (2007), that 870000 indirect jobs will be created over 30 years³⁴ as a result of the plant, thereby benefitting the 990000 unemployed people in the state (NCAER, 2007). Apart from this, POSCO has maintained that 18000 direct jobs will be created from the project (POSCO-India, 2009).

The NCAER report³⁵ (2007) explains the 870000 figure by saying that there are inter-linkages among different components of the economy whereby 'An increase in demand for one sector's output sets up a chain reaction in the economy' (NCAER, 2007: 13) whereby there are increases in both output and employment in other sectors (Ibid).

This project goal has been critiqued by the MZPSG Report (2010) which says that the existing economy of Jagatsinghpur has not been acknowledged in the NCAER analysis.

³² 100 decimals = 1 acre

³³ The interviews conducted in Dhinkia and Govindpur corroborated this finding of the MZPSG as the farmers were found to earn between 35,000 and 40,000 per year per decimal (Interviews, 15/1/2011 and 16/1/2011).

³⁴ NCAER has calculated this amount using economic calculations which include the measures of output multiplier and employment multiplier (NCAER, 2007: 13-19). It defines employment multiplier as the number of jobs to be generated in the economy for every one lakh (100,000) rupees output in the steel sector as a result of the inter-linkages among various economic sectors (POSCO-India, n.d. [a]).

³⁵ The NCAER is an independent nonprofit research institution (NCAER, n.d.) and was funded by POSCO to carry out a 'Social Cost Benefit Analysis of the POSCO Steel Project in Orissa' (NCAER, 2007).

Thus the jobs actually added in the economy will be lesser than that calculated. Moreover, it also critiques ‘the omission of a prediction interval’ (MZPSG, 2010: 42) as there can be market changes which do not seem to be taken into account (Ibid). For example if there is a decrease in demand for steel, it will create a decrease in output and employment in not only that sector but other sectors as well. The omission of the baseline economy and the non acknowledgement of market changes by the NCAER study (2007) give an incomplete picture of economic changes as a result of POSCO and seem to reflect a relationship of support of the former for the latter.

Even if a large number of jobs are created what remains uncertain is whether the jobs will benefit the people to be displaced and whether they will be a part of the ‘prosperity and well being’ (Government of Orissa, 2005 : clause 2) that is to result from the POSCO project.

The people to be displaced and others to be affected have been promised jobs (POSCO-India, March 2008) and are being provided training in welding and electrician jobs (POSCO-India, 2006). However, there is no guarantee that they will be able to perform well in the actual work granted, and the competitive job market has no dearth of people who can replace an incompetent worker. This can thus disrupt the future monetary security of the project affected people.

Cernea (2009: 50) observes that ‘the dominant outcome of displacement is not income restoration but impoverishment’. This can well be the future of the villagers displaced by the POSCO plant, as the compensation amount is very low compared to the yearly earnings of betel-vine farmers and fishermen. Sathe (2011) further points out that if one son gets a job as part of the compensation package, he may be unwilling to be burdened with providing for all his siblings. However in a land based livelihood they would all have had equal shares in the latter and there would not have been a burden on one individual (Sathe, 2011).

Wet (2009) analyzes the moral aspect of development induced displacement and maintains that ‘if our ethical approach is with human rights and treating all involved parties equally and as ends in themselves, we will be unable to apply our ethical approach consistently’ (Wet, 2009: 94). This is because there is ‘no guarantee that people’s lives

may not be significantly worsened in the process' (Ibid: 94). Individual rights then have a high propensity of getting sacrificed in the name of the common good.

CHAPTER 6: THE DISCOURSES OF PRO AND ANTI NEOLIBERAL DEVELOPMENT

This chapter analyzes the counter position of the neoliberal discourse of development against the discourse opposing the same, thereby continuing the explanation as to why human rights violations are occurring and informing step two of the CDA method advocated by Fairclough (2001b, 2009). I relate Escobar's (1995) thesis to my case study and show how current development policies are justified through ways other than the legal system of the country, i.e. through the creation of a discourse of poverty and through the discourse created by the Central Government. This chapter also covers attempts to find solutions to the research problem by analyzing the voices of villagers detailed in the interviews conducted and thereby covers step four of the CDA method, the analytical aspects of which were covered in Chapter Three.

6.1 The discourse of poverty

The present research argues along lines of the post development school that one of the main reasons why the development discourse thrives, is because of the construct of poverty and this is analyzed below.

The conception that seems to guide the government of Odisha is that the POSCO project - affected villagers are poor and thus need the benefits of development in their lives. This was reflected in the Odisha Agriculture Minister Damodar Rout's belief that the project would be beneficial to poor villagers as they were eking out a living as betel vine farmers (*MSN News*, 31st January 2011). This was reiterated in the interviews with the anti POSCO villagers as they maintained that the State had approached them with the proposal of establishing POSCO, saying it would remove poverty from the villages and develop the area. Citing their monthly earnings (discussed in the previous chapter), they

maintained that poverty is a construct that was being imposed upon them and they did not consider themselves to be poor (Interviews, 16/1/2011 and 17/1/2011). The analysis of the economy provided by the MZPSG Report (2010) shows that the betel vine farmers do not fall below the poverty line measure in Odisha, which is 407 rupees per person per month in rural Odisha (Planning Commission, 2011).³⁶ Thus the Minister calling the betel vine farmers poor is not on the basis of the poverty line measure. Moreover Manoj, the anti POSCO fisherman I could interview said his minimum earnings per day varied from 100 to 300 rupees and that he was not poor. However he felt that the construction of the captive port by POSCO would bring down the catch and he could then become poor (Interview, 15/1/2011).

Moreover, there are villagers who do not own land and are agricultural labourers or makers of baskets for carrying betel leaves (MZPSG, 2010). I did not come across people from these professions in my interviews and have not been able to garner their viewpoints. However, they may consider themselves poor or even be destitute. This can also be explained as a large number of people accepted the compensation package being offered. This leads us to analyze the conceptions of poverty and destitution.

6.2 Poverty vs. Destitution

A distinction between destitution and poverty has been highlighted by authors like Nandy (2004), Escobar (1995) and Rahnema (1992). Destitution is taken to mean the absence of income in the present day economy and also the absence of sustenance from

³⁶ A family of five will thus need approximately 25,000 rupees a year.

The National Planning Commission of the Government of India has decided to utilize the poverty line measure conceptualized by Professor Sachin Tendulkar in 2009 (Planning Commission, 2011) who has calculated the line in terms of the income required to procure a bundle of minimum requirements and this 'includes access to nourishment, shelter, clothing, education, protection from disease and the ability to be mobile so as to have meaningful social interaction' (Sridhar, 19 December 2009). The measure makes allowance for price differences from state to state and between urban and rural areas in each state (Himanshu, 19 January 2010). It has been calculated that Odisha has a rural poverty line of rupees 407 per person per month (Planning Commission, 2011).

nature to fall back on as it has been destroyed. The most severe forms of destitution occurred when communities habituated to living a life ingrained in the global commons, were forced to move to the city as individuals or fragmented families (Nandy, 2004). Equating all economies that rely heavily on the global commons for survival, with degradation is not acceptable, as people have for long been part of such communities (Escobar 1995; Nandy 2004). Shiva (1992) explains the 'culturally perceived poverty of earth - centred economies' to be a fallacious notion, as it's the monetary economy that is based on exclusionary practices, including only the haves while the have-nots face destitution (Shiva, 1992: 215).

Rahnema (1992) maintains that the term poverty has had very different meanings. For instance it was used to refer to people who may have suffered a fall from their erstwhile status in social life. Moreover many religions, for example Jainism and Buddhism advocated a voluntarily poor life and this had never meant a life of indignity and worthlessness (Nandy, 2004).

Nandy (2004) says that with exposure to a middle class lifestyle, and by having new acquaintances, the life that was once normal, becomes abnormal. A previous lifestyle therefore stops being attractive and maybe then considered poverty. Poverty is thus a changing concept and this has resulted in numerous conceptions of the poor, making the term very fluid and relative from person to person (Nandy, 2004). This analysis of poverty and destitution suggests that there maybe people who consider themselves 'poor' in the villages to be affected. But the blanket term 'poor' cannot be applied to all the people.

Two things ought to be said here. Firstly, the POSCO story shows that official conceptions of poverty do not match with those of all the people and also do not consider the distinction between the poor and the destitute. Eradication of poverty via industrialization becomes an approach that is being imposed from the top on people who do not relate to it (Escobar, 1995). Poverty then becomes a 'disease (which) can be cured only if others intervene with their knowledge, their resources, their pity' (Foucault, 1975: 102 cited in Escobar, 1995). In doing so a relationship of dominance is established, as knowledge is power in disguise (Escobar, 1995). Secondly, even if the destitute were to

benefit, it would be at the cost of sacrificing the rights of those unwilling to give up land, possibly making some of them destitute eventually as well.

6.3. Discourse of the Central government

There are various instances of public discourse with respect to the project as a whole that aid in establishing the hegemony of neoliberal development. Using the method of CDA on statements made and reports written I analyze how the Central government has supported the POSCO project.

The first example is of giving final forest clearance to the proposed POSCO site, discussed in Chapter Four was justified by the Minister of Environment and Forests (MOEF), Mr Jairam Ramesh in the following words,

Faith and trust in what the state government says is an essential pillar of cooperative federalism...Beyond a point, the bona fides of a democratically elected state government cannot always be questioned by the centre (Ramesh, 2nd May 2011).

The usage of the terms ‘faith’, ‘trust’ and ‘bona fides’ shows the Minister finding a basis for his actions in the moral functioning of the Odisha Government. If the State system could function on the basis of faith and trust, then there would not be any need of an impartial judicial system and of laws. The actions and statement of the Minister renders human rights into a loose and ambiguous term that can be subject to the varying interpretations of the State.

Secondly, both the reports of the two divisions of the Inquiry committee set up by the MOEF, i.e. Pingle, Pandey and Suresh (2010) and Gupta (2010) had felt that the environmental clearances that had been granted by the latter ministry for the POSCO plant and port were questionable. This is because the clearances had been granted on the

basis of a rapid environmental impact assessment (EIA) and not a comprehensive one.³⁷ Moreover they point out that POSCO has obtained clearances for one third of the project alone, i.e. four million tons (MT), however other aspects like land acquisition and impact on livelihoods is being undertaken for the entire 12 MT that is finally intended. Thus they opine that it is only justified that the assessment should have been done for the entire 12 MT (Pingle, Pandey and Suresh, 2010; Gupta, 2010). Though the analyses of both the divisions were the same their recommendations were different.

Pingle, Pandey and Suresh (2010) felt that the clearances should be revoked and fresh assessments ought to be done. Gupta (2010) felt that in future projects the MOEF ought to give clearances on the basis of a comprehensive EIA. She also opined that the, 'MOEF should take a policy decision that in projects like this it should, right at the beginning, assess it for the full capacity' (Gupta, 2010: 27). In both these opinions Gupta (2010) does not recommend revoking the questionable clearances, rather both seem to be recommendations for future projects *like* POSCO. This can be explained further when she maintains that she 'had been Secretary, Environment and Forests from 2007 to 2008 and it was possible that some of the clearances for the POSCO project had been done during that time' (Ibid: ii). Though Gupta (2010) admits the fallacy of the clearances she remains silent on their revocation which can be said to be reflection of her continuing subtle support for the POSCO plant from her time as Secretary at the MOEF.

Other statements include those made by the Central Commerce and Industry Minister Mr. Anand Sharma when he says-

It will be the biggest South Korean investment in India. Some issues have delayed the clearance and we have looked into it deeply. We will be able to reassure the South Korean leadership that investments will be encouraged and any outstanding issue will be addressed in a constructive manner (Dikshit, 29th October, 2010; Sethi, 29th October 2010).

This statement can be said to be a reflection of the urgency of the Government of India of convincing the South Korean political leaders that India will not be hostile to big investments like POSCO, and is indicated by the usage of words such as 'reassure' and

³⁷ The rapid environmental assessment had been done on the basis of the data of one season, and had not taken into account all the aspects of the project for example the township and railroads that were to be built as well (Pingle, Pandey and Suresh, 2010; Gupta, 2010).

‘encouraged’ that can be said to reflect what Fairclough (2001a) meant by words being of an experiential nature. The statement also reflects a recontextualization of texts, as maintained by Fairclough (2001b). This is because economic language as that utilized by international financial institutions and that tends to be analytical in nature, is transformed into ‘a political text, which is primarily designed to make a persuasive case’ (Fairclough 2001b: 133).

In a similar vein Mr. Jairam Ramesh seems to convince the general public of the benefits of the project, when he said that ‘Projects such as POSCO have considerable economic, technological and strategic significance for the country’ (*The Hindu*, 1 February 2010; *The Times of India*, 31 January 2011).

6.4 The voices from the field: The Pro - POSCO villagers

The existence of a pro – POSCO group shows that the dominant discourse also predominates by drawing supporters to itself from amongst the farmers.

The interviews conducted at the transit camp revealed that though the families were supporting POSCO, there was considerable resentment with their present living conditions and most of them who had initially supported the company would prefer to go back to their previous livelihoods in the village. Mr. Chandan Mohanty, the leader of these displaced families, expressed his resentment in these words, ‘*POSCO honese accha, nahi honese bhi accha*’ (If the POSCO plant comes up it will be good, even if it does not come up, it will be good) (Interview, 18/1/2011).

When I asked him and his counterparts why they were supporting the company, they stated that, most of them had been betel vine farmers back in their village but they considered themselves poor and had wanted better lives. They believed that the establishment of the company would be beneficial as it would bring good jobs for them and their children and development for Odisha. They also maintained that none of them qualified to have claims under the FRA (2006) and even if they had met the conditions of the Act, they would still have preferred to support POSCO. They said that they had been

driven out of their village, by the rest of the villagers (who were anti- POSCO) because they had chosen to support the company (Interviews, 18/1/2011). Mr. Abhay Sahu who was the leader of the anti- POSCO group, had on the other hand maintained that the anti group had boycotted the pro POSCO group and thus they had chosen to leave their homes on their own (Interview, 15/1/2011).

Once the pro POSCO group was driven out, both the ruling Biju Janata Dal (BJD) party and POSCO came to their aid and built a transit camp for them to stay in. Now they have no option but to support the government and the TNC. In return for the support, they are given 4000 rupees for 200 people a day, for subsistence by POSCO (Interviews, 18/1/2011). When I asked Mr. Mohanty whether their earnings would be more than betel vine cultivation in the job given by POSCO, he said it would be much more (Interview, 18/1/2011). Reasons cited in the previous chapter explain the uncertainty surrounding these jobs. Thus there seems a mismatch between expectations and future reality.

The pro POSCO fisherwoman (who preferred to remain anonymous) interviewed at the transit camp earned approximately 3000 rupees a month (the same as Manoj, mentioned in 5.1). However unlike Manoj, she felt she was poor and that jobs given by POSCO would bring greater earnings. She was also happy with the offer of a three bedroom brick and cement house, a new motor boat and a new fishing net that POSCO would be giving her as part of her displacement package and was not apprehensive about a decline in catch due to the POSCO port as she went far out into the sea to fish (Interview, 18/1/2011).

The statements of the pro POSCO group reveal both the creation of and the challenge of hegemony. In spite of being betel vine farmers and fisher folk with earnings above the poverty line, they had chosen POSCO in search of better lives. This can be seen to be a practical example of the multiple notions of poverty. The hegemony of the projected benefits of development, make them regard their current lifestyles as ones lived in poverty. Most importantly they are confident that they will be able to master the essential skills needed to work in the POSCO plant, unlike the anti- POSCO group who fear destitution if they fail to pick up the skills essential to work in the industry.

There was some dissatisfaction with their living conditions and they had threatened the Odisha government with their suicide if their demands were not met (Interviews,

18/1/2011). This has kept the Government attuned to their needs, and shows the need for hegemony to be continually reproduced.

6.5 Demands for participatory development

*Aare re nilajya POSCO Company/ O you shameless POSCO company,
Pherija dakhin Korea. / Go back to South Korea
Kaju, lebu, sojona/ The cashew, the lime, the drumstick
Shob nebu bhai./ Will all be taken O Brother.
Chidiya noboshe nodiyo./ Even the river will be snatched away.*

These are few lines from one of the several songs sung for me by Manoj the anti POSCO fisherman and they reflect the plight of the people who are to be affected.

The interviews with the anti - POSCO Panchayat³⁸ members of Govindpur (Interviews, 17/1/2011) and those with the villagers of Dinkia (Interview, 16/1/2011) revealed, that they are not against industrialization, as long as it did not disrupt their current livelihoods and did not displace them from their homesteads. Satisfaction with their livelihood made them determined in their resolve of not sacrificing their livelihoods to POSCO at any cost, even if higher compensation was given. They also maintained that many of them qualified as forest dwellers however not been able to claim their rights due to reasons mentioned in Chapter Four. All the interviewees wanted development of some kind like better schools as teachers did not come to teach in the present ones; electricity, which was still missing in some villages; good roads and a hospital. However the common refrain was the need for valuing their choice and participation within development (Interviews, 16/1/2011 and 17/1/2011) and can be summed up in the voice of Mr. Sain, who is a member of the Govindpur Panchayat. He said ‘ *jis tarah se hum chahte hai uss tarah ki unnayan hona chahiye*’ (The development of the kind that we want has to take place) (Interview, 17/1/2011).

³⁸ Village level government.

6.6 Critical Reflection

I have presented a case on lines similar to Raman (2007), that the movement of the villagers against POSCO can be treated as a post development metaphor³⁹, as it does away with a symbol of development, i.e. industry. However, this does not mean that the villagers have discarded development. The statements above bring out their need for choice within development i.e. the freedom to determine their own path of development. Thus participatory development as analyzed in Chapter Three seems to correspond to the voices of the anti POSCO villagers.

Fairclough (2009, 2001b) advocates critical reflection over the last four stages of CDA. My case study has attempted to show the impasse of two discourses, i.e. the neoliberal discourse and the discourse of people unwilling to submit themselves to the latter. The hegemony of the neoliberal order encumbers the State in a number of ways: it seems unable to render developmental services on its own and becomes a partaker in human rights violations. The Odisha Government has so far been unable to fulfill the development needs of the people to be affected by the POSCO steel plant. This can be explained by Mirowski's (2009) explanation, that the mechanisms of neoliberalism put a cost on essential and previously free services of the State, which the latter seems constrained to bear on its own.

These constraints are sought to be overcome in the POSCO story, by leaving the task of development to the effects of industrialization, which is an important component of market led development advocated by the prevalent economic order. The story shows that the latter has a fixed format of functioning, which may not cater to the needs and interests of a certain section of people. The fall out of this is that participatory development fails to find space within the framework of neoliberalism and that human rights may have to be compromised if the present format of development proceeds without any changes in its structure.

³⁹ Raman (2007) refers to the movement of the residents of Plachimada (in the southern Indian state of Kerala) against the pollution causing Coca Cola plant in their village, as a post development metaphor. The movement had succeeded in shutting down the soft drink plant and he calls this act to be a rejection of development.

The State has been unable to acquire the lands of the protesting farmers for six years. Moreover there has been the success of similar protest movements by farmers in other parts of India, like Singur in the state of West Bengal, against industry led development. This provides hopes that even though the State is constrained in the age of neoliberal development, strong protest can help thwart its top down development plans and bring it in line with the interests of the people.

Chapter 7: Conclusion and Recommendations

7.1 Conclusion

The essence of this thesis has been to enquire into why the industrialization led development practices of the Indian State, as visible in the POSCO story, violate certain aspects of international normative frameworks, like the right to the development of one's choice and the right to free choice of livelihood, both of which in turn endanger the right to life and to find out ways to prevent such violations. In other words, the question that I have attempted to answer is - what goes into making the rights violating reality of development of POSCO possible? The land that the Odisha government is seeking to acquire on behalf of POSCO has officially been classified as forest land and is thus alleged to be "government property" (Interviews, 15/1/2011). What complicates the acquisition is the prevalence of people who are dependent on this land through farming practices that may make some of them beneficiaries of the Forest Rights Act (2006), which recognizes the customary rights of forest dwellers. It is argued that the implementation of the FRA (2006) in its current form, aids the dispossession of land under the Land Acquisition Act (LAA), leading to the rights violations mentioned.

The concept of development that underlies the POSCO story is the basis of Chapter Two. The terrain of development has always remained contested and there have always been mainstream approaches and critiques to the latter (O' Brien and Williams, 2010). The neoliberal approach of free play of market forces can be said to be the ideology behind the phenomenon of economic globalization (Colas, 2005) that can be said to dominate by consensus or have a hegemonic hold over all states (Harvey, 2005). The theory that hegemony is never complete and is always contested (Crehan, 1997) is visible in practice when India adopted neoliberal reforms in 1991 amidst both willingness (Colas, 2005) and opposition (Frankel, 2005). Taking the example of the POSCO case it can be seen that States are constrained to some extent with the workings of the market, for example, it

cannot dictate terms of location to POSCO. However it is argued that peoples movements as the Singur issue can keep the State alive to their interests.

Chapter Two also briefly highlights some of the findings of the post- development school so as to apply them to the case study in later chapters. The school maintains that development was born as a top down approach, excluding the voices of people whom it affected (Escobar, 2007). One prominent criticism of the school has been its rejection of development altogether, even though the latter has been beneficial to people in numerous occasions (Pieterse, 2010). The unwilling farmers do not reject development, and want a participatory approach to development, best approximated by Participatory Rural Appraisal which Chambers (1995) describes as a method emphasizing people's choice and participation in development. The latter has also been criticized as it may become a top down approach with no empowerment of the people (Thomas - Slayter, 2010). However the villagers on the site seem to be okay with top down development as well as long as it does not go against their wishes.

The methodological approach of Fairclough's (2001b, 2009) five step critical discourse analysis (CDA) and interviews were utilized to analyze the research problem and these have been explained in Chapter Three. CDA with its focus on the creation and reproduction of power through usage of language, draws on Foucault, and is similar to the theoretical approach of post development as both have post structuralism as their basis. Interviews contributed information to CDA's sphere of analysis and thereby both methods complemented each other. The reasons behind both support as well as opposition, to the impending construction of the POSCO plant in Odisha, could be understood with the help of interviews of the people to be affected.

Two Indian laws can be said to aid the creation of the reality of development in India, by providing a legal façade to the dispossession of land and their implementation at the proposed POSCO site is discussed in Chapters Four and Five. The implementation of the FRA (2006) in India does not paint a very bright picture and its application in the POSCO site area has brought out certain loopholes in the law that do not account for conflict situations. The requirements of two thirds quorum, a three months rights claiming period and the final decision of rights by the Divisional Level Committee (that can be manipulated by the State), all prove to go against people who are possible beneficiaries of

the Act. The State has also bypassed the evidence established by Pingle, Pandey and Suresh (2010) of forests being existent at the site for 75 years and the possibility of people in those lands for the same time period.

The Land Acquisition Act which is discussed in Chapter Five allows for the coercive acquisition of land and Levien (2011) maintains that proposed amendments to it do not do away with this feature. All projects of development induced displacement have proved to lead to impoverishment of those affected (Cernea, 2009), making the consequence of the ostensible common good uncertain for the latter. The unwilling farmers feel that the present levels of compensation and the uncertainty of jobs in industry because of a lack of skills will make them destitute (Interviews, 15th to 17th January, 2011).

Chapter Six continues the analysis of the creation of the rights violating reality of development via the construct of poverty and the discourses of the State. The betel vine farmers unwilling to give up their lands do not consider themselves poor, contrary to the notions of the government (Interviews, 16/1/2011 and 17/1/2011). Even though they earned as much as the anti group, the pro POSCO villagers think themselves to be poor (18/1/2011), indicating both relative conceptions of poverty and the impact of hegemony of the benefits of neoliberal development. Discourses of support for POSCO by the Central government and the NCAER further bring the doctrine of neoliberal development into fruition. The voices of the farmers unwilling to let go of their lands do not seem to find a place in the dominant discourse.

Analyzing the impasse of two discourses has been the basis of this thesis. The doctrine of neoliberalism creates the reality of development in the story analyzed aided by a number of State supported discourses and by the legal veneer of the FRA (2006) and LAA (1894) laws. Though the State seems constrained to protect the rights of people in the age of neoliberal development, exceptions like the Singur story hold hope of people's movements helping the State keep up to its role of protecting the interests of the people instead of favouring big capital.

7.2 Recommendations

There are recommendations of policy resulting from my research and some of these have been stated by previous research institutions before. These involve correcting the loopholes in the FRA (2006), to enable it to be implemented in its spirit in all situations. This involves-

- a) Extending the three month deadline for claiming rights to a longer period, (Gupta, 2010; Pingle, Pandey and Suresh, 2010) for example a year.
- b) Allowing a neutral agency for example the judiciary to decide on the final vesting of forest rights so that the decision is not biased by the implementation by the State.
- c) Provision for neutral enquiry committees to aid the claimants by providing them with village maps and government records in their forest rights claims, as the Sub divisional and Divisional level Committees can be biased by the outlook of the State and thereby not provide access to all the available information.
- d) Doing away with the strictures of two thirds of the village being present at the Gram Sabha meeting, to aid the implementation of the FRA (2006) in conflict situations (National Advisory Council, 2010) like POSCO. There should be provision for allowing the repetition of the Gram Sabha, if the first meeting of the Gram Sabha fails to meet the 2/3rds quorum. If after a number of attempts the quorum still remains unsatisfied then the meeting should proceed with the number of people present.

Bringing in all possible changes to do away with the coercive nature of the LAA is another recommendation of policy that is desirable.

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Appendix A

1. Interview schedule for anti and pro POSCO villagers

(Questions meant for only one of the two groups have been indicated in the schedule)

1. What is your name? Where do you stay?
2. What do/did you and your family members do for a living before the coming of POSCO? What do you do now?
3. How much do/did you and your family earn on a monthly basis?
4. Do you consider yourself to be poor? Why?
5. Has anyone called you poor? If yes, then why?
6. How much land do/did you have? Since when did you have it? How do/did you use it?
7. What kind of dialogue did POSCO and/or the Government have with you? What did they say and what did you reply?
8. What promises did POSCO and/or the Government give you? Who came to meet you from the latter two institutions?
9. What decision did you take? Why? Did anyone tell you to take this decision?
10. What decision did the others in your village take? Was the decision taken by everyone together?
11. Do you/ did you regret the decision that you have taken? If yes then why?
12. How were you and your family affected by the coming of POSCO?
13. To what extent have the promises given by POSCO been fulfilled?
14. A (For Pro POSCO villagers) How do you think POSCO will benefit you?
15. B (For Anti POSCO villagers) Why are you not accepting the compensation package offered by POSCO? Would you prefer a better package?
16. A (For both groups of villagers) Have you taken part in any protests against POSCO? Why? What has your role been?
17. B (For anti POSCO villagers) How has the Anti POSCO agitation committee (the PPSS) helped you in your struggle? If the PPSS had not been there what would you have done?

18. How did the protest movement take place? What has been the role of the Anti POSCO Agitation Committee (PPSS)?
19. A Do you know about the Forest Rights Act (FRA)? Are you eligible to claim rights under it? If yes then how? If no then why not?
20. B If yes then how did you go about claiming your rights under the FRA? What problems did you face?
21. In which all areas/ issues has development taken place in the village that you stay/stayed? In what all areas or issues should development come about?
22. What are your views on industrialization led development?
23. How should development come about? Would you like to play a role in bringing about development? If yes, then what kind of role?

2. Interview schedule for Mr. Abhay Sahu, Leader of the Anti POSCO Agitation Committee (the PPSS)

- 1) Why was the PPSS formed?
- 2) How long have you been a part of the PPSS? Who are its members?
- 3) What role has it played?
- 4) How will POSCO affect the lives of the people?
- 5) Why did the PPSS reject the compensation package offered by POSCO? What kind of dialogue did the two organizations have?
- 6) What are dialogue did the PPSS have with the State Government of Odisha and the Central Government?
- 7) How are plans of action drawn up? Are you the one who takes decisions?
- 8) How important is the Communist Party of India to the struggle of the anti POSCO villagers? Will the movement die out if the PPSS was not there?

- 9) Are the villagers eligible as rights claimants under the Forest Rights Act? If yes then how?
- 10) The villagers at the POSCO transit camp say that you and the anti POSCO villagers ousted them from their villages, would you say this is true?
- 11) What kind of development is required in the villages to be affected by POSCO?
- 12) How should such development come about?
- 13) What are your views on industrialization led development?
- 14) What is the future course of action planned by the PPSS?
- 15) What do you think will be the outcome of the movement?

APPENDIX B

Pictures from my visit to the POSCO plant site

Figure 1 A lady shows me her banana plantation in Dhinkia village



Figure 2 Pro POSCO farmers on their way to the market with freshly plucked betel vine leaves



Figure 3 Panchayat (village level government) members and other residents of Govindpur sit in front of the village temple for a meeting



Figure 4 The entrance to the transit camp for the pro POSCO villagers



Figure 5 Pro POSCO villagers living at the POSCO transit camp. Chandan Mohanty is seen next to the chair in the full sleeved pink shirt

