Unpacking Environmental Justice: Excerpts From India

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Abstract. The Impact of industrialization is unequally superimposed on the already existing disparities in the society. Environmental degradation has unequal negative consequences for the different communities and income-group in the cities. is referred to as environmental injustice. In this article, the concept is stretched to include how the victims tend to be people from the vulnerable sections of the society namely the poor. Economic and fiscal considerations is given more significance over cultural and social considerations. To set right the myopic understandings, we need to not just see the impact on the physical part of the environment but also the cultural part. The legal framework is already in place to prevent this injustice. However, its untimely tampering has rendered it to be powerless. It calls for more sensitivity and careful consideration through the EIA and impartial and community impact should also be included. The article calls for making the process mandatory notwithstanding the fact that it requires to be getting the consent of the primary stakeholders who live in close vicinity of the projects and who would be bearing the consequences whether economic, social and cultural. Any changes in the law should also be done keeping realistic environmental considerations for the vulnerable communities.

Keywords: First Keyword, Second Keyword, Third Keyword.

1 Introduction

In the world today changes due to present stage of industrialisation are happening at a very fast rate. But it does not impact everyone equally in society. It is not that industrial production by itself is creating new disparities, rather the mode of production and the accompanying values are superimposing the new changes on the already existing unequal ambience. Ulrich Beck calls the present stage of industrialization as the “second modernity”. Beck further says that what has emerged globally in the world today is what he terms as the “risk society”.(Giddens, 2009). Traditionally, risk was associated with natural calamities, but in the second modernity, the uncertainties created by science and technology as well as our own

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social development. One of the biggest examples of the risks are those posed by climate change. It is quite different as compared to the occurrence of natural disasters because it has been happening over a stretch of 250 years of greenhouse gases resulting from the use of modern equipment such as air-conditioners or a refrigeration, industrial emissions and transport emissions and many other technologies that have damaged the environment slowly.

2 Environmental Justice

Before we understand environmental justice we need to understand environmental injustice which is the opposite of it. With Beck's "risk society" emerging, 'environmental injustice' is commensurate to risk society. This adds new insight to the field of environmentalism. Environmentalism and environmental activism used to be blind to deciphering that environmental degradation as well as protection have unequal consequences for different groups and communities within a society. What it means is that the negative consequences of environmental degradation affect the vulnerable, the marginalized, the poor much more than the others who are more affluent, belonging to the higher income group etc. (Mohai, Pellow & Timmons Roberts, 2009). This phenomenon is referred to as environmental injustice or environmental racism. American sociologist Robert Bullard was the first to coin this term 'environmental injustice' suggested a way to resolve it. In his landmark study called "*Dumping in Dixie"* for the first time he connected the disparities by color or race and by income to the disparities in zoning of a city or town wherein the placing polluting and hazardous units near the locations and neighborhoods which were inhabited by the marginalized sections. In his study, he evidenced that the African American communities happened to inhabit the low income neighborhoods. His work asked hard questions as to why the sites are located in these localities and not in others. It clearly brought out that the burden of environmental pollution is also borne more by these low-income locations. Apart from Bullard's pioneering study, several other studies too have reiterated this fact. Ulrich Beck too points out that the politics of the distribution of environmental degradation favors the more powerful communities over others.

To further unpack the concept of environmental injustice, it seems to resonate with the concept of racism and racial injustice itself. It has necessitated looking into aspects such as whether racially prejudicial attitudes play a role in making the siting decisions of hazardous facilities or dumping wastes. Even though the public policies themselves may be racially neutral or class neutral and non-discriminatory but the outcomes of these are discriminatory.This is so because even if such spaces would have been zoned as early as 1900s when racial segregation was existing systematically, these factories and industries were also set up in the areas where people of color resided(Mohai, Pellow & Timmons Roberts, 2009)and thus the present discriminatory outcomes are result of the earlier, older segregation. The

economic reasoning may be given for this situation that the rich and affluent can afford to move to other places far from the hazardous sites whereas on the contrary the poor, people of color and low income communities have economic constraints due to which they continue to stay in that place and eventually it results in "racially segregated localities". Economic explanations may also be given with regard to such locations such as more and more poor people and people of color settle down here because of these locations being less expensive(Mohai, Pellow & Timmons Roberts, 2009). Eventually the racial segregation comes is almost complete thus. Economic explanations are also closely connected to market dynamics. It may be explained thus that the decision to set up a hazard site in a certain location has nothing discriminatory. Rather important aspects such as the land value being lesser in such locations, availability of cheap labour and the sources of materials.

Socio political explanations involve the argument that industry as well as government look for the path of least resistance. The siting choices for setting up new hazardous waste sites is consciously not done in the areas where educated and affluent persons stay because they have the resources as well as political connections to oppose it on the ground that it may affect the 'quality of life'. But in case of the poorer locations, the people may not really comprehend the harm from being close to such facilities and hence will not oppose it. Due to their socioeconomic situation, they do not have the resources to counter it even as well as the fact remains that they do not have representatives in positions of power and thence easier to tackle(Mohai, Pellow & Timmons Roberts, 2009).

Bullard's environmental justice concept has redefined environmentalism itself by including not just physical part of environment but also the cultural part of environment. This makes it possible to extend Bullard's concept to other parts of the world. He says that environment is everything that is "the place we live, play, go to school and also the physical and natural world"(Mohai, Pellow & Timmons Roberts, 2009, 407). This gives a very different dimension to environmentalism.

3 The Organic Connect of India's Indigenous People with Forests

If we observe the cultural practices of ethnic minorities and ingenuous communities in India who are termed as the 'tribals' we see that their culture and their lifestyle is in sync with nature because these are sustainable. They depend on their survival and livelihood on nature. The tribals are organically connected to nature and natural resources. Their cultural practices, their life practices, arts, recreation for almost everything they turn to nature but they also draw a line on how much to take(Xaxa, 1992, 2008). This is so because they want the repository of nature to be intact so that it can be used by them again and again when they need to. Hence they try not to disturb the ecological balance because they do know that it will be detrimental to themselves. Therefore they balance their needs with the ecological imperatives. They also can comprehend the organic connect between the different

aspects of nature. Their culture and religion has also institutionalized an insurance of this attitude and worldview. Therefore they have preserved and guarded natural resources as in forests for posterity. In this sense, Fernandes calls their relationship with forests and the natural resources it contains as "constructive dependence"(Xaxa, 2008).The fact that they lead a simple way of life which may be called "primitive" even (not using modern amenities). However, the civilisational needs of others have emptied the resource repository of nature irreversibly and beyond basic needs. This lack of understanding has led to practices such as felling trees and clearing forests for setting up industries and projects have led to what Fernandes calls as "destructive dependence" on nature (Xaxa, 2008).

The tribal indigenous culture reflects their organic connection with nature in different ways. If one were to look at their cultural practices consists of the prosaic as well as special occasions such as the festivals and *rites-de-passage,* comprises of both non-material and material use of nature. Their songs, legends and myths are a reflection of their relationship with and an understanding of nature. Existentially speaking, whether it their diet or home remedies to treat the maladies all are connected inadvertently on nature. The tribal diet consists of fruits, roots of specific species of plants. Most of these are procured from the forest. According to one study, 87 common native plants feature in the diet of the Oraon tribe (Xaxa,1992). Another study on the Munda tribe has identified 71 wild plants which are used as pot-herbs (Xaxa, 2008). They also engage in agriculture. They practice "shifting cultivation". They depend on the forests for agricultural implements such as plough, tools for threshing and winnowing and for irrigation purposes.There are some tribal communities which still practice food gathering and hunting (Xaxa, 2008). There are around 75 such tribes in India. They are identified as the primitive and vulnerable tribal groups in India. These communities are completely dependent on forest produce. Apart from agriculture, hunting and fishing is also traditionally practised (Xaxa, 2008). Whether the hunting appliances or fishing appliances, all are produced by using forest products.

The forest products are also used for household items too. Kitchen utensils to other cooking devices are also made from the forest products. The tribal art objects and artifacts, musical instruments and ornaments are all made from forest produce(Xaxa, 2008). As a matter of fact, one can say that the entire gamut of the tribal material culture is dependent largely on forest produce.

The importance of the natural environment is also evident in the day-to-day religious beliefs and practices of tribal people. Spirits are believed to dwell in specific parts of the land, such as the hills and hillocks, dense trees and vegetation, and water bodies such as rivers, tanks, and wells. The tribes hold or observe their feasts, customs, and dances to coincide with, and respond to, nature's shifting signals, such as the blossoming of plants and trees, the position of the moon, and on the changing seasons. For example, Sarhul, one of the most important festivals among the Oraons, the Mundas, and the Santhals, is celebrated when the sal trees are in full bloom, with branches of white flowers dominating the landscape. Nature and natural phenomena

occupy a central place in rituals associated with this festival. Among the Oraons, for example, as among other tribes, various pre-wedding customs are closely connected with the environment. Men go to the forest to fetch firewood and women go to fetch sal leaves for making cups and plates. Xaxa describes it: “The making of marriage mats and baskets of various sizes is another custom (Xaxa, 1992). The setting up of Marwa is the most significant custom. Nine Sal saplings with leaves on tops are planted in the courtyard in three rows. The middle of the second row differs in height. The marriage ritual would be incomplete without this invocation of trees and plants. Even the customs of death vary depending on nature’s signal. If a person dies after the new paddy seedlings have sprouted, which basically means the arrival of the wet or rainy season, then the Oraons follow the practice of burial. If a death takes place after the harvest and before the sprouting of the paddy, namely the dry season, then the body is cremated (Xaxa 1992: 105).

In India, one can see that another mode of economy has been evolving among the tribals. The tribals having knowledge of the trees and plants which have medicinal and other usages has brought in the concept of appropriating their value through the markets. Today, among these groups as well as the non-tribal population, these directly are bought and sold. These comprise of items such as lac, Tendu, Sal, Mahua fruits and flowers and also firewood and so on and so forth. Thus it is correctly said, “ taking away the forest from the tribal people it is as good as taking away the life itself from them (Xaxa, 2008). Today, in forest administrative parlance, these products are known as the NWFP i.e. Non Wood Forest Produce. Its intrinsic value has now given it monetary value. The collection of these has been regulated by the government in India and only the tribals almost totally collect it for the Forest Department (Xaxa, 2008). They receive payments for this and it provides them several days of labour throughout the year.

The tribals practice shifting cultivation in agriculture. This is also called “slash and burn method.” This is a very simple technique of identifying portions of the mountainous forests and then burning that portion of land, clearing it and sowing. The tribals of eastern and central India especially practice this. Some studies criticize this method. They feel that this is a plausible reason for deforestation and soil erosion. But scientifically if analyzed, it is comparatively less damaging than the other factors that cause deforestation. The tribals have been growing grains such as paddy - various types of cultivars and various type of millets too. They are custodians of various varieties of climate-resilient crops such as these (Xaxa,2008, 385) .

The tribal culture as we can see is subsistence based. Conservation practices are inbuilt into it. The tribals especially of Central India enact this obligation through “totemism”. It actually shows the symbiotic connection with the elements of nature-both flora and fauna. For example among the Oraon tribe, the Lakra clan takes its name from the tiger, the Minj takes it name from a particular species of fish so on and so forth. The same is observed among the Munda, Kharia and Ho tribals(Xaxa, 1992). This serves an important function towards environment. It is a taboo to harm, kill, destroy, eat and even domesticate the totem of one’s clan. It is forbidden for the clan

to use anything made or obtained from their 'totem'. At times these beliefs are extended to an animal which resembles their totem. For instance the reverence shown towards tiger extends to the squirrel even due to similarity in stripes and color. The relationship with one's totem is of respect and gratefulness since these totems are believed to have helped or served the clan ancestors in significant ways in the past. Totemism is an integral part of the social structure of the tribals(Xaxa, 2008).

Today the tribal knowledge system is much sought after. Especially when the natural resources have been depleted irreversibly, the scientific community and governments realise the significance of the tribal culture and knowledge system. So now seeking out and identifying and understanding the cultural ethos and technology used by the tribals as conservationist and sustainable.

4 Displacement to Disruption

The concept of "environmental justice" originated in the U.S., but can be adopted to understand and analyze any other multi-ethnicity or multi-racial countries where indigenous communities are part of the population(Chakravarty, 2020). India is a case in point.

As mentioned earlier, the biggest blow to the tribal life and livelihood has come from India's strive towards industrialization. This was done mainly through mining activities, mega projects such as dams for irrigation and other purposes, as well as setting up plants/factories and manufacturing units. These basically have been set up in areas which are thickly forested and are mineral rich. The damage done is irreversible(Mohanty & Mohanty,2009).Thousands of tribals who originally inhabited these areas have borne the outcome of this template of development.

After independence, when India launched the task of nation building, it chose the path of planned development. The planners focused more on economic development defined mainly as the growth of GNP, which was symbolized by new factories, dams, mega projects, mining, etc. These mega projects have brought economic prosperity to the nation but at a cost. Among development projects, dams are the biggest agents of displacement. India has the distinction of having the largest number of river valley projects in the world. This has resulted in forced displacement of tribals in huge numbers from their ancestral lands. Such projects have changed the patterns of the use of land, water and other natural resources that prevailed in the areas (Mohanty & Mohanty,2009) and the people who were dependent upon these for their livelihood have also been greatly impacted by land acquisition and displacement. Studies show that in the period when setting up of industries and developmental projects were at a peak, as many as 213 Lakh people were displaced. If we were to count the population who have suffered "secondary displacement", the numbers would be as high as 4

Crore (Mohanty, 2005)1. Studies have shown that a large number of the displaced people are “small and marginal farmers”. Many of the heavy forested areas tend to mineral rich regions. These are the places where the indigenous people dwell. In addition

Some micro studies point out that a considerable number of oustees are the small and marginal farmers, who belong to the tribal communities. More particularly, people in tribal regions have been most affected in this process of development since they live in resource rich regions. Tribal areas produce most of the country’s coal, mica, bauxite and other minerals. Due to rapid industrialization in tribal areas, 3.13 lakh people are known to have been displaced from their ancestral lands. In addition to direct displacement, mining activity also affects the livelihoods of thousands as”water tables”get disrupted, an excessive burden is dumped on fertile agricultural lands and forests are cut(Mohanty, 2005). Both the present livelihood sources of these people and also their future sustenance is seriously affected. These have serious ecological consequences too.

Many sociologists and anthropologists have documented the qualitative consequences of ‘displacement’. Though these may vary according to local circumstances but the common factor underlying the displacement is ‘impoverishment’= loss of wealth. This occurs along the following crucial dimensions: landlessness, homelessness, joblessness, food insecurity, social disarticulation through loss of mother-tongue (tribal languages), loss of common property and increased morbidity and mortality.

A survey which was carried out among tribal households in five villages at Talcher, Orissa found that unemployment grew from 9 percent to 43.6 percent. There was a shift from primary to tertiary occupation and also there was a a drastic reduction in the level of earning which was as high as 50-80 percent.In the Rengali irrigation project, Orissa, the percentage of landless families after relocation has doubled, while in the coal mining displacement around Singrauli, the proportion of landless people skyrocketed from 20% before displacement to 72% after displacement (Mohanty,2005).

5 Recourse to Law: How Helpful it is?

In India, the legal framework has been in place to regulate the issue of displacement by compensating the oustees adequately. The Land Acquisition Act only deals with compensation and not rehabilitation of the displaced. The act considers the payment of compensation to individuals who have legal ownership rights over land. This

[1] Secondary displacement refers to those whose livelihoods are adversely affected either as a direct and indirect consequence or as a short-term and long-term result of development but they are not acknowledged as ‘Project affected Peoples’.

means that under this no compensation is payable to landless labourers, forest land users, forest produce collectors, artisans and shifting cultivators. The law does not recognize community ownership of land.

The Rehabilitation and Resettlement Policy - in India there is a lot of confusion pertaining to this because each department of the government has a different R & R Policy. The promises of providing basic amenities such as infrastructure network, hospital, school etc has not been fulfilled by any industrial house or government.(Mohanty & Mohanty, 2009) They tend to spend the compensation on drugs, alcohol, marriage rather than judiciously on livelihood etc. Misutilization of compensation money even creates disintegration of family. This is quite evident in tribal societies.

In this regard, the PESA Act,1996, to a certain extent solves this problem. It gives some amount of control to the tribal people in order to check the issue of displacement. Basically either the gram sabha or the Panchayat at an appropriate level would be consulted before acquiring land in the scheduled areas for development projects and before settling or rehabilitating persons affected by such projects (Xaxa,2008).

6 Participation in Decision Making

In India, despite the enforcement of relevant laws regarding prevention of displacement, much remains the same. Because implementation is the big question. There is a democratic process for regulating this. It is through bodies such as the National Green Tribunal among others. Another very important mechanism is the Environmental Impact Assessment or the EIA. Both of these are significant in studying the impact and if and whether industrialization can be allowed in a place where the biodiversity will be affected irreversibly.

Many of the recent day multipurpose projects and setting up of industries have had a complete non-participation of the communities that inhabit these spots where the new projects are starting.These are especially on the thick forested tribal areas in Central and the North east of India. For example, the Etalin Dam coming up in Arunachal Pradesh. It is the place inhabited by the Mishmi tribe. The Mishmi are an indigenous group with a population of 13,000 in Dibang Valley district where the project is underway(Chakravarty, 2020). The assessment predicts that almost 300,000 trees may get submerged due to this. The dam will also interfere with accessing the “Athu Popu” a place culturally important to the Mishmi(Chakravarty, 2020) . Meanwhile another large project called the Dibang Multipurpose project has already been given clearance. This is close on the heels of “Baghjan Oil Blowout” which resulted in two persons death and the displacement of more than 7000 and deeply impacted the local biodiversity. In the same area, despite public outcry, the Union Ministry of Environment, Forest and Climate Change, gave clearance to seven oil drilling sites

inside Dibru Saikhowa National Park, a biosphere reserve.(Chakravarty, 2020).The clearance to the project was given without recourse to public hearing and without consulting the local inhabitants.Meanwhile, in the tribal belt of central India, the Union government announced auction of coal mines to private players in 41 blocks(Chakravarty, 2020). Many of these mines are located in the Hasdeo Arand region of Chhattisgarh. This area is hailed as one of the largest contiguous dense forest stretches in whole of India.

The similarity between all these projects are the absolute absence of tribal communities' participation in decision making of the projects, threat for displacement, biodiversity damage and lack of support from civil society and media. The representation of Arunachal Pradesh in the Parliament is only three despite the fact that it is the largest and most diversely populated states in the North-East of India. Assam despite being as large in area and population as Kerala, has only 21 members of Parliament.Besides the recent amendments made in the 2020 EIA Draft notification has diluted the existing rules by allowing several categories of projects to be bypassed by the EIA process (Chakravarty, 2020).

7 Conclusion

The distinguishing features of the Anthropocene period i.e. last 250 years in the globe has been inventions which have been directed towards say achieving zero hunger or creation of roads and increase in transportation. In recent years frameworks for monitoring and adjudicating in environmental issues is in place such as the EIA. The EIA no doubt is a body which makes realistic assessment of the probable environmental outcomes both regarding biodiversity as well as the human inhabitants in the planned project area. The requirement is also very much there for the strict implementation of the environmental legal instruments with rules without dilution. It should be made mandatory for all projects, industries to be cleared by the Environmental Impact Assessment. Ill-informed tweaking of EIA such as the 2020 EIA Draft notification which has now made data from one season(Kukreti, 2020) as legally sufficient for baseline study is misleading and half baked. It will defeat the very purpose of installing the EIA because it will mask the complete outcomes of the project. It is also important that the issue should be unpacked and discussed and debated in the public domain.

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