

REVIEW ARTICLE

COMMUNITIES OF JUDGES, PROTECTION OF TRIBAL CULTURES, AND THE PRINCIPLE OF ‘COMPLETE JUSTICE’

Samarendra Das and Felix Padel, *Out of This Earth: East India Adivasis and the Aluminium Cartel* (Hyderabad: Orient BlackSwan, 2020), xxxii + 776 pp.

In a review article, in *SAR* 40(3): 434–9, Professor Upendra Baxi presented local people as a community of judges while discussing a study of dispute settlement processes in two Indian rural areas (Kokal, 2020). Different communities of judges are involved when India’s numerous tribal people fight for survival of their traditional cultures and protection of their local habitat, which is often brutally invaded by extraction-focused industrial development projects. In this wider context, Das and Padel provide a veritable treasure trove of material and discussion about aluminium production, bauxite mining and its destructive impacts on tribal lifeworlds in Odisha and elsewhere. Encompassing a complexity of ideas, events, histories, experiences and narratives, their book contains 20 chapters, 14 tables, 24 images, 6 maps and 8 appendices with statistics and a list of mines. In this new edition, the authors meticulously substantiate their arguments, providing important statistical details and references to make their work still more convincing. Their earlier study (Padel & Das, 2010b) appeared after the Justice M.B. Shah Commission of 2010 inquired into illegal mining of iron ore and manganese in India.

More than 10 years after this book’s first edition, the world looks at environmental matters in a very different way. Meanwhile, realisation that the Anthropocene has fully arrived has struck (Robinson, 2014), and the need for climate change justice is assuming prominence (Baxi, 2016). More people are facing severe, often catastrophic environmental challenges, such as global warming, hurricanes, floods, landslides, pandemics and much else. The new edition presents updated discussions about linkages of mining–deforestation–climate change, issuing an elaborate wake-up call specifically for protecting local tribal cultures and communities from becoming victims

of ‘development’. The new key issue, as we shall see, is that even if ‘green’ technologies are now becoming more prominent, there will still be continuing risks of suffering for local tribal people as holders of that most precious of development assets, land, needed in abundance for all kinds of development-related projects, even if earlier rapacious extraction or industrialisation is toned down or phased out. This scenario raises problems not only about the loss of local resources and cultures, but demands answers about how to judge and assess appropriate compensatory strategies.

Das as an independent researcher, Odia writer, film-maker and activist is a founder member of Foil Vedanta, a grassroots solidarity organisation focused primarily on the British-Indian mining company Vedanta Resources PLC (www.foilvedanta.org). He is closely associated with the Samajwadi Jan Parishad (Socialist People’s Council), a political outfit working with Indian grassroots-level movements. Padel, an anthropologist trained in Oxford and Delhi, earlier studied the colonial invasion of Kond territory from 1835 (Padel, 2010 [1995]). Famous for rich deposits of minerals, this area of Odisha includes the Khondalite mountains, which faced destruction through mining activities. The Dongria Kond tribe, who live only in the Niyamgiri range, have preserved the forest on the mountain summits as sacred to Niyam Raja, the Lord of the Law (p. 73), whose name features in the heading of Part II, ‘Niyam Raja Meets the World-Wide Web: Aluminium’s Social Structure’.

The book starts by raising fundamental questions about how well we know our earth, testing our understanding of how it sustains us (p. xix). It highlights the real costs of mining, to the earth and ourselves, asking who actually benefits from extracting and processing huge quantities of minerals and oil from its depths. The authors also offer an in-depth analysis of resistance to detrimental impacts of aluminium companies, exploring some of India’s strongest people’s movements, like the ones in Kashipur and Niyamgiri, which succeeded in halting mining projects and keeping community interests alive. The authors state early on (p. xxiii) that their study of the extraction of mineral wealth from tribal lands for the ultimate benefit of the global elite provides sharp insights into various forms of overt economic/political power of the industrial–military complex. This critique extends to the role of aid agencies, NGOs and academics in obfuscating information to suit their own agendas. Finally, the ability of grassroots people’s movements to mobilise effective action against these huge odds is illustrated.

The book also asks fundamental questions that the Adivasis themselves are grappling with, and have held the government answerable for, regarding the political economy of aluminium-related industrialisation. It traces how the evolution of extractive industries has adversely affected local communities that are mostly neglected by the state and its development paradigm. The authors quote Bhagaban Majhi, a leader of Adivasi resistance to the Utkal Alumina project in Kashipur, Odisha, as recorded in the 2005 documentary film, *Matiro Poko, Company Loko* (Earth Worm, Company Man), produced in Kui/Odia, with English subtitles (<http://aflatoon4.tripod.com/id17.html>):

We have sought an explanation from the government about people who have already been displaced in the name of development. How many have been properly rehabilitated: you have not provided them with jobs; you have not rehabilitated them at all. How can you again displace more people? Where will you relocate them and what jobs will you give them? You tell us first. The Government has failed to answer our questions. Our fundamental question is: how can we survive if our lands are taken away from us? We are tribal farmers. We are earthworms (*matiro poku*), like fishes that die when taken out of water, a cultivator dies when his land is taken away from him. So we won't leave our land. We want permanent development.

As such problems are not limited to Odisha, the book briefly recounts the historical and contemporary problems of the aluminium industry in Brazil, Australia, Guyana, Jamaica, Guinea, Ghana and Iceland. This provides a macro understanding of the global aluminium industry and its disastrous effects on marginalised and locationally disadvantaged communities (p. xxvi). It also shows how international agencies, including the World Bank and Britain's Department for International Development have influenced both local NGOs and state-level economic policies to support the aluminium industry.

In terms of theoretical and methodological groundings, this study goes well beyond traditional ways of doing research in tribal communities. It questions conventional anthropological/sociological styles of engaging with local and indigenous communities and their lives and cultures, following Berger and Luckmann (1967) and the methodological guidance of Kirsch (2006) about 'reverse anthropology'. The latter is recommended to ensure that the subjects of research actually take the centre stage, and start questioning the researchers to ensure that the entire exercise is a process of co-learning and 'conscientisation' (Freire, 1970), helping the researched community to become empowered. Anthropologists have woken up to the realisation that tribal societies may be less developed in material terms and division of labour, but are not 'primitive'. Practising democratic social structures, with high levels of gender equality, their value principles thrive on shared living, equal relationships, cooperative labour, and above all a close relationship with nature.

The authors also problematise that extracting knowledge from local communities and not giving it back is the hallmark of traditional ethnography, Das and Padel literally reverse this process, extracting knowledge about the operation of aluminium companies in order to share it with local communities. Throughout the book, one senses the authors' empathy in their realistic portrayal of indigenous community lives, further helping to understand the deep social, cultural and communication inequalities (Dutta, 2011) embedded in the state-corporate nexus. This approach results in a bottom-up view of community life and culture, demonstrating how deeply corporate business interests have affected the socio-cultural and economic ecosystems of local communities.

Employing methods of co-learning, co-listening and co-narrating, this study promotes indigenous ways and means of engaging with tribal communities. While also

citing global scholarship and literature, Das and Padel are categorical about not falling into the traps of western methods of assessing academic rigour at the cost of ethnographic credibility. De-constructing Western and popular anthropological and other social science methods, and substantiating them with a holistic, bottom-up critical analysis, the book offers staunch criticism of popular development paradigms. This approach impressively confirms that the crucial arena of human rights protection remains the local sphere (Baxi, 1998: 148, 2002: 89).

Drawing on empirical evidence from tribal sites in Odisha, the authors bring out how industrialisation, in the name of the so-called development of marginalised communities in Odisha's remote hills, has been politically motivated, with strings pulled from faraway financial centres like the City of London. The account presents fascinating details of how big names in the extractive industries, multilateral aid agencies and policymakers in various metropolitan financial centres decide the fate of remote communities, in total disregard of indigenous lives. Destroying the very environment local people live in, displacing communities and forcing them into a miserable life on the margins of polluting industries, while not allowing them to benefit from the wealth extracted, also leaves no room for concerns about adequate compensation. Local people's well-being is economically side-lined, highlighting the precarities in an environmentalism of the indigenous and the poor (Martinez-Alier, 2002), whose suffering simply does not count.

Against this, strong representations of India's Adivasis in this book skilfully position these marginalised voices as sharply intelligent and historically situated. Indeed, these narrations produce a holistic history of India's people's movement. Songs are a huge part of Adivasi culture and during the resistance movement, a song composed by Rato Majhi of Kucheipadar in Kashipur became the symbol of the movement. A translation of that song is presented on p. 125:

Hawa, Hawa, Company Hawa
 Wind, Wind, Company Wind
 Blowing all over Orissa (Now Odisha).
 Let us all stand together for justice. We will save our mother Earth
 And redeem ourselves.
 We will not hand over our land to these companies. Let us all stand together,
 Don't just watch us and wait. Don't you see the danger?
 What we are facing today, you will face tomorrow.
 You are not immune. Look ahead! Grief is coming [*Dukho asuchi*]
 Hey Company and Government! We are Aware!
 Don't try to cheat us anymore!
 Listen! In our own village, we are the Government.
 In our village we'll be the judge.
 Our Land, our Water cannot be sold. This Earth is ours.

This shows the high level of environmental consciousness within the people's movements in different parts of Odisha, depicting how indigenous communities have

cultivated traditions of co-existing with nature without disturbing and dismantling the ecological balance. The book uses several excerpts of the above-mentioned documentary film *Matiro Poko, Company Loko*, a documentary film made with and for the indigenous people of Odisha, capturing the trajectories of the resistance movements in Odisha's tribal areas. This film, widely screened in remote villages to farming and Adivasi audiences, brings their speeches, dances and gestures alive on the screen.

The book also highlights in Part I, 'White Metal: Green Mask' how local resistance movements among Konds in places like Kashipur and Lanjigarh began to resist bauxite mining. The successful resistance movements of Kashipur and Niyamgiri showcase that marginalised voices and their collaborative strength led to prevention of natural destruction and ecocide. The authors introduce the idea of ecological racism (p. 21), demonstrating how this played out in protest sites by narrating stories to unmask the subjugation of Adivasis. An intense conversation between Bhim Majhi, a founding member of the Niyamgiri Surakhya Samiti along with fellow village members, with the District Collector, shows a clear grasp of climate change issues (p. 167):

They asked, 'why are you opposing Sterlite Company?'

Majhi replied 'We are resisting for our motherland, for our mountain. So we oppose Sterlite. We oppose the government. The summer is hot already, it will get worse if Sterlite comes. You won't get rain then. The summer is so hard already, so we want them to stop'.

Then they say, 'You are opposing us, can you compete?'

We reply, 'It is not about winning or losing. We will resist, for our mountain'.

Then they ridicule us and say, 'What are you Konds up to?' What do you know about these things?'

This exchange exposes the unholy alliance of police powers, mining companies, politicians and journalists, seeking to silence public debate and suppress the clearly existing ecological awareness of climate change to favour the aluminium profiteers.

The five parts of the book chart the complex world of aluminium production, from identifying a bauxite mining site to establishing factories and worldwide consumption and distribution, since aluminium became one of the most widely used metals in the history of mankind in what is evocatively called the 'Aluminium Age' (p. 7). The study describes the unprecedented plundering of resources in some of the best-kept natural treasures in states like Odisha, Jharkhand, Chhattisgarh and Andhra Pradesh. The authors also provide an extensive account of the role of state administrations in building a favourable environment for rapid industrialisation at the cost of natural resources and indigenous communities and their livelihoods, a consequence which can be termed 'cultural genocide' or ecocide, as Part III of the book explains. Part IV, showing the nexus of corporatisation, NGO-isation and culture of appropriation by large corporate interests, scrutinises how local NGOs are deployed, with hidden agenda and corporate sponsorship, to brainwash the indigenous communities regarding development, upliftment and empowerment. The book's last part seeks to

understand resistance movements in a more nuanced way, querying to what extent these movements against mining projects separate global and local concerns or form a single movement. To what extent are they ‘indigenous’, and what different streams can be identified as inspiring them? (p. 621). Consolidating their main arguments, the authors provide empirical accounts of successful environmental justice movements, showing that such real ‘people’s movements’ have a strong and complex lineage, seeking inspiration from numerous global and local social thinkers and intellectuals.

Lastly, the authors round off their arguments with discussing the sacredness of nature, as perceived by indigenous communities. For them, the blessings of nature are all-important and necessary for survival. Their lives and livelihoods revolve around the idea of nature. Alluding to this assertion, on a Foot March (*Padayatra*) conducted from 17–22 May 2013, passing through every village on the mountains to share information and strategies, Dongria leader Lodo Sikaka, speaking to a crowd of 5,000 Dongria and Kutia Konds, affirmed (p. 190):

They are saying they would mine 10 km away from the peak. We will not allow mining even 100 km away from it! For the forestland, for fruits, trees, air and water—for everything Adivasis worship the soil. It is our given right. They are saying Adivasis have right to up to two feet of soil, not up to 10-20 feet. Government is saying Adivasis worship for the forest and not for the soil. What do we worship for? Forest or soil? We of course worship for the soil. Our gods and goddesses are everywhere: here, there, in the trees—everywhere!

The very nature of mining industries, to extract minerals and natural resources from underneath the soil, goes against the core values of indigenous communities. They feel violated when their faiths and values are neglected and sidelined by corporate interests while locals seek to save their mother nature. The authors strongly criticise the industry-based model of development for its lack of understanding for the position of indigenous communities and their cultures and livelihoods. They emphasise the inability of this model to secure peaceful co-existence with the natural environment that indigenous communities enjoy. Earlier, Padel and Das (2010a) rejected the rhetoric of ‘sustainable development’ and ‘sustainable mining’ as a false rhetoric, which merely justifies the business interests of big corporates, echoing the critical observations of Sainath (1996) about how rich ethnic cultures are being killed in the name of mainstreaming and development. That predicament, sadly, continues.

Being an Odia myself and considering my own background and upbringing in a tribal-dominated district like Keonjhar, I found this book compelling and absorbing for the people of Odisha. It is fascinating to see a study like this, taking the responsibility of being sincere and authentic to the Adivasis, their identities, values and cultures. The use of innovative and robust methods is evident. Local metaphors, narratives and concepts inform and embellish the narrative analysis of oral histories, participation in protests/resistance movements, drafting protest poems and songs with communities, creating social movement media like wall magazines. Attending

court proceedings, meeting with representatives of national and supranational institutions, considering rich archival data and in-depth interviews with key stakeholders all enriched this book. It would be justified to classify it as a seminal text, one of its key lessons being that it exposes modern-day green imperialism and extractive capitalism in a thought-provoking way.

Apart from such celebration of activist power, however, there is a different dimension of this study that should not remain unmentioned here. Given that the study was first written when the state-supported feeding frenzy of extraction was still in full swing, one needs to realise that even now the faulty notion of 'sustainable development' (Padel & Das, 2010a) does not imply a total stop to all such activities, merely a restructuring down or redirection towards less destructive methods. Currently, as the full restructuring of more credibly sustainable 'green' technologies will take time, this still subjects more local people to displacement through development and infrastructure projects that will swallow up precious land and impact on many local people's lives.

Even if we envision and apply an empowering epistemic plurality of competing voices and claims, the main risk, that indigenous and local concerns will be sidelined in calculations of some 'higher public interest' remains the brutal reality. It is ultimately a matter of coercive power, linked to states and their laws, which will tend to override the more symbolic power of local tribal people as judges. As shown here, these local judges have clearly given their verdict, holding that they want to keep their land and their environment intact, rather than becoming victims of development.

The continuing pressures to submit to the claims of state law for necessary forms of development, now in the Anthropocene strengthened by 'green' arguments, will however mean that often the state wins such uneven contests. The price paid is then not only the loss of indigenous conceptual claims, but also capitulation to the powers of state law, which after all is connected to—and deeply dependent on—the verdict of hundreds of millions of voters in a huge state like India. If the national community of judges, all people as voters in short, favours such continued developmental trajectory, which of necessity then victimises certain groups of local people, it becomes in turn the responsibility of various agents of state law to provide what in Indian law is actually known under Article 142 of the Constitution as the principle of 'complete justice'. Listening to the voices of tribal activists from Odisha, as this book confirms, this constitutionally grounded principle of 'complete justice' must not be ignored and needs to be activated through strengthening of equitable, compensatory principles.

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