“Our time is distinguished by wonderful achievements in the fields of scientific understanding and the technical application of these insights. Who would not be cheered by this? But let us not forget that knowledge and skills alone cannot lead humanity to a happy and dignified life. Humanity has every reason to place the proclaimers of high moral standards and values above the discoverers of objective truth. What these blessed men have given us we must guard and try to keep alive with our strength if humanity is not to lose its dignity, the security of its existence, and its joy in living” (Einstein, 1937)

1.1 The General Context

Post-colonial India witnessed a new pressing demand for capital intensive investment to “take off” into the development path. Of such investments, irrigation and power generation or for that matter, construction of big dams had a preferred function. In the initial years of irrigation/power generation, mega Hydel projects were viewed as the surest means to feed the capital intensive agricultural/industrial ventures and later the green revolution. Klingensmith (2007) argues that the Tennessee Valley Dam Project in United States provided a paradigm for mechanized agriculture and power production in the developing countries during the post second world war development context. During the Nehruvian era, planning India’s development envisioned mega dam technology as part of the infrastructure development for capital intensive production.

Damming of rivers achieved not merely the control over irrigation and agricultural production but also the flow of rivers and streams. This process had a legitimate place in India and elsewhere in the world with long historical antecedents. Patrick McCully suggests that

...farmers in the foothills of Zagros mountains on the eastern edge of Mesopotamia may have been the first dam builders. Eight thousand year old irrigation canals have been found in the area and it is not unlikely that small weirs of brushwood and earth were used to divert water from streams into the canals. (McCully, 1996: 14)
Early evidence of damming has been found in Sumeria, Egypt, Palestine and as early as the 4th century BC in Sri Lanka (McCully, 1996). There are also enough evidences to show that Dams and Sluices existed in several other parts of the world such as South India during ancient times. Damming the rivers are mainly for two purposes, irrigating for cultivation i.e. agricultural purposes which dates back to the period of myths¹ and during the colonial period onwards, for the generation of electricity and in some cases, for both.

Dams such as Bhakra Nangal, Hirakud, Mullaperiyar, Nagarjuna Sagar and Damodar Valley Project are examples of modern day irrigation and power projects in India which stand as legitimate symbols of modernity in India. However, the present study is exclusively on the legitimation process of mega dams, especially the Sardar Sarovar Project (SSP) on River Narmada.

It is appropriate to provide brief background information about the river on which Damming has started more than half a century ago and attempts are still on the go. The specific attention made in this study is the historical episodes that had taken place in Damming the River Narmada. This study pays attention to the question of displacement and other consequences due to damming, focusing more on those characteristics which can be phrased as “negative externalities”. The damming of river Narmada has been envisioned as early as about 1940s which we will detail in the third chapter.

1.2 Geo-Physical Description

The Narmada River flows through Madhya Pradesh in its journey of 1312 kms, beginning from Amarkantak in the Maikal ranges in Shahdol district of eastern Madhya Pradesh (MP). It flows through MP for 1077 kms (82.09%). Towards the end of its journey, the river borders Maharashtra for 74 kms (5.64%) and then flows 161 kms (12.27%) through Gujarat before emptying into the Arabian Sea (Map 1). This central western region forms the geographical locale of the specific issue that is discussed in this study.

¹ The mythical character Bhageeratha (elder brother of Lord Krishna) exemplifies the human endeavor to divert rivers.
Map 1.1 Narmada River in India
The Narmada River has 41 tributaries, 22 flowing from the Satpuda ranges in the south and 19 from the northern Vindhya ranges. The Narmada Valley Development Authority (NVDA) instituted in the year 1985 has planned to construct 30 mega dams, 135 medium dams and more than 3000 small dams on the River Narmada and its tributaries. The main river has five mega dams. Bargi dam near Jabalpur is the first of them. It is followed by the Narmada Sagar dam, the Omkareshwar dam, the Maheshwar dam and the SSP in Gujarat, being the terminal dam on the main river. All the dams except SSP are in Madhya Pradesh. The dams in Madhya Pradesh, except Maheshwar are constructed by the Madhya Pradesh government. The construction of Maheshwar dam, a hydro-electric project, is given to S.Kumars, a textile company.

The Tawa dam, constructed in 1973 on the Tawa River (a tributary of the Narmada) was the first completed dam in the NVDA Plan. The Bargi dam (near Jabalpur) constructed in 1990 was the first completed dam on the main river. The

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2 A list of major tributaries are given in Annexure 13
3 For details, See Annexure 11
other four dams are envisaged as a single mega project with SSP as the terminal dam. During summer if the water level in Sardar Sarovar reservoir goes below the required minimum of 110 m (361 feet) which is the height of the canal head, the Indira Sagar, Maheshwar and Omkareshwar dams have to release water to feed the SSP.

The SSP is constructed by the Sardar Sarovar Narmada Nigam Limited (SSNNL) which is a State-owned corporation of the Gujarat government. The contract for construction is given to Jaypee Associates Private Limited which is a major construction company in India. They have built the Tehri dam in Uttaranchal as well. The SSP has become controversial due to many factors. Now we shall turn to the factors of conflict between States.

1.3 Unfolding Contestations

During the tenure of the Central government (1977-79), the Narmada Water Disputes Tribunal (NWDT) awarded 33% share of the Narmada waters to Gujarat State. This happened when Gujarat had only 0.5% of the catchment area of the river. The concerted campaign by the pro-dam lobby to promote SSP as a National project was successful. We have to remember that despite the pressure from the previous governments, it took 10 years for NWDT to issue the Award, overwhelmingly favouring Gujarat State. Despite strong protest by the riparian States, especially Madhya Pradesh, a 455 feet (138.68 meters) dam was finally allowed at Navagam, in Gujarat, replacing a much smaller dam at Gora which was originally proposed. With the NWDT Award in 1979, the dam has become a fait accompli. As mentioned earlier, Sardar Sarovar is the terminal dam on the main River in this sequence of dams and the only one in Gujarat. Our preoccupation in this study is with the happenings that occur in the process of the construction of the SSP, specifically on the process of legitimation and delegitimation, not only of the project, but also of those who build the dam, those who resist it for various reasons and those who involved in the project in varying

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4 These factors will be discussed later
5 The NWDT and its Award is discussed in detail in the third chapter
6 The details will be discussed later in chapter three
7 Fait Accompli is a French word which means ‘accomplished fact’, a fact that cannot be challenged or even if challenged, the efforts of those who challenge are in vain.
capacities such as the World Bank (WB), the Judiciary, especially Supreme Court (SC) and various Tribunals, government executive bodies, Non Governmental Organizations (NGOs) and Social Action Groups.

Now we shall turn briefly to the context of contestation that led to the rise of a major resistance movement against the dam, the Narmada Bachao Andolan (NBA).

The total land area affected by inundation in the Narmada valley due to the Sardar Sarovar Dam reservoir in all the three riparian States together is 37,533 hectares of land including 13385.45 ha (35.66%) of prime forest and 11279 ha (30.05%) of agricultural land. At the maximum reservoir level, the inundation is expected to form a 214 km long reservoir with a maximum width of 1.7 km at the widest point. The region nearer to the reservoir is formed in the deep rift valley between Vindhya and Satpuda ranges and the farther region is the Nimad plains. So probably the spread of the reservoir at full height (not yet reached) will be much wider than expected in this region during ‘maximum rainfall years’. Political administration-wise, the area under submergence covers seven districts in three States i.e. Narmada district in Gujarat, Nandurbar district in Maharashtra, Alirajpur, Dhar, Badwani and Khargone districts of Madhya Pradesh. It is from these areas that reservoir affected people began resisting the process of forced displacement by SSP, paving the way for the emergence of the NBA, which gradually evolved as a strong resistance movement of people of other dam affected areas in the Narmada valley as well.

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8 Vide letter dated 8.9.87, the MOEF approved the diversion of 13385.45 ha of forestland for SSP, comprising 4165.91 ha. in Gujarat, 2731 ha. in M.P, and 6488.54 ha in Maharashtra with important stipulations. Compensatory Afforestation is required to be done against any forestland diverted for the non-forest purpose : For details see NCA (2012)
9 The agricultural lands are those which are covered under cultivation in the reservoir affected areas at the time of land acquisition. One needs to remember that adivasi-s also indulge in forest land cultivation whereby the actual figure of area under cultivation is much more than the government figures. While this is the case, the magnitude of compensation is drawn from these ‘official’ government figures, one of the contentious issues raised by NBA
10 The maximum rain fall year is considered as the peak rainfall that may occur once in a hundred year span
11 A detailed account is given in Chapter three
Table 1.1
Details of Submergence of Land due to Sardar Sarovar Reservoir (in hectares)

<table>
<thead>
<tr>
<th>Type of Land</th>
<th>Gujarat</th>
<th>Maharashtra</th>
<th>Madhya Pradesh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultivable Land</td>
<td>1877</td>
<td>1519</td>
<td>7883</td>
<td>11279</td>
</tr>
<tr>
<td>Forest</td>
<td>4166</td>
<td>6488</td>
<td>2731</td>
<td>13385</td>
</tr>
<tr>
<td>Other land including river bed</td>
<td>1069</td>
<td>1592</td>
<td>10208</td>
<td>12869</td>
</tr>
<tr>
<td>Total</td>
<td>7112</td>
<td>9599</td>
<td>20822</td>
<td>37533</td>
</tr>
</tbody>
</table>

Source: NCA (2012)

Following this brief narration of the background, we shall now turn to the specific issue that is discussed in this study, its methodology and spatiotemporal scope and limitations.

1.4 Statement of the Problem

This study seeks to understand the process of how claims of legitimacy are produced and mediated in the midst of delegitimizing campaigns. The dispute around the Sardar Sarovar Dam is taken as the site of contestation. The Gujarat government has always resorted to propaganda campaigns to complete the SSP over against NBA’s relentless resistance. In the context of SC stay order (1995), they took many measures to reclaim legitimacy for the SSP in the midst of counter claims of, lack of appropriate social and environmental surveys, legal non-compliance, environmental degradation, human rights violations, accusation of overestimated economic benefits, underestimated costs of rehabilitation and environment amelioration measures. As mentioned earlier, these counter claims have not only come from NBA, but also from the SC, the WB, the Narmada Control Authority (NCA), the Ministry of Environment and Forests (MoEF), the Ministry of Water Resources (MoWR), the Ministry of Social Justice and
Empowerment (MoSJE), the State Human Rights Commission (SHRC), the State Scheduled Tribes Commission (SSTC), the Comptroller and Auditor General (CAG) of India and a host of national and international People’s Tribunals through court orders, reports, books, articles and documentary films.

To be more specific, the study attempts to understand what happens when the interplay of the terminologies, rhetoric, categories and concepts that legitimize the SSP amidst strong resistance from NBA, the affected people’s organization, Judicial and State initiatives and likeminded civil society groups - national and international - takes place. The efforts of the activists may, at the most, delay the project considerably, improve the amenities of rehabilitation, mobilize populist support against the power lobbies and initiate discussions and debates on the basis of questions that they raised. The impacts of these debates on the future of dams and development in India are still unclear. But one thing that has become clear is that the governments and corporate lobbies who build mega projects have to be more cautious and resort to co-opting techniques to contain the democratic resistance due to development-induced displacement and suffering.

This study intends to understand the contestation between NBA, specific to Sardar Sarovar Dam in Gujarat and the State (hitherto means the Government of India and Gujarat, Maharashtra, Madhya Pradesh, Rajasthan State governments), specifically Government of Gujarat. The conceptual debates and contradictions constituting this site of contestation are explored, seeking to understand the incommensurable perspectives and seemingly opposing presuppositions put forward by both sides regarding human predicament in the context of modern industrial development and what happens when they legitimize their respective positions. This is an engagement with resistances to certain kind of developmental projects which followed the post-second world war models of United States of America (USA) and Europe. Therefore, the central concern is to think about the question of legitimacy, counterclaims to it and affirmations. In other words, what authorizes authority or rather, the rightness of rights?

NBA has been politically engaging with the State and Central governments on the issue of construction of the SSP on River Narmada in
Gujarat. This site of contestation has been highly complex in terms of its power relations. Both sides seem to gain advantage as well as face disadvantages as the balance of powers kept titling. By 2006, the dam wall construction has reached up to 121.92 meters (87.91%) out of proposed height of 138.68 meters. Yet the government had to wait for further clearance till 2014. This clearance was given by NCA immediately after the new Central Government came to power in New Delhi. Currently NBA has filed fresh case in the SC questioning the decision of NCA. The noncompliance with the rules and regulations regarding rehabilitation of the reservoir affected households and violation of environmental stipulations continues. 

It can be said that the dam gained notorious popularity because of the resistance due to non-compliance of legal stipulations. But in Gujarat, what happened was that the government was able to ‘manufacture consent’ (Chomsky & Herman, 1988) through manipulation of the mass media and projection of opposition to the dam as a threat to the interest of the beneficiary people in Gujarat.

It is this process of ‘manufacturing consent’ that is discussed in this study as the legitimation process, a political process by which opposition and crises created by resistance to dam is turned into political opportunity by the government. The study assumes that the Gujarat government was able to, through carefully constructed propaganda materials and political pressure strategies, initiate a process of effective consent building by projecting a virtual world of beliefs and ideals. The intricate relationship between people’s livelihood and its dependence on the macroeconomic, political and socio-cultural process is exploited. The anxieties and aspirations of the “people of Gujarat” formed the source from which public consent could be generated. This politics of the generalization of self interest is pursued hence forth.

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12 More details about NCA is given later in this Chapter
13 The agricultural lands are those which are covered under cultivation in the reservoir affected areas at the time of land acquisition. One needs to remember that adivasis also indulge in forest land cultivation whereby the actual figure of area under cultivation is much more than the government figures. While this is the case, the magnitude of compensation is drawn from these ‘official’ government figures, one of the contentious issues raised by NBA
The Narmada issue is primarily a dispute between the People and state. People means displaced Project Affected Families\textsuperscript{14} (PAFs) who are affected by various aspects of the SSP such as those affected by the Kevadia Dam colony, reservoir (submergence) affected, canal affected, Shoolpaneshwar sanctuary affected, those affected by land acquisition for resettlement\textsuperscript{15} sites, and their supporters who (think that there are affected people) consists individuals and organizations ranging from NGOs, Academic institutions, Human Rights organizations, those working on alternative technologies and social and political agencies/organizations working for change.

State means the central government, the four State governments of Gujarat, Madhya Pradesh (MP), Maharashtra and Rajasthan, the bureaucratic system put in place to monitor and implement the project such as SSNNL, \textit{Sardar Sarovar Punarvasavat}\textsuperscript{16} Agency (SSPA), NCA, the Resettlement & Rehabilitation (R&R)\textsuperscript{17} and Environmental Sub-groups (ESG) of the NCA, the Grievances Redressal Authorities (GRAs) in each riparian State, the various Committees instituted at times to monitor and ensure compliance such as the

\textsuperscript{14} Project Affected Families (PAFs) is the phrase used in government documents to refer to the families who are losing their land, houses and livelihood due to the SSP. Official documents like Detailed Project Report and NWDTA also use the word ‘oustee’ to refer to displaced people. The individual affected person is referred as Project Affected Person (PAP)

\textsuperscript{15} As the study progresses, we need to differentiate between words such as ‘relocation’, ‘resettlement’ and ‘rehabilitation’. Relocation is the procedure by which the uprooted household is placed in a new spacial scenario. Resettlement is a temporary process by which the relocated households gets settled in the new place by beginning to accumulate cultural and livelihood knowledge that will enable them to survive in the new environment. Rehabilitation is the long term process that happens when the relocated families fully integrate with the socio-economic milieu into which they are resettled. The problem with SSP Resettlement and Rehabilitation process is that it is top down, coerced process and hence government decides the factors by which they have to build their life afresh. Hence PAFs may find it difficult to own the process and feel responsible for their life, but may carry the feeling that they have been pushed into this and they are worried about the future i.e. what happens to them as they continue to live and get rehabilitated in the vasavats. The process is very complex and hence claims and counter claims of benefits and problems of R&R may never be settled.

\textsuperscript{16} \textit{Vasavat} (also \textit{Vasahat}) in Gujarati language means ‘settlement’ or ‘colony’ and \textit{Punarvasavat} means ‘re-settlement’ or ‘re-settled colony’

\textsuperscript{17} R&R or Resettlement and Rehabilitation are twin concepts that refer to the process of land based compensation for those who are losing land, houses and livelihood due to the project. In fact, there are two more processes that happen before this. The first is Relief where immediate survival needs are met. Then they are relocated to a specific site with basic amenities. This relief and relocation together is called Resettlement. Rehabilitation is a long term process. Also refer foot note (FN) 15
Justice Jha Commission in MP (2008) and the entire group of business houses, banks, funding agencies, contractors and politicians who believe in the dam and desire its speedy completion. Diagram 1.1 shows the top down administrative structure put in place to make the project happen.

Chart 1.1
The complex web of relationships and messy decision-making for the Narmada dam projects

Source: Himanshu Upadhyaya, Diagram: Gaurav Singhal

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18 See Upadhyaya (2008)
While the Gujarat government makes all possible efforts to complete the dam construction as early as possible, the resisting groups are putting in consistent effort for lobbying to prevent or delay the eventual completion because if they do not, they have strong apprehensions from previous experience elsewhere (Roy, 1999a & Dharmadhikary, 2005) that government may turn away from their responsibility of completing rehabilitation and other environmental stipulations once the dam wall construction gets completed.\(^{19}\)

One of the impacts of the attempt to complete the construction of the dam without completing resettlement is that it invited opposition from those who anticipate lose of their past and property i.e. one of the consequences of the attempt to dam the river is that it created an atmosphere which necessitated protest and resistance and thereby created agents and agencies which oppose the dam construction and those who support it. That is, resistance and support become the catch terms of reference while talking about the dam.

### 1.5 The Objectives of the Study

The following questions are the objectives of this study.

1. What happens when a Dam-based Development Project faces Resistance due to Displacement and Non-Compliance of Legal Stipulations?
2. What are the rhetorical devices or phrase regimes that Governments deploy to gain legitimacy or to legitimize themselves as agents/executors of the Sardar Sarovar dam project on the Narmada River?
3. What legitimizes Democratic and Non-Violent Resistance against Development Projects in the context of Developmental Modernity?

\(^{19}\) There are more than 3000 dams constructed in India alone. Dams like Tawa, Bargi on river Narmada itself and Bhakra Nangal project, Tehri dam are typical example of what happened to the affected people after the dam construction was over. Many displaced adivasis and peasant households from Bhakra ended up in slums in New Delhi while those from Bargi may be found in Jabalpur slums. (Roy, 1999a & Dharmadhikary, 2005)

\(^{20}\) It is the dam’s height and the resultant reservoir displacement that evoked severe resistance. People affected by the canal system and ancillary works have not resisted as vehemently as the reservoir affected, though the dam colony affected is an exception. Stopping the dam wall from going ahead was the only effective means to force the government to heed the demands of the affected people.
4. What are the political, legal, socio-economic, cultural and symbolic factors that enable the process of re-legitimation?

5. What can we understand about legitimation(s) when we study the contestation between incommensurable perspectives?

1.6 Title and Term Clarifications

The terms which are considered important for the study are clarified in this section. Since they are highly loaded with meaning, it is important to specify the meaning relevant to the context of the discussions in the study.

1.6.1 Understanding

The Oxford dictionary (Abate, 1997:875-876) illustrates the term ‘Understanding’ using phrases such as ‘power of apprehension, power of abstract thought, individual’s perception of a situation, insight or good judgment, wisdom, comprehension, awareness, conception, mastery, reading interpretation and so on. In other words, understanding is a non-neutral process of perceiving a situation or phenomenon as it involves subjective interpretation happening within the confines of language.

The word could hermeneutically mean ‘to make sense of what is beneath the obvious’ i.e. to sense what lies under the surface where we stand or to transcend our perception beyond the boundaries of the obvious. Hermeneutics deal with the art and science of interpretation of the underlying and the significant. The phenomenological school refers to hermeneutics as the act of interpreting people’s everyday interpretations. The process of understanding is preconditioned by epistemological postulates that inform and influence our perception. Martin Heidegger puts this as ‘pre-ontological understanding’ when

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21 Refer Hans-Georg Gadamer’s concept of Prejudice (Gadamer, 1975)

22 Phenomenology goes as far back as Hyppolite and Merloponty. We need to note that phenomenologists do not take hermeneutics to mean the transparent but the epistemologically unveiled or decoded hidden. This Schleiermacherian, Diltheyan position is not rejected by phenomenologists. Here we are subscribing more to the transparency of the self-reflective cogito of Husserl. Hence we need to understand hermeneutical phenomenology in the light of Gadamer and Ricoeur.
he explains ‘dasein’ (Heidegger, 1994:54). When we enter the process of understanding damming and development, we need to be aware of such presuppositions, which are not barriers but opens our mind to understand reflexively.

Hence the term understanding is used in this study as deterrence to absolute judgment and reductionist comprehension. Our perception of what is happening is limited by our bias, reductionism and limited ability for self reflexivity. ‘Our reality’ is defined by our experiences as we prefer to represent them within the limits set by the given language. Hence the term Understanding is used in a specific sense which subverts any claims of objective knowledge of the matter that is discussed.

1.6.2 Damming

The Oxford dictionary (Abate, 1997:182) enumerates a dam as a ‘barrier constructed to hold back water, forming a reservoir or preventing flooding. Dammed or damming means to furnish or confine with a dam, or to block or obstruct. The words which assume close affinity to or pun on the word dam includes words such as damage (harm, injury, hurt, impairment, mutilation, destruction, devastation, mar, deface), damn (curse, condemn, reprimand, denounce) damnable (terrible, horrible, atrocious, abominable, dreadful, cursed, wicked, awful) damnation (eternal punishment) etc. In this study the act/process of damming is juxtaposed with the process of damnation of the people affected by damming.

In this study, damming is used in the specific sense of damming a river. A pun on the word indicates ‘damning the river and the people dwelling on its banks’ as well. The discussion revolves around the process of damming the River Narmada to harness its waters for Irrigation and hydro-electricity production i.e. for economic development. Conceptually damming follows a perception of water as a resource. The free flowing river water is seen as wasted into the sea. Hence construction of dams is intended to block the flow of the river to create reservoir

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Dasein is a German word which means ‘the being’ or the ‘existing being’ generally translated in English as present existence. How to understand the ‘being’ is one of the questions dealt in his work ‘Being and Time’.

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and divert water to distant regions through canal networks. The discussion on what happens when dams are legitimized in the name of economic development is an important focus of this study.

Conceptually damming is a symbolic representation of centralization of power relations through subjectifying both nature (water) and humans. This is a mega technology which disrupts the organic life world and creates ‘developed life worlds’ which can be easily controlled by the state and accessed for the purpose of economic production. The physical structure of the dam, in academic terms, becomes a scientific tool for converting nature as ‘resource’ and enabling the industrious process of economic production. The concept of dam is enmeshed with the concept of domination and damning of the traditional organic life worlds, existing as a strong symbol of developmental modernity. While expounding the concept of developmental modernity, Raju discusses that

Within Developmental Modernity, Nature is separated from Man; modernity-tradition divide is construed; Nature is split into useful and waste or useless; universe is divided into human and non-human; societies are separated into developed and undeveloped, cultured and natural, civilized and tribal etc; besides, a society or a nation is judged by its wealth and control of other territories. Man ventures to decide the fate of himself and of others through self-transformation and produce wealth from the nature, man represents Nature and himself objectively to develop his nation and free himself from the yoke of ‘tradition’ and ‘passivity’. (Raju, 2003:59)

He further argues that “The process of development was a double-edged dagger in the sense that it had sites in which people could cooperate with the state and it also provides ‘legitimate’ scope for opposition towards shortcomings of the state” (Raju, 2003:63)

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24 The term ‘Developmental Modernity’ is used by Raju S, Director, School of Social Sciences, M G University (Raju, 2003). He differentiates modernity and development and argues that ...our discussion clearly shows that ‘development’ and modernity/modernization cannot in no way be used as synonyms. Not only that the initial conditions of development and European modernity are different but also that any process that takes place under colonial condition is different from those taking place under other conditions.(Raju, 2003:60) The study uses the term in this sense to denote the overwhelming context in which legitimation and delegitimation of the Sardar Sarovar Project happens, developmental modernity as a conceptual domain that is shared by all contestants involved in the controversy surrounding the construction of the dam project.
1.6.3 Development

The Oxford Dictionary (Abate, 1997:202) elucidates several shades of the word development. It has a wide range of meanings beginning from evolution, growth, maturation, enlargement, progress, improvement, building, construction (Work); occurrence, happening and phenomenon. Literally, the term comes from the Latin root ‘develope’ meaning ‘opening up’. The antonym is ‘envelope’. Semantically, the meaning of the term evolved from this sense of opening up to new ideas or revealing the hidden secrets, to what we now consider as economic wealth accumulation and the application of scientific technology into all aspects of life, which is considered vital for artificially extending life (longevity), delaying death (mortality) and sustain well being (a subjective feeling of satisfaction based on being recognised as ‘developing’).

Sometimes development is perceived as belonging to the realm of applied sciences that modify the traditional into modern i.e. application of technology and its ancillary effects. Industrial development based on modern science and technology has permeated all facets of life in our times. The word development has evolved over the years, gathering a variety of meanings in the process of becoming an all encompassing ideology. The study conceives the term development more in terms of economic development. The study also focuses on the claims and counter claims of legitimation that happens in the larger plane of development, the all pervading conceptual plane that forms the basic justification for all political and economic activity in the contemporary world. In Rostoffian political economy (Rostow, 1960)25 the term acquired its epochal meaning that enabled classification of nations into ‘developed’, ‘developing’ and ‘underdeveloped.’ Development means a discourse, ‘a knowledge–power combine’ of amazing influence today, in the Foucaultian term (Foucault, 1969, 1989). In other words, development is a term which denotes a complex process. The study focuses on the discursive aspect that legitimates or decides the direction of this process.

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25 This idea is ‘developed’ by W.W.Rostoff’s in his work, *Stages of Economic Development*. It provided the necessary objectification for the emergence of development as a discourse.
1.6.4 Legitimacy

The Oxford Dictionary (Abate, 1997:453) gives various shades of meaning to the word legitimacy. The first meaning that we intend to carry forward is ‘logically admissible’ i.e. justifiable, reasonable, rational, valid, sound, right, correct etc. The second meaning given is ‘born of parents married to each other’ or lawful, proper, regular which implies meanings like licit, legal, constitutional, permissible, authorized, rightful, established, orthodox, official, authentic, genuine, bona fide, real, etc. The study juxtaposes these two shades of meaning. It discusses how the first shade of meaning which revolve around ethical, rational epistemologies challenge the more established second shade of meaning that constitutes the epistemological presuppositions guiding dominant socio-economic and political governance.

There are various expressions that represent the concept of legitimacy such as Political legitimacy, legitimate politics, legitimacy of politics and politics of legitimation. This study uses the last one, legitimacy in terms of its politics as it happens during the engagement between NBA and the State governments over the issue of SSP.

In democratically oriented societies, people are conceived as the primary source of power. The democratic state and its organs – the Legislature, Executive and Judiciary are expected to function according to the written Constitutional spirit and guidelines in order to serve the people. While this is considered as politically legitimate, what is happening in the name of developmental governance and market expansion is the creation of numerous conflicts of interests which delegitimizes the governance process while reaffirming the Constitutional spirit and guidelines. What is at stake is legitimacy itself as our society is moving more and more into a situation where what is legitimate becomes ambiguous and imperceptible in the chaotic complexity of the times.

Legitimation is a necessary factor when it comes to the exercise of power and authority. In Foucaultian term, this may be explained as the ‘politics of truth’. He was seeking to understand what happens when power is exercised. Foucault perceived power as part of the social body as a whole in the machinery of
production, families, limited groups, institutions. It is a strategy that has evolved as part of the characteristics of modern society. Power comes from below (Foucault, 1980: 146-165) and wherever there is exercise of power, there is resistance. He asserts that we should resist power but do not provide the grounds upon which such a resistance can take place. He describes the effects of political rationalities as the routine denial of differences via tactics or incorporation and neutralization (Foucault, 1984:249). The terms legitimacy thus implies the legitimation of political power relations.

Since development is the major ideology tending to legitimize the state, the study explores this process of legitimacy in relation to development. The study does not intend to ‘capture legitimacy’ but only makes an attempt to understand what is happening when a development project, in this case the Sardar Sarovar dam, faces resistance. The presupposition is that the legitimacy of the project is challenged. An exploration of the processes happening in this developmental scenario may give more insights into the mechanisms of power relations and what happens in the legitimation process.

1.7 Methodology

Understanding Damming and Development demands a complex theoretical and conceptual process. Hence the methodology employed in this study resorts to a ‘conceptual complex’ that draws its constituents from different methodologies that are prevalent in the contemporary social science research; particularly empiricism and positivism. It does not depend on any single theoretical framework of comprehension and explanation that is logocentric and deterministic. The complex is made compatible in the light of critical heuristics.²⁶

²⁶ Heuristic is one of the methods that enable to make sense of available data, both factual and experiential. While engaging heuristics, one has to be aware of the cognitive and methodological biases. Critical Heuristics facilitates a more self reflexive analysis of a process. This may lead to better understanding and judgment of the process or problem at hand.
(Arendt, 1958) on earth as long as existence permits. As hand becomes a tool when plucking a mango or blocking a blow, thought is the tool with which we make cognitive sense and develop ideological representations that enable us to acquire freedom as well as make sense of what is happening in the name of freedom. Just as the telescope is an extension tool and microscope a projection tool of the eyes, it is theories and concepts that functions as construction tools of the mind. Language is the building material. Existential and aesthetic perceptions provide the core design that shapes understanding. Moreover, the process of making political sense is constrained by the spatiotemporal and subject limits of the person or group who is the subject of understanding.

The challenge that underlies this cognitive process of understanding is to arrive at more accurate accounts, accounts that can be considered reliable (Bhatnagar & Kaur, 2012). When all knowledge is mediated through language and limited by the context, the tendency would be to play safe with methodology by opting for epistemological relativism. The problem is that this indicates pusillanimous neutrality than profound accuracy and strength of position. The fear of judgment prevails rather than the courage of conviction.

This is not to mean that understanding/knowledge can be objective and accurate in the epistemological sense. No knowledge is impartial or objective. No knowledge can be value-neutral. Even neutrality is intricately webbed in bias and self interest. The point is that knowledge construction is not an end in itself. It serves the purpose of human enterprise to exist and survive in this world, not metaphysically but physically/materially. Hence knowledge has to be relevant for human survival, security and wellbeing. This imperative makes all knowledge political and hence biased. The phrase ‘relevant knowledge’ is not to be taken in an instrumentalist sense; it means it could be socially relevant or critical

27 Hannah Arendt discusses about labour and work in her book ‘The Human Condition’ (1958) where she makes distinctions between the two. According to her, the human condition of action is "political" and corresponds to both existential and aesthetic concerns. In this sense, resistance too is political action, a part of human condition.

28 Gadamer differentiates between prejudice as coming from self interest and bias and pre-judgment which is a positive quality. A critical pre-judgment may be necessary in philosophical reflection without being negatively biased/prejudiced which closes the scope to see possibilities
knowledge since critical is political; it may also function as cognitive tools that enable us to perceive beyond the obvious, to unravel the hidden, to envision future, so that the past and the present becomes meaningful. Being human implies this phenomenon of knowledge production, a knowledge that is empowering and enables meaningful life. With this brief philosophical introduction, let us move on to the discussion of nuances of the methodology employed in this study.

The methodology applied in this study is the one that helps arrive at an understanding of the phenomenon that is philosophically cognizable, hermeneutically reflexive and analytically coherent. Given the complexity of the task at hand, and the representational and conceptual dilemmas that constitutes the discourse under consideration, the researcher is humbled and attempts to make sense of the phenomenon without any claims of objectivity or bias free knowledge.

The terminologies, categories and concepts involved in explaining this phenomenon are wide ranging and even mutually incompatible. The anxiety that is created by the psychological phenomenon of cognitive dissonance when reflecting on this topic, many a times, pushed the researcher into a state of spiritual pauperism, which limits the scope of creative ideas and slows down the process of balancing the cognitive conflicts that inspires the thought process. Yet the humility in admitting the limits and myopia of subjective knowledge producing process enabled to move along and understand the complexities. Questions kept popping in the mind without engaging with any specific tangents. Understanding the questions led to more insights.

A significant aspect of the methodology is the strategy of critical self-reflexivity drawn from Bourdieu’s reflexive methodology in order to overcome the biases (Bourdieu and Wacquant, 1992). This is particularly relevant in this study because, as mentioned earlier, researcher had worked as full time activist in NBA for three years. This fact may become a hurdle in the conceptualizing process as hegemonic and ideological bias may occur. Hence it is

Lyotard (2009) refers to this aspect in his work on Enthusiasm. Since critical is political, the critical gains a liberative edge thus enabling the possibility of claiming legitimacy to critical knowledge.
methodologically crucial that a critically self reflexive approach may be maintained throughout the process of the study. Since the study seeks to understand the problem, the methodology enables the questions feasible in the light of empirical observations as well as conceptual analysis of politically mediated representations of dams and development emanating from multilayered power relations. Naturally, the methodology enables only tentative answers.

As reasoned so far, it is the nature of the challenges in the cognitive process of understanding the problem under study that facilitated its methodological selection. As in the case of any analytical study, its methodological preliminaries at the outset relate to the constitution of the primary and secondary data. Field interviews, expert opinion surveys and the researcher’s field observations and work experiences as an activist involved in the legitimation process constitute the primary sources.

The secondary data consists of government documents, NBA’s materials, judicial affidavits and documents of various monitoring bodies, the voluminous books and articles by scholars, journalists and reports by institutions. This also included various national and international news papers, magazines, documentary films and research projects already done on specific aspects of the issue.

Since the issue is complex and currently happening, the relevant data is identified and ferreted out from the sources by using theoretical insights and conceptual presuppositions, an exercise integral to critical heuristics. Some of the information and analysis kept changing since the topic under consideration is a current phenomenon. The fuzzy nature of the phenomenon under observation calls forth an interdisciplinary approach. Much effort goes into discerning what data is useful towards a more accurate narration and analysis of the issue. This study’s data are not merely the empirically given, but to a great extent hermeneutically constituted.

30 The researcher has three years of work experience in the Gujarat SSP resettlement sites and SSP reservoir affected areas from 2002 to 2005. He has travelled extensively in the command area and participated in negotiations and agitations at the bureaucratic, legal and political domains.
1.8 Rationale of the Study

Researchers have interpreted the Narmada dam issue from various perspectives and methodologies. Some have explored the social and environmental impacts through qualitative means of assessment, while a few others have discussed the political economy of the dam quantitatively posing questions about cost-benefits ratios and questions about who benefits, who loses. Several others have focused on the politics of dam building, the relation between state and the people, state and the civil society, the dimensions of New Social Movements and the Transnational Impact of the NBA. There are studies on legal battles, human rights and the *adivasi* identity and culture. Scholars like Patrick McCully, Sanjay Sangvai, Arundhati Roy and a few others have identified the NBA as asserting a different vision of development, that of alternative, politico-ecological and participatory democratic development process. Many have studied about the environmental aspects, the social impacts, dynamics of alliance building and the impacts of dam. The politics and economics of dam construction have also produced sizable stock of knowledge. There are governmental and academic studies on various aspects and a few comprehensive assessments like the Report of the World Commission on Dams (WCD, 2000).\(^\text{31}\)

In spite of so much literature analyzing the issue and raising awareness about the complexity and illegality surrounding the dam, the Narmada project stands legitimized. The counter-movement also stands legitimized in spite of efforts to de-legitimize the movement by branding it as anti-national, anti-developmental and anti-state. Defamation campaigns are being conducted against the leaders of the anti-dam movement and cases filed in the courts of law. There are cases even in the Supreme Court charging NBA of seditious activities and contempt of court. When both the dam and the anti-dam activists are legitimate in their own rights, it presupposes a shared space of contestation. The dam project is in the ‘interest’ of the nation while NBA is to assert the Constitutional rights of the citizens and resist their violations in the name of national development.

\(^{31}\) The details given in Chapter two, Section 2.3.1
The present study focuses on the process of legitimization that has happened in the name of the dam, for the sake of development. Though scholars and researchers have addressed this aspect in general terms, the legitimization process of the Sardar Sarovar Dam has not been specifically studied so far. What legitimates the legitimization of the Sardar Sarovar Project is the main question dealt in this study. Studying the legitimization process post-SC judgment (October, 2000) is important as this aspect is not sufficiently discussed in academic speculations. The researcher hopes to gain and contribute fresh insights about the interplay of capital centric economic process, damming, development and populist discourses during this period.

1.9 Scope and Limitations

The study explores the question of legitimacy within the framework of the political contestation/engagement happening between NBA and the State Governments, especially the State of Gujarat, over the issue of damming the river Narmada and the ensuing issue of displacement. If we take from its planning stage, the project was conceived way back in the 1940s. Though protest against the dam had a history from the 1960s, the resistance movement known as NBA began organizing only in 1985. As already mentioned, the NBA has been contesting with Gujarat, Maharashtra, Madhya Pradesh State governments and the Central Government. It has also been engaging with judicial bodies like High Courts and Supreme Court and national and international civil society bodies as well. It campaigned against the World Bank funding of the project. A detailed study of this long period of contestations is beyond the scope of a study of this kind. Hence our main focus centres on understanding the legitimization process amidst this multi-dimensional, historical contestation.

After the Supreme Court judgment in the Narmada case, the political scenario changed considerably both for the Gujarat government as well as NBA. For the government, the SC stay order was the major road block they faced. Clearance from the SC was a boost to the legitimacy of the government, though it did not vindicate the noncompliance aspect. For NBA, legal sites are just one of
the strategic democratic spaces to contest on socio-economic and environmental issues.

The study contends that the period following the SC judgment marked a change in the approach and tone of the political contestation between NBA and State governments due to the shift in balance of powers. The re-alignment of the powers was disadvantageous for the NBA. Moreover, throughout the process of contestations the State governments, especially the State of Gujarat, initiated populist campaign strategies (Laclau)\(^{32}\) to legitimize the project and to delegitimize NBA. SSP has been projected as the symbol of aggressive growth and source of pride, not only for Gujarat but for the Nation as well. Studying the dynamics of legitimation process amidst this political contestations, which happens in the context of damming and development, is manageable within the scope of a doctoral research of this kind.\(^{33}\)

1.10 Progression of Chapters

Including Introduction and Conclusion, this study is divided into 7 chapters. The topic is introduced in Chapter one. Chapter two is a review of the relevant literature while chapters 3, 4 & 5 constitute the core. In Chapter 6, discussion centers on the legitimating process that emerges as the fallout of the study. Chapter 7 is summary.

**Chapter 1** titled ‘Introduction’ presents the topic, context, key terminologies, methodology, scope and limitations.

**Chapter 2** titled ‘Review of Literature’ discusses the theoretical tools and concepts that explain the phenomenon of development. The important theories and studies on damming and development are highlighted here, especially those

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\(^{32}\) Ernesto Laclau in his first book, *Politics and Ideology in Marxist Theory* (1977) discussed the populist phenomenon. In 2005 he published his *On Populist Reason* that focuses on populism. He observed that “Populism is at the centre of your interest. Populism is something which works for a while as a way of seizing power from a traditional lead” (Athena Avgitidou: 2008: 87-88)

\(^{33}\) The documents have been accessed from various libraries of universities, Central and Gujarat, Madhya Pradesh and Maharashtra governments, websites, NGOs and NBA’s office libraries in Badwani, Vadodara (now closed), Dhadgaon and support centres in Mumbai and New Delhi apart from the various related websites.
specifically on the Narmada issue and the SSP. The study is entrenched within the voluminous literature that already exists on the issue.

Chapter 3, titled ‘Antecedents and Conjectures’ introduces the discussion by tracing the evolution of the Damming project from the beginning (1940s). The order of chronology is used to narrate the events without losing their sequential links. After narrating the historical background and processes, the discussion proceeds to focus on the issues and contestations, legitimation and de-legitimation that have taken place among the dam builders and the dam affected, different State governments, the Judiciary, World Bank and NBA. The chapter ends with an exposition of the institutional development of resistance and the politics of legitimation and de-legitimation. Subsequent discussions in the study are grounded in this chapter.

Chapter 4, titled “Displacement and Placement – Contestations”, deals with the issue of displacement and rehabilitation. The first half presents the legal specificities and discusses non-compliance of land-based rehabilitation, one of the major contestations that challenged the legitimacy of damming and displacement in the name of development. The second half deals with the issue of Cash Compensation in lieu of Land. A critical understanding of the concept of Compensation itself is discussed as a politically expedient tool to suppress resistance. In this chapter, the process of legitimation and delegitimation that happens within the contestations on the above mentioned issues is highlighted.

Chapter 5, titled as “De-legitimation and Relegitimation – Concept, Process and Method” deals with the question of what shapes legitimacy. This discussion traces the process of delegitimation and re-legitimation that happens in the engagement between NBA and State governments to establish and counter ‘truth claims’ on both sides. It is argued that Resistance triggers delegitimation. Further, the study enumerates the discursive strategies of governments to re-legitimize their position within the various ideological, political, legal and cultural meta-narratives in a shared domain of development-centric legitimation.

Chapter 6 is the chapter of analytical comprehension that assimilates the main tangents in the preceding core chapters. The theoretical and conceptual
issues related to the process of legitimating damming and developments are discussed. The study explores the possibility of conceiving legitimacy within the perspective of developmental modernity. The complexity of the process is acknowledged and legitimacy and responses of de-legitimation are perceived as a process constantly in flux without any epistemological anchorage, thus explaining the contingent shift in the balance of power relations quite explicit in legitimating development.

Chapter 7 titled ‘Conclusion’ sums up the thesis and opens up new trajectories for future research. The study identified that power relations determined the ‘legitimate’ in a given context, but only in a transient manner. The continuous exercise of power and the resultant resistance keeps the legitimate in constant flux. The balance of powers keep tilting within the meta-narratives in the shared domain such as ethical, legal, social, economic, cultural and environmental conceptions.