Chapter 6

Discussion on Legitimation Process

6.1 Introduction

In this chapter a discussion is initiated based on the ideas and insights emanating from the core chapters towards arriving at a thesis.

What stills buys in terms of legitimacy are Socio-political, Ecological, Legal and Ethical representations of how social interactions ought to be; livelihood, economic subsistence and survival; erasure of history and continuity; market right and wrong and so on. The Capitalist state and its Judiciary find these as legitimate areas that require attention, for the integrity and credibility of the nation state to survive long. The non-violent resistance is interpreted as part of strengthening the state apparatus and not as a thorn in the flesh. Hence there is sufficient room given for resistance and its discourse which only legitimizes the state and in turn, the NBA itself attains credibility as a legitimate movement. The market forces also need the state to some extent – for infrastructural development, for law and order, for providing human and material resources conveniently i.e. it is within the context of a democratic state that both capitalist market and struggles for rights can co-exist. This happens because strengthening democratic state is an imperative for capitalist interventions.

What we were saying so far is that the de-legitimizing of a project only in terms of its technology, viability and cost-benefit ratio is insufficient. It is effective when done in terms of non-compliance of environmental and rehabilitation aspects, in terms of corrupt nexus of politician-bureaucrat-contractor, in terms of equitable and sustainable development and so on.

The question of legitimacy arise when something get legitimzied with challenges/resistance; the story of Narmada valley is one of the typical instances in which we could decipher continuous moments of support and opposition. An opposition to already legitimzed state; it is already legitimzed because even the
opposition cannot wish away the coercive and non-coercive forces that went into re-legitimation by the state i.e. conformation and resistance have a shared domain within the discourse of legitimation. Reasons of the state are accepted by or non-contestable for the opponents.

The balance of powers was mostly favourable for the dam constructors. We have already discussed some of the aspects that create and maintain this phenomenon. Capitalist Development Process enabled an atmosphere which authenticated the state apparatus to manipulate and maneuver their way through the legal and ethical impediments so that the dam has gone ahead. All attempts at delegitimation were overcome with cleverly constructed arguments of re-self-legitimation.

We could see that exposing the problems and limitations, the falsity of claimed benefits and criminal lack of cost effectiveness, achieved only limited success. But it legitimized the project in a great way. Without the struggle, the project would not have achieved the level of social and environmental measures that it has implemented, unprecedented in the history of development projects of this magnitude in India. Hollow claims, many in number, are still being subverted by the struggle, but not with much success. The irony is that the delays in dam construction from 1995 to 2000 and 2006 to 2014 through judicial intervention was a consequence of resistance and struggle highlighting non-compliance, delegitimizing the project and legitimizing the perspective of the deprived populations – while playing within the rules of the game!

Both historically and academically, the process of self-legitimation and delegitimation has been recognized as important aspects of maintaining power relations. It has achieved historical significance because of its role in twisting and twining the already skewed power relations into historically viable ones, for one side or the other, depending on whose interests are at stake. The Developmentalist state is always in an advantageous position of power relations since they have the balance of power in terms of material base, juridico-political instruments and symbolic representations of media and dominant discourse favoring them.
6.2 Established Notions Contested

On the part of the Central Government, the intention to construct Mega dams was already taken for granted as a legitimate path to achieve self sufficiency in Water and Energy needs. As already seen, India is the third largest dam builder after US and China. Of the 4000 odd dams built so far, no complete assessment studies as to how the dams benefited, in comparison to original claims, is done. There is a blind belief that water resource capturing through big dams will make our future secure in the context of growing population and increased irrigation and energy needs for maximizing production of food and other consumer goods as well as drinking water.

With this dam-centered development vision of water and energy sector, the governments develop legal and administrative structures that enable them to construct mega projects which are planned and designed by engineers and scientists. A steely resolve to overcome all problems that comes in the way of implementing this model of development became legitimized as the sign of a strong government. The problems could range from inefficiency of the officials, corruption in implementation, unexpected delays in availability of goods, labour and funds to resistance by people affected by these projects, issues coming out of land acquisition, legal complications, environmental impacts and violation of constitutional rights of the citizens.

The regular approach of the government is that perfection is not possible with regards to resolving problems and it is impossible to please everyone involved. Such arguments are utilized to legitimize incomplete and shoddy resolving of problems. Since the understanding of what is legitimate development is already established through a larger global discourse, questioning that concept of development is seen as impractical and impossible to address. Those who raise such questions are seen as only representing a minority, working against the interests of the majority.
6.2.1 The ‘Legitimate’ in Crisis

It is observed that from its beginning, NBA was engaged in a debate with the government officials as well as the general public over what is legitimate development. In this process, it began to de-legitimize the Sardar Sarovar Dam project and articulate what it understands as a legitimate vision of development. This forced the Governments to continuously re-legitimize why they had to construct a mega dam of this magnitude of social displacement and environmental destruction. It was interesting to document this process of de-legitimizing, re-legitimating on the part of both NBA and the Government. While, re-legitimizing the dam, the government also had to de-legitimize NBA, so that it causes no further problems. Hence NBA had to defend itself continuously to stay in the debate and drive the point. This game of legitimation was the central focus of this study. Here attempt were made to understand what legitimizes legitimacy considering that legitimacy is in constant flux.

The changing discourses and paradigms make it imperative that what was legitimate when the idea of the dam was first mooted in 1940s is no more legitimate. In the same manner, NBA’s position of ‘No Dam’ taken in late 1980s may not stand as legitimate and acceptable for the public at large. But it is also important to note that it is not only public acceptability that determines legitimacy. The study sought to identify the factors that go into the making of something as legitimate.

6.2.2 Legitimizing Dams

Why legitimation became a requirement? As discussed earlier, meta-narratives of Modernization, Development and Positivist Science legitimated the post-war activities by the newly formed nation states. But it was not a one sided process. As the white horse of development bulldozed into the ‘underdeveloped world, resistance also began to grow. We have already seen in the third chapter how the Nehruvian taken-for-granted concepts got questioned or put to questioning. Dams for the nation to dam affections, disenchantments with the dominant paradigm of growth slowly began to turn the wheel. Legitimate turned out to be something questionable. Big dams were challenged. Many impediments
were put in its path from legal to political domains. Thus the need for relegitimation arose, without which the ‘project of development’, as some prefer to call it, could not proceed.

Regarding the question of legitimating projects, there are certain basic requirements for legitimacy to work. It needs a discourse that incorporates the position, it requires the support of either scientific, legal or ethically valid theories or ideas, it requires the creation of universal myths and beliefs that make it acceptable to the people at large, and finally it should have socially constructed logic that assures benefits over against losses.

In the light of strong delegitimation campaign unleashed by NBA, such constructs were utilized to continue to relegitimize the project and delegitimize NBA.

6.3 The Discourse of De-legitimation: Conceptual Frame and Terminologies

In terms of ideas, environmental awareness, anti-capitalist tenets, human rights, socialist visions of Sangharsh aur Nirman (struggle and re-construction), JP movement’s slogan of ‘Total Revolution’, Ambedkarites affirming dalit assertion, eco-feminist assertion of dignity and equity, all these have merged into the conglomeration that mediates the articulation of the dissents of the displaced with those in power – the planners and decision makers.

The deconstruction of modern science – the exposition of its claims of objectivity and its apparent reductionism, the use of mega technology as a tool of domination – for centralization and later privatization of natural resources were thought streams that have been providing insights into the attempts at de-legitimizing the self legitimizing claims of the dam builders. The question of sustainability, not only of the environment but also of the project itself (its life, with optimum capacity use is claimed to be about 80 years) was another idea that was used to de-legitimize the project, but not with much success as all over the world, mega dams are not that old. So we are yet to face the consequences and learn from it. Futuristic projections were not valid much as it affected current profit making interests.
Questions were raised on the notions of development, prosperity and success that were constantly claimed by the government to justify the huge human and environmental displacement and destruction due to dam construction. In the case filed in SC in 1994, the main arguments revolved around the claims of the government and the actual realities which showed non-compliance.

6.4 Shared Domain of Legitimacy and the Shifting Balance of Powers

In spite of the balance of powers tilted in favor of the dam builders, we have discussed that this balance keeps tilting towards both sides according to the shift in factors that legitimize damming and development. As mentioned in chapter three, the Madhya Pradesh government submitted written complaint against SSP to the central government in March 1998, raising various issues related to the dam. This simultaneous position taken by the Madhya Pradesh government was politically advantageous for the Narmada movement as well as it helped in authenticating their position and arguments.

The SC verdict, instead of de-legitimizing the project, actually improved its credibility since the order does not demean the dam but damns its implementation by the government. The Constitutional rights of the affected citizens, the provisions of the NWDTA and the genuine Environmental concerns caught the eye of the SC. They also noted the inefficiency, red tapism and bureaucratic lethargy of the dam builders and condemned those aspects. The SC behaved typically as the spokes persons of a developmentalist state which affirms the credibility of capitalist, centralizing tendencies and impediments that blocked the way. People’s resistance was seen as a natural outcome of non-compliance and the way to snuff the resistance is to comply with the commonly agreed rules and regulations. So the SC verdict, while outwardly seen as a victory by many in the resistance lobby, inwardly functioned as a subtle way of enabling development and making the system work towards being more efficient and effective in achieving the claimed prosperity and wellbeing.

The ideology of national development and the role of mega dams in increasing economic production always legitimized both the sides including the NBA. Without being part of the larger discourse, the mediators cannot utter a word
credible and authentic enough to seek attention of the authorities. So the NBA had always affirmed national development, re-affirmed that they are not against development, but stand for people-centered development. This they did in a subtle way by always clarifying that they are against the so-called development, that the government is only providing promises and not delivering them. By highlighting illegality and social injustice and corruption, they maintained their credibility and legitimacy together i.e. credibility as a group working towards human and environmental rights; legitimacy, by playing within the rules of the game.

The delegitimizing arguments against mega dams find few buyers in India, in the elite circles. Scientific temper and Mega technology are still part of the dominant discourse. Such is the impact of the neo-colonial context where India, now integrated into the global regime of trade and commerce, of finance capital, cannot but think within the rules of the game. This is the driving force behind economic process in Gujarat and elsewhere in resurgent India, irrespective of party politics.

6.5 Developmental Governance and Subjectified Resistance: The Advantages/Limits of Playing within the Rules of the Game

A paradigmatic shift was what NBA attempted, but not with much success. For this the existing base of what was legitimate had to be thrown out. The argument in our discussion is that while NBA, being a mass movement, had created some momentum towards shaking some branches of the big tree of capitalism, it had not been able to fundamentally affect the roots of capitalist development process since the very space of resistance is created by developmental modernity to legitimize its projects and processes. It is not intended here to reduce NBA as an agent that has unrealistic strategies and vision; rather, whatever NBA has achieved, directly or indirectly, in terms of rights and vindications have been part of the larger developmental interests.

One main aspect that requires mention here is the aspect of subjectification of the affected people and the activists by the larger discourse on development. While being honest and genuine in demanding rights and working for social and environmental justice, the rules of the games limits one’s language and expression in such a way that you end up legitimizing developmental modernity.
In this context, though the efforts towards delegitimizing dam building has failed till now, the concept of legitimacy itself stands valid and may be, useful to understand the Narmada issue and the stalemate from another point of view. The Social scientific legitimacy of ‘legitimacy’ itself needs to be understood in this context. The apparent limitation of a non-violent movement is that it puts pressure on the powers that be through strategies that affects the credibility of the governments. If NBA was a movement that believed in using coercive power, the dam would have been blasted way back, but at the cost of 10 lakh people downstream of the dam in Bharuch district being washed out into the Arabian Sea and the dam-affected people in the Narmada valley permanently brought under state revenge and harassment. The probability of the violence of the state in the long run, makes non-violence a better strategy in social resistance, mobilizing support from other strata of society than merely the immediately affected. This is the condition for resorting to the ideology of non-violence and strictly internal/domestic funds that suits existing notions of credibility rather than militancy and foreign funds.

The point of view of the dam builders, governments, engineers, business houses and contractors have been dominant so far. In other words, the claims of these agents had gained more legitimacy than the de-legitimizing voices i.e. the dispute is between two or more entities distributed in unequal positions with disputing claims. The question of what gives legitimacy to the dominant point of view is very important because it is that same notions that stifles the voice of social justice, human rights and environmental sustainability. Power relations are there in every aspect of social interaction, but it is ideas that mobilize and enable the shifts in balance of power. This study explores those key ideas that legitimize the point of view of developmental governance. Understanding this process is important for gaining more clarity on the specific struggle that is going on between the government and NBA since the movement picked momentum at the turn of the nineties.
6.6 Legitimacy in a Flux – Shared Spaces, Contestations and Re-alignments

It is important to note that the forces that formulate what is legitimate in a given society at a given time are so powerful that both the perpetrators as well as the resisters have to position within the domain of contestation where legitimacy gets established. To a considerable extent, both parties get affected by these contestations.

First of all, the very fact that the government had to engage in a process of continuous re-legitimation indicates that the above issues which are legitimate in the government’s eyes are contested in legitimate ways. Until an idea or process is contested or challenged legitimately, the idea of legitimation does not occur.

It is evident that the meta-narratives of Development, Rehabilitation, Nationalism, Environmental safeguards, Human Rights, Social Justice are shared by everyone. But the bases of what constitutes these ideas in specific contexts may vary. It is here that contestations happen within the meta-narratives between different groups that, on one hand share many aspects and on the other hand, differ on certain other aspects in certain specific situations/contexts.

A good example for this is the involvement of WB which we have already discussed in detail. When the WB funded the project in 1987, (this is when the MoEF gave conditional clearance to the project for two years) they had clearly stated the conditions under which the construction has to take place, especially on the fronts of resettlement and rehabilitation and Environmental stipulations. WB is known to promote mega dams, especially in the third world and for them this investment in India was an important one. The GoI and State governments welcomed this and began utilizing the 450 million US dollars that was to come in three installments. During 1989-93, when the Narmada struggle was at its peak, in terms of intensity and magnitude, they decided to openly confront the WB for funding the project which was blatantly violating the stipulations on the fronts of R&R and Environment. As part of the campaign, Medha Patkar the leading figure of NBA went to United States in 1989 to directly meet the World Bank officials and demand for a review of their involvement in the SSP.
Medha Patkar met with some World Bank executive directors during her 1989 visit. ‘When I hear what NGOs say about this project and then what the operations staff say,’ one director remarked afterwards, ‘it sounds like they are talking about two different projects.’ Patkar also gave testimony at a congressional subcommittee hearing into the World Bank’s performance on Sardar Sarovar. Congressional staff, journalists and environmentalists broke into spontaneous applause after her impassioned, hour-long presentation. A number of Congressmen later wrote to Bank President Barber Conable urging that the project be suspended. (McCully, 1996: 339)

This threatened the WB as they were losing credibility and their other business interests in this part of the world were also at stake. So WB appointed a review committee which vindicated NBA’s revelations. In spite of political pressure, WB withdrew from the project; or rather, India terminated the loan agreement with WB with regard to SSP.

By 1995 WB improved upon their earlier stipulations on environment for clearance to projects. While WB and NBA have nothing in common in terms of existential aspects, what NBA questioned was found to be something legitimate by WB itself. So rather than as a conflict, which often is the creation of media for creating reader interest, there occurred a sharing of ideas that WB primarily agreed with. But this alone would not have forced them to withdraw from the project, despite persuasions from the Government of India (GoI). NBAs mass agitation was at its peak and the international bodies, which joined in the struggle, put further pressure by exposing the fact that WB is going ahead with funding SSP despite its violations being exposed and approved by its own committee.

What is interesting in this contestation is that Gujarat never disagreed with the stipulations of the WB. They were showing skewed documents of completed works which means that they had to go by the WB stipulations. But the fact is that they never bothered to actually fulfill the requirements. This could be because, on the one hand, WB itself might have developed these stipulations due to fear of campaign against them from global organizations struggling for the protection of the ecosystem and Gujarat too knows this, and on the other hand, as long as there is no one who can expose their doings, they have nothing to fear as WB is not going to check or insist on these things (read: political expediency). Here it is

1 This lack of compliance led to the stay on dam construction by SC in 1995.
interesting to note that both WB and Gujarat government may not have believed in the idea of environmental protection as a conviction over against speedy development, but recognized it potential as an idea that has gained legitimacy among circles that are policing the doing of the state and market, the civil people’s forums and its local and global networks, NBA being one such. This also can be considered as a shared domain of ‘non-compliance’, the difference being that it is subversive, countering the reasons of the state.

What is common for WB, Gujarat and NBA was the acceptance and recognition of the idea of environment and R&R, but they differed on the basis of interests. While for WB and Gujarat, it was just a strategy for building legitimacy; an indispensible means to go ahead with the project; for NBA it was a legitimate issue, which needed temporal and spacial realization. While for WB and Gujarat it was the profit motif and centralization of resources which were the organizing principles, for NBA it was the sustainability of life on earth and livelihood security and rights of the affected citizens which principled their organization of thought/vision.

It was this phenomenon of shared meta-narratives that may have enabled dialogue between WB and NBA and how it ought to be, contestations between them. There is also the fact that without the massive mobilization and pressure building tactics at the international level to get a meeting with the WB officials, this could not have happened.

Coming from the diversion, we now converge on the argument that legitimacy is in constant flux and tilts balance towards one side or the other, depending on the kind of forces that act within a temporal and spacial plane. When we say that NBA has won or WB has been driven out, it becomes too shallow. It is an open secret that WB came back into India by indirectly funding hydropower projects elsewhere in the Narmada valley.²

² The National Power Corporation (NPC) has received funds from the World Bank after 1985 which indirectly creeps back to hydropower projects in India. It is also a known fact that even before the SSP, the Gujarat government was already funded extensively by WB for its irrigation activities.
Another aspect that beckons out attention is the question of structure and agency. NBA, while being constituted as an agent that questions the sanctity of the dam project, due to the contradictions within and between the structural realities that created the temporal and spacial phenomenon called as SSP, need not be perceived just as an agent that struggles against the dam. It is more than that. We need to see the agencies that invoke agents into action. It is the time-bound aspirations of the developmentalist state that provides space for the evolving of agents that work towards social change. The fact that government agents respond to NBA is not just out of compulsion but out of a common shared need, for transparent and just development that enables the state to re-legitimize itself when confronted with opposition that expose its illegitimate practices, that they themselves approve of improving. Just as the lucid domain of legitimation shifts in balance, the meta-narratives that shape NBA keeps re-shaping it. This reconstituting process nullifies the possibility of someone resisting something, but everything happens within a domain, that shares some things and contests other things.

For example, NBA agrees that Gujarat has done rehabilitation which other States have never even dreamt of, but not enough to ensure secure and sustainable livelihood. While both parties agree on providing secure and sustainable livelihood base, they differ on its nature, content and extent i.e. the parameters of what is ‘secured and sustainable’ differs or come into conflict or come in dispute. The agency of NBA becomes authentic not because they are genuine or capable or influential, but because what NBA represents is part of the reasons of the state. What NBA raises in terms of questions and arguments already finds legitimacy in the larger shared domain of developmental modernity. In other words, there is a domain of legitimacy that both Gujarat and NBA share, where both agreements and contestations take place. Hence there is no serious conflict at the deeper level, but only difference of opinions as to the path that should have been taken on the road to development, how it should have been done and who should have been benefitted, in what ways, who decides, who executes, who monitors, who is

---

3 Refer Chapter One Section 1.5.2 and FN 24
accountable to whom and so on. This process is too complex, a variety of ideas and forces at work, interacting and intersecting at the same time, intending to establish the “truth” of the matter – that authenticates what is legitimate in a given temporal and spacial context.