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REFEREED PAPER

## Sparking a debate on coal: Case study on the Indian Government's crackdown on Greenpeace

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### Abstract

Non-governmental organisations working on rights based issues in India have recently been in the firing line of the government. The controversial Foreign Contribution Regulation Act (FCRA), originally instituted during the national emergency in 1976, has been further amended in recent times to arbitrarily restrict groups speaking out against human rights abuses and environmental problems in a rapidly industrialising India. Yet again raising the spectre of the 'foreign hand', governments have proceeded to cancel the licences and freeze the foreign funds of NGOs. Using the case study of the crackdown on Greenpeace on account of its advocacy against coal development, this paper discusses how the Indian Government has used the FCRA as a lever to stifle the capability of NGOs to protest the violation of rights across the landscape. It analyses Greenpeace's fight-back to the government's crackdown. In labelling civil society groups as anti-national in an era of neoliberal economic growth, the government's corporate bias stands fully exposed. Consequently, the government's crackdown contributed to retriggering two much needed debates in society: about who benefits and who misses out from India's economic growth, and about the social and environmental costs of coal.

### Keywords

**Political Economy, Coal, Foreign funded NGOs, Crackdown on dissent, Greenpeace India**

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## Introduction

In the lead up to and during the last Indian elections in May 2014, anticipatory reports about the nature of a Narendra Modi led national government started appearing in the media. Based on the pattern of the Gujarat model of growth that Modi delivered as the state's Chief Minister, such reports foreshadowed rapid clearances for businesses, increased vulnerability of minority communities, and intolerance towards dissent. Every opinion article favouring his win is said to have set the bull running at the Bombay Stock Exchange. His party, the Bharatiya Janata Party (BJP), swept the 2014 general elections in May with a majority vote.

In June, a report titled 'Impact of NGOs on development', prepared by the Intelligence Bureau (IB), India's internal intelligence agency and submitted to the Prime Minister's office, was leaked to the media. The report (Intelligence Bureau 2014) accused foreign funded NGOs of 'serving as tools for foreign policy interests of Western Governments' by running campaigns to support human rights and environmental issues in the country (Ranjan 2014).

Listing over twenty-two organisations and movement networks, including international NGOs Action Aid, Amnesty and Greenpeace, the report alleged them to have collectively brought down the national GDP by 2-3 per cent. Another IB dossier (Intelligence Bureau 2014a), exclusively on Greenpeace India, concerned primarily with the organisation's campaign against coalmines and thermal power plants, submitted a week later, concluded that its licence to receive foreign funds should be cancelled.

Civil society groups denounced the 'not very intelligent' report (Sarma 2014) on account of its unsubstantiated allegations and attempts to stigmatise dissent that is considered critical for the functioning of a democracy. Not only were the report's claims unsubstantiated, its terms of reference also failed to include a much-acknowledged problem in the voluntary, not-for-profit sector in India – that of corruption and mismanagement in the receipt and use of funds (Mazoomdar 2014a).

Though the report's main concern was cited as the misuse of foreign funds by NGOs in violation of the Foreign Contribution (Regulation) Act 2010 (FCRA), it failed to demonstrate how organisations actually violated the law (Sarma 2014). Consequently, the report offered itself as the perfect tool for a crackdown on NGOs to an economically ambitious government. It also added legitimacy to the sense of entitlement of corporations to act with impunity against local resistances<sup>1</sup>.

Regardless of the criticism of the reports, the newly elected government operationalised the screening of foreign funds received by eleven out of the twenty-two listed organisations, allegedly on the grounds of non-compliance with the FCRA. This included international

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<sup>1</sup> The allegations in the IB report acted to strengthen the arm of corporations facing resistances from people's movements. Essar Energy, which had brought a 500 crore rupees Strategic Lawsuit against People's Participation (SLAPP) against Greenpeace to stop future protests against its proposed coalmine in Mahan, submitted the IB reports as evidence against Greenpeace at hearings in the Mumbai High Court (Greenpeace July 2014).

NGOs with operations in India such as Greenpeace, Oxfam and Action Aid, smaller national groups like Indian Social Action Forum (INSAF), anti-genetically modified advocacy group Gene Campaign, renowned anti-Monsanto activist Dr Vandana Shiva's organisation Navdanya, four regional groups involved in protesting nuclear power at Kudankulam in Tamil Nadu, and one for opposing the 'Gujarat model of economic development' (Yadav, 2014).

After unsuccessfully attempting to block international funding for Greenpeace India (the organisation secured a court order calling for a stay on the blocking of funds), the Modi-led government cancelled Greenpeace's FCRA licence (Punit and Balachandran, 2015). This was done as part of a mass cancellation on grounds of violation of the FCRA; this step affected nine thousand of the forty thousand odd FCRA registered organisations in the country (Kaushal 2015)<sup>2</sup>. FCRA cancellation has proved to be the most convenient tactic for suppressing dissent since its inception in 1976 under the twin conditions of the cold war and a national emergency in India (Sampath 2016).

Three years into the Narendra Modi government, the effects of the 'witch-hunt' on NGOs with track records of working with affected communities across sectors ranging from public health to human rights, development and environment, are telling. In December 2016, in a step deemed illegal by the National Human Rights Commission, the Modi government refused to renew the FCRA licences of twenty-five prominent rights-based organisations<sup>3</sup> on the grounds that the organisations had undertaken activities that were detrimental to the national interest, effectively negating their chance to continue functioning (Sampath 2016).

Successive government actions since the leak of the IB reports three years back have effectively shrunk the space for dissent in India. Its chief weapon in achieving the desired results has proven to be the Foreign Contributions (Regulation) Act (FCRA 2010). Greenpeace, a high profile international environmental group known for its confrontational style of activism, was chosen as the most visible target of the government's 'war on NGOs' for its highly visible advocacy, especially against coal (Rowlatt 2015).

## Paper Structure

The use and abuse of the FCRA by successive governments to curb dissent in post-economic liberalisation-India indicates the changing priorities of the Indian state, especially its need to protect a range of private interests. The state raises the spectre of the foreign hand to control the activities of NGOs. On the surface, the government crackdowns on NGOs indicate blanket intolerance towards free speech. However, following the case of one high profile crackdown in detail is likely to expose the vested interests that motivate a systematic attack on dissent.

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<sup>2</sup> During the mass cancellation event, the government placed the Ford Foundation, an American charitable organisation with a long track record of funding programs in India, on a special 'watch list' alleging it was funding organisations working against the national interest. The bone of contention was the funding provided to Gujarat-based human rights activist Teesta Setalvad's organisation that was working to bring the killing of minorities in the state during Narendra Modi's tenure to justice. The government alleged that her NGO misused the Ford Foundation's funds to spread 'communal disharmony' (Jain 2015).

<sup>3</sup> The most prominent amongst these include the human rights advocacy and legal advisory group Lawyers Collective whose members have spoken out against the violation of human rights by state deployed forces in India's Maoist-insurgency affected tribal geography of Bastar in the mineral rich state of Chattisgarh.

This paper exposes the private-state interests linked to coal in neoliberal India, which, combined with the historic role of coal as a cheap source of energy, make government rhetoric link coal production to national interest. The crackdown on Greenpeace is discussed as a case study to demonstrate the pattern of attacks on NGOs by the Indian Government between 2014 and 2016. However, the Greenpeace case also serves the purpose of illustrating how an attempt to shift the debate on energy-politics in India – which Greenpeace attempts through its advocacy for clean and just energy – can result in a ‘witch-hunt’ by governments.

The case study is discussed in four sections. The first section discusses a brief history of the controversial FCRA. Changes brought in through amendments during the last decade have increased restrictions on NGOs receiving foreign funding even as India’s economic policies have been liberalised and governments have attracted foreign investments in business. The second section analyses the Intelligence Bureau reports to determine how the case against Greenpeace was built up by India’s internal intelligence agency.

The third section summarises the actual crackdown on Greenpeace India in three distinct stages over the course of one and a half years, as well as the organisation’s legal and public fight-back. Greenpeace’s anti-coal protests and grassroots mobilisation in India’s coal-rich Singrauli district helped civil society raise pertinent questions about the impacts of coal even as the government attempted to paint the organisation as a foreign agent. The final section situates the Greenpeace campaign at Mahan with the Indian political context of coalmining and thermal power generation, and explains why the IB report and the government singled out Greenpeace for a systematic attack.

Based on the discussions in the four-segment case-study on Greenpeace, analysing the arguments of the state and the responses of Greenpeace and the courts, and selective civil society voices, the paper concludes that the crackdown on Greenpeace eventually served to reignite a debate on the true cost of coal in India.

### **The FCRA and a brief history of crackdown on dissent**

The original Foreign Contribution Regulation Act was a product of the cold war era. It was passed in 1976 during the national emergency under Prime Minister Indira Gandhi, ostensibly to curb the interference of the ‘foreign hand’ in domestic politics by preventing political parties from receiving international funding (Sampath 2016). The Act was made more draconian through a massive overhaul in 2010 under the Congress-led government of Dr. Manmohan Singh, the architect of India’s economic reforms. The three key amendments in 2010 changed the life-term of licences from permanent to five years, put a fifty per cent restriction on the amount of funds organisations could use for administrative purposes, and extended the scope of the Act to include ‘organisation of a political nature’ (ibid).

The long list of such organisations included unions, farmer’s organisations, and any organisation that regularly participates in political activities such as strikes and blockades in support of public causes. The new act allowed the Indian government to freeze groups’ accounts for 180 days during any investigation on alleged violation of the Act (FCRA 2010). The Congress-led government used the new clauses to repress the People’s Movement

against Nuclear Energy protesting the nuclear plant at Kudankulam in Tamil Nadu, even though the movement categorically denied receiving international funding (Mazoomdar 2014a).

The right to freedom of association, which the provisions of the 2010 Act targeted, is enshrined in the International Covenant on Civil and Political Rights, to which India is a party. On analysing the FCRA 2010, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association concluded that the Act's provisions and rules 'are not in conformity with international law, principles and standards' (UNHR 2016).

The tightening of scrutiny over civil society groups in post-economic-liberalisation India exposes the double standards of the ruling establishment. Through structural reforms in the early 1990s geared towards greater economic growth, the Indian state allied itself with transnational private capital. Direct investment by foreign multinationals and corporations in various sectors followed suit. The second and more rapid phase of India's post-liberalisation growth witnessed private resource mining and mega infrastructure projects, including coal mining and mega thermal power plants.

With governments wooing foreign capital, political parties did not remain unaffected. In a 2014 ruling, the Delhi High Court pulled up both the leading parties, the BJP and Congress, for violating the FCRA through donations received from the London Stock Exchange listed mining company Vedanta Corporation's Indian subsidiaries (Sampath 2016). Instead of acting on the charges, the BJP-led NDA government got the relevant section of the Act amended with retrospective effect to cover up past violations of the Act (*ibid*). The amendment legitimised the channelling of foreign funds to political parties as long as they were routed through Indian subsidiaries.

The NDA government proposed further amendments in 2015, aimed at 'streamlining' the definition of 'economic security' in the Act with that provided under the Unlawful Activities Prevention Act 2013 (Singh, V. 2015). Economic security under the UAPA includes financial, monetary and fiscal stability, security of means of production and distribution, food security, livelihood security, energy security, ecological and environmental security (*ibid*). These amendments aimed to further legitimise government scrutiny and control over NGO activities by branding them as sensitive to the national interest. The amendments also required NGOs to provide details of their social media accounts in order to be able to better track them (Ranka 2015)

Tracing the usage of the FCRA by governments to regulate NGOs since its inception reveals a surge in the arbitrary nature of crackdowns, amendments made to entirely suit the interests of the political majority, and most tellingly, the double standard of governments in encouraging private foreign capital while curbing the power of civil society groups to question the social and environmental effects of economic growth. Understanding the role of the state in neoliberal India – that of attracting private capital and acquiring land for large private projects – explains this bias against civil society action.

In neoliberal India, private capital interests are equated to national and sovereign interests. This is especially true in the case of India's energy sector, and particularly for coal. Under India's neoliberal economic policies, government rhetoric equating coal, India's primary electricity source, to national development, effectively defined private coal mining and energy production as indispensable to India's economic security and national interest (Lahiri-Dutt 2016). Under these conditions, civil society groups pointing to the effects of economic growth on local, mostly tribal communities are easily branded as anti-national.

The Modi government's attack on Greenpeace India after the leak of the IB reports is illustrative of this bias of the neoliberal Indian state.

### **Demonising Greenpeace: The Intelligence Bureau Reports**

The part played by the Intelligence Bureau in orchestrating the current spate of attacks on NGOs deserves an early mention in the analysis of the government's crackdown. India's primary intelligence agency was created during the British Raj to spy on the activities of freedom fighters. It has continued operating from the shadows in post-independence India without a statutory basis, and without parliamentary or judicial oversight (Nigar 2014). Since independence it has played a key role in crushing political insurgencies through intelligence gathering.

The lack of transparency in the operations of the agency and the one-sided nature of its accountability only towards those in power can help put the nature of the allegations in the current reports in context. For the same reason, they also make the implications of the IB's unsubstantiated allegations in the reports (Subramanian 2015) dangerous to the cause of democracy.

The reports appear to have been inspired by Narendra Modi's criticism of foreign NGOs (Mazoomdar, 2014) rather than genuine evidence of financial violations<sup>4</sup> in India's voluntary sector. The first report targets a range of so called anti-national activities ranging from anti-nuclear and anti-coal protests to campaigns against genetically modified food, agitations against hydroelectric projects and mega industrial projects in the eastern state of Odisha. But it really singles out Greenpeace India for the strongest attack, alleging that the organisation is a 'threat to national economic security' and is contravening laws in an attempt to 'change the dynamics of India's energy mix'. It claims Greenpeace only attracts domestic donations in order to 'mask' its actual 'sources of funding'.

That the establishment had decided to make an example of Greenpeace became even more evident from the submission of a second exclusive dossier titled 'Greenpeace spearheading a concerted campaign against India's energy expansion plans', also leaked on June 9<sup>th</sup> to the media. The second report drew attention to the organisation's 'superior networks' across the country through which it had expanded its work against coal, nuclear and genetically modified foods since 2011. Concerns were raised about the impact of Greenpeace's anti-coal activism in the coal-rich Singrauli district of Madhya Pradesh.

<sup>4</sup> The 2013 report 'India's funds to NGOs squandered' by the Asian Centre for Human Rights (ACHR) exposed the favouritism and corruption surrounding the allocation of government funds to NGOs. Report available at: [http://www.achrweb.org/reports/india/India's\\_Fund\\_to\\_NGOs\\_2013.pdf](http://www.achrweb.org/reports/india/India's_Fund_to_NGOs_2013.pdf)

The second dossier went to the extent of mapping Greenpeace's organisational chart, tracing its presence from the global down to the local and grassroots scale in India, not sparing the identities of villagers around the Mahan forests in Singrauli who, mobilised by Greenpeace, formed the Mahan Sangharsh Samiti (MSS) resistance against the proposed coal mine. It finally alleges that Greenpeace channels the pro-environmental policies of European governments through activities such as in Singrauli, and concludes that the organisation's FCRA licence should be cancelled.

In its current role, the Intelligence Bureau plays out the politics of anxiety around security and development. With NGOs standing accused of collectively lowering the country's GDP by two to three per cent, this suspicion has now acquired an extreme and unsubstantiated pitch (Visvanathan 2014). Upon the submission of the IB reports, the establishment, evidently geared up to crackdown on NGOs, did not waste precious time in targeting Greenpeace India.

### **The witch-hunt and the fight back by Greenpeace – a chronology**

The Government of India attempted three strikes on Greenpeace India. In the first obvious step, within weeks after the IB report leaks, the Ministry of Home Affairs (MHA) proceeded to freeze its international funding from Greenpeace International and the US based Climate Works Foundation. Greenpeace succeeded in obtaining an order for the unblocking of its international funding from the Delhi High Court in January 2015 that declared the MHA's actions were 'arbitrary, illegal and unconstitutional' (Burke 2015)<sup>5</sup>.

In a second attack in January 2015, activist Priya Pillai who headed Greenpeace's anti-coal protests in Singrauli was offloaded from a London-bound flight, and a look-out-circular issued in her name (Mathur 2015). Priya was on her way to talk about the treatment of tribal communities by London Stock Exchange listed Essar Energy in Mahan. The government's stated concerns were about Greenpeace presenting India in a poor light. Greenpeace yet again challenged and won against the government order (ibid). The landmark judgement by the Delhi High Court in March 2015 upheld the need for dissent in a vibrant democracy (Justice Sakhdher 2015). The Court ruled that 'contrarian views held by a group of people (who form a nation) do not make them anti-national' (see para 12.3)

In a final series of blows, the government froze all accounts, involving both foreign and domestic funds, and even blocked the organisation's online donation page, leaving no room to seek support. The reasons cited were that of discrepancy in Greenpeace's records in demonstrating proper usage of foreign funds. In a statement issued in May 2015 (Greenpeace India May 2015), Executive Director Samit Aich warned about having to shut down within one month. The actions of the MHA, Aich said, 'could lead to not only the loss of 340 employees of the organization but a sudden death for its campaigns which strove to represent the voice of the poor on issues of sustainable development, environmental justice and clean, affordable energy'.

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<sup>5</sup> The Court observed, 'Non-Governmental Organisations often take positions, which are contrary to the policies formulated by the Government of the day. That by itself...cannot be used to portray the petitioner's action as being detrimental to national interest'. The judgement is available at: <https://elaw.org/in.gpindia.15>

The Delhi High Court ruled in Greenpeace's favour a third time in May, directing the MHA to unblock the domestic bank accounts (Mathur 2015a). By this time, the saga of the state's crackdown on Greenpeace had turned into a ceaseless game of snakes and ladders. Every time the government underestimated Greenpeace's preparedness and struck a blow, the organisation fought back with a favourable Court order. The government's retaliation only increased in severity with each step. The intervention of the High Courts rescued Greenpeace from the brink of collapse a total of six times in the span of one year (Greenpeace India November 2015).

Greenpeace's FCRA licence, and its very registration to operate in India were next in the line of the government's attack later in the same year (Gopal 2015). Greenpeace took the case to the High Court in Chennai (where it is registered) and secured an unconditional stay on the cancellation of its registration (Greenpeace India November 2015), thereby avoiding having to completely shut down. The Court ruled in November that the cancellation of the FCRA licence was 'unwarranted'.

The immediate effect of the series of attacks was as the authorities desired; a disruption and a distraction from Greenpeace's core activities. Staff worked without pay when all its accounts were frozen (Bhalla 2015), and for the first time in fourteen years of campaigning in India, its survival looked doubtful (Greenpeace India May 2015). The smear campaign that paralleled the government's witch-hunt sought to portray Greenpeace as a foreign agent. A government affidavit to the Delhi High Court labelled activist Priya Pillai as a 'bad activist' (Narayanan 2015) who testified before foreign committees against her own country. To discredit Greenpeace's anti-coal protests, it alleged that Greenpeace was channelling foreign funds worth crores [tens of millions] of rupees into Mahan Sangharsh Samiti, the local resistance, to mobilise the locals against coalmining (Nair, R.J. 2015).

Greenpeace declared its donation sources and financial figures in a further demonstration of transparency as well as to counter the 'foreign-agent' allegation by showing that seventy per cent of its funds came from Indian citizens (Sreenivas 2015). Despite cutbacks to budgets, Greenpeace was able to keep its significant advocacy-campaigns afloat, and garner strong civil society support through these projects. After four years of leading a grassroots movement, Greenpeace and the people of Mahan were able to stop the Mahan coalmine from going ahead (Niyogy 2015). The Mahan coal-block was eventually declared exempt from future auctions due to the outstanding value of the old Sal tree forests surrounding it (Times News Network 2015).

The 'victory' for the Mahan forests coincided with the landmark judgement by the Delhi High Court against the government's off-loading of Priya Pillai, which was passed down in March 2015. Greenpeace and its civil society allies called these outcomes a 'victory for democracy' wherein the 'right to dissent has been raised to the level of a constitutional right' (Jaisingh 2015). Just by itself, the off-loading incident had attracted strong criticism from various sections of civil society as a 'brazen assault on a citizen's right to liberty and free expression that India has seen in decades' (Varadarajan 2015). The high-level publicity



that followed the off-loading created a sympathetic platform for Greenpeace's activism, especially its anti-coal protests in Singrauli.

The successful resistance movement in Mahan calling for alternatives to coalmines and thermal power plants in order to protect lands and livelihoods raised questions about the current economic model and its benefits for all Indians. The success of the people in Mahan to assert their right to determine their future came close on the heels of the iconic victory of the Dongriya Kondh, a community of India's indigenous people also known as *adivasis*, in stopping bauxite mining on their sacred Niyamgiri mountain in Odisha (for example see Tatpati, Kothari and Mishra 2016).

The Dongriya Kondh's success against the mining corporation Vedanta had created grounds for a civil society debate on the viability of the current economic development model for all. After the Greenpeace crackdown and controversy, a similar civil society debate re-emerged around the violation of personal freedoms and the right to dissent, asking critical questions about the costs of India's current, coal-led economic growth model.

As the full extent of the attack on Greenpeace became evident and the organisation's challenges to unfair attacks stood vindicated by the Courts, the concepts of national risk and security governing India's energy policies, and Greenpeace's advocacy that attempted to shift this debate in India, revealed themselves as the deeper cause behind the single-minded attack.

### **The role of coal and neoliberalism: Putting the Greenpeace crackdown in perspective**

Development in India has come at a cost to certain communities and regions. From its earliest post-independence economic era in the 1950s, state led large industrialisation projects such as mining and dams have displaced mostly rural, *adivasi* and peasant populations, many with generational associations to their lands (for example see Padel 2016). Even though civil society movements have questioned the lack of distributive justice in the decades following Indian's sovereignty, industrial development has largely been accepted as serving the greater common good<sup>6</sup>.

The role of coal, a cheap and abundantly available resource, in India's sovereign economic development has also largely remained unquestioned, despite its effects on local communities and the environment of entire regions that depend heavily on coal extraction and burning for revenues. However, India's rapid growth in the last two decades at a time of worsening climate change fails this selective definition of public interest.

The introduction of neoliberal economic policies and the privatisation of coal mining and electricity production under existent social and economic inequalities in India has meant that many vulnerable, poor groups have continued to face displacement and pollution, while corporations have profited. Despite this, owing to the long-established centrality of coal in India's developmental discourse, private corporations such as Adani Enterprises now enjoy the status of serving India's national interest.

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<sup>6</sup> This is best captured in the first Prime Minister Jawaharlal Nehru's counselling villagers displaced by the Hirakud Dam 'if you are to suffer, you should suffer in the interest of the country' (Roy 1999: para. 1).

The centrality of coal to India's economic future is reflected in India's climate policy, which prioritises maintaining an ambitious growth rate of 8 per cent per annum (which will continue to be coal-led), along with a commitment to protect the poor and vulnerable through an inclusive development strategy that is sensitive to climate change (GOI 2008:2). A Greenpeace report titled "Hiding Behind the Poor" (Ananthapadmanabhan *et al.* 2007) calling for climate justice struck right at the heart of these social contradictions inherent in India's coal-led economic development<sup>7</sup>.

Coal extraction and burning has always disadvantaged poor and vulnerable Indian communities through loss of livelihoods and land and pollution. Climate change imposes further risks on their survival. Private coal and thermal production in the era of climate change deepens the risk on the Indian poor while benefitting private corporations. Greenpeace's subsequent work in Madhya Pradesh's Singrauli district, a region that has survived multiple waves of displacement from dams, mining and thermal power plants, empowered tribal communities to protect their livelihoods and lands from private coalmining. Priya Pillai stated their objective as 'bringing out the true cost of coal, which is not just economic, but also environmental, social and spiritual' (Niyogy 2015).

Singrauli in Madhya Pradesh, known as India's energy capital, provides ten per cent of the country's electricity. The region was carved out as a separate district in 2008 to facilitate rapid private coalmining and mega-thermal power plants (Singh, S.R 2015). The high-GDP Gujarat model of growth, that regions like Singrauli vie to emulate, was achieved by concentrating large private investments primarily in resource extraction projects and thereby generating short-term profits. The nature and location of Greenpeace's anti-coal campaign posed a risk to the economic ambitions of governments by affecting plans for rapid, private exploitation of the region's resources.

Fortunately for Greenpeace's causes, the crackdown came at a time when the social and environmental impacts of two decades of rapid, resource-led economic growth in India had started surfacing<sup>8</sup>, triggering civil society debates about corporate bias and the erosion of public interest. Public commentary questioned the 'breakneck industrialisation' by private corporations at the heart of India's ambitious growth and its deleterious effects on communities, ecology and climate change (Jose 2015).

The corporate bias in neoliberal India is deep-seated. India's much touted high GDP growth sits precariously balanced on a narrow alliance of economic and political elites (Kohli 2007: 113). The privileges made available to Adani Enterprises under the Narendra Modi government in Gujarat are a glaring example of this nexus (Thakurta 2015)<sup>9</sup>. The arbitrary

<sup>7</sup> Demonstrating the linkage between distributive injustice and climate injustice, the report argued that the Indian poor, who are forced to settle in marginal or vulnerable areas, and lack the resources to adapt to rising temperatures, increasing natural disasters and increasing tropical diseases, are most vulnerable to climate change which they have played no role in creating.

<sup>8</sup> The Comptroller and Auditor General (CAG) of India (2012) estimated the official loss to the Indian exchequer from the coal block allocation scam under the Congress-led government, in which coal-blocks had been arbitrarily allocated to corporations, popularly known as 'Coalgate', to be Rs 1,860 billion (Mehdudia 2012) or approximately 37 billion in Australian Dollars. In the meantime, costs of ecological degradation caused by two decades of concentrated industrialisation emerged; it was found that the cost of ecological and social damage from degraded environments is as high as India's current annual growth (Kothari 2013).

<sup>9</sup> The most telling example of privileges received by Gautam Adani, whose rise to success in business mirrors the rise of Narendra Modi in politics Gujarat, is that of land acquisition for the port of Mundra and the special economic zone. The company acquired land at throwaway prices from the government and later sold significant portions of it to other companies at hundreds of times the cost value.

allocation of coal blocks to corporations under the previous Congress-led government is another glaring example of the pervasive and illicit nature of corporate favouritism by the neoliberal Indian state.

The amendments made to the FCRA since 2010 help serve this corporate bias better. What is deeply ironic under such prevailing circumstances, is that when communities assert their legal rights over their land and their forests, as was the case in Mahan where the community claimed their historic rights over the Sal forests using the landmark Forest Rights Act 2006 (FRA) and rejected the proposal for coalmining, the biased state characterises it as part of an ‘international conspiracy’ (Nair, R. 2015).

Greenpeace’s long and sustained global campaign targeting coalmining and thermal power plants found a successful anchor in India through its community mobilisation in the Mahan forests in Singrauli. Greenpeace worked to make the community aware of their rights under the landmark FRA (Kohli *et al.* 2012) and the imminent risk of coalmining, in a region already plagued by multiple waves of displacement. The government’s attempt to label Greenpeace a foreign-agent as a means of disrupting its work was therefore met with the strongest criticism from several civil society groups and people’s networks in the country (Vaidyanathan *et al.* 2015).

Greenpeace’s confrontational advocacy tactics, often considered an un-Indian way of doing business, lends itself to easy criticism. However, the real sore point for the government is not Greenpeace’s style, or even its non-Indian origin, but the set of ‘people-centric’ issues it has raised (Visvanathan 2015). As a post-colonial state, sovereign in its right to self-determination, India continues to assert its right to grow on the international stage. Global publicity of human rights and environmental violations make India’s position in international forums vulnerable. Publicity of human rights conflicts in coalmining regions like Singrauli can attract global criticism in this day and age of climate change awareness and mobilisation.

Therefore, projecting organisations like Greenpeace as foreign-agents, and arbitrarily using draconian legal instruments like the FCRA to disrupt its activities become the convenient strategy for governments to control public opinion and manufacture consent for its economic growth agenda. However, under the twin effects of the excesses of two decades of rapid economic growth, and the illegal nature of the mass attacks on movements and civil society groups, the government’s biased crackdown on dissent is challenged. When Courts repeatedly uphold the right of groups like Greenpeace to protect the environment and livelihoods of vulnerable communities, and declare government actions ‘arbitrary’ and ‘unwarranted’, they elevate the ‘right to dissent’ to a constitutional right. With strong legal and public support for its anti-coal campaign in Singrauli, Greenpeace, in the face of a severe crackdown by government, was able to reignite an important debate about the true cost of coal in India.

## **Conclusion**

Some of this decade’s most significant people’s movements, like the farmer’s movement against the Posco steel mill in Odisha, and the anti-nuclear protests in coastal Tamil Nadu,

share similar attributes to the anti-coal protests in Mahan led by Greenpeace. Across all these places, communities have resisted the current economic model of development since it directly threatens their lands, livelihoods and their future. The state has responded with a range of tactics that have sought to delegitimise the movement. Labelling the interests of the movement as ‘foreign’ by alleging the involvement of foreign funds has been the chosen approach for the current government’s ‘war on NGOs’. Cancelling the Foreign Contributions (Regulation Act) licence of NGOs has served as the chief weapon for cracking down on dissent against development.

The government singled out Greenpeace for its effective ‘people-centric’ anti-coal activism in a region known as India’s energy capital. As an international NGO with operations in India, the government targeted the organisation’s Achilles heel, its international funding, in order to disrupt its operations. The High Courts of Delhi and Chennai upheld Greenpeace’s rights and exposed the arbitrary and unwarranted nature of the government’s crackdowns under the guise of investigating mismanagement of foreign funds. Ultimately, the attacks on Greenpeace served to expose the government’s deep anxieties around dissent over coal.

Successful mass movements in neoliberal India are re-emphasising an inherent contradiction in the dominant model of economic growth that has largely gone unacknowledged in first five decades of independent growth – that not everyone benefits from it. The stark reality of profit-making private corporations disrupting the livelihoods of traditional and tribal communities has made the contradiction hard to ignore. The anti-coal protests in Singrauli significantly contributed to and enhanced this debate by reigniting a critical issue which post-colonial India’s dominant development paradigm and mainstream political discourse prefers to ignore – the social and the environmental costs of coal mining and burning. The severity of the crackdown on Greenpeace, starting from the IB report allegations to the multiple attacks on its bank accounts serve to prove the impact of Greenpeace’s activism. It played a vital role in sustaining a critical debate on the impact of coal in neoliberal India.

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