

# local resistance to India's rush for coal

*Fighting coal fired power stations in Andhra Pradesh*

*This case study is published as part of the Democracy Center's series of Climate Campaign Profiles. These studies have been produced to gather lessons from climate activism in diverse places and contexts in order to share these with other campaigners and help build the effectiveness of their advocacy work. You can find the full series in the Climate & Democracy section of our website.*

**By Ben Castle**

## the story

India is in the midst of an energy boom as it seeks to improve access to electricity and prepare for a huge anticipated increase in economic growth over the next 10-20 years. Much of that new capacity is planned to come from coal. The [Sierra Club estimates](#) that in 2010 alone India approved plans for a staggering 173 new coal-fired power stations. Across the country hundreds of local communities are paying a heavy price for this government policy as their land is forcefully taken from them and pollution threatens to destroy their livelihoods and health.

Andhra Pradesh is one of a number of states at the centre of this rush for new coal. The state intends to increase its power production by

800% with as many as 60 new coal-fired power stations being built. This would mean Andhra Pradesh emitting as much carbon dioxide as a country like Spain, making it one of the world's top 20 polluters. In the coastal Srikakulam district of Andhra Pradesh, where a hot spot of six plants are planned, opposition from local communities has been determined. This case study focuses on the campaign against the Sompeta power plant, a 2640 MW megawatt (MW) project proposed by Nagarjuna Construction Company. As one of the earlier projects in the state it became the focal point for opposition and a symbol of the anti-coal movement.

The state authorities and the national government sought to push the Sompeta project through the planning process as quickly as possible, showing little regard for environmental impacts or local objections. There have also been suggestions of high level corruption involving officials with [conflicts of interest](#). In addition, opposition from the local communities has been met with serious violence and intimidation, including [the killing of three protesters by police](#).

Despite these seemingly overwhelming odds, local communities have fought back through a series of protests and court cases, and they have

succeeded in stopping the planned project. The campaign has also had wider ramifications by inspiring opposition to new coal power stations [throughout the state](#) and across India, forcing the government to reconsider its approach to the locating of power stations. It has also triggered a wider debate over India's path to development and the true cost of the nation's love affair with coal.

## **the targets**

For power projects above 500 MW capacity the national government's Ministry of Environment and Forests is responsible for setting the terms for the environmental impact assessment (EIA) and awarding environmental clearance through its Expert Appraisal Committee (the Expert Committee). The Andhra Pradesh state government's pollution control board is responsible for overseeing public hearings and for issuing the final Consent for Establishment (following approval from the Expert Committee). Importantly, the state government is also responsible for obtaining land under the Compulsory Land Acquisition Act and awarding it to project developers.

Despite strong objections to the project, the Expert Committee awarded environmental clearance for the first 1320 MW of the Sompeta Plant in December 2009. This followed 972 hectares of land being allotted to Nagarjuna by the state government in September 2008. Most of the campaign effort has therefore been focused on appealing against the initial granting of land rights by the state government and the awarding of clearance by the Expert Committee. This has been done by taking cases to the National Environment Appellate Authority (NEAA) - a body set up to adjudicate on environmental disputes - and the Andhra Pradesh High Court (High Court).

## **the strategy**

### **Messaging strategy**

#### **Targeting the misinformation**

A key audience for the campaign was the NEAA and High Court, the legal institutions which campaigners used to challenge the decisions by the state and national government to allow the Sompeta development. Campaigners argued that in awarding land rights and giving clearance to Nagarjuna, the authorities had failed in their duty to enforce environmental protection legislation. The project was also only able to proceed because the objections raised by local people were ignored during the initial public hearing. Key facts were also misrepresented to help facilitate the development. The land surrounding Sompeta was given to Nagarjuna by the Andhra Pradesh state government on the basis of it being classified in a District Collector's report as a 'waste land' and 'non-cultivable'. Studies undertaken to support the Environmental Impact Statement also misleadingly portrayed the area as having little ecological or social value. Campaigners sought to show how in reality the area is a highly productive and ecologically important wetland which should therefore receive protected status under Indian law. They argued that by deliberating misrepresenting the on the ground reality and granting clearance the authorities had been complicit in acting against the interests of the public for the benefit of a private company.

#### **Anti-power plant but pro-development**

The Indian government and much of the public see new coal capacity as an inevitable part of national economic development and progress. Dr. Babu Rau, a retired government scientist who is now an activist against coal plants in Andhra Pradesh, explained the typical discourse the movement was up against: "They say that if

you are going to grow economically you need to increase power capacity, that if you are going to grow at 8 or 9% you need to grow power by 6% at least year by year. That is the logic they use. Everyone is carried away by the slogan of development. They think that opposing any industrial development is opposing development.”

Campaigners have tried to challenge the simplistic narrative which presents the preservation of the environment as counter to the objectives of development. A key messaging strategy of campaigners has therefore been to emphasize that they are opposing only one version of development i.e. that which is damaging to local livelihoods. As local campaigner Dr. EAS Sarma puts it, “What is perceived to be ‘development’ from the seat of power in Hyderabad or Delhi may not necessarily be the same as seen by those that are at the receiving end at Sompetta and at similar other locations”.<sup>1</sup> [An appeal](#) by local campaigners was sent to the Chief Minister of Andhra Pradesh deliberately emphasizing this point: “We state categorically that we are not against development. We are all for it. But we are of the firm opinion that this thermal plant will not usher in development. Rather, it will destroy whatever development we have. It will devastate the lives of thousands of families from the farming and fisher-folk communities as well as throw into deep distress landless labourers and artisan classes.”

### **For the protection of local livelihoods**

In the early stages of the campaign organisers sought to inform local communities about the negative impacts of the proposed development and why it should be opposed. Many villagers living near the proposed site were either unaware

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<sup>1</sup> <http://hrfinfo.files.wordpress.com/2010/08/sompetta1.pdf>

of the plans or they had simply been promised that the power-station would bring nothing but jobs and economic benefits to the area. The lead campaigners chose to focus on illustrating how the development would damage local livelihoods which are primarily based on fishing and farming. Dr. Rau explains the approach: “Here in India we can’t really talk much about climate change science at the grass roots level – so the main issues are livelihood issues. For example we explained to a lot of the fisher folk how the project will damage their fishing and affect their lives.” Getting these messages out to the community was key in building the grass roots opposition to the plans.

### **Ally Strategy**

The campaign against the Sompeta plant has been led by a wide coalition of individuals, community groups and NGOs. Each group or individual has taken on different roles and responsibilities, some operating within local communities and others at the state or national level.

Local opposition has been spearheaded by a group of concerned citizens called Paryavara Parirakshana Sangham (PPS). The group was set up by B. Dilli Rao, Y. Krishna Murthy (a local doctor) and T. Rama Rao (an engineer), as well as other concerned community leaders. An important constituent was the fishing community, whose leader V. Krishna Rao was also a key member of the PPS.

Along with other organizations, the PPS have been responsible for developing the legal cases against the provision of the land and environmental clearance to Nagarjuna. High profile environmental Lawyer [Ritwik Datta](#) took on the case at the NEAA in Delhi while the High Court case was handled by K Srinivasa Murthy in Hyder-

abad. All legal expenses were covered by contributions from local people and businesses.

The PPS has also played a central role in raising awareness and helping to organize local communities. During early phases of the project the PPS arranged trips to the village of Pittavanipalem near Vizag, about 200km from Sompeta, where an existing coal power plant has been linked to significant water and air pollution and serious health problems including skin diseases, blindness and mental development difficulties. This first-hand experience helped the villagers of Sompeta to realise the potential devastating implications of the planned plant and was key in catalysing the local opposition.

The expertise of certain individuals has also been crucial in challenging the plans. Early in the campaign Dr. K Balagopal (now deceased), of the Hyderabad-based [Human Rights Forum](#),<sup>2</sup> visited villages and informed residents of the rights they have to oppose the plans. Dr. Rau's professional background allowed him to offer a critique of the plan at a technical level. Dr. EAS Sarma, convenor of [Forum for Better Visakha](#), was previously Secretary at the Ministry of Power. He has been able to use his in-depth knowledge of government policy and planning procedures to support the campaign.

Some national organizations have also played an important role in the struggle. The [Standing Committee of the National Wild Life Board](#) sent a delegation to assess the environmental sensitivity of the area. The group, made up of representatives from the [Bombay Natural History](#)

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2 The HRF has also played a key role alongside PPS in exposing and condemning the poor treatment of protesters by the police and authorities and raising the profile of the campaign through speaking with journalists.

[Society](#) and the [Wild Life Institute of India](#), confirmed the presence of a wetland and supported the view of the campaigners that the power station should not have been granted clearance.<sup>3</sup> The National Alliance of People's Movements has also provided support to the campaign<sup>4</sup> and has [spoken out against the treatment of protesters by the police](#) in Sompeta and in other areas of the state. Internationally, the [Sierra Club](#) and [Bird Life International](#) have been vocal in supporting the struggle and have helped publicize the campaign. Justin Guay of the Sierra Club has made a series of short videos which examine [resistance against coal in Sompeta](#) and on the [Konkan Coast in Maharashtra](#).

### Action Strategy

The campaign against the Sompeta power plant has been fought on two fronts; through lawyers in the courts; and through the direct resistance of the local people themselves.

Campaigners filed a case with the NEAA against the consent issued to the project by the Ministry of Environment and Forests Expert Committee. On 15th July 2010 the NEAA quashed the environmental consent stating that it had been based on a "misrepresentation of facts" and that it had "no doubt that the area in question is a typical wetland of great ecological significance." Nagarjuna was ordered to restart the applica-

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3 Report based on the visit to Naupada Swamp and the project site of the Bhavanapadu thermal power project by Asad R Rahmani of Bombay Natural History Society and Asha Rajvanshi of Wildlife Institute of India, submitted to the Standing Committee of National Board for Wildlife in December 2009.

4 Medha Patkar, Swami Agnivesh and Sandeep Pandey from the National Alliance of People's Movements visited Sompeta as part of a [fact finding mission in July 2010](#).



tion for the development process and to redo its EIA. The NEAA also ordered the government to revise guidelines for the setting up of thermal power projects by clearly demarcating the areas not conducive to such projects. An appeal by Nagarjuna against the NEAA decision was subsequently rejected by the National Green Tribunal (which had since replaced the NEAA), on Weds 23rd May 2012.

Despite the findings of the NEAA, the state government did not roll back its land allotment order and so the land rights to the area remained with Nagarjuna. This left villagers without legal rights to their land and vulnerable to the possibility of construction starting again in the future. Campaigners therefore filed a case with the Andhra Pradesh High Court challenging the initial provision of the land to Nagarjuna. This case was also successful. On June 23 2011 Andhra Pradesh High Court ordered a stay on the land allotment to the company.

Without the pressure brought about by a series of high profile protests, it is unlikely that the legal avenue would have proven so fruitful. Dr. Rau believes that had local communities not made a stand their concerns would have continued to be ignored, as they had been throughout the initial public hearing and consultation stage. “The courts would not have given these judgements without the fierce resistance from the people. The serious resistance has made all the difference and has influenced the judges’ thinking.”

Local direct resistance took the form of a number of actions. Street protests were a regular occurrence targeting the offices of the state government. Main roads in the area were also blocked and at one point a train was stopped by protesters. ‘Bandhs’ were also organised in

local towns in which all shops and businesses closed down for 24 hours in support of the campaign. Campaigners also ran a relay hunger strike to demand the return of the allotted land to the community, which at the time of writing had been running for over 950 days.



**A rally in Sompeta town against the proposed power station. Photo: Paryavarana Parirakshana Sangham**

The most infamous protest took place on 14th July 2010 when construction workers employed by Nagarjuna arrived at the site to begin laying the foundations. Despite Nagarjuna not having received final clearance from the state pollution control board, and with the outcome of the NEAA case still pending, the company clearly believed they stood a better chance of being allowed to continue if they had already started the construction.

The company was supported in this illegal action by state officials, and on the day the construction workers were accompanied by a gang of paid supporters armed with sticks and protected by hundreds of armed police. As outraged villagers tried to block access to the site they were attacked and beaten. Many women who bravely lead the opposition were particularly badly beaten. The ensuing battle left scores of protesters



**14th July 2010. A protester against the power station is beaten by hired thugs who wore blue ribbons so that police could identify them. Photo: Paryavarana Parirakshana Sangham'**

and police injured. Just as events appeared to be calming, police opened fire from inside a van killing three local fishermen: G. Joga Rao, G. Krishna Murthy and B. Krishna Murthy (who died later in hospital). Five other protesters also sustained bullet wounds.

Following the shootings, the police made mass arrests and beat those they suspected of being involved in the protest. They also imposed a curfew and banned all public meetings and future protests. The police violence and intimidation seen in Sompeta has been repeated in other parts of the state, including in the village of Kakarapalli 50 km from Sompeta (see figure 1 below).

Dr. Rau sums up how he thinks protesters against new coal are being treated in India thus: "Some very unjust things are happening in this country in the name of democracy. India is the largest democracy they say, but hardly there is any democracy for the common man. It is the land of Ghandi who has shown us non violent struggle and forms of protest and the first thing the police do here is to try and demolish the protest and all resistance."

Despite the trauma suffered by villagers the experience has made them even more determined to continue their struggle. The shooting brought into sharp focus the tactics being used by Nagarjuna and the initial treatment of the project by state officials and the Expert Committee. The ensuing media coverage of the events also resulted in some local politicians beginning to side with the protesters and may have contributed to the decision by the NEAA (just one day after the protest) to cancel the environmental clearance and halt the project.

## Timeline

**September 2008:** Land allotted to Nagarjuna by Andhra Pradesh government.

**December 2009:** Expert Assessment Committee of the Ministry of Environment and Forests awards environmental clearance for the plant.

**July 14, 2010:** Nagarjuna employees arrive at the site to begin construction. Two protesters are killed and many others injured.

**July 15, 2010:** The National Environment Appellate Authority cancels the environmental clearance given to the company.

**June 2011:** Andhra Pradesh High Court orders a stay on the land allotment to the company.

**May 2012:** The National Green Tribunal upholds the National Environment Appellate Authority's earlier ruling, rejecting an appeal by Nagarjuna.

## Figure 1: The Bhavanapadu Power Plant and other sites of resistance in Andhra Pradesh

Just 50 km along the coast from Sompeta lies the village of Kakarapalli, where East Coast Energy has sought to develop the 2,640 MW Bhavanapadu Power Plant.

The story of the Bhavanapadu Power Plant shares many troubling parallels with the experiences of Sompeta. As in Sompeta land was given to East Coast Energy by the state government despite it being a sensitive wetland area which sustains the livelihoods of thousands of nearby households. Environmental clearance was also awarded to the project based on questionable evidence and despite the many concerns and objections raised by local residents. Revealingly Mr P Balraj, who was chairman of the Ministry of Environment and Forests' Expert Committee when the project was awarded environmental clearance, has since [become a director of East Coast Energy](#).

Just as in Sompeta, protesters against the Bhavanapadu plant have been subjected to violence by police. In February 2011, two villagers were [killed and 25 others injured](#) during a protest. Police also burnt to the ground over 50 thatched village homes. This was followed by mass arrests, including that of a 90 year old woman who was accused of attempted murder and kept in prison for 18 days after standing up to armed police with her walking stick.

As in Sompeta, campaigners have refused to be intimidated and have continued to protest. The government has twice ordered a halt to construction, with the last in November 2011 due to ['complaints of a serious nature'](#). At the time of writing construction of the plant was still on hold.

### Read on

[The Saga of Sompeta: Public Deception, Private Gain](#), Economic and Political Weekly, August 14 2010, by EAS Sarma, Forum for a Better Visakha

[Activists Use Legal Weapons to Stop Thermal Power Plants](#), Inter Press Service News Agency, August 2010, by Pankaj Sekhsaria

[Stay on land allotment for thermal power plant in Sompeta](#), Down to Earth, July 2011, by M Suchitra

[Sompeta power project: CAG indicts Andhra government for allotting wetland to developer](#), Down to Earth, March 2012, by M Suchitra

[Sierra Club India Environment Post: India's Coal Crisis](#), Sierra Club, by Justin Guay.

[Opposition to coal in India](#), Source Watch

# Lessons

## Utilizing the legal system

The use of the legal system to challenge the initial decisions granting land rights and environmental clearance for the development proved to be decisive, effectively putting an end to the Sompeta plant plans. This illustrates how the courts can be a powerful alternative route to justice when local opposition to a development is initially ignored. India has a sophisticated set of environmental protection laws yet they are often not enacted or enforced properly. For this reason [the judiciary is often used by campaigners](#) to challenge government policy and decisions on developments.

The use of legal avenues requires cases to be argued on highly technical terms. The ruling of the NEAA which cancelled the environmental clearance (and the subsequent upholding of the decision by the National Green Tribunal) rested on wetland protection laws and the quality of the consultation processes and EIA which were initially undertaken. The legal nature and complexity of such cases means that legal expertise is vital. Use of specialist lawyers and other costs can make fighting cases in the courts prohibitively expensive for many groups. The strong local support for the campaign against the Sompeta power station meant that legal costs were able to be covered by voluntary contributions from the community and local businesses.

## Developing grass roots opposition

It seems unlikely that the legal route alone would have been successful without widespread local opposition, protests and direct action which generated significant media coverage and

helped raise the profile of the case. The campaign against Sompeta power station had to fight the interests of a powerful corporation as well as government officials who were actively supportive of the plans. Despite these seemingly overwhelming odds the campaign was successful, in part because it generated a unified grass roots opposition amongst local residents.

Community leaders and activists concerned about the proposals organised meetings in villages surrounding the site where they explained what the plans would mean in practice for the local environment and community. Visits to an existing coal power station were also organized so community members could see first-hand the potential impacts. This educational stage of the campaign galvanized local opposition and meant that the campaign was able to reach the critical mass necessary in order to undertake a number of actions, including preventing the site being fenced off by company employees and the police which became a major turning point for the campaign.

Once local residents were informed about the proposed plant they were empowered to take a lead in the campaign. At one point state government officials organised a meeting between community members and a number of experts including university professors in an attempt to placate objections. Villagers who attended the meeting refused to be silenced or intimidated by the status of the experts. As Dr. Rau puts it “they put questions to experts which they (the experts) could not answer. The intelligence of the poor people cannot be neglected.”

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