

TAKING SIDES WITH NATURE

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Abstract: This paper focuses on the sociological understanding of the industrial society and the effects of modern productive system upon the environment. It discusses the risk society in the light of environmental degradation. Based on certain theoretical understanding the arguments build upon the adivasi struggle to protect the environment. It also discusses recent events of Nagri land issue and Niyamgiri uprising against mining in Orissa. Towards the end, the discussion brings forth the importance of environment not only for the adivasis but for the entire humanity.

Contemporary times is characterised by large scale environmental degradation. The neglected relation between human beings and nature and the lethal effect of human action upon the latter, especially in the last century and a half, has emerged as a major issue. Besides this, one needs to focus on the environmental movements. They pose a challenge to the industrial capitalist mode of production as it brings adverse effects on the environment. According to Anthony Giddens, the debate whether capitalism or industrialism has been the prime mover of modern world, until relatively recently, ignored the destructive effects of modern productive system upon the environment. He further argues that capitalism combined with industrialism is responsible for environmental crisis. In his later works, in particular, he attributes environmental problems to the modern industrial societies. The modern industry shaped by the combination of science and technology is responsible for the greatest transformation of nature than ever before.

Ulrich Beck distinguishes the modern society from the earlier ones as the risk society, which is characterised by its catastrophic potential resulting from environmental deterioration. In the pre-industrial society, risks resulting from natural hazards occurred, and by their very character could not be attributed to voluntary decision making. The nature of risk changed in the industrial societies.

Industrial risk and accidents at work sites, or dangers of unemployment resulting from the changes in the economic cycles, could no longer be attributed to nature. The risk societies are characterised by increasing environmental degradation and environmental hazards. At the same time these societies are also characterised by greater environmental laws and legislation. And yet, no institution or individual appears to be specifically accountable for what happens. Through various means, the elite are able to effectively conceal the causes as well as the consequences of hazards and risk of industrialization.

Giddens offers two explanations for the emergence of environmental politics: as a response to the ecological threats and thus, 'a politics mobilised by interests' in

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self-preservation and as a response to the normative emptiness of modern urbanism and thus as 'a politics mobilised by ideal values and moral imperatives'. Ecological movements compel us to confront those dimensions of modernity which have been yet neglected. Further, they are sensitive to the relation between nature and human beings. Habermas sees the ecological movements as a response of the life-world to its colonisation. Since they are an expression of the reification of the communicative order of the life-world, further economic development or technical improvements in the administrative apparatus of government cannot alleviate these tensions. The new conflicts reflect problems that can only be resolved through a 'reconquest of the life-world by communicative reason and by concomitant transmutations in the normative order of daily life' (Giddens 1987:242-243). For Habermas, capitalism is the primary cause of environmental degradation. Giddens suggests that not just the impact, but the very logic of unchecked scientific and technological development would have to be confronted if further harm is to be avoided. He adds that since the most consequential ecological issues are global, forms of intervention would necessarily have a global basis. New forms of local, national and international democracy may emerge and form an essential component of any politics that seeks to transcend the risks and threats of modernity. Habermas, while recognising the limitations of modern state power, argues for the creation and defence of a public sphere in which a rational democratic discourse can occur. Beck argues for an ecological democracy as the central political response to the dangers of the risk society.

Goldblatt suggests that degradation, perception and protest must be viewed in the context of new kinds of knowledge by which the environmental problems are revealed and made available to the people. According to him, the environmental problems have stretched the time horizon of the political discourse to include intergenerational justice and sustainability into the political moral vocabulary.

The new ecological movements question and challenge the central values and ideology of modern industrial society. Much of the modern technology and the centralised industrial mode of production and consumption results in high-growth, energy consumption and environmentally damaging way of life. These movements put forward the view that the economy should be based on careful use of natural resources. They also have advanced new conceptions of development and progress. There is an emergence of another form of politics, practiced by transnational environmental groups. These groups occupy areas separate from the realm of government for organising and carrying out efforts for environmental protection.

THE SCENARIO IN INDIA

In contemporary India, environmental conditions are in a very poor state. The rising pollution in major cities coupled with urbanisation and felling of trees have further degraded the quality of environment. There are no doubts about government

initiatives in form of laws and legislations but time and again, the adivasi population are seen standing up for the protection of their land, water and forest against the state. The term 'adibasi' was first used by Jaipal Singh Mundawhile speaking at constituent assembly debate on 19th December 1946. He took great pride in being an 'adibasi', the literal meaning of which is indigenous inhabitant. He brought into notice that the adivasis had been 'disgracefully treated' and 'neglected for the last 6,000 years'. The irony here is that the picture that Mr Jaipal Singh Munda portrayed about the 'adibasi' in 1946 still remains little unchanged in 2016.

Down the line there are various struggles that mark the adivasis stand with the nature, even at the face of harsh retaliations from the state. To name some, in the recent times are –KoelKaro movement, Nagri land issue and Niyamgiri movement. While engaging into such studies, one also needs to familiarise oneself with certain legal tools which have protected the indigenous interests in these conflicts. These are, PESA or Panchayats (Extension to Scheduled Areas) Act 1996, CNT Act or Chotanagpur Tenancy Act 1908, as well as FRA or Forest Rights Act 2006, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

Owing to limitations, this paper cannot discuss all the above mentioned instruments, yet it will bring into light certain instances and related legal tools which is relevant in very recent turn of events.

FOREST RIGHTS ACT- THE TEXT

Forest-dwelling populations, mainly concentrated in a tribal belt that stretches across the central and eastern areas of the country, are among the poorest of the poor. Their poverty reflects a history of systematic marginalisation, with the state customarily expropriating forest land while overlooking, or even totally negating, their user rights to forest resources. This process began in the late 19th century during colonial rule and continued after independence under the democratically elected governments, which also did not consider appropriate actions to resolve the issue. The history of centralized control of forests can be traced to the enactment of the Forest Act of 1864, which empowered the colonial government to declare any forest land as government forest; a process strengthened in the 1878 Act, which classified forests into 'protected forests', 'reserved forests' and 'village forests'; the National Forest Policy of 1894, which re-iterated the regulation of rights and restriction of privileges of 'users' in forest areas for the public good; the Land Acquisition Act of 1894, which permits compulsory acquisition of land for a 'public purpose'; and the 1927 Act, which remains the main legal basis for depriving forest dwellers of their user rights to forest resources. Under the banner of scientific management of forests, the intended objective of these policy formulations was to maximize profits, encourage conservation and discourage forest dwellers from 'exploiting' forest resources.

The formal and 'legal' appropriation and enclosure of forests inevitably led to the 'criminalisation' of normal livelihood activities of millions of forest-dependent people, conferring on them the legal status of 'encroachers'. The post-colonial Indian state reinforced centralized control of forests with its National Forest Policy of 1952, which focused on protecting forest resources while commercially exploiting minor forest produce (MFP), and the Forest Conservation Act of 1980, which placed all forests under the control of the central government. It also continued utilising other colonial land acquisition laws for the 'public good' in the name of development. The displacement of forest dwellers thus continued, the most recent manifestation being their eviction from their traditional homesteads by forest departments seeking to consolidate the enclosure process under the Wild Life Protection Act of 1972 and its 1991 amendment, which severely restricted the rights of forest dwellers in wildlife sanctuaries and curtailed their rights in national parks. It was this enclosure process that finally united social movements working with forest users across the country, mobilising them to raise their voice against the denial of democratic right to life and livelihoods to the vast tribal population. The strident opposition led to the formulation of a new Scheduled Tribes and Other Traditional Forest Dwellers Act (or simply Forest Rights Act - FRA), which was passed in December 2006 and came into force on January 1, 2008 with the notification of its administrative rules.

The Forest Rights Act provides for restitution of traditional forest rights to forest dwellers across India, including individual rights to cultivated land in forested landscapes and collective rights to control, manage and use forests and its resources as common property. It also stipulates the conditions for relocation of forest dwellers from 'critical wildlife habitations' with their 'free informed consent' and their rehabilitation in alternative land. The introduction of the Forest Rights Act represents a seminal moment in India's highly contested forest politics, recognising for the first time the 'historical injustice' perpetrated by the state on a significant segment of its population when it states: ... the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of state forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers (Forest Rights Act 2006). The Act, which inherently recognises that a healthy ecosystem is compatible with social justice technically, holds precedence over all other forest and wildlife-related laws. Although its provisions for restoring the rights of forest-dependent households may not cover all rights deprivations, they hold the promise of improving the lives and livelihoods of more than 100 million of India's indigenous or adivasi population. However, it is important to remember that the Forest Rights Act is only an enabling legislation and the 'prize' - the actual allocation of user rights at the local level - crucially depends on its implementation. This is where it faces serious challenges, as do several other recent legislative reforms that await full implementation. Recognising user rights involves shifting administrative and

resource control away from forest departments, who already exhibit a high degree of autonomy from democratic oversight and stand to lose turf. But implementation of the Forest Rights Act is happening, although gradually, as is implementation of the Right to Information (RTI) Act, National Rural Employment Guarantee Scheme (NREGA) and Panchayat Extension to Scheduled Areas (PESA) Act. The Forest Right Act is a fundamental reform that represents a 'critical juncture' in the relationship between forest dwellers and the state.

THE VIOLATION OF FOREST RIGHTS ACT

This relationship seems to have stained when the Chhattisgarh state violated the Forest Rights Act. The Chhattisgarh Government cancelled the forest rights of the adivasis to facilitate coal mining. Forest rights of adivasis over their traditional lands in Ghatbarra village of Surgujadistrict have been summarily taken away by the Chhattisgarh government to facilitate coal mining of Prasa East and Kete Besan coal block. The block has been allocated to Rajasthan Vidyut Utpadan Nigam Limited (RVUNL) and Adani Minerals Private Limited is the mine developer cum operator (MDO). The latter is a 100% subsidiary of Adani Enterprises Limited and RVUNL is Rajasthan government's company.

In an order, which was passed on 8th January 2016, the state government has cancelled the community land rights of the adivasis in the village given under the Forest Rights Act (FRA). In its order, the government has stated that the villagers had been using their legal rights over the forest land which hindered the work of mining in their village, which falls in the Parsa East and Kete Besan coal block. It is the first such order to come to light across the country where community rights of tribals have been summarily cancelled after being granted through the process laid down in the Forest Rights Act.

The Forest Rights Act does not provide for revocation of either community or individual land rights once granted under the law. The law and the attendant regulations provide only for the government diverting the forest land for some other purpose after prior informed consent of the tribals through their gram sabha.

Under the Forest Rights Act, tribals are empowered to claim individual and community rights over forestlands they have traditionally lived on. The gram sabha of Bhatbarra did so and in September 3, 2013 they were handed over the lands by the state government.

After that the village became aware that the coal block could remain susceptible to mining despite the Supreme Court orders cancelling earlier allocations. In October 2014 the village gram sabha (village council) of Ghatbarra, along with 19 other villages, took out a formal resolution opposing the mining in their lands. Under the Forest Rights Act, the gram sabha is the only authority empowered to decide the future of traditional tribal lands.

The Forest Rights Act also requires that the claims and rights of all tribals and other forest-dwellers are settled before the government looks to remove them under section 4(5) of the law and other rules.

THE DISCOURSE

This discourse highlights the struggle and challenges of being an adivasi. The above scenario of violation of law in Chhattisgarh is certainly a glimpse of the engaged web of an adivasi society. It talks about how a community land, or putting in a better phrase, a traditional land is taken away to facilitate coal mining. The adivasi society has always been the victim of opportunity. It is no longer an isolated population; rather it is a population which has been struggling for its survival. One needs to understand that the survival of the adivasis is very important and crucial. For centuries and beyond, the adivasis have peacefully lived within the lap of nature, understanding the environment and her needs. They have successfully maintained a balance between their needs and the needs of the environment. A majority of the adivasi population has not been touched by the spirit of industrial capitalism, which inculcates the desires of material interest.

It has been widely accepted that capitalism transforms. Nothing remains the same under the shadow of capitalism; it's true even with respect to the natural environment. Capitalism, being a wheel of no return, when comes in contact with nature, it alters the original state of the environment. Environmental degradation and the sporadic climate change is the result of industrial capitalism which is coupled with the notion of development and progress. The question that one must ask is, "What is the price we are paying for "development"? or Who is paying the price of "progress"? The answer to the above questions is not very simple. In the first instance, the questions may make little sense because the pain of "development" and "progress" may not have hurt you, yet. The process of development propagates the idea of progress, advancement and growth. The indicators of development are flourishing industries and capitalistic empires, which seems to be the universal standard. Any deviation or anything less than this does not imply to be treading in the path of "development". For any society to measure according to the above indicators, it has to exploit the natural resources. With the advent of industrial revolution, trade and commerce saw a new zenith where export and import of natural resources, mining and deforestation became the ugly truth of "development". The growing industry, technology and science brought man in such a position that he stands against nature. The pre-industrial man stood and fought against another man but since industrial era, man wages a war against nature.

It is in this juncture, that the indigenous population plays a very vital role. Since many generations, the adivasis have lived harmoniously with nature, respecting and protecting her existence. They have long acknowledged the fact that environment

is the essence of human race. Endangering the environment will leave the human life at the altar of extinction. The concept of 'sustenance' which has been the trend in the recent past had long been practiced among the adivasis. The struggle of the adivasis to protect their ancestral land, forest and natural resources has always been wrongly portrayed as hindrance to development. This has led to many unpleasant frictions between the adivasi society and the state. A remarkable instance should be mentioned here- Niyamgiri Movement.

The Niyamgiri hill range in Odisha state, eastern India, is home to the Dongria Kondh tribe. Niyamgiri is an area of densely forested hills, deep gorges and cascading streams. To be a Dongria Kondh is to farm the hills' fertile slopes, harvest their produce, and worship the mountain god Niyam Raja and the hills he presides over, including the 4,000 metre Mountain of the Law, Niyam Dongar. Yet for a decade, the 8,000-plus Dongria Kondh lived under the threat of mining by Vedanta Resources, which hoped to extract the estimated \$2 billion-worth of bauxite that lies under the surface of the hills. The company planned to create an open-cast mine that would have violated Niyam Dongar, disrupted its rivers and spelt the end of the Dongria Kondh as a distinct people.

The deep reverence that the Dongria have for their gods, hills and streams pervades every aspect of their lives. Even their art reflects the mountains, in the triangular designs found on village shrines to the many gods of the village, farm and forests and their leader, Niyam Raja. They derive their name from dongar, meaning 'hill' and the name for themselves is Jharnia: protector of streams.

The Dongria Kondh have no over-arching political or religious leader; clans and villages have their own leaders and individuals with specific ceremonial functions, including the beju and bejuni, male and female priests. The Dongria believe that animals, plants, mountains and other specific sites and streams have a life-force or soul, jela, which comes from the mother goddess.

The bauxite-capped Niyamgiri hills soak up the monsoon's rain, giving rise to more than a hundred perennial streams and rivers, including the Vamshadharariver. These streams provide the water that is vital for the communities who live in the hills, and provide critical drinking and irrigation water for those in the plains, where drought and starvation have made national news. The Vamshadhara provides drinking and irrigation water to millions of people in the states of Odisha and Andhra Pradesh. Over centuries, the Dongria have helped to maintain the rich biodiversity of their forests, where tigers, leopards, giant squirrels and sloth bears roam.

Vedanta Resources is a London-listed, former FTSE 100 mining company founded by Indian billionaire Anil Agarwal, who remains its Chairman and owns more than 50% of the shares. Had the mine gone ahead, the Dongria would have suffered immeasurable loss; their present good health, self-sufficiency, identity as a people and detailed knowledge of their environment would have been destroyed.

Even before receiving permission to mine, Vedanta built a refinery in the town of Lanjigarh, and started to work on the conveyor belt that would bring the bauxite straight down from the hills to the refinery. The refinery was approved by the government on the condition that no forest would be used; yet the claim was ‘patently false’ – Vedanta annexed 60 hectares of village forest, vital for local communities. The refinery also completely destroyed Kinari village, displacing over a hundred Majhi Kondh families to a settlement known locally as ‘the rehab colony’. This is a walled compound of concrete houses, circled with barbed wire. Residents have no farmland, and although some work as labourers for Vedanta, most survive on hand-outs.

Vedanta’s own plan states that mining would continue for 16 hours a day, 6 days a week for 23 years. ‘Oily’ sludge from machinery would be incinerated on site. The influx of mine workers – with heavy machinery and trucks – would place an enormous burden on the forests and wildlife, which would be exploited for firewood and food. The area would also become accessible to poachers and illegal loggers. Although Vedanta claims that they will plant trees once mining has finished, this is no compensation for the diverse wildlife habitat that will be lost, nor for the potential damage to the streams and rivers that flow from the hills. As the Kalahandi area is notorious for its droughts, the effects could be disastrous.

The Dongria protested against Vedanta locally, nationally and internationally. They held roadblocks, formed a human chain around the Mountain of Law and even set a Vedanta jeep alight when it was driven onto the mountain’s sacred plateau. July 18th to August 19th: the monsoon of 2013 went down in the history of India for hosting the country’s first environment referendum. Deep inside the forests of south-western Odisha, in the Niyamgiri hills, people of small tribal hamlets were asked to voice their opinion on bauxite mining in their habitat. They told the district judge, appointed observer to the meetings by the apex court, that mining will destroy their god and their source of sustenance—over 100 perennial streams, fruit trees like those of jackfruit and mangoes, spices like turmeric and ginger, wild roots, tubers and mushroom, apart from the land for shift and burn cultivation, dongar, where they grow an enviable mix of native millets, pulses and oil seeds.

The State Government held nearly 12 gram sabhas, commonly known as meeting with villagers, across Kalahandi and Rayagada districts. The inhabitants of these places, mainly tribals, have opposed the bauxite mining project. The pallisabha held at Jarapa village in Rayagada district on August 19 voted unanimously against the proposal to mine the Niyamgiri hill range. Jarapa is the last of the 12 villages to hold village council meetings to decide the fate of mining and metals giant Vedanta’s proposal to mine the hills for bauxite. Jarapa has 16 adult village members, and the 12 who were present in the pallisabha opposed the proposal. All the 12 pallisabhas have overwhelmingly said “no” to mining in the region.

The Supreme Court has strongly endorsed the role of the gram sabhas as democratic decision-making body for issues of individual, community and cultural rights of tribals and traditional forest dwellers. Its recent ruling in the Niyamgiri bauxite mining case has far-reaching impact because environmental laws such as the Forest (Conservation) Act, the Forest Rights Act and the Environment (Protection) Act are given scant respect by industrial project proponents looking for natural resources. This trend has accelerated in recent years, with national development being measured by a single number, the Gross Domestic Product. Under pressure, the Ministry of Environment and Forests has generally adopted a benign approach to enforcement. In the bauxite mining project promoted by the Vedanta group in Odisha, the Ministry made a welcome exception and recorded “violations too egregious to be glossed over.” The Supreme Court order in the case, endorsing the rights of tribals under the Forest Rights Act and the Panchayat (Extension to Scheduled Areas) Act to make fresh claims and designating the gram sabhas as the competent decision making body to decide them, should end strong arm measures against defenceless communities. It is beyond doubt that there is an organic connection between tribals and the land, and this has been accepted by the Supreme Court in another case in 1997. That bond must be respected.

The Supreme Court order is a good precedent for all projects that have environmental and social consequences. Development is a natural aspiration, but it must be genuine and not result in the loss of even the existing quality of life. In my humble opinion, the notion of development is so enthralling and seems ‘promising’ that it blindfolds the human civilization to other possibilities. For instance, the virtue of prosperity is no longer sought after. Prosperity propagates the idea of affluence, well-being and good life. On the other hand, development has turned growth and progress into more like a rat-race where people hardly notice the welfare of the other.

CONCLUSION

As one come towards the end of the paper, one needs to review the network of development and weigh the loss we, as a human race incur upon us. Industrial revolution coupled with innovations and technology seems to be the epitome of any civilization. A society, in which industrial capitalism is absent, ought not to be labelled as uncivilised or primitive. One should remember that ‘primitive’ does not mean less enlightened or more savage. The ‘primitive’ man’s inventions like the wheel, twisted rope, boat, musical instruments and many more (the list is vast) has actually enhanced the evolution of human race.

Development is also marked with urbanization, a process which has affected the environment adversely. It seems that concretization of any geographical space has become the mark of advancement. Environmental degradation needs to be addressed as soon as possible because it’s a chain of events that will not die off easily. Rapid steps have been taken up by the Delhi government when it adopted

the odd-even scheme to keep in check the alarming rate of pollution rise. High level of pollution and fluctuating weather is also affecting the health of Delhi. Two other cities in India have worse air quality than Delhi: Gwalior in Madhya Pradesh, and Raipur in Chhattisgarh. It is a necessity to strike a balance between development and environment. The sporadic climate change which is being witnessed worldwide is the alarm which tells that remedial steps have to be taken or else the catastrophe would be of unspeakable imagination.

Climate change, also called global warming, refers to the rise in average surface temperatures on Earth. Climate patterns play a fundamental role in shaping natural ecosystems, and the human economies and cultures depend upon them. But the climate one comes to expect is not what it used to be, because the past is no longer a reliable predictor of the future. Our climate is rapidly changing with disruptive impacts, and that change is progressing faster than any one has seen in last two thousand years.

The rising level of carbon dioxide and other heat trapping gases in the atmosphere have warmed the Earth and causing wide ranging impact, including rising sea levels; melting snow and ice; more extreme heat events, fires and droughts, and more extreme storms, rainfall and flood. Scientists project that these trends will continue and in some cases even accelerate, posing significant threats to human health, our forests, agriculture, freshwater supplies, coastlines, and other natural resources that are vital to any state's economy, environment and the quality of life.

The fact that so many systems are tied to climate, a change in climate can affect many related aspects of where and how people, plants and animals live, such as food production, availability and use of water, and health risks. For an instance, a change in the usual timing of rains or temperatures can affect when plants bloom and bear fruit, when insects hatch or when streams are their fullest. This can affect historically synchronized pollination of crops, food for migratory birds, spawning of fish, water supplies for drinking and irrigation, forest health or more. Looking at the much darker side of the argument, the Zika epidemic is a warning on climate change. Recent research suggests that under a worst-case scenario, involving continued high global emissions coupled with fast population growth, the number of people exposed to the principal mosquito could more than double. Already, climate change is suspected — though not proved — to have been a factor in a string of disease outbreaks afflicting both people and animals. These include the spread of malaria into the highlands of eastern Africa, the rising incidence of Lyme disease in North America, and the spread of a serious livestock ailment called bluetongue into parts of Europe that were once too cold for it to thrive. The epidemics of Zika and dengue are cases in point. The viruses are being transmitted largely by the yellow fever mosquito, *Aedes aegypti*. That creature adapted long ago to live in human settlements, and developed a concomitant taste for human blood.

Cities in the tropics, the climate zone most favorable to the mosquito, have undergone explosive growth: Humanity passed a milestone a few years ago when more than half the population had moved to urban areas. But spending on health care and on basic public health infrastructure, like water pipes and sewers, has not kept pace. Mosquito control has also faltered in recent decades.

At this hour of need, we need to look towards the adivasi knowledge system. The adivasis or the indigenous population holds the key to this crisis. They have lived, for centuries, within the lap of nature, striking a balance between their need and the forest produce. We need to accept the fact that technology and industrial advancement may have brought us to this point of no return, but it is also true that one needs to embrace the knowledge of the indigenous population who have lot to offer to human race. They have been neglected and looked down considering them not fit for the capitalistic world. Yet I believe that the answer to the contemporary crisis lies within the hands of the indigenous people. Their independence on nature for generations have given them immense understanding and respect for the trees, streams, animals and other forms of lives, something everyone needs to develop within themselves.

As this paper comes to its end, it is suggested one needs to protect and embrace the natural environment. Rampant felling of trees and clearing of land, in the name of “development” is not accepted. One needs to learn from the indigenous population the essence of life, sustainability and prosperity. Treat the Earth well; “when the last tree is cut down, the last fish eaten, and the last stream poisoned, you will realise that you cannot eat money”.

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