
This book is a collection of articles covering issues of theoretical, polemical, empirical and historical value. Yet, this is a difficult book to review because the authors do not share a common understanding of globalization, nor do they have the same level of theoretical or historical understanding of the concept of rights, a pivotal concept that the book is built on. The chapters are conceptually uneven. The theoretical inadequacy is sometimes compensated for by vitriolic attacks on globalization and a penchant for mouthing political slogans that are self-righteous at best and propagandist at worst.

Yet, the book makes an important contribution. In mid-2012 Indian economy was less upbeat. A slowing growth rate and the rising inflation have taken some shine off the rapid economic growth in India. The book was written in the context of “India is shining” as a caveat, a corrective, a reminder that all’s not well in India, at least in terms of the overall health of the environment and especially, the rights of the poor many of whom live off the land as indigents. While the politicians and the media were celebrating near-double digit economic growth, the writers featured in the book, raised searching and critical questions exposing the underbelly of the Indian growth. Here too, palpable absence is a chapter of the rights of the poor to nutrition. It is only in the last chapter in the conversation with Jean Dreze, who made valuable contribution to the discussion of Indian poverty elsewhere (Dreze and Sen, 1991; and Deaton and Dreze, 2008), bring up the issue of those lacking a minimum nutritional intake. Nor the sad story of tens of thousands of Indian peasants taking their lives as a consequence of economic difficulties caused in part by neo-liberal economic globalization of India in the first decade of the new millennium is mentioned.

The anthology dwells on the relationship between globalization and rights arguing that one of the sacrifices of globalization has been that rights have been undermined. In the introductory chapter, Dey shows a great deal of care in presenting a nuanced definition of globalization. “Globalisation”, according to her, “is understood as ambivalent dynamics (bringing together both possibilities and challenges in the socio-economic realm) encompass(ing) global processes that increase interconnectedness between peoples and countries, and intensify global trade in products between them” (xiii). Dey continues, “In this context the neo-liberal model of globalisation promoting the right of free trade and capital has a basic clash with the tenets of universal human rights” (xiii). This clearly sets the agenda and a framework for discussion. If only all the writers of individual chapters heeded to the framework, the book would have made an important contribution. Some of the chapters chose a different tack. Three sets of rights were outlined: environmental rights; right to information and labour rights. Missing is nutritional rights as well as right to gender equality, or right to education.

As the central subject of the book is the interface between economic globalization and the environmental rights, the chapters provide a rich, complex, historically detailed analysis of the diminution of the customary rights and disenfranchisement of the forest people who have a stake in protecting the ecological resources that sustain them. In a carefully written and meticulously researched chapter 2, Kumar shows the evolution of laws ensuring the forest rights and the rights of the indigents. First, the Forest Act of 1865 gave the British colonial government the control over the forestry at the expense of the customary usufruct rights of the indigents. Building on the 1865 Act, the Indian Forest Act 1927 sought...
“to override customary rights and forest management systems by declaring forests ‘state property’ and exploiting their timber” (p. 35). The Indian Forest Act of 27 “gave absolute powers to settlement of rights. . . . To one person called the ‘forest settlement officer’.” (p. 35). The 1927 Act continued in the post-independence period was the basis for creating reserve forests. While the colonial rulers saw the forest as sources of timber and revenue, under the rule of Independent India, the “Timber mafia” in collusion with government officials, exploited the forest and grabbed the land under the guise of protecting the forest. In both historical periods, the indigents were alienated and disenfranchised. It was only in 1980 Forest Conservation Act was enacted to stem unregulated exploitation of forest land. Following the 1985 establishment of an independent Ministry of Environment and Forests (MoEF) a new forest policy was announced in 1988. Here, the author fails to link these institutional changes at the national level to the global rise of environmental awareness in the context of the global environmental movement. A milestone was reached at forest governance in India when in 2006, the Forest Rights Act (FRA) was enacted which recognized the ancestral rights of the people who lived in the forests. Another significant development was that the implementation of the FRA was under the jurisdiction of the Ministry of Tribal Affairs and not under the Ministry of Environment and Forests as in the past. The dilemma between protecting the rights of the people who lived in the forest and the rights of the forests is manifested in the tension over jurisdiction between the two ministries.

The eviction of the groups of people who lived in the forest led to a movement from below and culminated in political activism when 70,000 adivasis (indigenous people) refused to vote in the parliamentary elections until their ownership rights were settled (p. 38). The Forest Rights Act is an outgrowth of political mobilization. FRA is not a panacea but it has empowered the affected groups, namely, the forest-dwelling communities who are likely to use it as a tool in their struggle for rights.

In an empirically detailed chapter, “Globalisation and Justice”, Agrwaal presents a conflict between the corporate mining interests and the rights of the indigenous people to a livelihood. When a big local company with multinational links sought to use the forest as a rich mining source for bauxite, the confrontation came to a head. With the intervention of the judiciary, various judgments protecting the rights of the indigents and advancing provisions for compensations and welfare benefits for the economic uplift of the tribals were issued. Empirically rich, this chapter stands on a shaky premise of weak conceptual grounding that conflates the discourse of rule of law with that of globalization. In a highly instrumentalist vein, Agrwaal suggests that since globalization “is patently the greatest force the world has ever seen or will”, (p. 64) hence the rule of law serves the interests of the globalization and is unlikely to serve the interests of rights. His case study of the M/s Sterlite – Vedanta’s futile bid to take over tribal land for mining illustrates the limits of the so-called neo-liberal globalization process. There are instances where judicial activism protects the rights of the weak and rulings of the court defeat the corporation-friendly state.

Here the author is harsh on the concept of rule of law, making it conniving with the corporate interest. The idea of the rule of law as one of the universals is in the best interests of all. The author tries to prop his argument by quoting (out of context, I may add) Rawls’ “veil of ignorance” (p. 79) and Agamben’s “state of exception” (p. 80). The author after writing a fine chapter which presents the complexity of globalization so brilliantly falls into the trap of polemical political rhetoric against globalization.

The chapter on the right to information is another case of the complexity of the globalization process. The nub of the problem is that India is pursuing neo-liberal economic global-