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'We will give up our lives, but not our lands': energy-enclosures and anti-dispossession struggles in India

"Nós entregaremos nossas vidas, mas não nossas terras": o açambarcamento de terras para infraestrutura energética e as lutas contra a despossessão na Índia

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ABSTRACT: This paper discusses the contradiction between the growing demand for power and the decreasing availability of land for energy infrastructure in India. While energy developers are heavily investing in the construction of new power plants and transmission lines, land acquisition procedures have encountered strong opposition from farmers, leading to a rise in litigation. Drawing on data from *Land Conflict Watch*, I conducted a comparative case analysis of 67 land conflicts in the power sector and proposed a conceptual definition of *energy enclosure*s, which captures the multi-faceted nature of anti-dispossession struggles. In response to widespread peasant resistance and the emergence of "land wars" against land grabs for both public and private infrastructure projects, the Government of India enacted more "humane, transparent, and participatory" legislation in 2006, 2008, and 2013. These reforms offered a potential opening for more inclusive energy governance. However, the analysis of farmers' demands, negotiation strategies, and protest repertoires reveals that land acquisition for energy infrastructure still falls short of meeting the procedural, restorative, and redistributive criteria for a just energy transition. Findings suggest that affected communities are increasingly aware that legal advocacy may lead to higher compensation and some protection against harassment and other human rights violations. Nevertheless, the data also show that magistrates often interpret the law based on pre-2013 frameworks, share the developmentalist outlook of project developers, and therefore rarely rule in favor of those harmed by energy enclosures.

Keywords: just energy transition; land conflict; dispossession; resistance; energy governance.

RESUMO: Este artigo discute a contradição entre a curva ascendente da demanda de eletricidade e o declínio da disponibilidade de terrenos para a construção de projetos de infraestrutura energética na Índia. Os empreiteiros do ramo de energia investem maciçamente na construção de novas centrais elétricas e linhas de transmissão, mas os procedimentos de aquisição de terras têm enfrentado a oposição dos camponeses e dado lugar a um aumento dos litígios judiciais. Com base no portal de dados *Land Conflict Watch*, procedi a uma análise comparativa de 67 conflitos fundiários no sector da energia e apresentei uma definição conceitual de *energy-enclosure*s que exprime o carácter multifacetado das lutas contra a expropriação. Devido à reação de milhões de camponeses e ao surgimento das "guerras pela terra" em resposta à apropriação de terras para projetos de infraestrutura públicos e privados, o Governo da Índia promulgou legislações mais "humanas, transparentes e participativas" (2006, 2008, 2013) que proporcionam uma janela de oportunidades para uma governança energética mais inclusiva. No entanto, as análises das reivindicações dos agricultores, das estratégias de negociação e do repertório de protestos indicam que a aquisição de terras está longe de cumprir os critérios procedimentais, restaurativos e redistributivos de uma transição energética justa. Os resultados indicam que as comunidades afetadas estão mais conscientes de que o apelo aos tribunais pode aumentar o montante da indenização e proporcionar alguma garantia contra o assédio e outras violações dos direitos humanos. No entanto, mostram também que os magistrados parecem ainda raciocinar de acordo com as leis anteriores a 2013, partilhando a mentalidade desenvolvimentista de políticos e empreiteiros, e raramente decidindo a favor das vítimas dos cercamentos para infraestrutura energética.

Palavras-chave: transição energética justa; conflito fundiário; desapropriação; resistência; governança energética.

1. Introduction

After the market-liberalizing reforms and the debacle of the Nehruvian State thirty years ago, conflicts over land have increased massively in India. Government authorities have sponsored market-friendly regulations and programs to foster economic growth – such as Special Economic Zones, Economic Corridors and *Make in India* – but these measures led to the displacement or other negative implications to the livelihood of millions of farmers (Choudry, 2020; Levien 2011; GOI, 2007). In order to strengthen the country's position in the global circuits of capital and technology, huge investments in infrastructure were necessary. They demanded extensive and contiguous land for new factories, dams, ports, highways, mines and power plants. The benefits of these policies were unevenly distributed and farmers often resented what they perceived as unfair prices for their assets.

The public purpose of some projects was dubious, and in many cases, small landowners felt cheated by intermediaries who profited from speculation in the real estate market (Chakravorty, 2013). As they had no property rights, tenants could not benefit from land sale, while Scheduled Tribes, pastoralist villagers and peasants living in common lands found themselves in an adverse position because governments have treated the commons as state-owned, disrespecting customary usage or communities' claims (Worsdell, 2020). Finally, poor rehabilitation and resettlement schemes rarely mitigated the vulnerability of dispossessed communities or provided them with attractive non-farming alternatives. In this scenario, the coercive role of the State as 'land-broker' for private capital

undermined the legitimacy of land acquisition procedures and India became the epicenter of 'land wars' (Levien, 2013).

Violation of land rights for energy infrastructure dates back to the Nehruvian period, when hydropower generation affected rural villagers and Scheduled Tribes (Baviskar, 2004). Power projects are currently responsible for 15% of all land conflicts in the country, while in Central India this figure is as high as 33% (TISS, 2016). Such pressure reflects increasing energy demand associated with GDP growth and the raise of average incomes. Since 2000, India has doubled its energy use and at the current pace of development will double again by 2040. On a per capita basis, India's energy consumption is still less than half the world average, but over the next years steel and cement production, vehicle ownership and new household appliances will require additional energy supply equivalent to the current European Union power system (IEA, 2021; IEA, 2020).

The purpose of this article is to analyze the dynamics of anti-dispossession struggles associated with the rampant expansion of the power sector. My conceptual discussion of energy-enclosures interweaves the critical scholarship on land conflicts in India with the more recent debates regarding 'just energy transitions' (Contreras & Bouzarovski, 2022; Stock, 2022; Wang & Lo, 2021; Lacey-Barnacle et al., 2020; Baka 2016). This twofold approach is concerned with political and economic mechanisms developed and implemented by political authorities in collusion with parastatal or private companies to secure land for energy infrastructure and reshape territories for power generation, consequently disarticulating previous social relations of production and rural livelihoods.

Struggles led by farmers, agro pastoralist communities, Scheduled Tribes and women against energy-enclosures contradict naïve assumptions that portray energy transitions as teleological processes that lead to more accessible and sustainable energy futures. On the contrary, the fierce disputes over the territory and the specific claims of affected populations reveal distortions in the process of energy transition in India such as the violations of land rights, sustainability criteria and democratic principles. Conflicts on the ground articulate procedural, distributive and recognition-based aspects of justice according to site specificities, but as a rule they contest a highly hierarchical and non-representative pattern of energy governance.

I selected 67 cases of land disputes in the power sector from the *Land Conflict Watch* database available in May 2023 and proceeded with comparative analyses focused on demands of affected communities, legal aspects of the conflicts and farmers' strategies to resist different land-grabbing mechanisms (LCW 2023). The next section presents a conceptual definition of energy-enclosures and provides more information about the methodological aspects of this research. In section 3, I discuss land dispossession across land tenure types, the implications of the new land acquisition laws approved in 2013 and the environmental dimensions of energy-enclosures. In section 4, I argue for a more nuanced and relational analysis of farmers' movement in a critical dialogue with Michael Levien's typology of protests in India (2013). I dismiss his analytical distinction between 'bargainers' and 'barricaders' as binary and static, unsuitable for the comprehension of

the dynamics of anti-dispossession struggles in India. Finally, this article highlights the window of opportunities in the existing legislation for a more inclusive and democratic energy governance, and the consequences of massive litigations over energy-enclosures for energy transition in India.

2. Definition

Energy enclosures are legal or illegal mechanisms to ensure land use change for energy security without consent of affected communities. They are coercive practices that deprive communities of their land rights and/or livelihoods in order to convert the territory for mining activities, power plant construction and waste disposal. These violations articulate material and discursive practices to induce farmers to give up all or part of their lands for energy related projects. Alongside with fences and hedges, authorities use maps, surveys and laws to legitimize land grabbing in accordance with energy development narratives (Baka, 2016; Jeffrey et al., 2012; Blomley, 2007).

The impacts of energy-induced displacement and resettlement comprise the whole energy production cycle and consequently change according to the distinct types of technologies. In the case of nuclear energy, for instance, land use includes not only power plant sites, but also areas for mining, fuel fabrication, enrichment, reprocessing and waste disposal (Mohan, 2017; Owen & Kemp, 2015). This article analyses energy-enclosures with reference only to the construction and operation of power plants and transmission lines, but in terms of definition, it is important to keep in mind that they may occur in any phase of power generation.

The notion of energy justice is historically and culturally situated, as populations contest what appears to them as unjust within specific time-space. This means that categories of "energy justice" must be continually adapted and redefined in light of the demands of the actors who challenge energy projects. Even when working with well-established categories from specialized literature – structuring the analysis around distributive, recognitional, and procedural justice – local conflicts must inform their content. In the case of energy enclosures in India, procedural justice necessarily involves considering local councils, which are foundational institutions for decision-making in villages. Similarly, issues of recognitional justice come into play when energy infrastructure profanes religious beliefs and reverence for ancestry within those territories. More important than such classifications, however, is paying close attention to the concrete processes through which actors construct and mobilize their justice repertoires in response to the very processes by which energy enclosures disrupt their livelihoods (Souza, 2023).

3. Land Conflict Watch and land legislation in India

Land grabbing for energy infrastructure is poorly documented in official records. Hence, my research consisted in analyzing 67 cases of land conflicts in the Indian power sector available in LCW database (May/2023). They affect more than 393,000 people over 130,562 ha. These are conservative figures because LCW has a research team of 41 members across 25 states. Tracking all land conflicts was obviously not feasible,

particularly when documentary evidence are not in the public domain. Nevertheless, each report is the result of field investigation, official reports and independent studies (Mrinali *et al*., 2022). Although not exhaustive, the database presents comprehensive data for the discussion of injustices related to investments in infrastructure and for comparative analyses of social protests against land-dispossession, complementing the in-depth, but sometimes too specific, character of single case studies provided by scholarship.

LCW collects data on 69 quantitative and qualitative parameters for every land conflict it maps. For the purposes of this investigation, I classified the data according to the following categories in Table 1.

Since there are no official records documenting all land conflicts in the power sector for comparison with the LCW database, the margin of error for some figures remains unknown. Consequently, I treat these figures as references for cautious interpretation rather than as precise statistical representations. This limitation, however, does not undermine my core arguments, as the methodological strategy that supports them is primarily based on comparative case analysis. Case selection was guided by three main criteria:

a) the cases clearly illustrate the violations of land rights discussed in Section 3 and contribute to the conceptualization of energy enclosures;

b) while I acknowledge that villagers may

TABLE 1 – Main categories of analyses and description.

Categories of analysis	**Description**
1) Sub-sector	Types of Power Plants
2) Location	States/Districts
3) Power Generation Capacity	In Mega-Watts (MW)
4) Affected Area	In Hectares/Acres
5) Number of People Affected	(For a specific project)
6) Investments	In INR Crores
7) Land Tenure Types	Common/Private/Both
8) Scheduled Five District	Yes/No
9) Region	Urban/Rural
10) Demands	Reasons for the conflict
11) Nature of the Protests	Marches, blockades, advocacy, etc.
12) Legislations Involved	LAA (1894), FRA (2006), LARR (2013), etc.
13) Status of the Project	Completed, stalled, scrapped, etc.

SOURCE: author's synthesis based on Mrinali *et al*. (2022).

hold diverse views – particularly in contexts where class and caste divisions shape local dynamics – the selected cases offer more direct insight into the emotions and experiences of affected communities;

c) the cases discussed in Section 4 were chosen to engage with my critique of Michael Levien. They clarify my arguments concerning the evolving nature of land struggles, changes in negotiation strategies, and the repertoire of protest employed by villagers.

My analysis also proceeded with reference to current and past legislations, i. e. *Land Acquisition Act* (1894), *Forest Rights Act* (2006), *Environmental impact Assessment Notification* (2006) and *The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act* (2013). Furthermore, this investigation draws on official documents available on Government of India (GoI) websites, as well as scholarly research on land conflicts, just energy transition, and energy governance in India.

4. Results and discussion

4.1. Energy-enclosures in common lands

Energy-enclosures in India are rural phenomena. Excepting four cases in urban or peri-urban areas (4/67), energy developers located power plants in rural regions. The main reasons for that are lower population density, land prices and strategies to mitigate pollution in big cities (see Figure 1).

Two thirds of conflicts occurred in lands collectively managed by communities (common lands 13%, common and private 54%, private lands 33%). Common lands are non-exclusive territories where no private entity holds property rights; they constitute 'grey zones', inasmuch as the exploitation of resources follows customary rights, but the communities do not have the same legal assurances against dispossession as private landowners.

Pranab Choudhury (2022) argues that there is no proper definition of 'commons' in Indian administration. Since the colonial period, bureaucracy treated commons as government's land and people as encroachers. More recently, market-liberalizing reforms have catalyzed the commodification of land in a way that facilitated the transference of commons for industry and other development enterprises. When energy projects affected such territories, they frequently deprived local farmers and agro pastoralist communities not only of land, but also of common resources (Agrwal, 2017).

For analytical reasons, LCW classifies common lands into two categories: 'forested commons' and 'non-forested commons' (grazing lands, water bodies, village land, etc.). Protection of commons vary widely from state to state, but as a rule, non-forested commons are legally more vulnerable to dispossession than forested commons (Joshi 2022). This difference results from *The Forest Rights Act 2006* (FRA), which recognizes the rights of tribal and non-tribal forest dwellers to the necessary resources for their livelihood, habitation and socio-cultural needs. This Act protects forest dwellers from unlawful evictions and provides for basic development facilities (Ministry of Tribal Affairs/GOI 2023). Furthermore, it constitutes legal guarantees for Scheduled Tribes by asserting that local councils (Gram Sabha and Panchayats) shall

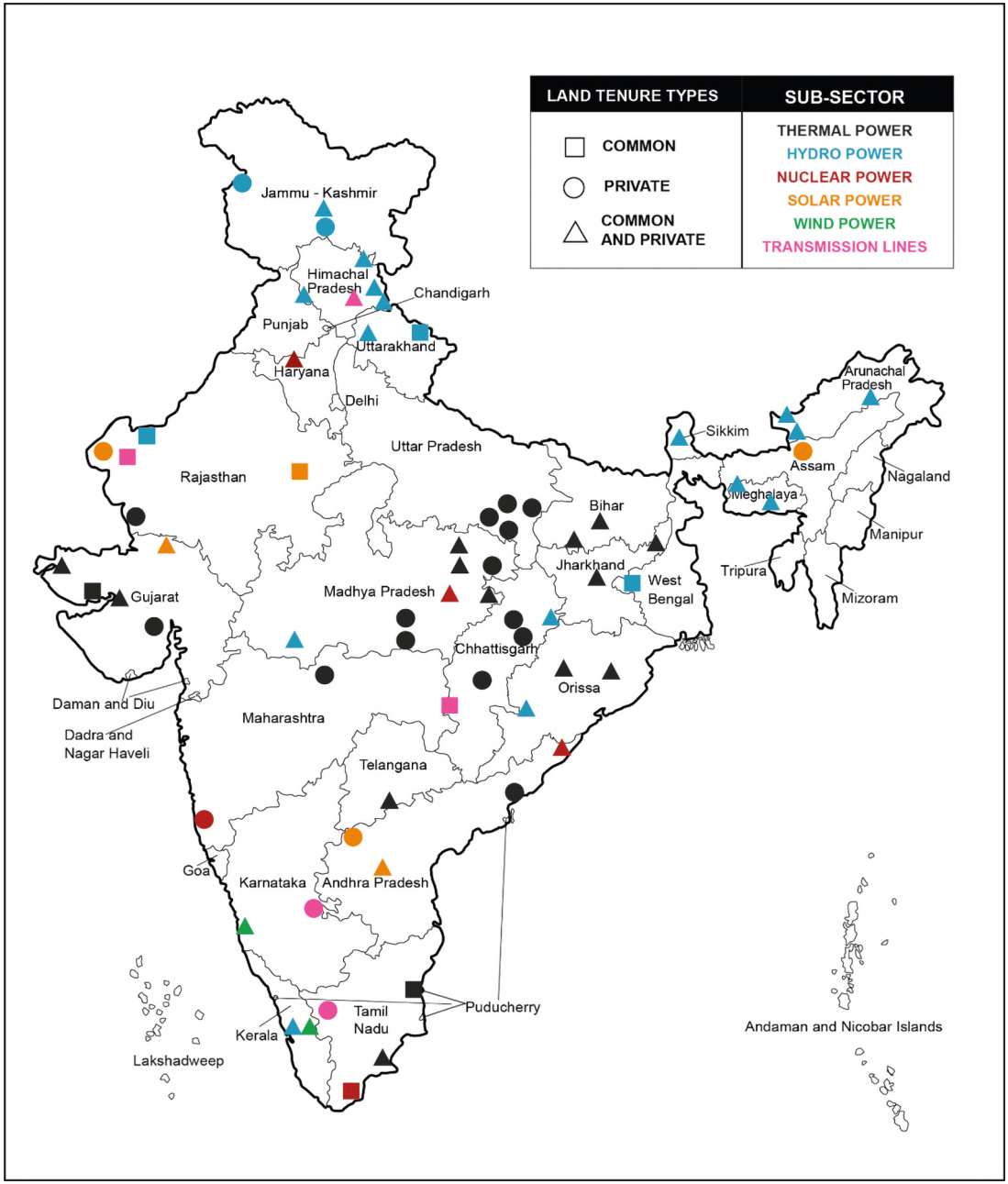

FIGURE 1 – Land conflicts in the power sector.
SOURCE: author's based on LCW (2023).

be competent to safeguard traditions and customary modes of dispute resolution.

The enactment of the FRA meant that local communities could thenceforward govern large swatches of land and relegate the Forest Department to the role of a supporting agency (Kutty et al., 2019). In practice, however, bureaucrats refused to give up their power over the governance of community forest resources. Adivasis and other forest dwellers repeatedly protested against the non-recognition of land rights, forced evictions, violation of prior and informed consent, and non-rehabilitation of displaced people. The administration did not implement transparency and accountability mechanisms to reinforce the commons in Fifth Scheduled Areas. Several Court decisions arbitrarily rejected tribal people's claims for the enforcement of FRA clauses. This gap between law and procedures disproportionately affected Adivasis and Dalits, further deepening social asymmetries in the intersection of land and caste-based conflicts (Bhattacharya et al., 2017)

Although they represent 15% of all districts in India, Fifth Schedule districts concentrate 25% of land disputes. The power sector is responsible for 28 cases of violation of land and resources rights in Fifth Schedule Areas, amounting for 13% of the contentions registered by LCW in FSA (Worsdell & Sambhav, 2020). The protests of affected villagers reflect site and project specificities, including opposition against environmental degradation, complaints against procedural violations, demands for more compensation and adequate rehabilitation. Tribesmen in Attappady, for instance, denounced Sarjan Realities and Suzlon Energy for installing illegal windmills on 623 acres of Adivasi families in the Nilgiris Biosphere Reserve. Largescale land transactions infringed section 4 of Kerala Scheduled Tribes Act (1975), which states that Scheduled Tribes' lands can only be transferred to another ST community. Activists declared that companies' purchases gave birth to a land mafia because intermediaries were buying land from tribals at very low prices or grabbing land by forging papers (Bachan, 2017; Suchitra, 2010).

Based on ethnographic research on the acquisition of land for the Charanka mega solar park in Gujarat, Yenneti et al. (2016) pointed out that government officials and business developers classified as 'wasteland' territories from which farmers and pastoralists made their livings. According to Jennifer Baka (2016), land labels are political constructions. Government authorities and project developers create narratives of wastelands as 'empty' spaces subject to 'improvement' in order to foster development goals over local land user claims (Gidwani & Reddy, 2011). Similarly, discourses of environmental degradation and definitions such as 'barren' or 'uncultivable' lands have been manipulated to legitimize dispossession of communities for the construction of power plants. Even when the legal classification of land means to assure rights, such as in FRA, the procedures reveal that bureaucrats interpret forested commons as unproductive lands subject to energy-enclosures and other practices of land commodification.

4.2. 'Humane, participative, informed and transparent process': the new land acquisition laws and their unfulfilled promises

The categories of legislation commonly applicable to conflicts from the power sector are (a) Land Acquisition laws (81.4%); (b) Environmental laws (52.5%); (c) Forest and Scheduled Area Governance laws (35.6%); (d) Central/State Government policies (25.4%) and (e) others (30.5%) (LCW 2023). Concerning Land Acquisition laws, the enactment of *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act* (LARR, 2013) represented the Central Government's response to the 'land wars' that spread over the country, especially after the land grabbing pressures that followed the Special Economic Zones Act (2005).

The LARR resulted from the political questioning of the obsolete Land Acquisition Act (LAA, 1894), which derecognized smallholders' customary rights and favored land concentration. British rulers promulgated this legislation, but it remained in effect after the country's independence because it allowed government to take possession of land through expeditious procedures and low prices. District authorities determined the compensation rates based on local and often outdated registers of land productivity, without any legal obligation to assure farmers' consent (Chakravorty 2013).

In principle, the LARR constituted a more progressive set of laws designed to protect farmers and peasants from the State and market-oriented interests. It asserted a comprehensive legal framework grounded on four articulated premises. First, the new compensation rules established that landowners would receive four times the market price in rural areas and the double in urban areas. Agricultural labors and tenants with no formal land titles would also benefit from compensation. Second, farmers obtained the power to consent, once the legitimacy of public or private land transactions would depend on the approval of at least 80% of the people affected by projects comprising more than 100 acres. Third, it instituted *Social Impact Assessment* as a legal mechanism designed to seek consensus through public hearings, focused on site particularities and demands of local communities. Finally, it established resettlement and rehabilitation policies to ensure that the social impacts of the project would not outweigh its potential benefits (Ministry of Law and Justice/GOI, 2013).

The LAAR faced resistance from project developers, who considered that the new legislation would cause cost overruns and administrative delays, making land acquisition impossible. Market actors referred to the Act as 'shackles' that prohibited direct transactions between buyers and sellers. In 2014, Narendra Modi's government unsuccessfully attempted to approve amendments to turn the LARR less stringent, so it maneuvered to concede the states relative autonomy to reform the law. This 'paradoxical solution' enabled eleven states to modify the application of the LARR. Gujarat, Andhra Pradesh, Telangana, Jharkhand and Tamil Nadu altered the basic structure of the Act, leading to challenges currently in analysis by the Supreme Court of India (Bhattacharjee, 2020).

In 2016, the Adani Group requested the Jharkhand government 2,000 acres of land to build a 1,600 MW coal power plant. This area comprises private and common areas inhabited by Dalits and

Adivasis (Santal community), who allege that the company arbitrarily grabbed their ancestors' lands with the support of official authorities. The guiding principle of LARR states that land acquisition for industrialization and development must follow a 'humane, participative, informed and transparent process' (Ministry of Law and Justice/GOI 2013). Nevertheless, Adani employees bulldozed and fenced off multi-crop fertile land and dug up sacred burial sites. The police ignored all complaints and advised affected people to accept the company's money (EJA 2019).

This was the first case when the state government invoked the LARR to favor a private industry. The Act's definition of *public purpose* includes power generation and transmission lines. However, the justification for Adani's project was controversial, as the power station was intended to sell electricity to Bangladesh, while villagers in Mali and Gangta continue to rely on kerosene lamps to avoid being left in the dark. Moreover, the Social Impact Assessment was not public available and villagers were denied access to public hearings. They had no option other than gather outside the meeting, where the police received them with baton charge and teargas. Mali resident Rakesh Hembrom reported that on 'the next day the local paper carried a photo of us with our hands raised in protest, but saying the villagers are in support of the project' (Choudhury, 2018).

Ryan Stock (2022) interviewed residents from eight villages bordering the Gujarat and Kurnool solar parks, figuring out that local people generally associated working at the photovoltaic power station as a form of empowerment and social development. However, just 12.5% of the respondents found jobs, largely temporary construction work or menial labors. The remaining landless villagers migrated or depended on poverty management programs that were not designed to offer alternatives to the non-farmer victims, but to 'reverse the effects' of capital accumulation by rendering their legitimate political claims to be technical.

Energy and other forms of enclosure in India differ from the primitive accumulation discussed by Marx in the *Grundrisse* and *Capital* because industrial rates of growth are not sufficient to absorb tens of millions of dispossessed, nor have these victims the same opportunity to settle colonies elsewhere, as the English did in the USA, Australia and New Zealand. Hence, former smallholders flow in mass to urban centers, where they strive to make a living in the informal economy (Sanyal, 2014). Even though some farmers do wish to leave behind the hardships of agricultural work, this situation is particularly difficult when infrastructure developers do not comply with their promises of compensation and jobs.

Since the LARR, there has been a clear mismatch between the expectations of dispossessed farmers and the *modus operandi* of project developers. While affected people have become more aware of their rights, energy corporations and the state bureaucracy still operate with a mentality shaped prior to the Act. Controversial land acquisitions and the denial of proper compensation revealed that the state administration continues to label people as encroachers on their own lands and managers pursuing cost reduction targets.

Similarly as in the old LAA (1894), the construction of new power plants and transmission lines must follow expeditious procedures and low

prices, but the judicialization of conflicts paradoxically implies delays and cost overruns. Therefore, energy-enclosure victims have their sense of justice particularly offended when companies – backed by officials' harassment and the use of state violence – disregard agreements for compensation, rehabilitation and resettlement. The non-fulfilment of promises and the systematic violation of rights affect negatively the perception of the victims and might lead those who did not oppose an energy project *a priori* to refuse giving up their lands.

4.3. Environmental dimensions of energy enclosures

At COP 27 in Cairo, India reaffirmed its commitment to develop 500 GW of RE capacity and to generate 50% non-fossil fuel energy sources by 2030, as part of a long-term decarbonization strategy to achieve net-zero by 2070. Even though India emerges as the third largest CO2 polluter, government authorities classify its contribution to climate change as 'minuscule', given that the country's per capita emissions are still below the world's average (Ministry of Environment, Forest and Climate Change/GOI 2022). However, Roy and Schaffartzik (2021) are skeptical about the government's environmental pledges for the power sector and criticize two aspects of official discourses on energy transition. They argue that India is in the midst of a transition not away from coal, but rather to a greater use of it for electricity generation. They also remark that current power relations channeling investments in renewable energies are largely reproducing dispossession, exclusion and injustices associated with fossil fuels.

The environmental consequences of energy policies are at the core of a broader conceptualization of energy-enclosures. In fact, they comprise not only site-specific conflicts for the construction of power plants and transmission lines, but also the loss of livelihoods associated with the degradation of territories in their borders. Fly ash and effluents of thermal power plants negatively affect local economies due to the contamination of soil and water, along with health risks to neighboring villagers. In such contexts, farmers decry crop reduction and fisherfolk denounce the damages to rivers and sea ecologies (Shanti & Gajendran, 2009). When energy-enclosures lead to environmental devastation, brutality materializes not as visible fences, but as illness, anguish and the disfiguration of territories, engendering the impoverishment of local communities and feelings of disregard for the cultural values embedded on their lands.

The *Environmental Impact Assessment Notification* (2006) states that 'no construction work or preparation of land shall be started on a project without an environmental clearance from the appropriate authority'. In addition, this law provides mechanisms for democratic governance by establishing that 'stages prior to environmental clearance include public participation' (Ministry of Environment and Forests/GOI 2006). Nonetheless, the Bursar Dam in Jammu and Kashmir was given a clearance in 2017 without a site visit of the Expert Appraisal Committee. The 800MW and 289 meter-high dam will submerge 1,443 hectares of agricultural fields and open forests with deleterious effects on the local flora and fauna. People from seven affected villages protested against the *Department of Forest, Environment and*

Ecology readjusting the borders of the Kishtwar High-Altitude National Park (KHANP), which in practice fragmented the territory and excluded 5.34 square kilometers of protected area to favor the construction of the dam. Last but not least, the Bursar project lies in a region that has been subjected to intense tectonic deformation and experienced high-frequency seismic activity (Parvaiz, 2018).

Energy-enclosure victims are less inclined to negotiate their lands when environmental degradation means profanation of communities' sacred values. For their hydropower potential, the GOI considers the states of Sikkim and Andhra Pradesh the 'future powerhouse of the country'. However, the Buddhist indigenous tribe of Lepchas, in the Northeastern Himalayas, refuse compensation for a 520 MW hydropower project due to environmental and religious motives. The Khangchendzonga National Park is a biosphere reserve and UNESCO World Heritage Site, and villagers believe that the Dzongu Valley (site of the project) is the place where their people were created.

Briefly, energy security priorities leave few or no room for the preservation of cultural values embedded in the land. In view of the profanation of religious beliefs and ancestry bonds to the territory, a comprehensive approach of just energy transition in India cannot disregard the demands for recognition of cultural values as normative criteria for energy governance. Future research might show that the appeal to religiosity as a cohesion factor, and at the same time as a political argument against energy-enclosures, constitutes an important departure point for the discussion of non-Western conceptions of 'just transition'.

5. Farmers' claims and repertoire of protests: the limits of the dichotomy between 'bargainers' and 'barricaders'

A comprehensive debate about the struggles against land dispossession requires comparative case analyses with regard to social structure and collective agency. For this purpose, three aspects of land conflict must be articulated: demands, negotiation strategies and repertoire of protests. When affected people formulate their demands, they express their understanding of the situation and expectations about the likely consequences of a deal. Their reaction depend on how legitimate they consider the approach of land contractors, as well as the cost of opportunities implied in the business. Case analyses point out how local conditions and social relations to land interfere in the hermeneutics of land dispossession, so the explanation of why some peasants protest (while others do not) must take into account embedded values, as well as pragmatic considerations of their chances of succeeding.

In view of the dynamic and often contingent nature of land disputes, I reject the dichotomy between *bargainers* and *barricaders* coined by Michael Levien (2013) to describe the fundamental position of enclosure victims in relation to their land. This binary fails to account for cases in which farmers' negotiation strategies evolve over the course of a struggle, and it distorts the relationship between their demands and the repertoire of protest they adopt. In short, land struggles are relational processes that do not neatly fit into such broad categories. They do not capture the ways in which dispossessed actors learn to perceive injustices,

articulate grievances, formulate claims, and respond to the maneuvers of state authorities and energy companies (Tilly, 2006). The dichotomy imposes a binary and static perspective that overlooks moments when farmers' decisions to negotiate – or to refuse negotiation – shift as the dispute unfolds.

Only for heuristic reasons, I followed Levien's steps and categorized all the 67 energy-enclosure affected communities as 'bargainers' when there was at least one demand for negotiation, and as 'barricaders' those who simply repeal the attempts of energy developers to present 'attractive' offers for the commodification of their lands. First, the results showed a clear difference between common and private lands: in common lands, 9 out of 11 land disputes concern affected people who do not want to part with their lands, while in private lands 17 out of 23 cases involve landholders who might approve land transaction on favorable terms. For conflicts regarding both common and private lands, there was no significant difference (18 'bargainers' and 17 'barricaders').

The claims of affected villagers also vary in accordance to land tenure types. In common lands, the most salient issues are 'opposition against environmental degradation' and 'demand to retains/ protect access to common land resources', whilst in private lands farmers usually request compensation, rehabilitation, employment and legal recognition of land rights. Peasants living in common lands tend to be more vulnerable because they lack property rights and many of them 'barricade' because they have much to lose and almost nothing to benefit from land agreements. Even if the law provides them some guarantees, the State claims the ownership of the land, treating locals as encroachers who must give place to infrastructure projects. Dalits who work as subtenants in common lands are less entitled with rehabilitation programs and Forest Dwellers snatched off their rights, livelihoods and identity bonds with their territories (Gill, 2022).

Challenging energy-enclosures is a constitutive dimension of how people experience dispossession, but Levien's umbrella categories disconnect farmers' claims from their repertoire of protests. Participation in marches, blockades and hunger strikes shape the perceptions of injustice, as well as the outcomes of land conflicts – agreements, concessions or more repression. Strikingly, case analyses make clear that bargainers sometimes barricade and barricaders usually voice their demands through peaceful protests. *Semantics do matter* and it is problematic to call 'bargainers' people who confront authorities violently to ask for better compensation and 'barricaders' peasants who reject all offers and most peacefully appeal to courts to assure the right to maintain their lands.

Actually, the LCW database attest that both tend to adopt non-violent means of contestation, as shown in Figures 2 and 3. Protests and marches are by far the most common forms of resistance, followed by complaints, petitions and memorandums to officials. Campaigns, advocacy for inclusion in courts and media activism are also mobilization strategies shared by 'bargainers' and 'barricaders'. When it comes to 'radical' instruments of struggle, 'barricaders' are slightly more inclined to perform blockades. On the other hand, records of strikes and property damage were relatively rare, but only 'bargainers' adopted these methods.

Levien acknowledges that 'bargainers' and 'barricaders' 'might use the same methods and with

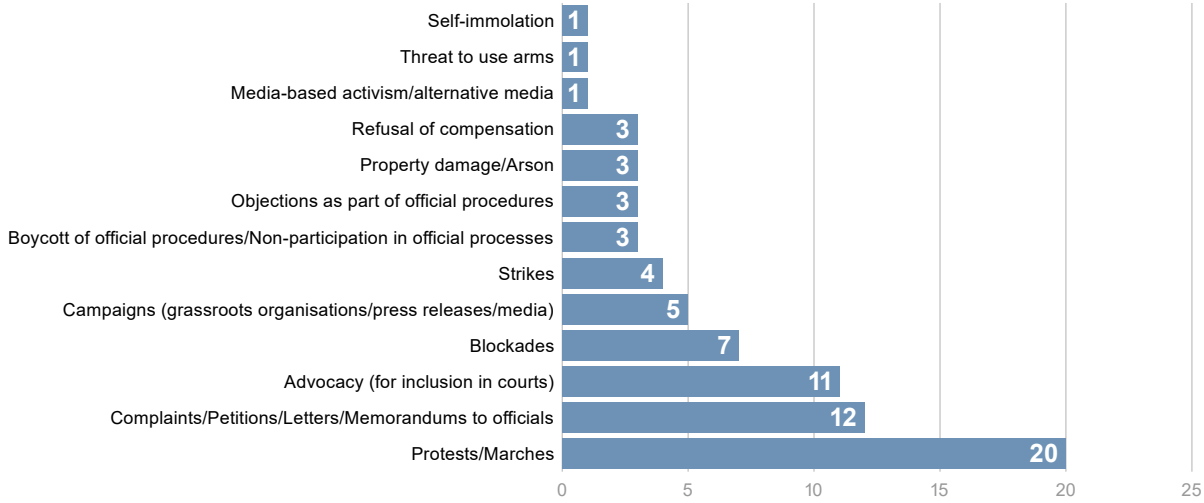

FIGURE 2 – Bargainers' repertoire of protests.

SOURCE: authors' based on LCW database (N=35).

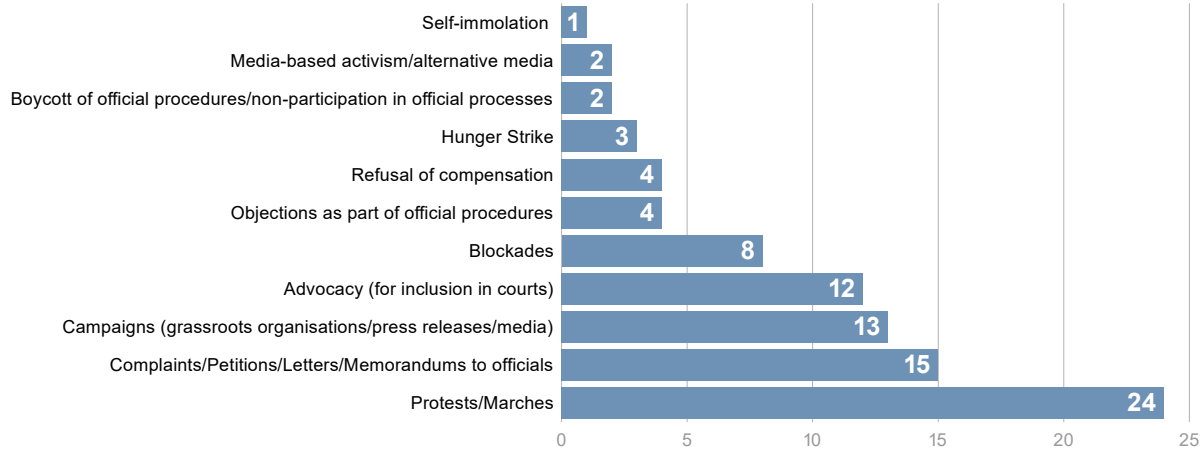

FIGURE 3 – Barricaders' repertoire of protests.

SOURCE: authors' based on LCW database (N=30).

* In two cases the description of the conflicts were not clear enough to identify protestors as 'bargainers' or 'barricaders'.

equal militancy', but his emphasis lies on the fact that 'they do so with different objectives' (2013, p. 37). When the author sidelines the question of why farmers choose a specific set of protests instead of others, he hypostasizes dualistic categories that do not capture nuances of anti-dispossession struggles. In 2018, about 100 heavily armed police officers marched into Bhavnagar to disperse 11,000 villagers who staged a *dharna* in protest against the offensive of the state-owned Gujarat Thermal

Power Corporation (GTPC). They fired tear gas, lathi-charged protestors (including women) and detained more than 50 people. After this savage incursion, locals decided they would not send their children to school.

This conflict dates back to the 1990's, when GTPC acquired 2980 acres under compensation, but the company took almost two decades to start operations for a thermal power plant and an ash dumping area. According to section 24(2) of the LARR, if developers fail to take possession of land acquired under the old laws in five years, the acquisition process expires. At first, the farmers from Bhavnagar were 'bargainers' because they accepted to transfer the land if the acquisition process started afresh. Their demonstrations followed the non-violent Gandhian tradition, but the officials' repertoire of repression escalated the conflict and undermined the conditions for negotiation to the point that farmers were willing to give up their lives, but not their lands (Dhar, 2018).

Comparative analysis of energy-enclosures revealed that 'bargainers' might turn into 'barricaders' and vice-versa. In Karchana, Uttar Pradesh, farmers appealed to the courts and stalled a 1980 MW thermal power project handed over to Jaypee Group in 2009. They carried on protests against land acquisition for more than 1,100 days, and construction never took off due to consistent and sometimes violent methods, including blockades and strikes. Authorities tried to break villagers' resistance with imprisonment and intimidation tactics, but farmers maintained strict opposition to the power plant regardless of any increase of the compensation offered to them. Nevertheless, this fierce antagonism changed after the approval of the LARR, when they accepted to negotiate, as long as the transaction complied with the compensation and rehabilitation clauses of the new land acquisition law (Rashid, 2013).

This case, like many others, demonstrates that analyzing farmers' claims and protest tactics requires a dynamic and relational approach. Consequently, there is little value in applying the same label to radically different contexts of negotiation. Some villagers may indeed negotiate better terms for selling their land, using the compensation to fund a daughter's dowry, start a small business, or pursue an urban livelihood. Meanwhile, others are unwilling to leave their land but still formulate demands – aware that the government will seize it regardless, and believing it is better not to walk away empty-handed. This second group is not bargaining but mitigating loss.

In 2018, the Government of India completed the ₹5,750 crore Kishanganga Hydropower Project near the Pakistan border. Although the *Gurezis* viewed the project as a tragedy for their ecology and culture, they protested broken promises of employment and filed a petition demanding adequate resettlement and rehabilitation. Anwar Khan, a villager from Gurez, denounced the Kishanganga project, but framed the dilemma pragmatically: "(…) we were given only two options – either leave on your own, or follow a government plan" (*apud* Hussain, 2018).

6. The current dilemma between energy-enclosures and more inclusive forms of energy-governance in a scenario of increasing demand for power

In the last two decades, farmers in India have carried out thousands of protests against land dispossession for infrastructure projects. In the power sector, unrests over land grabbing have followed the increased demand for electricity. High growth rates associated with urbanization and modern lifestyles require the addition of new power plants. In 2022, India's power demand grew 8%, which means double the pace of the Asia Pacific region (The Indian Express, 2023). While demand for electricity rises sharply, land in India becomes increasingly scarce. For this reason, the dilemma expressed in the discussion of energy-enclosures is how to meet the astonishing increase in the demand for power without forcibly evicting people from their lands or violating their human rights.

In principle, the approval of the *Environmental Impact Assessment Notification* (2006) and the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act* (2013) created a window of opportunities for a more inclusive energy governance (Goldthau, 2014). The 2006 law established that public hearings were mandatory for obtaining environmental clearances. If properly implemented, consultation mechanisms would provide affected people the chance to discuss adequate measures for mitigating environmental degradation caused by power projects and the loss of livelihoods associated to them. Likewise, the clauses regarding pre-informed consensus and the realization of Social Impact Assessment studies in the LARR 2013 meant to make land acquisition procedures more human, transparent, fair and participatory. This required new instances where villagers could negotiate the specific location of power plants, demand a fair stake in terms of compensation and jobs, and construction of social facilities. Such procedures ought to contribute to the legitimation of power investments. In spite of that, farmers do not feel that authorities are open to listen to their demands in good faith. They resent the promises of development amidst the inexistence of roads, schools, hospitals, clean water and even electricity supply in their districts.

For these reasons, anti-dispossession protests expose the contradiction between the formal structure and the actual implementation of the institutional arrangements introduced by the EIA 2006, FRA 2006, and LARR 2013. While the framework of these laws is indeed more democratic and inclusive, many energy-enclosure victims perceive their current application as merely ritualistic and fundamentally undemocratic. In practice, India's energy transition violates principles of procedural justice by denying farmers the recognition of their right to participate in energy governance (Jasanoff 2018). It is telling that procedural violations are the most frequent source of contention across all types of land tenure. In 36 of the 67 cases analyzed (54%), villagers alleged that authorities or project developers failed to follow the legally mandated procedures for land acquisition (LCW, 2023).

Comparative case analysis reveal that farmers' strategies to challenge governance imbalances vary in accordance with local and sometimes contingent factors. They protest when authorities refuse to carry out public hearings and denounce those more or less

explicit mechanisms to forge consent, but sometimes they consciously decide to boycott official procedures and abstain from participating in formal instances that in their eyes serve no other purpose than artificially legitimizing unwanted projects.

Energy-enclosure victims also respond to livelihood threats in different ways when it comes to exercising their democratic right to vote. As in the protest against the Chutka nuclear power plant in Madhya Pradesh, locals campaigned 'vote only for the party that cancels the power plant' (Jaiswal, 2016). In other villages, people turned energy projects into election issues, but their slogan called instead for the boycott of elections because they felt that, whatever party came into power, it would support development policies that clashed with their sense of justice.

In neoliberal India, judicialization of land conflicts increased compared to the Nehruvian period, so millions of acres are held up in litigation throughout the country. Massive litigation overburdens the judiciary system, and such time consuming procedures increase project costs to the point that companies may decide to cancel, shelve or to rescale their projects (see Table 2). Farmers, agro pastoralists and Scheduled Tribes are currently more aware of rights, entitlements and issues regarding legal processes, even though appealing to the courts is expensive and time consuming. They are more likely to appeal to courts when local, national or even international organizations support their causes. Financial and/or legal assistance is especially important for smallholders or communities with higher levels of illiteracy, such as Adivasi or lower-caste dwellers.

TABLE 2 – Investments involved in the power sector and status of projects.

Status of Project	**Investments in the Power Sector** (In INR Crore)
Project completed	63,520.39
Project scrapped	16,072
Project stalled	93,873.5
Project underway despite conflicts	3,97,061.05
Data unavaiable	259.58
Total	**5,70,786.52**

SOURCE: Author's based on LCW database (2022).

The massive scale of land wars contributed to make communities more conscious that advocacy for inclusion in the courts may indeed increase the amount of compensation (Chakravorty, 2013). They also recognized that formalizing conflicts through legal channels might offer some protection against harassment and other human rights violations. Nonetheless, Land Conflict Watch's analysis of legal proceedings revealed that, out of 683 land disputes, 354 were taken to court, and 162 were disposed of. Moreover, only 12.5% of the disputes resolved in court resulted in actual resolution on the ground (Joshi, 2022). Magistrates might take years or even decades to take a final decision and some victims end up losing their lands because they do not have financial resources or the capacity to endure such long-lasting disputes. This tiny percentage indicates that magistrates rarely decide in favor of affected communities; they still seem to reason in accordance with the LAA 1894 and to share the developmentalist mentality of project developers.

Finally, the ongoing deterioration of Indian democracy echoed on land disputes because Modi's government approved new rules to intimidate anti-dispossession movements. The *Unlawful Activities*

Prevention Act was amended in 2019 to designate as terrorists individuals without specific links to terrorist organizations. This mechanism has been arbitrarily used to harass and asphyxiate land movements. 'One report estimates that over the course of just one year, ten-thousand tribal activists in a single district were charged with sedition for invoking land rights' (Tudor, 2023, p. 126). In this coercive and authoritarian political atmosphere, the question is whether and how the judiciary can preserve independence and enforce existing laws to promote a just energy transition.

7. Conclusion

As land in India is increasingly scarce, the GOI has ambitious programs for energy security and other sectors of the economy that require land: mining, irrigation, ports, airports, roads, railways, industries, urban development, etc. As I pointed out in this research, there is a fundamental contradiction between the demand for power and the declining availability of land for infrastructure. This means that land acquisition processes will be an important and extremely conflictive bottleneck for the increase of energy supply in India in the coming years.

One might rightfully argue that the threefold typology of 'common', 'common and private' and 'private' disguises the heterogeneity of tenurial systems that prevail in different regions of India. In South Asia, 'private' does not always carry self-evident connotations of individuated freehold ownership in much the same way that 'non-private' does not imply the absence of individualized parcels or rights. Even so, comparative analyses of a relatively considerable number of cases demonstrate that the status of land is decisive for understanding the approach of energy developers, the reaction of affected communities and the course of dispute in the Courts.

Energy transitions are not sustainable when energy-enclosures systematically infringe farmers and subaltern people's rights. The GOI promotes injustice when it does not comply with the existing laws regarding compensation, rehabilitation and resettlement. Conflicts multiply due to the lack of law enforcement and disrespect for previous agreements. Several cases discussed in this article pointed out to the discrepancy between constitutional rights, such as the Forest Rights Act (2006), and the growing number of energy-enclosures on lands inhabited by original tribes.

Finally, I suggest three issues for further researches. For many Indian peasants, the significance of land includes other values than productive activities, such as crop cultivation and grazing. It is important to understand how they experience the profanation of religious beliefs and ancestry reverence in the territories and how local groups rally against energy-enclosures. The role of spiritual values in land conflicts is not a common issue in energy transition debates, but maybe they are more relevant for Indian energy governance than Western frameworks of energy justice recognized so far. Yet, this insight has nothing in common with Hindutva politics, which works to essentialise ideas of culture, religion and beliefs towards oppressive ends. On the opposite, it acknowledges that India has a myriad of faiths, requiring researchers to identify when beliefs are at stake and what role they play in specific land disputes.

Second, comparative case analyses of litigations in the power sector could render less obscure the patterns and legal justifications of magistrates' decisions on land conflicts. In many cases, farmers appeal to the Courts to save their lands, but the delayed processes until final dispositions appear as a sort of 'black box' in sociological analysis. This effort might show in more detail how the putative justice-minded intentions of EIA 2006 and LARR 2013 are thwarted by lower-level courts in which magistrates continue to harbor an outdated punitive mentality that favors the purveyors of development over the best interests of affected communities.

Third, future studies could focus on the agency of parastatal and private companies in energy-enclosures and investigate connections between energy corporations, authorities and real estate managers in land acquisition. These agents have different interests, but even so, they must coordinate their actions to minimize economic and political risks. How do energy companies and real estate companies try to minimize landholders' compensation while avoiding the scenario of long and costly court litigations? Comparative case analyses might show more nuanced patterns of officials' interventions, frictions within bureaucracy and values others than the promotion of development, corruption or craving for promotion within the state administrative machine.

Declaration of competing interest

The author declares no conflict of interest.

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