

Socioeconomic Implications of Special Economic Zones (SEZs) in India

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Abstract

The SEZ Act, 2005 was promoted in India with the prime objective of acceleration of industrialization, and in turn, enhancing the employment opportunities available to people. There is a big controversy over the activities of SEZs in India. Many of the SEZs are taking away the land from the farmers, making them landless labourers. Some SEZs are procuring the land without paying proper compensation to the owners. Some have not even initiated the process of setting up industries, and are simply keeping the procured land idle. Hence, in the present study, the authors made an attempt to study the activities of SEZs with special focus on Nellore district in Andhra Pradesh. The highly debatable and controversial issue in the recent past is the Special Economic Zone Act, which was passed in the Parliament in 2005. The Union Government declared that the aim and objectives of the Act are to attract Foreign Direct Investment, lead to acceleration of industrialization, provide employment opportunities on a large scale to the people, and to make available the basic amenities to the people. But (regarding this Act) there were antagonistic views in the government itself. The then finance minister said that by giving various concessions to the SEZs, the government would have to bear heavy losses amounting to crores of rupees to the State exchequer. On the other hand, the Ministry of Commerce, Govt. of India opined that SEZs would work as an engine in accelerating industrialization in India. In this way, the SEZ Act was constantly enveloped in controversy. It is made clear in the paper that when the people are looking for "development," the policy makers are looking for "growth" or "inclusive growth," which, it is clear (in case of SEZs), has only been an illusion as the SEZs, till this date, have not been able to fulfill their objective of providing much growth, leave alone inclusive growth.

Keywords : industrialization, SEZ Act, 2005, special economic zones, land procurement

JEL Classification : J1, J18

Are SEZs essential or not? If they are indeed essential, then what is the reason for that? If they are for industrialization, what type of industries are they going to establish? Who will decide the type of industries? Whether the Govt.? or Industrialists? Who will procure lands for SEZs? Who will decide the price of land for SEZs? What is the credibility of the 1894 Land Acquisition Act? Do the SEZs take the consent of the people while procuring the land? What happens to the evacuated people due to land procurement? What happens to artisans, landless peasants, and daily wage labourers among the evacuees? What about their land for residence? In the light of the above questions, we decided to analyze the issue of SEZs.

Historical Background of SEZs in India

Since 1965, in several states, under the name of Export Processing Zones (henceforth EPZs)- Industrial townships – SEZs were established. There are seven EPZs in the country. Several concessions were given to the EPZs, and EPZs are also excluded from the labour laws. Tax exemption is also given to the EPZs. Successive governments at the centre (since 1970), have accorded special concessions to these EPZs. However, during the year 2004-05, the EPZs contributed only 5 per cent to the total exports. The EPZs, with a mere 0.32 per cent capital, were able to provide only 1 per cent employment to the people. There is no specific Act to control and manage the EPZs. In the year 1991, the New Economic Industrial policy accepted its failure in providing special infrastructure facilities to the EPZs. In this context, in the year 2002, the NDA government drafted the Special Economic Zones Act. Later, the UPA government which came into power promulgated the SEZ law. This came into existence on February 10, 2006. All the EPZs were converted into SEZ's (Special Economic Zones) under the new policy. Private sector SEZs were also allowed for the

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first time in the name of public – private partnership. The incentives and structures provided to SEZs are so powerful and sweeping that they create enclaves, not only in the economic sense, but in the political and legal sense as well.

In the Act, the definition given to the words “Manufacture,” and “Export” also changed. Usually, the production of goods is defined under the word “Production”. But here, the engineering, agriculture, mining activities were also brought under the purview of this definition. Like wise, “Export” was also defined in a different way. Usually, transporting of goods and services from one country to another is considered as exports. However, here, the goods being transported from various units within the SEZ or from one SEZ to another SEZ are also treated as export.

The definition enabled the industrialists to have two benefits. Firstly, the industrialists were exempted from tax, which is collected on the basis of exports, which gives scope to the industrialists to stamp their goods of one or other SEZ and get exemption from export duty. The SEZ Act provides a number of tax concessions to the units and to the developers. The SEZ Act, Clause 49 restricts the labour laws, environmental laws, and the SEZ units' activities to come under the purview of the local self governments within the region. The Industrial Disputes Act, the Labour Union Act, the Minimum Wages Act and Factories Act are not in a position to influence the activities of SEZ units. The units in the SEZ were treated as 'public utility' units where there is no scope for the workers to get involved in any form of strikes. State governments were also encouraged to formulate their own SEZ laws and regulations and many states did so. Most of the SEZs are located in coastal areas and well developed cities and towns – where transportation and other supporting infrastructure facilities are available for export processing. Other peculiar feature in the SEZ Act is 75% of the allotted land can be used for non - productive purposes. This has enabled the managements of SEZs to concentrate on real estate businesses, which, of late, are becoming more controversial. More number of SEZs were established in Andhra Pradesh, as the AP Government offered some other concessions in addition to the provisions of the SEZ Act, 2005.

Establishment of SEZs in India

The Act provides for drastic simplification of procedures and for single window clearance on matters relating to Central as well as State governments. Single window SEZ approval mechanism is provided through a 19 member inter-ministerial SEZ Board of Approval (BoA). The first SEZ creation proposal came from Gujarat State to set up SEZs in Kandla. Subsequently, the proposal came from other states of India.

As many as 583 SEZs had been approved in principle, out of which 381 had been notified until December 28, 2011. The highest approval was accorded to the state of Andhra Pradesh followed by Maharashtra, Tamil Nadu, and Gujarat. Most of these are located in coastal areas where the lands are equipped with good irrigation facilities. Out of 583 SEZs, 381 were notified, and at present, 130 SEZs are operating. In AP, out of 115 SEZs, 75 were notified and 36 are in different stages of operation. In the case of Maharashtra, out of 104 permitted, 74 were notified and 18 are operating. In Tamil Nadu, out of 75 permitted, 57 were notified and 28 are operating; whereas in Gujarat, out of 45, 35 were notified and only 3 are operating.

Table 1 : Sector Wise Distribution of SEZs in India		
Sector wise	Approvals	Percentage
Information Technology and ITES	353	60.5
Multi Products, Multi Services, Services	39	6.7
Pharmaceuticals, Biotechnology	56	9.7
Footwear, Apparel, Textiles	31	5.3
Engineering, Metals, Mining	24	4.1
Hardware and Electronics	8	1.3
Automobiles, Gems, Power	19	3.2
FTWZ	11	1.9
Other	42	7.3
Total	583	100
Sources: Ministry of Commerce, Government of India		

Sector Wise SEZ Approvals

The first and the most striking feature of the approvals granted so far is the dominance of a single sector i.e. IT SEZs, which constitute 60.5 per cent of all approvals. The next largest category is Pharmaceuticals and Biotechnology. The government decided to stop sanctioning of IT SEZs in November 2006. The Table 1 reveals the sector wise distribution of SEZs in India.

Table 2 : SEZs in Andhra Pradesh				
Organization	Notified	Approved	Approved in Principle	Total
APIIC	19	0	0	19
APIIC Cooperation	29	6	1	36
Private Developers	25	15	4	44
Urban Development Authority	2	14	0	16
Total	75	35	5	115
Source: APIIC Annual Report 2010-2011 December , Hyderabad				

AP SEZs are expected to draw an investment of more than ₹ 70,000 crores, but only 7 SEZs are active with a mere ₹ 10,000 crores of investment. More than 50% of the SEZs are IT related and nearly 63 per cent were in the outskirts of Hyderabad city. The Table 2 reveals the position of SEZs in AP as in December 2011.

Coastal Corridors

In A.P., in addition to SEZs, Coastal and Industrial corridors are coming into being. This corridor is spread across the coastal area (9 districts) in a span of 972 km. The total expenditure cost of these corridors is roughly estimated at ₹ 90,000 crores. It is also estimated to get ₹ 3,00,000 crores as an investment. So far, 48,817 acres of land has been procured out of 1,49,146 acres. In Guntur and Prakasam districts in the name of VANPIC (Vadrevu, Nizampatnam Port and Industrial Corridor), 28,000 acres of land has been allotted. Though the Govt. had already allotted these lands (assigned, D-form, temple) to the poor Dalits and Girijans, at present, the same government is mounting pressure on the same people to surrender it. Consequently, nearly 80 lakh fishermen have had to forego their livelihood. Due to the formation of the coastal corridor, even clusters of villages are going to be evacuated. According to one survey, in 89 villages in Visakapatnam district, 21 villages in East Godavari district, and 12 villages in Guntur and Prakasam districts are going to be wiped out due to this corridor. To complete the coastal corridor project in A.P., it will take 20 years, but the employment potentiality in these industries is only for 12 lakh people!

The establishment of corridors will have an adverse impact on the coastal people as their traditional fish hunting rights will be curtailed, and they would have to forego their salt-fans. With the establishment of chemical industries in the corridor, the sea water will get contaminated, and much damage will be done to the marine biology. An Arab organization called Rus al - Khaima had tied up with the State Government of AP in constructing the VANPIC project. The main aim of the Arab organization is to evacuate the villages, by hook or by crook, and handing over the lands to the industrialists with minimum infrastructural facilities. The essence of all this is making the real estate business boom (on speculation), worth crores of rupees.

Employment Generation by SEZs

Estimates of the number of jobs that SEZs would generate vary widely, ranging from 5 lakh to 15 lakh jobs in the next four years, to claims of 25 lakh jobs to be generated from the Maha Mumbai Multiproduct SEZ alone. It is not clear what the statistical basis for these various estimates is. It is to be noted that the latter figure - 25 lakh jobs - is more than the total number of organized sector jobs created in the entire fifteen years since reforms began, and is, therefore, most likely in the realm of fantasy.

Work opportunities for skilled labour may increase in certain industries, such as IT, Pharmaceuticals and Engineering. However, the increase of these opportunities will be highly dependent on the new investment in the area and the ability of that investment to find export markets which, particularly in the case of information technology, are

unlikely to continue growing at the present rate. SEZ skilled labour employment will be very vulnerable to swings in the export market, particularly because there is no guarantee that SEZs will move towards higher-value addition over time.

Finally, whatever employment is generated should be seen in the context of the displacement and disruption to agriculture that will be caused by planned SEZs. As per the estimates of the Citizens' Research Centre (2007), the establishment of SEZs will affect 196,000 agricultural families in the form of losing their livelihood.

Large Revenue Losses and Wider Effects

One of the final concerns most often cited about SEZs is the very high revenue loss to the exchequer from the concessions granted to SEZs. It is estimated that in the next 17 years, the loss would amount to ₹ 0.45 per rupee invested in infrastructure, and a very high ₹ 3.48 per rupee for multi-product SEZs. Even if the investment is entirely new and income tax accruals are taken into account, there is still a net impact of ₹ 0.16 for single sector SEZs and ₹ 1.60 for multi-product SEZs. Indeed, even if one goes as far as to guess income tax accruals on personal salaries and make liberal assumptions about the taxation of this income, the net impact remains negative for more than 15 years. Further, we should note that these losses will come on top of existing losses to export promotion schemes. In 2004 - 2005, these were already resulting in a loss of ₹ 41, 000 crores – a staggering 72% of customs revenues and 23% of total indirect tax revenue of any kind.

SEZs will be receiving a subsidy, as if they are generating public goods – but in all areas, they are unlikely to do so on a large scale. The overwhelming private real-estate interest in SEZs makes subsidies even more dangerous, as they amount to transferring resources from public investment into speculative and inflationary private sector activity. The final and perhaps most serious concern is the question of what occurs if SEZs indeed fail to generate large amounts of additional exports or to draw large numbers of units. Both possibilities are not unlikely. There is a track record in post-liberalization India of relaxing the terms and conditions attached to liberalization policies in order to portray them as a “success”. For SEZs, this could either mean a relaxation in the net foreign exchange requirement or a removal of the imposition of duties on sales of products in the Domestic Tariff Area (i.e the rest of India).

Land Acquisition and the Consequences

The basic objective of the SEZs is to develop the country industrially and economically with the establishment of the industries in the backward regions. However, the situation is somewhat different, especially, the SEZs are showing keen interest in procuring agricultural land. More than 80% SEZs are concentrated in well developed towns, cities, and coastal areas. Earlier, the industrialists used to purchase the land from the farmers, but now, the government is taking the responsibility of procuring the land from the farmers on nominal rates or without payment of compensation. In this process, companies are procuring more land i.e. more than their requirement. For example, the conglomerate Reliance alone got more than one lakh acres of land in 3 states. The share of agricultural land is more in the (more than 90%) procurement of land for the SEZs. As a result, there has been a great decrease in the agricultural land in the recent years.

A Brief Picture of SEZs in Nellore District of Andhra Pradesh

Nellore is one of the 23 districts of Andhra Pradesh, which is famous for high paddy fields. Six special economic zones (SEZs) have been established in this district, namely Menakuru Multi SEZ, Kisan SEZ, Krishna Patnam Infratech Multi Product SEZ, Bharathi International SEZ, MAS Fabric Park (India) Pvt. Ltd. SEZ and Apache Footwear (India) Pvt. Ltd. SEZ.

1) Kisan SEZ : The Govt. of India for the first time procured land to the tune of 2776.23 acres in Dagadathi and Kodavaluru Mandal areas to produce Urea and Ammonium under the management of IFFCO. From the day of procurement of the land till today, no industry has been established. 2615 acres of land were procured mainly from Racharlapadu and Regadachelika villages. The people of these two villages have land to the tune of 3 acres to 50 cents (half acre). Moreover, 920 acres of land was procured from the assignment lands of the farmers of Regadachelika village. An area of 79 acres of tank was added to the SEZ land. The irrigation canal of Somasila project is a part of this

land. The farmers of this area harvest two crops every year. 300 acres of land was allotted to Dalits whose land was taken over by the Government for the construction of SHAR at Shriharikota. As the Govt. has taken over the land of the Dalits, they have become landless for the second time. 3750 people directly and 10000 people indirectly lost their livelihood and employment.

At the time of taking over of the land from the farmers, the Govt. promised that employment would be provided to them, steps will be taken for the development of the villages, digging of a new tank in the place of the tank owned by the Government or water will be released from the existing tank. However, the Govt failed to fulfill its promise. In 2008, the Govt. of AP accepted the request for the development of the IFFCO Kisan Agriculture Multi Product SEZ to convert agricultural land into non-agricultural land. On this occasion, the Government again made many promises. The villagers were assured that 15000 jobs will be created, quality fertilizers will be supplied to the farmers and within two years, construction will be completed. However, the Government failed to implement its assurances. A compound wall 15 feet high with a circular length of 27 km was constructed around these two villages, and 5 acres of graveyard land was also occupied. The villagers vehemently protested against this, and as a result, only 30 cents of land was kept vacant, and the rest came under the purview of the compound wall. Today, the villages appear to be under an open jail atmosphere. The farmers have lost their livelihood. In some families, the sons and daughters are unable to get married due to extreme poverty. The villagers have to go 5 to 6 km for grazing the cattle and procuring wood for cooking purposes. Not even one industry was started, but ₹ 40 crore were spent on building the compound wall. Farmers, coolies, and the Dalits were put to extreme hardship owing to a lack of relief provided by the Government.

2) Menakuru Multi Product SEZ : The project started in 2007, and an area of 5649.79 acres of land was procured. Menakuru happens to be a center of 3 Mandals which consists of the largest area of Government lands (assignment and CJF land). An area of 1200 and 2500 acres of land under the SEZ was allotted to Seema Textiles company and Compura company. These two companies have not started the construction so far. It is estimated that under the Multi SEZ, 200 industries would come up providing 30000 jobs. For starting these industries, procurement of 17000 acres of land is targeted. However, only 400 jobs have been created under this SEZ so far. The farmers have not been given sufficient compensation, and their condition is so miserable that they can't afford to purchase even 10 cents of land.

3) Krishna Patnam Infra Tech Multi Product SEZ: In Chillakuru and Kota Mandals, an area of 10281 acres of land was procured, and was allotted to the Tanning Industry. But so far, not even a single industry has started its operations. Though it has aimed to provide 2000 jobs for the local people, so far, the villagers have not been given even a single job. A compensation of ₹ 4.5 lakh was given to farmers whose patta land was taken over. A small number of farmers got ₹ 1 lakh per acre as compensation for the assignment lands. Most of the farmers have not been paid any compensation so far. The villagers, the cattle, and sheep are not allowed to enter the land that is under the control of the SEZ. Due to the establishment of the SEZ, mainly the fisherman, agricultural workers, artisans, Dalits and Girijana workers have lost their livelihood.

4) MAS Fabric SEZ : A total area of 1837 acres of land, including 1398 acres of assignment land was procured in the villages of Chinthavaram and Eruru falling in the Chillakuru Mandal. APIIC has collected a certain portion of land and in addition to it, the patta land from the farmers was also procured. This land was allotted to MAS Fabric SEZ. It is estimated that industries with an investment of ₹ 1500 crores will be started, and they would provide 30000 jobs. The SEZ has occupied an area of 1363 acres of land near a tank in Chinthavaram village, which resulted in making hundreds of acres of agricultural land parched for paper and made it unfit for agriculture. Though 30000 jobs were promised, not even a single job has been provided so far to the local people.

5) Bharathi International SEZ: An area of 250.49 acres of land in the villages of Kanduru, Kandaluru, and Akkampeta villages in Thada Mandal was allotted to Bharathi International with ₹ 8000 crores investment, and it was promised that the creation of this SEZ would create 10000 jobs. No work has been started so far in this SEZ. Nobody has been provided with any employment opportunity - big or small. The entire land is now lying unused.

6) Apache SEZ: The SEZ was started in 313 acres of land with a promise of starting an industry with ₹ 65000 crores of investment creating 15000 jobs for the people of this area. Apache, a Chinese company, is engaged in manufacturing of Adidas shoes. So far, 5600 jobs have been created, out of which only 1500 were given to the people of this area. Though the farmers - who lost their lands - and the locals were promised that they would be given jobs (both by the management of the company and by the government), suddenly, a new condition was imposed stating that candidates below 25 years of age educated below 10th Standard would only be eligible for the jobs.

Surprisingly, the daily wage of ₹ 105 is paid to the workers. Incase a worker goes on leave, two-days' salary amounting to ₹ 210 is deducted from the worker's salary. The condition of the women workers is also deplorable. The locals of this area are getting lung disorders due to the waste materials - fibre, rubber, and due to the chemical substances which release poisonous gases. With the starting of the Apache SEZ, the thermal power projects, the Krishna Patnam Port in Nellore district, and the paddy cultivation in nearly 36000 acres of land in the district came to a standstill. It not only affected paddy cultivation, it also caused a deep decrease in the cultivation of other crops. The fishermen of this area have been suffering a lot due to this SEZ. The agriculture workers whose suffered a heavy loss were not given any compensation; moreover, they lost their source of livelihood.

❖ **Analysis of SEZs in Nellore district :** The Table 3 shows the type of land acquired by various SEZs in Nellore district. The share of assignment land in total extent of land acquired is 69%. This land is issued by the government for the development of SC, ST, and BC communities and weaker sections. These sections have been severely affected due to the setting up of SEZs in Nellore district. Merely 21% land is patta land and endowment land and all the farmers possessed below one or half acre of land only. The SEZ activity had a serious impact on the lives of the farmers as they lost their valuable land to the SEZs, and in return, were not compensated by the Government.

Table 3 : Type of Land Acquired by various SEZs in Nellore District						
SNo	Name of SEZ	Type of land (in acres)				Total Extent
		Patta land	Govt. Land	Assignment and CJF land	Endowment Land	
1	Manakur Multi SEZ	1680.02	200	3769.77	-	5649.79
2	Kisan Multi SEZ	229.78	406.82	1129.82	1009.81	2776.23
3	Krishna Patnam Infrastrure SEZ	321.43	1317.40	7906.61	736.07	10281.15
4	MAS Fabric SEZ	349.61	89.59	1398.41	--	1837.61
5	Bharathi International SEZ	---	---	250.49	--	250.49
6	Apache SEZ	79.43	57.37	176.77	--	313.57
Total		2660.27	2070.82	14631.87	1745.88	21108.84
Percentage of total land		12.60	9.81	69.32	8.27	100

Source: APIIC Zonal Office, Nellore and Revenue Divisional Office, Kavali

Table 4 : Employment Creation by SEZs in Nellore District		
Name of SEZ	Proposed employment to be provided (Nos)	Employment provided (Nos)
Multi product SEZ Manakur	3121	400
Kisan SEZ	15000	Nil
Krishna Patnam Infrastructure SEZ	2000	Nil
MAS Fabric SEZ	30000	Nil
Bharathi International SEZ	10000	Nil
Apache SEZ	15000	5600
Total	75120	6000

Source: APIIC zonal office, Nellore.

Employment creation by SEZs in Nellore district is shown in the Table 4. Only two SEZs - namely Apache SEZ and Menakur Multi SEZ - were able to provide some employment opportunities to the local people, and are operating their activities nominally. However, the remaining four SEZs in Nellore district are not in a position to start their activity even today.

Summary

- 1) The land issued for the SEZs in Nellore district is agricultural land which was being used for raising two or three crops a year. Agricultural land was allotted for non- agricultural purposes like the establishment of thermal power plants and construction of ports in addition to the SEZ activity.
- 2) The SEZs occupied the assigned lands of the poor farmers without compensating them for the same. The poor SC/ST communities lost their land, and this made their lives miserable.
- 3) 96 per cent of the lands allotted for the establishment of SEZs in Nellore were not used for the very purpose for which it was allotted. The land is lying idle without any economic activity being conducted on it. Kisan SEZ, Krishna Patnam Infra Tech Private Ltd., Mass Fabric SEZ, and Bharathi international SEZ are keeping their procured land idle, which has wiped away agricultural activity from nearly 15144 acres of land.
- 4) The SEZs not only procured agricultural land, they showed much interest in occupying the number of tanks used for agricultural purposes. As a result, most of the lands were kept dry, and agriculture was wiped out from these areas.
- 5) The six SEZs in Nellore district are expected to provide 75,120 jobs, but they were able to provide merely 6000 jobs. Due to the SEZ activity, more than 2,00,000 people lost their jobs either directly or indirectly.
- 6) The SEZs which were established for the purpose of promoting exports are involved in real estate activity. Menakuru Multi Product SEZ kept plots for sale. This is a serious matter of concern. As the six SEZs were established in the coastal areas, their establishment has severely affected the fishing activity in the district.

Suggestions

- 1) For all the SEZs, the land which is not used for agricultural purpose may be allotted for setting up industries. If it is a must to procure agricultural land, then the farmers should be compensated appropriately.
- 2) The Assigned land should be treated as patta land and SEZs should not be allowed to procure the assigned land. As all the SEZs were not functioning as they ought to function, they should take the responsibility of establishing SEZs by formulating clear guidelines for procurement of land and undertaking economic activity.

Conclusion

According to the SEZs Act, the agricultural land should not be procured for the establishment of SEZs. But most of the SEZs in India and all SEZs in Nellore district procured land used for agriculture, without adequately compensating (i.e. land to land) the land owners. This is a serious matter of concern. Also, the land which has been procured for a specific purpose (i.e. setting up of SEZs) should be used for that purpose only. But the SEZs in Nellore district were using the land for other activities as well (selling land as real-estate). The SEZs doing so should be penalized severely for such actions. The assigned land should be treated as patta land and the SEZs should not be allowed to procure the assigned land. As all the SEZs were not functioning as they ought to function, and hence, they should take the responsibility of establishing SEZs by formulating clear guidelines for procurement of land and undertaking economic activity. Developmental activities in any country need to take into account the welfare of all sections of the society. Development without welfare is meaningless. Hence, it is clear that the establishment of SEZs in India has created more chaos and misery as many sections are suffering due to the SEZ Act.

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