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Bottling Up a Corporate Giant: Victory of a Mass Movement

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“They came to our village with glittering offers; that our people would get many job opportunities in the plant; the overall development of our village would be taken care of; the economic growth of the area would be strengthened etc., etc. We waited and waited... nothing miraculous happened. On the contrary, six months went by, slowly we started facing the reverse effects. Except a few, nobody from the locality was given jobs. The water level in the wells of the surrounding colonies showed a sharp depletion. The quality of the water- its odour, taste, hardness- got worsened. It became non-potable. We stopped using it. We were forced to fetch water from a distance of three to five kilometres. Several uncommon diseases started showing their neck out. The farmers around the plant stopped cultivation due to severe shortage of water. This was another thunderbolt on us that took away our daily little earnings. We were forced to migrate to faraway lands, seeking for some work or other to make our living. Suddenly we felt terribly helpless, facing the fact that we were being robbed. Our precious water resource had been stolen... lakhs of litres every day... Where would I get some fresh and pure drinking water any more? How many kilometres should we have to walk to fetch a drop of water? Who will compensate the heavy loss incurred upon us by this giant plant?”

Mylamma

Mylamma, the founder of the Coca-Cola Virudha Samara Samiti (Anti Coca-Cola Struggle Committee) in Plachimada, which has spearheaded the campaign against Coca-Cola, is no more with the villagers and sure she is deeply missed by each and every one of them. Medha Patkar of the National Alliance of People's Movements said about her, "Activists like Mylamma represent the new kind leadership in India, who are the 'organic intellectuals', preparing the ground for the struggle interpreting their own experiences in the larger contexts." Sure her dedication, commitment and leadership will remain an inspiration to fight for their survival rights to the common masses of the Plachimada *panchayat*.

A war is always an excruciating event wherever in the world. Often the cause for the war in our enlightened world forces us to question our identity of being a civilized human being. Greed, fear, empty self-esteem and the hunger for power have driven many to declare wars that have caused enormous damage and taken valuable lives of thousands of innocent inhabitants of a land. Though war is never a pleasant incident to write upon, today I am submitting a report on a war- a non-violent war-waged for water by a small group of inhabitants against a multinational giant driven by the greed to remain alive on this planet.

This remarkable war began almost seven years back in Plachimada, a village located in the southern state of Kerala in India. Plachimada village of Perumatty *panchayat* in Chittoor Taluk is a small hamlet in the district of Palakkad. The river Chittoorpuzha runs about 2 km from here and the irrigation canal Molanthodu from the Meenara dam 3 km to the south also surrounds Plachimada. According to Government of India records this area is marked as arable land. Palakkad is also known as the rice bowl of Kerala. Therefore, the region requires large quantities of water for irrigation purposes. Even so, the region is also a drought-prone area as Palakkad district is in the rain shadow area of the Western Ghats. The villagers are predominantly occupied in the primary sector. In fact 80 % of the population depend on agriculture for their livelihood. The inhabitants are poor, illiterate and landless labourers. The appalling outcome of a situation when a factory requiring excessive quantities of water is set up in this economically and socially backward region is not inconceivable. A clash is inevitable when the effects are undesirable. This renowned battle began in at Plachimada within a year after Hindustan Coca-Cola Beverages Limited (HCBL) established its largest bottling plant in the country in 1999.

International beverage company Coca Cola is one of the most popular brands in the world today. Coca Cola began in 1886 in the city of Atlanta in the United States of America and today it stations the headquarters of Coca Cola. Coca Cola offers more than 400 brands in about 200 countries around the globe. Multinational companies like Coca Cola have been successful in penetrating deeper into the societies and especially of developing countries. Multi-million dollar marketing campaigns are key to its expansion. Coca Cola is known to spend a massive 2 billion dollar every year for the promotional advertisements promising a healthy living to the consumers. Though the company claims to strictly adhere to the 'highest ethical standards', the expensive marketing tactics are unavoidable to sustain a clean image that is being increasingly tarnished by exploding stories of human rights violations catered by Coca Cola mostly in developing nations.

Coca Cola was banned in India in 1977 when the country was experiencing a harsh political climate of Emergency. The company returned to India in 1993 when the decision was made in 1991 by then ruling government to initiate an economic reform that opened the doors of the country to globalisation and privatisation. Coca Cola India has 27 company-owned bottling plants and 17 franchisee-owned bottling plants. The New Economic Policy was seen as a solution to the slow rate of economic growth in India. Sadly for many indigenous communities in the country this solution has become a burden, rather a catastrophe.

There are a number of ways in which one could observe the protest in Plachimada- a conflict between ecology and development, a quarrel between rich and the poor, a clash between rural and urban, conflict between the state and its people. Of course as a student of Political Science it is advantageous for me to analyse the war for water as an explicit example of neo-colonialism or as a human being, whether educated or not, can perceive the issue as a dreadful human rights violation of a fellow being. All the different observations lead to one question at the end- what when a natural resource that marks the survival of life on earth is being made scarce for the residents of the land in the name of profit oriented market economy of the individuals? Privatisation of water that is fundamental to the existence of life on earth would lead to rise in what many scholars call as hydrological poverty or water poverty. Further it is reasonable to ask if the victims of water poverty really deserve to suffer. Well, I would say no. Everyone has the freedom to enjoy what is rightfully theirs. Commodification of water resource cannot be justified at any point in time. Today we breathe the air of globalization that justifies privatisation of water resources for that is seen as the only solution to the problem of shortage of potable water on this planet.

While doing my research on this topic, I came across a thesis work on Plachimada by Eva Wramner of Lund University who has made a reference to Professors Ramachandra Guha at the University of California and Juan Martinez-Alier of the Autonomous University of Barcelona. They have made note of a very significant and interesting fact in their book *Varieties of Environmentalism - Essays North and South* (1997). In prosperous countries environmentalism tend to be about protecting wild species and natural habitats whereas poor people in poor countries seek to stop environmental degradation because it directly affects their survival. Majority of the population in developing nations tend to be employed in primary sector where they are directly dependent on the nature for their subsistence. Environmental degradation in India has been on the rise at an alarming rate. Like many other developing nations, India too faces the dilemma of prioritizing between development and environment.

Protests against Coca Cola have taken place in most states in India where the company has established itself, more often for similar reasons. The anti-Coca Cola campaign in Kerala received considerable support and attention both from within the nation and abroad. This could be attributed to the difference between Kerala and the rest of India. I found the explanation to my argument in Eva Wramner's thesis in which she has discussed the socio-political scenario of Kerala in detail. In her work Ms. Wramner refers to the official Website of Government of Kerala which boasts the state of being the first Indian State to achieve total literacy and the first to implement land reforms. It is the state with the highest life expectancy in India and Kerala also has the lowest birth rate and the lowest infant mortality. Further they also declare it to be the only Indian state with hospital facility in every village and the state in which the communication infrastructure is most highly developed. Eva Wramner has also referred to Prof. V. K. Ramachandran of the Indira Gandhi Institute of Development Research in Mumbai to explain the social welfare systems in India. Despite a sluggish economic growth Kerala has achieved impressive results in areas like literacy, schooling, life expectancy and mortality rates. Health and demographic conditions do not show the characteristics of a so-called less developed society at all. Kerala shows more resemblance to developed countries than to the Indian Union as a whole. A man in Kerala can expect to outlive his Indian neighbour by ten years; a woman can expect to live fifteen years longer than the average Indian woman. In the men to women ratio in the population, women outnumber men in Kerala, which bears no sign of any systematic neglect of girl children and women. Birth rates are lower associated with a relatively high rate of birth control in Kerala, women get married when they are on average three years older than Indian women and they are older when they have their first child. Improved child health care, parental education and a general acceptance of small families also contributes to the declining birth and fertility rates (Ramachandran 2000:88ff).

Communists and Communist Party have been noteworthy in Kerala's progressive socio-political developments. Kerala was the first state in Asia to elect a Communist Party into power democratically. They led movements for education, against caste discrimination, for the rights of the workers and landless peasants. The Left even played a significant role in organizing women in Kerala. The educated Keralites are aware of their rights and liberties. Therefore, they raise their voice against social injustice leaving the authorities with no option but to take action. One should not believe that Kerala is a picture perfect land anyone would dream to live on. The problem of unemployment has been of grave concern to the governments time and again. Poor labourers from the neighbouring state of Tamil Nadu migrate and settle in Kerala in search of employment and a comfortable standard of living. Palakkad district is a host to many such inhabitants and Plachimada is an ideal example of this social composition that diverges from rest of Kerala. Mostly the villagers of Plachimada belong to the scheduled castes (traditionally considered as outcasts) and scheduled tribes (indigenous people), who get around 100 to 120 working days in a year as wage labourers or agricultural labourers and whose education and health standards are way below the Kerala average.

It was in July 1997 that the Coca-Cola Company was granted the permission by the government to operationalize its bottling subsidiaries. On 8 October, 1999 Hindustan Coca-Cola Beverages Pvt. Ltd. applied to Perumatty *panchayat* for permission to set up a bottling plant in Plachimada. On 27 January, 2000 the *panchayat* granted a license to Coca-Cola for setting up and running the factory. The decentralization policy in India has been introduced as a result of the 73rd and 74th constitutional amendment in 1992. The devolution of power to the self-governing bodies was inspired from the principles of Father of Indian Nation- Mahatma Gandhi. Accordingly, government of Kerala enacted the Kerala Panchayati Raj Act in 1994. The Act identifies the power of the *panchayat* over the local water resources in its jurisdiction. The Coca-Cola plant was built on a 15-hectare plot of what used to be multi cropped paddy land. It has a working capacity of 15,00,000 liters water-based product; around 85 truckloads of soft drinks and mineral water leave the compound every day carrying approximately 600 cases each containing 24 bottles sized 300 ml. Something like 60 bore wells and

two open ponds are used to extract water for the soft drinks and mineral water production. The factory employs 70 permanent workers and approximately 150-250 casual labourers. However, the bottling plant has been positioned in violation of the Kerala Land Utilisation Act, 1967, intended to prevent the use of agricultural land for non-agricultural purposes. Coca-Cola has not shown any signs of having obtained such a permit. Moreover, some findings have stated that the plant was run from generators and not from the common electricity network. It is necessary to state that for anyone who conducts a research on Coca-Cola plant in Plachimada would come across countering views on Indian legal system. While some researchers argue that it is possible to find a solution to an issue like that of corporate injustice in Plachimada through the existing legal system in India, others counter argue stating that India lacks appropriate laws that could bring stringent restrictions on a multinational company's activities to protect their citizens and their rights.

It is time for the report to enter the critical stage to discuss what were the repercussions that led to an incredible protest by a group of 'powerless' people against a 'powerful' international corporate firm and the consequent debate over the credibility of Indian legal system. Across territories and cultures, Coca-Cola has been accused of dehydrating the local communities in its process of accumulating water resource for the manufacturing plants, drying up local irrigation facilities and henceforth destroying the livelihood of the local populace. Coca Cola has also faced rancour from the company's own work force, especially in developing nations like Colombia and Guatemala where Coca-Cola has been accused of infringing upon the rights of the workers. Plachimada too has a similar story to tell.

The adverse effects of the plant became tangible within six months of its functioning. The over exploitation of groundwater resource had led to depletion of water level in the neighbourhood wells. The salinity and hardness of water were reported to have risen since the company started its operation. The potable water in some open wells and shallow bore wells were reported to produce unpleasant odour and bitter taste. The quality and quantity of water were affected. People started complaining of health concerns after using the brackish water. The low level of water also impinged on agricultural production. Farmers were unable to fetch sufficient water required for irrigation of farmlands. The agricultural labourers suffered the worst in terms of lack of potable water and growing days of unemployment. When instability in livelihood remained for longer duration, many were forced to move out of the village in search of a steady livelihood calling for displacement issue to surface in the area. The multinational giant not only robbed the inhabitants of Plachimada of their water resource but also stole their livelihood violating the basic rights of a human being- right to potable water for survival, right to livelihood and more than any other rights, the right to live. I wish to borrow an argument raised by Dr. A Achuthan, a noted hydrologist and environmentalist, from the article titled "*Coca-Cola: Quit Plachimada, Quit India*".

Dr. Achuthan observes that the plant has 4 nos. of 7.5 h.p. pumps and 2 nos. of 5 h.p. pumps. The total pumping capacity is 40 h.p. Assuming the average pumping head as 60 m., the amount of water that can be pumped in one hour is $W=108700 \text{ kg/ hour} = 108700 \text{ lph}$. If extraction of water is done on an average 10 hours per day, the quantity of water pumped per day is about 1.1 million litres. As per this estimation, the water being extracted per year will be 363 million litres. Dr. Achuthan questions also the Company's estimation of the quantity of water recharged by water harvesting. The Company claims that it is putting back water into the aquifer through water harvesting an amount of water equivalent to the amount pumped out. Assuming 60% efficiency for the water harvesting system, it is estimated that 109.44 million litres of water can be harvested. But Dr. Achuthan compares this figure with the amount of water extracted viz. 132 to 218 million litres as claimed by the Company and 363 million litres according to self estimation. The crux of the issue is that the extraction is from the deeper aquifer whereas the recharge goes to the gravity zone only. Undoubtedly, the pumping can cause depletion of ground water on a steady basis.

This should not surprise one who knows about the natural conditions in Plachimada. In this arable region the water shortage is inevitable. Then why did Coca-Cola decide on this location? Eva Wramner in her thesis has stated the explanation given by Kerala Shastra Sahitya Parishad (KSSP)-a well-known NGO in the state engaged in the promotion of science and education among the common mass. If KSSP is to be believed, then the company wished to use the water from irrigation dams for which it failed to acquire permission. The infrastructure reason suggests that Coca-Cola could establish a better network to reach to rest of India through Palakkad gap. KSSP also stated that Coca-Cola transported water in tanker lorries from six different locations along the Periyar River, a river that has been the life blood of the state, to their unit in Plachimada as they required more water than the available quantity in the underground water reservoir in Plachimada. The

Primary Health Centre at Perumatty had conducted a chemical test of the water in three wells in the vicinity of the factory, reports the article *"Coca-Cola: Quit Plachimada, Quit India"*.

The water samples were taken from the wells of 8/22 of Pozhanathal w/o.late Pazhanichami, 8/19 of Subramanian s/o late Maniyappan and 8/16 of Muthuswami s/o late Ayyappan who resided in the neighbourhood. The water was sent to the Regional Analytical Laboratory, Calicut for chemical analysis. The water analysis report was sent to the Medical Officer with the remarks that the alkalinity and chlorides in the water were very high and hence not advisable to use it for drinking purpose. The article further claims that more than 90% of the residents of the most affected colonies supported the view that the availability of job opportunities in nearby farms and other areas decreased after the Company started functioning. The article produces the testimony of a resident Veluchami of Plachimada who was forced to sell his property to venture out. Within three years the depletion and contamination of water in a two km radius of the factory have touched acute levels. Though the company had employed only 30-50 local residents and that too as contract labourers, their wage tariff was exceptionally low, according to which a male contract worker gets Rs. 60 per day and the female gets Rs.50. The reports state the temporary workers recommended by the political leaders got an amount of Rs.100 per day. All the farmers who have lands within two kilometres radius from the factory reported paucity of ground waters. The duration of working of pumps has more than halved during the past two years. There is an acute decline in the production of paddy and other vegetables in the region. With lack of stable livelihood the people also had to fetch for food from far away places, which would be beyond their purchasing power. It was not just the economic sphere that was affected. The health concerns, as a result of the functioning of a beverage plant, were a shocking revelation that raised suspicion about the content of Coca-Cola. People attributed diseases with high relative risks in the adjacent villages of the plant, which were hair-loss, burning of eyes, cough, vomiting, pain in limbs etc. to the environmental damage caused by Coca-Cola plant. A health camp organized in the area in 2003 found the most predominant symptom was anaemia. There were a sizeable amount of patients with stomach pain and some reported about abnormal hair fall. This tale scared many who consumed Coca-Cola. The health team recommended for further investigation on the toxic solid wastes produced by the company which were thought to have entered the ecosystem and then to human bodies. Eva Wramner in her thesis refers to the research conducted by CorpWatch India which sent samples of water from Plachimada wells to a Government approved laboratory in Chennai for testing. The strong bitter taste and hardness of water was found to be due to the presence of high level of calcium and magnesium, which has resulted from dissolution of limestone from the groundwater deposit. Widespread extraction of groundwater resource was depleting the aquifer at a faster pace. Several other organizations have by now engaged themselves in reporting from Plachimada besides CorpWatch India now, e.g. India Resource Centre, Transnational corporations Observatory, People's Union for Civil Liberties (PUCL) and All India People's Resistance Forum (AIPRF). AIPRF states that not only is Coca-Cola over-exploiting the groundwater, it is also contaminating it. Bottle washing involves the use of chemicals and the wastewater is released without treatment. A dry slurry waste was in the beginning sold to adjacent farmers claiming it was a fertilizer and soil conditioner. After protests and objections the sludge was later dumped by the roadside at night or taken to areas further away (as reported by AIPRF). Some researchers have raised doubts regarding the adverse impact of Coca-Cola plant on the birth weight of children. The pregnant mothers of the locality who might have consumed the non-potable water from the wells near the factory were suspected to have had babies born with low weight. An investigation was conducted under the guidance of an eminent scientist V.T.Padbhanabhan to see if there is any change in the birth weight that could be blamed on the operation of the factory. They found a statistical difference at 0.05 level between the children born before an after the setting up of Coca-Cola factory.

When the social and economic fabrics of this society were fatally dented, the local inhabitants decided to act in order to protect their fundamental rights. They decided to capture what is rightfully theirs from the Corporate Coke that had stolen their water resource and ripped them of their livelihood. A 60-year old woman named Mylamma organized the village to protest against the soft drink giant. Mylamma decided to agitate after the well at her home was contaminated by the effluence from the factory. Though she is no more today, Mylamma died a death of valour as her followers would say because she ensured the closure of the Coke plant. Being a woman, it gives me immense pleasure to state that women were in the forefront of this struggle. They demanded for clean drinking water and an unwavering livelihood for their families. Moreover, these women had to walk ten miles a day to collect drinking water. They felt the need to persuade Coca-Cola to quit Plachimada. In January 2002, a symbolic march was led by Adivasi Samkrashana Sangham against the plant. On April 2002, the villagers began the protest that was to remain until the Coca-Cola factory was closed forever. The Adivasi Gotrasabha leader Ms. C.K.Janu inaugurated the overwhelming gathering. The picketing of the

plant was carried out throughout days and nights. The blockade and protest marches grew in numbers and volume. Coke found it difficult to ignore and the police force was called in to arrest the demonstrators. Coca-Cola approached the High Court of Kerala demanding police protection from the 'anti-social elements'. The accused were Vilayodi Venugopal (Chairman, Adivasi Protection Council), Velloor Swaminathan (Convenor, Action Council) Subrahmanyam, Murukesan, Kochikkadu Mani, and Pazhaniswami. To their disappointment, the high court accepted a counter petition submitted by Plachimada Action Council explaining that it is their legitimate right to make peaceful demonstrations in a democracy. The anti-Coke protesters were involved in a zealous, determined and untiring campaign to spread awareness about their plight and the human rights violations in which Coca-Cola was engaged. Initially Coca-Cola was able to influence the media from reporting the campaign and even got some politicians to support the company. Meanwhile, the company made claims that there were no real water issues and the matter was unduly politicized. The crusade against Coca-Cola was projected as a war against globalization by the company to divert the attention of the international community from the allegations of its human rights violations. The state authority was accused of resorting to violent means to repress the campaign. The indefatigable will power of people forced the authorities to open their eyes to the reality at least to save themselves from further embarrassments. The Coke authorities even attempted to appease the villagers by providing a tank of potable water to them. But when the plant started bringing water from other areas for their manufacturing purpose, people high jacked the tanker lorry carrying water and captured the water for their use and poured them on to the paddy fields. By this time, many NGOs, environmental research organizations and Left wing groups came out voicing their hard core solidarity to the people of Plachimada. The boycott of Coca-Cola and other American soft-drinks were possible in Kerala in the light of increasing support to campaign against war in Iraq. The Anti-War Forum consisting of around 250 NGOs pledged to make Kerala a 'Pepsi-Coke-Free' zone.

When the protest grew louder, the village *panchayat* that was receiving regular revenue from the Coke plant decided not to renew the licence of Coca-Cola as an effort to protect the public interests and have a meeting of its members, the *panchayat* issued a notice to Coca-Cola in April 2003. Perumatty *panchayat* acted well within their powers granted by Kerala Panchayati Raj Act of 1994. The campaign received a boost with a revelation made by BBC Radio 4's Face the Fact programme on July 25, 2003. Eva Wramner refers to Environment correspondent Paul Brown of *The Guardian* who reported on the 'Cola-Scandal'. Exeter University laboratory examined the samples collected from the sludge that was presented as fertilisers by the Coca-Cola in India. The laboratory finding showed the presence of high levels of lead and cadmium that are detrimental to health. These toxic metals cannot be used as fertilisers for it possess a high possibility of entering the food chain. A few days later, the Centre for Science and Environment found residues of pesticides and insecticides in twelve brands of Coca-Cola and Pepsi Co products. The Kerala State Pollution Control Board ordered an investigation and later instructed Coca-Cola to stop spreading the waste and to keep it in safe watertight compartments so that the toxic content does not seep into the soil. Coca-Cola agreed to comply with the State Pollution Control Board. The Perumatty *panchayat* along with several NGOs organized a three day water conference in Plachimada in January 2004. The conference was graced by international pro-environment leaders like Jose Bové, leader of the Confederation Paysanne, a farmers' organisation in France, Maude Barlow, chairperson of the Canada-based Council of Canadian Public Advocacy Organisations and India's well known environmental activist Vandana Shiva. The struggle in Plachimada received tremendous support on an international platform. Universities in the United States of America have been active in expressing their solidarity to the peoples' struggle against Coca-Cola in India and elsewhere. University of Michigan was one of the earliest to ban Coca-Cola in the university campus. Coca-Cola, which has been main sponsor for many international events, faced embarrassment at the torch relay of the Olympic flame through Italy for the 2006 Winter Games when the relay was continuously disrupted by the protestors condemning Coca-Cola's human rights violations around the globe.

My analysis would be that to a greater extent the state government's clandestine behaviour is to be held responsible for the prolonged struggle at Plachimada. The lack of proper implementation of laws and irresponsible reactions to the various studies conducted at the area has done irreparable destruction to the environment in Plachimada. The Kerala Ground Water Department conducted a number of studies on groundwater extraction by the plant in Plachimada beginning from the year 2002. The study detailed that there is depletion in the level of groundwater resource in the area but accounted it to the low level of rainfall. The report also warned of over extraction of groundwater resource in the area but did not find it necessary to warn or initiate actions against the company. A case study done by Sujith Koonan at International Environmental Law Research Centre in Switzerland elaborates on the legal implications of the struggle in Plachimada and the

negligence on the part of the authorities. Mr. Koonan describes a study conducted by the Kerala State Pollution Control Board (KPCB) in 2003 after the BBC report created uproar. To quote Mr. Koonan:

A study in this respect conducted by the Kerala State Pollution Control Board (KPCB) concludes that: 'the concentration of cadmium and other metals were found to be below the limit prescribed under the schedule 2 of the Hazardous Waste (Management and Handling) Rules, 1989 as amended in 2003 and hence the solid wastes generated in the Company will not come under the said rules'. But it is also clearly stated in the report that the presence of cadmium in the common *panchayat* well is double the permissible limit and touches the permissible upper limit in another well. The KPCB's comment about this is a dumbfounding one: '...in the common *panchayat* well could a small quantity of cadmium be detected'.²² Later the KPCB sent a letter to the President of the Grama *panchayat* in Perumatty informing the *panchayat* that the water in the *panchayat* well should not be used for drinking purposes.²³ The presence of dangerously high quantity of heavy metals in *panchayat* well is a serious public health issue. In an economically backward area like Plachimada, the majority of the population is likely to depend upon the common *panchayat* well. It is very unfortunate that the KPCB had neglected this issue in its report.

Perumatty *panchayat* has been the only institution that stood by the people of Plachimada right from the beginning of their battle. *Panchayat* has remained firm on its stand by not issuing license to Coca-Cola. Even while the Local Self-Government Department questioned the actions of Perumatty *panchayat* against Coke plant and asked them to set up a committee of experts to investigate into the matter, the *panchayat* filed a writ petition at the High Court on the ground that the protection and preservation of the water resources is the mandatory duty of the *panchayat* and the government has no authority to interfere with it. The writ petition was decided by the single bench of Kerala High Court and the appeal was decided by the division bench. The Company presented its counter arguments on the basis of two points. First, it was argued that the government is the appellate authority under the Kerala Panchayati Raj Act and therefore the government is empowered to cancel the direction of the *panchayat*. It is not proper for the *panchayat* to challenge it. Secondly, it was argued that there was no statutory prohibition on digging of bore wells at the time when the Company started production. Therefore, legally, there was no restriction upon the company in extracting groundwater from its land. In the light of the arguments raised by both the parties, the Court had invalidated the closure order issued by the *panchayat*. It was held that the *panchayat* was not authorized to issue a closure order on the basis of finding excessive extraction of groundwater by the Company. It was further held that, at best, the *panchayat* could ask the company to stop the extraction from its jurisdiction and direct the company to find alternative sources. Mr. Koonan's study is of the view that the single bench relied extensively upon the public trust doctrine. The *panchayat* was granted the permission to monitor the usage of underground water by Coca-Cola that was allowed to extract as much as required for irrigating an agricultural plot of same size. Both parties were disgruntled by the single bench verdict and hence appealed to the division bench. The division bench accepted the contentions of the Company and stated that in the absence of a specific statute prohibiting the extraction of groundwater, a person has the right to extract the groundwater from his/her land. The division bench was of the position that the extraction of water by Coca-Cola cannot be called illegal. The division bench also discredited the powers of the *panchayat* under the Kerala Panchayati Raj Act that had been relied upon by the single bench. The division bench recognized groundwater as a 'private water resource'. The division bench accepted the decision of the government regarding the constitution of an expert committee to investigate the matter. The committee's report suggested the decrease in the level of rainfall for past several years as a cause for water scarcity. The suggestion was that the company could be allowed an average rate of five lakh liters per day if average rainfall was available. The High Court gave due consideration to the property rights of the company ignoring the powers of the decentralized institution. The verdict brought out huge public outcry against the high court of Kerala. On February 21, more than a month after the verdict of the division bench of the Kerala High Court, the government ordered a ban on Coke from extracting groundwater until June 15 of the same year. Subsequently Coca-Cola suspended its operation in Plachimada. The Coke plant in Plachimada had the whole-hearted support of the government which looked upon the factory as a solution to the escalating problem of unemployment in the state. Kerala being a state with sluggish economic growth due to lack of adequate industrial establishments saw the arrival of Coca-Cola as a signal of faster economic growth that would contribute to the further progress of development in the state. But when the government realized that this initiative has come at a huge cost for the community, it reversed its plan to act in accordance with the choice of the people. Indubitably, the government took a long time to act, but then, better late than never. Today, the case is before the Supreme Court of India. The villagers are optimistically awaiting justice from Supreme Court. The company has halted its activities at Plachimada due to heavy opposition from the

community and to prevent further embarrassment that could tarnish the image of the multinational costing its important markets. In a crucial move, the Chief Minister of Kerala V. S. Achutanandan declared full support to the pursuit of the inhabitants of Plachimada. The government has promised to provide legal and financial support for the permanent closure of the Coke plant in Plachimada. The alignment of the state of Kerala with the community of Plachimada and against the Coca-Cola Company's bottling plant has significantly dented Coca-Cola's hopes of ever being able to re-open its bottling plant in Plachimada. Craig Simons of *Cox News Service* has referred to Gangdharan Rajamohan, the present Chairman of the State Pollution Control Board, who said that there are plans to file criminal charges against the factory. Mr. Rajamohan explicitly stated that the presence of cadmium content in soil could not have been due to any other causes except for the activities of the plant.

On the defensive, Coca-Cola has embarked on an ambitious public relations exercise in India and has also hired a group that it funds to "independently" assess its operations in India. Coca-Cola staunchly holds the low level of rainfall responsible for the depletion of groundwater resource. Coke also blames the government for refusing to let the plant built a pipeline from the nearby irrigation dam. They have referred to the rainwater harvesting technology while questions have been raised on the setting up of a bottling plant in a rain shadow region. As for the water quality, the company states that their operations have not adversely affected the groundwater and the levels of heavy metal traces in the solid wastes are within the norms for classification as non-hazardous. The BBC's evidence of pollution in the sludge is scientifically questionable.

When all is said and done, one question remains unanswered. Does an individual have the birth right to water? I wish to look back to Eva Wramner's thesis for one last time where she has discussed the views of Vandana Shiva, renowned environmental activist in India. Ms. Shiva stoutly opposes the individual control over common resources like water that is quintessential to the survival of life on Earth. Ms. Shiva at various instances has used the example of the struggle in Plachimada to prove that individual ownership of a common resource could lead to over-exploitation of the resource by a single individual. Here in this case, the water resource was over-exploited by a single multinational company. Wramner writes that Ms. Shiva believes that groups and communities are able to set regulations of utility and that principles of co-operation on common resources still dominates in less developed countries. It is not possible to justify a corporate giant's attempt to satisfy the thirst of its consumers at the cost of environmental imbalance and survival of a community. Furthermore, I would not prefer to view the water war waged by the people of Plachimada as an anti-globalization campaign for the struggle at some point of time have brought out the negative effects of globalization. They fought a battle to protect their subsistence. Coca-Cola in Plachimada failed to fulfill the expectations of the local community which dreamt to have better employment opportunities with the arrival of the plant in their village. The contention that stems out from my research is the reason for Coca-Colas to choose a socially and economically backward rural area that is also a rain shadow region to be the suitable site for its plant. Neither did Coke contribute positively to the social and economic development of the community nor could it restrict itself from obliterating the social and economic fabrics of the community.

I would like to conclude by expressing my hope that this struggle becomes a lesson that would teach the multinational giants on the value of common resource and the effects of entering the territory of indigenous people with a different culture of theirs and exploiting their resource without adequate compensation. I see the optimism in the eyes of the warriors of Plachimada who are waiting for their justice and an adequate compensation from Coca-Cola. I wish the best for the remarkable struggle of victory that would end with the justice being achieved.

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