

Court Restrains Water Sale from Tamirabarani in Tamil Nadu

S RAJENDRAN, S RAMASWAMY

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S Rajendran (myrajendran@gmail.com) and S Ramaswamy (srsmother@gmail.com) are with the Department of Economics, the Gandhigram Rural Institute, Tamil Nadu.

The Tamirabarani river is a part of the ecological and cultural landscape, and traditions of the people of Tamil Nadu. Unfortunately, public resources like the river water are sold at throwaway prices to corporations, who in turn resell the water either in the form of packaged drinking water or as aerated beverages. The political economy of the river and the state's industrial plans, require radical rethinking.

The Madras High Court's Madurai bench order on 20 November 2016, restraining the taking of water for multinational companies (MNCs) from the Tamirabarani river, the only perennial river in backward south Tamil Nadu, is a victory for those who fought for protecting common property resources (CPRs). Liberalisation, privatisation and globalisation policies enable MNCs to exploit natural resources away from the fast growing consumer-base economies like India. While a drought-like situation is prevailing in large parts of Tamil Nadu, the recent court order is a blessing in disguise to the local population.

Owing to a deficient south-west monsoon and the near failure of the north-east monsoon, Tamil Nadu is heading towards a drinking water crisis and its agrarian economy is depressed. The Tamirabarani river normally benefits from both the south-west and north-east monsoon seasons. The failure of the monsoon this year has had a severe impact, with the evaporation of water, particularly from the Papanasam dam and Manimuthar dam.

These precious natural CPRs, like water, are being sold at abysmally low rates to MNCs, who in turn sell them in the form of aerated drinks and packaged drinking mineral water at high prices. Ever since the Indian government signed the General Agreement on Trade and Tariffs (GATT) in 1996, many beverage MNCs have entered the Indian market to capitalise on the potential (Joseph 2016). The result is that CPRs like water are exploited by corporate, while the local population is left to fend for themselves and the whole process

becomes a “tragedy of commons” (Narayanamoorthy and Venkatachalam 2011).

Industrial Relations and Water

The State Industries Promotion Corporation of Tamil Nadu (SIPCOT) leased out 36 acres of land^[1], in Gangaikondan village situated 15 kilometres (km) from Tirunelveli, to Prathishta Business Solutions for a period of 99 years at the rate of ₹ 15 lakh per acre. An agreement was also reached with the South Indian Bottling Company (SIBC) for a little lesser area of 31.54 acres. Both companies are co-packers for the giant MNCs of PepsiCo and Coca Cola, respectively. SIPCOT also consented to sell a whopping 15 lakh litres of water each day at the meagre rate of ₹ 37.50 for every 1,000 litres of water. It is ironic that while local people have to get drinking water intermittently and the agriculture sector is in distress, the state in order to facilitate water uptake for the MNCs has constructed a check dam across the Tamirabarani river—near Seevalaperi village.

It is well known that though water is supplied to the MNCs at a low rate, aerated beverages and packaged drinking water are sold at exorbitant rates; even milk is cheaper than bottled so-called mineral water (Narayanamoorthy and Alli 2014). Realising the growing demand for packaged drinking water, the Tamil Nadu government started selling water^[2] at bus stands and other vantage points through the road transport authorities—the Tamil Nadu State Transport Corporation and the State Transport Authority—at the rate of ₹ 10 per litre.

Despite strong protests from local communities, farmers, political parties and civil society organisations such as the Save Tamirabarani Movement, Tamil Nadu Science Forum, People’s Welfare Front and the Consumer Protection Association (CPA), permission was granted to these companies; obviously due to a lack of vision alongside political pressure. Aggrieved communities started to seek wider support from social media and garnered overwhelming support. Nearly one lakh supporters came together to file a public interest litigation (PIL) in the high court’s Madurai bench in December 2015 under the aegis of the secretary of the CPA. The high court has restrained SIPCOT from supplying water from the Tamirabarani river—a lifeline for four districts—to the MNCs.

A number of beverage units have been eyeing the Tamirabarani basin as the water quality is excellent. Factors like the pH level, electro conductivity, chloride and hardness are well within the acceptable limits and therefore, the bottling and purification costs are likely to be low. In 2005 a subsidiary of Coca Cola was permitted to set up a bottling plant in Gangaikondan. Even as protests against Coca Cola continued, the Tamil Nadu Pollution Control Board permitted the company to expand its unit, doubling the plant’s intake to 18 lakh litres a day. However, sensing the seriousness of the public’s outcry, SIPCOT withdrew

the permission.

In the face of stiff opposition from the local communities, the companies promised that more than 5,000 people would be employed in their units. However, barely 500 have been given jobs. The people came out onto the streets and intensified their protests in which civil society organisations and all major political parties actively participated. The relentless protests did not yield any tangible result for long. The recent court order, albeit interim, has given some hope to the local populace.

Withering agriculture

The Tamirabarani river originates from the southern tip of the Pothigai hill range on the Western Ghats and the Papanasam and Manimuthar dams feed the river. It has eight tributaries which confluence at Punnaikayal in Thoothukudi district, near the Gulf of Mannar—located between the coasts of Tamil Nadu and Sri Lanka. Water from the river is used for irrigation purposes and covers 120 km² in Tirunelveli and Thoothukudi districts, while drinking water is supplied to Tirunelveli, Thoothukudi, Ramanathapuram and Virudhunagar districts. The Tamirabarani basin has rich soil, a regular supply of water and any damage to it will affect the local economy in general and the agrarian economy in particular. Opposition to this project has therefore been intense across the region.

Paddy is the single largest crop, as 60.7% of the total five lakh acres of cropped area is used to grow it and around 64% of the crop is irrigated under the Tamirabarani *ayacut* (the area served by an irrigation project such as a canal, dam or a tank). Superior quality, fine variety paddy is grown here. Tamil Nadu Agriculture University's Rice Research Station, located on the banks of the river in Ambasamuthiram, developed many varieties of rice which are not only suitable to the local agroclimatic conditions but are also resistant to pests and diseases. However, due to the drought-like conditions and low storage in the dams,^[3] farmers are restrained from growing for two seasons, even in the upstream areas. Sadly crops grown in the *khar* season (kharif) (June to September) in many parts are withering for want of water and paddy nurseries are wilting during the *pisanam* season (rabi) (October to March) due to the paucity of water.

The industrial sector is also served by Tamirabarani water and the withdrawal of water solely by the MNCs, will seriously affect other industries. A large quantity of water is used by major industries like Sankar Cements, Sun Paper Mills, Madura Textiles, Southern Petrochemicals Industries, Tuticorin Thermal Power Station, Dharngadhara Chemical Works, Sterlite Industries, besides many small-scale industrial clusters. Industrial units in Tirunelveli and Thoothukudi are entirely dependent on the river for supplying five crore

litres of water every day and their demand is growing annually. On their part, the controversial Koodangulam Nuclear Power Plant and the high-tech park at Nanguneri taluk are planning to draw water from the river. Around 20 integrated drinking water projects supply water to four southern districts, including the water perched and semi-arid Ramanathapuram district.

Biodiversity in terms of wild animals and rare species, residing in the Western Ghats, also live on the banks of the river and any damage to the river's natural flow will disturb the ecosystem and their very survival. In fact, a national spotted deer sanctuary in the reserve forest area between Gangaikondan and Thaazhaiyoothu, encompassing 441.16 hectare, is the southern-most natural habitat for spotted deer in the country. This sanctuary was notified by the Tamil Nadu department of Environment and Forests in its letter GO (MS) No 150 dated 1 October 2013 and is located just 4 km away from the industrial complex in Gangaikondan. The lack of water forces many deers to be "hit by speeding vehicles on the adjacent Tirunelveli-Madurai four lane national highway as they move out of their habitat in search of food and water" (Sudhakar 2012).

Flouting Rules and Exploitation of Resources

It is understood that the state water resource management agency, under the Public Works Department, did not approve of the drawing of river water by the beverage companies. Also, the Tamil Nadu Small Industries Development Corporation (TANSIDCO) fixed certain eligibility criteria that had to be met, in order to approve of water-based industrial units (SIPCOT) inside the estate. Contrary to this criterion, permission was accorded to the water sucking beverage units.

The *Water Policy and Action Plan for India 2020*, emphasises that while allocating water priorities should be accorded for drinking and domestic use, sustaining livelihoods and maintaining river systems, among other objectives. More importantly water allocation should be decided by local communities at the watershed level. However, in Gangaikondan 27 industries are being supplied with 18,40,871 litres of water everyday, while 73 industries in Thoothukudi are being provided with 15, 89,769 litres per day. It is noted that beverage companies alone are provided with 10% of the total water drawn from the river for their industrial purposes, even though they only occupy 67.54 acres out of the total 2,030 acres of industrial estate.

Exploiting natural resources in the name of development is the order of the day and it is increasing at an alarming rate across the country. The non-judicial use of such resources also results in depleting the resource base in a biodiversity rich, Indian subcontinent. Nevertheless, local communities started opposing such MNC-centric projects. A similar case

was witnessed in neighbouring Kerala where, after tirelessly fighting along with the local panchayat, PepsiCo had to withdraw its project from Moolathara village of Attoor taluk in Palakkad district (Bijoy 2006). Here the over-exploitation of groundwater resulted in the drying up of local wells and the exacerbation of a drinking water crisis.

Sucking huge amounts of water by sinking tube wells close to the river and using monstrous pumpsets will reduce the availability of water for local use thereby causing innumerable miseries and a lot of inconvenience, as the water tables in neighbourhood wells will also be affected. Only a few resource-endowed farmers have the capacity to dig bore wells for irrigation to tide over the water crisis. The present high court order has come at a crucial time and the protesters are now demanding that the water supply be permanently stopped. Concomitantly, sand mining and the over-exploitation of riverbed sands are already causing huge damage to farming as groundwater is depleting fast.

Southern Tamil Nadu, though economically backward, is rich in natural resources like minerals on the seashore. In connivance with the officials, local barons manipulated the rules and exploited resources causing a huge loss to the state exchequer (Rajendran 2013). Also, such activities have completely damaged the local environmental balance and natural calamities like floods and/or tsunamis have created havoc to fishing, agriculture and other means of livelihood. It is feared that the presence of beverage units along the Tamirabarani river will bring about a disaster to the agrarian economy and its allied activities in the district(s).

Struggled Victorie

Given the threat, multinational beverage companies pose for waterbodies, civil-society organisations and the local environment, people's resistance is growing across the country and in many cases, community-led struggles lead the process. Such struggles have resulted in the closure of PepsiCo's Palakkad unit in Kerala and the closure of a Coca Cola unit in water-stressed Kala Dera near Jaipur, Rajasthan. In 2014 a researcher from the University of Michigan's Stephen M Ross School of Business reported that extraction of groundwater by Coca-Cola in the water perched Kaladera region led to a "tragedy of commons". In April 2014, Coca-Cola's plan to set up a bottling plant at Chharba village in Uttarakhand was rejected by the state, owing to local resistance. Similarly, in August 2014 Coca-Cola abandoned a fully built \$25 million bottling plant in Mehdiganj near Varanasi of Uttar Pradesh. Unable to bear the pressure from farmers and villagers the state government rejected company's application, albeit belatedly.

PepsiCo has been facing the wrath of locals at its Suriyur plant, located next-door to Bharathidasan University in Tiruchirappalli in Tamil Nadu. Activists under the banner of

Thanneer Iyakkam took up this issue in 2011. It was reported that the unit was operating without the requisite licenses (India Resource Centre 2015).

Multinational beverage giants are facing a number of legal battles in India for their unsustainable and anti-environment actions. Delhi's Principal Bench of the National Green Tribunal on 11 December 2015 ordered an investigation into the discharge of untreated effluent water by the Coca-Cola plant. The Delhi-based Centre for Science and Environment (CSE) made shocking revelations as to the presence of pesticide residues in 12 major brands of soft drinks produced by Coca-Cola and PepsiCo in India in 2003 (Yadav 2004). Subsequently, the Joint Parliamentary Committee (GOI 2004) also endorsed the CSE's report, but no concrete action has followed.

In fact, after stiff resistance from the local communities under the banner of Perundurai environment protection trust on 20 April last year, SIPCOT cancelled the allotment of land to the Hindustan Coca-Cola Beverages Private Limited at Perundurai's SIPCOT industrial cluster in Erode district.^[4] The company planned to set up a bottling facility with an investment of `500 crore. There were allegations that local politicians favoured the company, unmindful of the adverse implications. Despite this, people's power yielded positive results and the company was forced to withdraw from the project. Activists question why the Tamil Nadu Government is keen on supplying large quantities of water to beverage companies, particularly when the state is water-starved and is dependent on Kerala, Karnataka and Andhra Pradesh for water supply.

Conclusions

The authorities while granting permission to effectively manage and use natural resources, including water, should not only consider the economic issues but also should bear in mind the externalities by looking at the long-term implications of a decision at the grass-roots level. Local panchayats and stakeholders need to be consulted through extensive and intensive public hearings before permitting projects that directly impinge on the needs of the community. "People first" should be the mantra for any developmental agenda. In and around Gangaikondan people prefer labour intensive industrial units to water guzzling factories. There are proposals to set up rubber and textile units which are welcomed by locals.

The court order is a temporary relief. Meanwhile, another PIL petition [(WP9MD) No 22425/2015] filed in 2015, against the supply of water to private companies is pending before the Madurai High Court bench and the people are determined to fight for the cause.

Notes

[1] SIPCOT's Industrial Growth Centre is situated here.

[2] This is sold under the brand name 'Amma Water'.

[3] Poor storage in Papanasam and Manimuthar dams forced the authorities to stop releasing water.

[4] Perundurai has been declared as groundwater overexploited area and it was planned to draw water from Bhvani river tributary of Cauvery, a contentious issue between Tamil Nadu and Karnataka.

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