

WATER AS A NATURAL RESOURCE: RIGHT VERSUS NEED DEBATE

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Abstract

This paper is an attempt to understand the complexity inherent in the ongoing debate on water. It discusses the theoretical premise of the debate by analysing the concepts of 'right', 'need' and 'want' with reference to water as a natural resource. The World Bank and the International Monetary Fund, under the influence of neo-liberalism and structural adjustment programme, seem to have accepted the 'Washington Consensus' that treats water as want to be available in the market. The national water policy in India looks like being guided by the neo-liberal philosophy of accepting water as want. However, such a market-driven policy has its own limitations. Even if the 'market' is considered to be a rational and efficient institution, when it comes to management of natural resources like water, it is grossly inadequate to meet basic human needs. Cases of privatisation of the Sheonath river in Chhattisgarh and the anti-coke protest at Plachimada in Kerala illustrate the disastrous consequences of placing water as want under the forces of market.

INTRODUCTION

This paper is broadly divided into three parts. The first part elaborates the contested ownership of water. The second part outlines the theoretical premises of the debate on water. It discusses the conventional and neo-liberal views on needs and rights with reference to the resource of water. This part has three points – needs and wants; needs and rights; and

water in the need-right discourse. The third and last part of the paper examines the debate on water in the context of India and reflects upon the privatisation of the Sheonath river in Chhattisgarh and anti-coke protests at Plachimada in Kerala.

Resources such as land, air, water and petroleum are naturally available substances that are considered valuable in terms of their relatively unmodified (natural) forms. Social advance, industrial progress and national prosperity have their material basis in natural resources (Smith 1928: 16). In the analysis of the term *natural resources*, while *natural* suggests an existence outside culture, something that is not an artefact of human making (like minerals, forest wealth or the bounty of rivers), *resources* imply utility, culturally produced use and exchange values, and something to be efficiently managed. Linking these antinomies are the notions of property and possession, stewardship and responsibility, and the right to use and appropriate (Baviskar 2003: 5053). Extending this to the realm of water as a natural resource due to its availability as a 'common pool' and multiple uses by different user groups, the paper examines the debates concerning its management.

Taking up natural resources as 'property' to carry forward the debate, we find state as the largest stakeholder. Depending on the nature of their political system (democratic, authoritarian or military) and their ideological leanings (liberal or socialist), states manage and control their natural resources as their property in a certain way. Here 'property' implies three clusters of rights. First is the right of *exclusion* to keep others off or away from the property. Second is the right of *use*, or to do what one wishes with the property. Third is the right of *disposition*, or to sell, give or otherwise transfer the property (Brown 2004: 13).

Ownership of natural resources is a contested issue as there are many claimants. The prominent claimants are 'individual'; 'community on behalf of the people'; 'state on behalf of both people and community'; and 'market as the most efficient institution' to effect worldwide implication. It is in this context that this paper intends to elaborate the concepts like 'need', 'right' and 'want' in terms of their theoretical underpinnings. How 'need'

and 'want', despite being distinct from each other, are at times treated in the same manner? The very meaning of 'need' has been changed by the World Bank (WB) and the International Monetary Fund (IMF) as they argue that water, like all other needs, should be available in the market. This paper considers 'need' as inherent to 'right' and, in case of water, need and right as complementary rather than being pitted against each other.

According to the WB and the United Nations (UN), water is a *human need* rather than a *human right*. This distinction should not be disregarded as a matter of semantics; there is serious difference in their interpretation. A human need can be satisfied in many ways, especially in the case of those who have money. But no one can sell a human right (Barlow and Clarke 2002: xii). It is against this backdrop that the paper intends to explore the debate on water in the right-need framework.

I. OWNERSHIP OF WATER: CONTESTED CLAIMS

Who is the owner of natural resources – market, state or community? Like in the case of other natural resources, ownership of water is complicated and the three main claimants, viz. community (including various groups of people in urban as well as rural areas, and defined in the sense of being geographically located in the area of the natural resource and dependent on it), state and market often contest the ownership with one another. There are pros and cons in the matter of ownership claim by each of these parties. Earlier, before the emergence of the nation states, natural resources like land and water were in abundance and they were mostly managed by communities. With the rise of the modern concept of private property the issue of private ownership of land as natural resource and emergence of state as the custodian of people, issues like property and role of state became central to political theory.

Today we are living in an age where the increasing scarcity of natural resources has led to a fresh debate on their ownership and management. There are many claimants and they are engaged in fierce debate regarding the ownership of natural resources. One can locate the struggle for defining the ownership of water as natural resource in the theory and

practice adopted by the different parties in contest. An effort is made in this paper to map out the contours of this debate by exploring the positions that the different parties involved are taking in the debate on water. It would be convenient to capture the nuances of this debate by putting them into three categories: (a) market-managed natural resources, (b) state-managed natural resources and (c) community-managed natural resources.

Market Management

The argument in favour of the market-managed natural resources is that market, as an efficient institution working on rational ground, can strike a balance between the interests of multiple stakeholders and, therefore, management of natural resources should be left to the invisible hands of market. As we know, market is a structure that allows buyers and sellers to exchange any goods, services and information. Presence of buyers and sellers, and availability of goods in which they are interested determine the price of the commodities. Market allows any tradable item to be evaluated and priced. It is sometimes thought that market emerges more or less spontaneously and naturally. The other view on the origin of market is that it is constructed deliberately by human interaction in order to enable the exchange of rights (of ownership) of services and goods. But, it is often claimed that markets have existed as long as there have been more than two individuals (O'Hara 1999: 691-2).

The proponents of the market perspective argue that water is not only a common and social good but also an 'economic good.' Many arguments have been given in support of market as an institution upholding the value of water. First, market is a low cost means to provide important signals to people about the value of various uses of water. Second, as market allows changes in knowledge and demand, and provides a dynamic – rather than a static – valuation, market adapts to constantly changing circumstances. Third, market encourages generation of new knowledge about water – new ways of use, new conservation methods, new delivery systems, etc. Fourth, market does not require large scale agreement among the stakeholders on overall ends, and allows diversity of individual ends to coexist peacefully (Moriss 2007).

State Management

The position advocating state-managed natural resources suggests that state is the only legitimate custodian of natural resources and, therefore, they should be managed by the state. Advocates of state ownership of natural resources have argued that state as an institution is the custodian of its citizens and their rights. Water being a finite natural resource with multiple uses and with intensifying competition among different uses, the task of balancing different claims and ensuring its efficient, equitable and sustainable use is quite difficult. In this context, the state as an institution plays a major role in its distribution and management. Harold Laski (1951) in his book *A Grammar of Politics* has mentioned about the extensive role of the state. Similarly, Jawaharlal Nehru in the Indian context laid the foundation of a mixed economy. Neither Laski nor Nehru wrote much about the management of natural resources but both of them have stressed upon the role of state in controlling the essential commodities like water, power and transport. Although, both of them were writing in two different contexts, yet both of them as exponents of positive liberalism emphasised upon the 'rights' based upon 'needs.'

Community Management

Those who argue for community-managed natural resources say that natural resources are used by the communities and, as they are defined by their location in particular geographical regions, their knowledge systems are competent to make the best use of these natural resources and their survival depends on them. Therefore, communities should have priority over the state as far as ownership of natural resources is concerned. Natural law tradition is one of the oldest schools which have written about the use of certain 'exterior things' (in the expression of St. Aquinas) as collective rather than individualistic claims over it. Here, it has been used to refer to the tradition of moral, political and legal thinking which has developed particularly within Catholicism since the time of St. Aquinas. Natural Law discussions of property since Aquinas have sought to elaborate a set of moral standards by which decisions of owners and established ownership arrangements could be morally evaluated (Finnis 1980: 54). Later, Mahatma

Gandhi's various writings in *Young India* and *Harijan* also reflect his inclination towards community perspective. The contemporary social activists like Vandana Shiva and Medha Patker draw their arguments on similar lines while treating water as 'commons.'

II. PREMISES OF DEBATE ON NEEDS AND RIGHTS

In social sciences, within the neo-liberal and conventional framework, the notions of needs, wants and rights are perplexing. In order to overcome this complexity and to have some conceptual clarity, the relevant concepts in the context of water are discussed under the following three headings: (a) needs and wants, (b) needs and rights, and (c) water in the need-right discourse.

Needs and Wants

Objective human needs can be defined as the necessary conditions for flourishing through the exercise of essential human capacities – in brief, physical and psychological health and freedom. Very often three questions are asked regarding human needs: Are they objective? Are they distinguishable from wants? Are they universal or culturally relative (Hondreich 1995)? Since it seems indisputable that human beings universally need air, water, food and shelter, whatever cultural want, desires or preferences they happen to have, 'water as a need' leads to the worldwide recognised demand of 'right to water'. Here, 'need' is the bare minimum necessity which is essential for survival. This has been the conventional position with regard to human needs. The conventional perspective on human needs is that they are objective and universal, because they are necessary for human living. So, all the necessities of life, including water, come under needs.

In the age of capitalism, the conventional view on needs has come under attack from the liberal-utilitarian perspective. The liberal-utilitarian view does not accept objective universal human needs. They accept wants or expressed needs, i.e. culturally conditioned. They do not accept superiority of needs over wants. They reduce needs to wants. For them needs are

always expressed (i.e. wants)/subjective and not objective/universal. As they do not accept the definitions of objective needs, liberal-utilitarian theorists question the moral acceptability of need as a principle of distribution (Ramsay 1997: 223). They stress instead the function of government and the effectiveness of market for enabling individuals to pursue their own goals and for satisfying felt needs or expressed wants or preferences. This is consistent with both the freedom of the individual and the pluralism of modern liberal society.

Liberal objection to the concept of 'needs' is that needs are metaphysical constructs and presuppose a metaphysic. They are not objective or universal concepts. Need claims are not empirical but normative. All needs are instrumental and may relate to different ends and purposes. Talk about human needs for achieving certain goals or human excellence or a conception of the good ignores competing claims as to what these are. Liberals give political and moral superiority to wants over needs. Policies based on particular normative conceptions of need threaten the freedom of individuals to define needs for themselves. It is argued that allocative priority based on planning to meet needs leads to tyranny over wants. In the free market existing needs dictate to political and economic processes. Hence this form of political and economic organisation is conducive to the maximum and equitable satisfaction of needs (Ramsay 1997: 223-225). However, critics of liberalism consider need as an empirical and neutral category with the argument that needs do not relate to any particular conception of the good, but to any ends a person might have. Survival and health needs, then, are objective and universal requirements for achieving any end. The concept of need does not suffer from the justification problems since needs relate to the objective goals of survival and health (Ramsay 1997: 228).

If needs are objective requirements of survival and health, they can be distinguished from subjectively felt wants and preferences. Although needs and wants may coincide, they do differ crucially in certain ways. To make it clear, we can consider the following arguments given by Maureen Ramsay. First, wants are intentional and require objects wanted which are conditioned by social contexts and circumstances. In contrast to this, fundamental human needs are independent of feelings and beliefs. A person

may want anything but cannot really need 'just anything' as need is restricted by natural necessity. Someone can only need something if it is essential to survival and health. Second, wants involve choice and needs do not. Having a need is not an act of choice. We are not free to choose our needs because what our needs are is determined and limited by our biological and psychological constitutions (Ramsay 1997: 229).

Liberals object to the arguments in favour of the objectivity and priority of needs over wants on the grounds that policies informed by needs impose a single conception of good, and are incompatible with the pluralism of modern liberal society. Liberals very often reduce needs to the category of wants or preferences, though they are two different things. They have adopted a particular definition of need which accepts felt needs and desires as the only real needs. Liberals claim that market is the mechanism by which freedom and want satisfaction are conjoined. Free market mechanisms distribute resources in accordance with people's needs, wants and preferences. However, they neglect the fact that the market is the mechanism by which needs, wants, and preferences are met in proportion to the money and resources an individual has. Nor are individuals free to define their own wants and preferences. They are conditioned by the power relations and social forces which shape and constrain them.

Needs and Rights

Similar to the debate on need and want is that on need and right in the liberal and non-liberal paradigms. In the history of ideas, rights per se are relatively old, while the notion of human rights is relatively new. The continuing importance of rights in the liberal tradition received its first expression in Locke's writings towards the end of the seventeenth century. In the *Second Treatise*, Locke expounded a doctrine of natural rights grounded in natural law (Chandhoke 1995: 87). Under natural law each individual has a natural right to life, liberty and property, and a natural duty to respect the same rights of others. The political impact and consequences of Locke's doctrine of natural rights are re-stated in the American Declaration of Independence (1776), which asserts each person's inalienable right to life, liberty and the pursuit of happiness, identifies the task of government as

securing these rights, and rests legitimate authority on consent of the governed and on protection of their rights.

The concepts of 'right' and 'need' are inherently linked to each other. Since there are needs that are universal and objective, every human being should have the right to them. They are accepted as natural rights or basic human rights. If we follow the tradition of natural rights as given in the writings of Locke (right to life, liberty and property), it seems to be providing the base of the liberal paradigm. But the contention between these concepts arose later when 'need' started to be defined in terms of 'want'. The neo-liberals do not any more accept the objectivity of natural needs which tend to become the basis of socio-economic rights. Especially the neo-liberals or libertarians tend to support a minimalist state. But, if people have socio-economic rights, it will be an obligation upon the state to provide them.

In the modern liberal tradition, the notion of individual or specifically human rights has continuities with the natural rights tradition in so far as these are thought to be moral claims which an individual possesses by virtue of some human characteristic and which is independent of laws, customs or conventions. The theory of natural rights suggests that rights are not granted by the state, but they come from the very nature of a human being, her/his own intrinsic being (Gauba 2008: 153). Similarly, human rights are those rights to which an individual is entitled by virtue of her/his status as a human being. Their primary function is to define the claim that the inviolability of a person gives rise to rights which the state must respect and protect (Gauba 2003: 283). Twentieth-century declarations of human rights, like the UN Declaration of Human Rights (1948) and subsequent UN Conventions of Economic, Social and Cultural Rights, parallel the earlier assertions of natural rights. So, one can see the convergence of natural and human rights. However, human rights, like any other rights have to be enforced by a state or an international tribunal.

There are two broader sets of rights: (a) civil and political rights like right to speech and right to vote, and (b) social and economic rights directed towards providing minimum standards of living for each person

which assert claims on the fulfilment of basic human needs. It has often been disputed as to whether social and economic rights can be properly regarded as human rights or whether they are simply desirable ideals. The liberals view that it is difficult to enlist the basic human needs to sanction the social and economic rights or the positive rights and very often they insist upon the civil and political rights as essential for the people. However, if we assume minimal survival needs, then it would generate at least positive rights to clean air and water, adequate food, clothing and shelter, basic health care and education, and the right to the provision of these where individuals or groups cannot provide for themselves. These are essential if human beings are to act to acquire any ends or values. They are also universal as they apply to all human beings at all times and places, even though the historically and culturally specific forms of these needs may differ. Thus, contrary to the neo-liberalist view, the non-liberals claim that socio-economic rights are equally essential if they are attached with the notion of actual needs, i.e. necessary for survival.

Rights are claims recognised by the society and the state. They are like moral declarations unless they are protected by the state. The notion of right is not only attached to claim but also attached with duty where each individual has to respect another's rights as well. However, one point relating to the development of the concept of rights in recent times is that the 'claim aspect' has overshadowed the 'duty aspect' of this important term. Now rights are not merely asserted defensively against state action, but are rather interpreted as legitimate claims on government to satisfy human needs. Thus, the distinction between rights as 'liberties' and rights as 'claims' has become an important matter to social and political theory (Worldlingo 2010). While 'claim right' entails obligation on others (for example, the state) to provide what the right holder is entitled to, 'liberty right' gives an individual right holder freedom from hindrance or obstruction on the part of others (duty of others to respect the claim). The twin concepts of right have put a premium on the ideal relationship between rights and duties in view of the fact that 'claim right' entitles its holder to limit the liberty of another person. In the case of certain rights the argument, that rights and duties are logically linked, seems to be water-tight, but there are uses of the word 'duty' which do not imply correlative rights (Barry 1981: 186-7).

Water in Need-Right Discourse

Water as a resource, being relevant for both development and environment, has appeared in the of discussions of different kinds of rights, such as human right to water, water rights, and right-based approach to water etc. In the international realm, the UN Committee for Economic, Social and Cultural Rights (CESCR) adopted the General Comment (No. 15) on the right to water in 2002 (Pant 2003). The General Comment 15 is an official legal interpretation based on the provisions of the CESCR. It states: “The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygiene requirements” (Pangare and Pangare 2007: 10). In contrast to this UN declaration, there is also an altogether different line of argument on water at the international level. From 1997 onwards four meetings of the World Water Forum have taken place – the first at Morocco in 1997, the second at the Hague in 2000, the third at Kyoto in 2003 and the fourth at Mexico in 2006. The convenors of the forum were some of the world’s largest corporations – the self-proclaimed saviours of the global water crisis. They wanted water to be officially designated as a “need” so that the private sector, through the market would have the right and responsibility to provide this vital resource on a for-profit basis. If, on the other hand, water would have been officially designated as a universal human right, then the states would be responsible for ensuring that all people have an access to it (Barlow and Clarke 2003: 79-80).

If we closely look at the ongoing debate on water, we find that the two terms ‘right’ and ‘need’ have occupied the centre stage with the question whether water should be treated as right or need. This question has emerged from the recent dichotomy between need and want. In its evolution, right itself was based on need, that is, since we need something, we have the right to avail of it without any hindrance. The meaning of ‘need’ is being altered by defining it in terms of ‘want’ rather than ‘right’ by the international economic agencies like the WB and the IMF – even the UN has shown similar tendency during the last few years. For them, a human need can be

fulfilled by leaving it to the market on the basis of demand and supply with no obligation on the part of the state. On the contrary, the conventional position accepts the right to water as a fundamental human right and the responsibility of the state.

In the last few years, the forces of globalisation have contributed to the changing role of the state. International institutions, governments and multilateral corporations are designing and implementing policies that reduce the role of state in the provision of basic services and free access to natural resources. The term 'Washington Consensus,' was coined in 1990 by John Williamson of the Institute for International Economics, a Washington-based conservative think tank. According to this doctrine, it is essential that capital, goods and services be allowed to flow freely across borders around the world, unfettered by the state intervention or regulation (Barlow and Clarke 2003: 82). This ideology aims to create one single, unified global economy, based on the doctrine of competitiveness. To be internationally competitive, national governments are compelled to eliminate all barriers to the free flow of capital, goods and services, including environmental regulations designed to protect natural resources like water (Barlow and Clarke 2003: 95). Water supply in this approach is not an obligation of the state to the citizens but becomes a commodity available to those who pay for it, even if the price is termed 'user charges' (Singh 2004: iii). The WB and the IMF along with the multi-national corporations involved in water-businesses are already pressurising the countries to privatise their system of water supply or to introduce at least the public private partnership (PPP). In 1998 the WB predicted that the global trade in water would soon be an 800 billion US dollar industry, and by 2001 this projection was jacked up to one trillion dollar (Barlow and Clarke 2003: 105).

While the World Bank is promoting privatisation of water through structural adjustment programmes and conditions, the World Trade Organisation (WTO) is instituting water privatisation via free-trade rules embodied in the General Agreement on Trade in Services (GATS). The GATS promotes free-trade in services including water, food, environment, health, education etc. (Shiva 2002: 93). Such kinds of agreements have already started changing the future course of action on water. One of the

best examples is the ever expanding industry of the bottled drinking water plants. In the coming years, we will be facing many problems ranging from the environmental hazard created by these plastic bottles to diminishing fertility of the soil. This new trend of bottled drinking water also reflects the economic divide in the society between those who can afford it and those who cannot. But unlike other things, water as the essence of life is of utmost 'need' for everyone no matter what her/his social status is.

At the same time, it is very important to take into consideration that, since the concept of 'right' itself is contested, attributing right to water and talking about 'right to water' cannot be so easy. The different dimensions of the right to water include the precise nature of the right/entitlement, the unit to which the right should be assigned, the kind of needs to be considered within the ambit of this right, the responsibilities of the state and of right-holders, ownership of water resources, the impact of globalisation on various aspects of the right to water and many more (Sangameswaran 2007: vii). Thus, one can say that defining right to water is not only complex but also context-specific.

III. DEBATE ON WATER: INDIAN CONTEXT

Till the recent past, 'water as a natural resource' has been managed and controlled by the state in India. But, it has on the whole failed to provide anything like 'right to water' to its citizens. Whether it is about construction of large dams leading to the displacement and rehabilitation of millions of people as in the case of the Narmada project or people's expectation that drinking water should be made available to all by the state, everywhere one can notice the presence of the state. Despite all this, 'right to water' and availability of clean drinking water are largely out of reach for common people. In this context, the Supreme Court of India in one of its recent verdicts has declared that the 'right to clean drinking water' draws its corollary from the 'right to life' which is a fundamental right under Article 21 of the Indian Constitution.

As stated earlier about the UN General Comment No. 15, here it is noteworthy to mention what it further states. "State parties have an

obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children” (Pangare and Pangare 2007: 10). Therefore, it is evident that enforcement of the right to water also imposes obligations on the states to make it available to its citizens. A basis for the right to water has been found in the Indian Constitution under a fundamental right, viz. right to life. Yet, neither the judiciary nor the government in India has been committed to the UN General Comment in particular or the human rights discourse in general, which is an indication of the hegemony of other water discourses (Sangmeswaran 2007: vii).

National Water Policy

So far only two national water policies (NWP) have been formulated in India. The first national policy came only in 1987, that is, after forty years of independence. This indicates state apathy towards issues like water, probably because it had no commodity perception during that period. But we may notice the change in the language used in these policies with the passing of time. The first policy was nothing more than the official position of government regarding water resources, put in words. Neither was it formulated with the participation of the people through consultation nor did it allocate any role to the communities involved in practising traditional methods of water conservation. The only role sought for the non-government organisations in the policy document was ‘in educating farmers in efficient water use and water management’ (GOI 1987). Such a policy failed to leave any imprint in terms of changing the ground realities (Singh 2004: 56). It has not mentioned anything like ‘right to water’ and state’s responsibility to make it available to the people.

The second NWP in 2002 was more of a step forward to facilitate privatisation of a natural resource like water. Section 1 of the policy – ‘need for the national water policy’ – is a sort of preamble of the policy, which focuses upon the need for an integrated water resource development. Thus, commitment to the principles of the integrated water resource management (IWRM) with greater stress on environment issues is one of the basic features of the policy. Section 3 on water resource planning is based on the principle

that the maximum amount of the available water resources should be converted into utilisable resources. Section 4 deals with the institutional mechanism. The wording of this section indicates that this has been drafted in the background of a strong centrally planned economy.

Section 11 the second NWP deals with financial sustainability in the provision of water. It mentions the principle that water charges for various uses should be fixed in such a way that they cover at least the cost of operation and maintenance (O and M), and a part of the capital costs (capital cost recovery). Thus, water prices are considered totally as administration costs, seemingly negating the principle of using the market mechanisms to decide the price of water. Section 13 has a paragraph dealing with private sector participation. It states that private sector participation may help in introducing innovative ideas, generating financial resources, and introducing corporate management as well as accountability to the users. It concludes that, depending on the specific situation, private participation in building, owning, operating, leasing and transferring (BOOT) of water facilities may be considered (GOI 2002).

The major drawbacks and lacunae of the NWP, 2002 are lack of well-defined objectives, emphasis on consumption of water, and keeping 'humans' at the centre rather than viewing humans as part of the nature or the whole ecosystem. It ignored the vital issue of people's participation in the management of water resources. There is undue thrust on augmenting water supplies for increased water requirements, but offers no innovation in rationalising it. Water is not recognised as a livelihood resource of communities like fisher-folk, who solely depend upon it. In irrigation, no distinction is made between sustenance agriculture of small and marginal farmers, and cash crops of large farmers. The issue of social justice in water distribution has been overlooked, despite the fact that more than 60 per cent of the population lives in rural areas where it often becomes a question of survival. The lowest unit of governance, gram panchayat, has not been given any right over water. Under the participatory approach to water resource management, private sector participation has been encouraged (Singh 2004: 58-59).

The provisions of the NWP's seem to show that, although there is judicial support for right to water, it does not get reflected when it comes to its implications in terms of policy making. For instance, the NWP, 2002 continues to call water a 'basic human need' as against 'basic human right,' in spite of many attempts by civil society agents to change the nomenclature from need to right (Sangmeswaran 2007: 47). So, the policy reflects the tensions at the international level in the 'right' versus 'need' debate over water. In this context, it is pertinent to have a look at two cases which reflect the consequences of the neo-liberal policies on water in India. They are the privatisation of the Sheonath river in the state of Chhattisgarh and the anti-Coke protests at Plachimada in the state of Kerala.

Privatisation of Sheonath River in Chhattisgarh

Sheonath river, a semi-perennial tributary of the Mahanadi river flows through the Borai industrial region in the Durg district of Chhattisgarh state. The importance of Sheonath river in Chhattisgarh can be understood from the fact that it collects 40 per cent of the total water of the catchments of the Mahanadi river. Sheonath has a number of tributaries, namely, Amner, Haanp, Maniyari, Arpa, Kharkhara, Tandula, Kharman, Jamnia, and Khorsi (Singh 2004: 76). Its 23.6 km. stretch was given in contract to the Radius Water Limited (RWL), a division of the Kailash Engineering, for a period of 22 years. The RWL is based in Rajnandangaon near Borai and has been managing the water distribution from the river. The build-own-operate-transfer (BOOT) project, signed by the Madhya Pradesh state government in 1998 when Chhattisgarh was part of Madhya Pradesh, was commissioned by the Chhattisgarh government in 2001 (Das and Pangare 2006: 611).

Borai is a newly developed industrial hub, promoted by the Chhattisgarh State Industrial Development Corporation (CSIDC). It is 45 km. from the Raipur airport, on National Highway six (NH 6) and the main Mumbai-Howrah railway line. The region is rich in natural minerals and has a cluster of villages like Ramsara, Mohali, Chikhali and Nagpura that have been traditionally using the river for irrigation and fishing (Singh 2004: 74-85). For generations, the rural people have relied upon its water, be it for drinking or for fishing as a means of livelihood. Before the denial of their

free access to the river water, they would have never imagined of a situation like river privatisation.

Under the scheme, water from the river was supplied to the industries in bulk as part of an agreement with the CSIDC. The agreement also stated that, before the start of the project, the RWL would get all the pre-existing assets like intake well pump house, overhead tank, pipelines, old motor pumps in use, treatment plant, etc. In addition, the RWL would have the right to mortgage these assets. When the RWL took over the Borai project, the total cost of the available assets at the site was more than Rs.5 crore. All this has been handed over to the RWL on lease for a token payment of just one rupee. In a project under the BOOT, the government or any of its agencies do not have any responsibility.

The RWL employees forcibly took away the pumps of farmers and used them for pumping water from the Sheonath river. Villagers in the upstream area were completely stopped from taking water from the river on the ground that it would reduce the quantum of water for supply to the industrial units at Borai. Farmers engaged in growing vegetables on the banks of the river in Ramsara and Mohali villages were forced to abandon their livelihood resource as they could not draw river water any longer. They were not allowed to install tube wells by the RWL on the ground that it would reduce inflow of water into the river. Fisher folk constituting a large number of families in these villages became jobless as fishing in the river was stopped by the RWL. Access of livestock, especially buffaloes, to river water was limited to a few minutes in a day, which affected their productivity. Washing of clothes at the banks of the river was totally banned by the RWL with the argument that it would increase the pollution level in the river. Right to collect sand from the river bank was now vested exclusively in the RWL. As a result, the Ramsara gram panchayat lost the revenue (amounting to Rs.90,000 per annum) that would have been received in awarding contracts for collecting sand (Singh 2004: 74-85).

Activists from the National Alliance of People's Movements, the All India Youth Federation, the Nadi Ghati Sangharsh Samiti and Chhattisgarh Mukti Morcha united the people living along the river to get

their rights restored. People from several villages joined the struggle (Krishnakumar 2003: 86). At last, in response to the protests by villagers and civil society activists, the Borai scheme was cancelled by the Chhattisgarh government. However, there have since been other instances in the state where parts of rivers were handed over to industries for private use. These include the Kharn river to Nico Jaisawal Group, the Sagari river to S. R. Group, the Indravati river to Tata Group and the Kelu river to Jindal Group (Mumtaz *et al.*: 2006). So, one can see how industrial usage is given priority over the livelihood issue by the state government. It not only created problems for the local people but also set precedence for river privatisation, making India perhaps the first country wherein it has been done.

Anti-Coke Protests at Plachimada in Kerala

Plachimada, a remote village in Chittur taluka of Palakkad district belongs to the rain shadow region of the Western Ghats in Kerala. In 1998-99 the Hindustan Coca Cola Beverages Private Limited (HCBPL) acquired 42 acres of land which was in the possession of different small cultivators, in violation of the Kerala Land Utilisation Act, 1967. This act is intended to prevent the use of agricultural land for non-agricultural purposes. The company's site was adjacent to the Vijaynagar colony of Plachimada panchayat, an adivasi (tribal) settlement of 75 families. The village is located within 200 meters of the periphery of the company (Pillai 2008: 14-15).

“Coca Cola's plant is illegal because they haven't even obtained clearance for putting agricultural land to non-agricultural uses,” says M. Swaminathan, a tribal leader from Velloor, one of the tribal villages affected by Coke's (Coca Cola's) activities (Jayaraman 2002). Since the opening of the Coca Cola factory, the residents of Plachimada and other two nearby villages (namely, Perumatty and Vandithavalam) started facing a number of problems ranging from acute shortage of water to loss of land-fertility and also health problems (like skin diseases). This further led to the emergence of a very strong people's movement in the area – Coca Cola Virudh Samara Smithi – demanding the closure of the factory (Singh 2004: 86). In a detailed study done by the Vikas Adhyayan Kendra, an non-government organisation, it was found that the Plachimada problem involved many issues – dispute

over the quantum of water, nominal water cess, water quality, environmental impacts, public health and people's struggle against the HCPBL (Singh 2004: 86-98).

Speaking to *The Hindu*, Amit Srivastava of the India Resource Centre – which campaigns for the rights of communities in affected areas – said that he had the recommendations made by the High Power Committee (HPC) set up by the Kerala government, according to which Coca-Cola should be held liable for Rs.216.26 crore in “damages to the community and the environment around its bottling plant in Plachimada” (Lakshman 2010: 9). Protests against the Coca Cola bottling plant resulted in the closure of the factory in March 2004 on government orders. According to the HPC, the Kerala Agricultural University found that fodder, milk, meat and egg samples collected from the Plachimada area contained copper, and cadmium at levels considered toxic by World Health Organisation (WHO) standards (Lakshman 2010: 9).

What Vandana Shiva calls ‘corporate hijacking of water’ seems to be absolutely true in the case of Plachimada. The way the multi-national Coca Cola factory went on to exploit groundwater, affected availability of water not only in Plachimada but also in the nearby areas as the groundwater level went down. Such over exploitation of groundwater resources leading to severe water shortage has happened not only in Plachimada, but also in Kala Dera (Rajasthan) and many other places where such companies have set up their factories. They are not only taking away the water of the local community but also polluting the surrounding areas through their industrial waste.

The Coca Cola company told the local community that the sludge from the factory would be good for land, and dumped loads of it in the surrounding fields and on the banks of the irrigation canal, heralding it as free fertilizer. Aside from stinking badly, it made old people and children sick. Those who came into contact with it got rashes and kindred infections, and the crops which it was supposed to nourish were damaged. Laboratory analysis done by the Kerala State Pollution Control Board has shown dangerous levels of cadmium in the sludge. Another report on the impact of the factory on the community was prepared at the Exeter University in

England at the request of the BBC radio. The BBC reporter, John Waite visited Plachimada and broadcast his report in July of 2003. His report found in the water of a well near the plant not only impermissible amount of cadmium but also lead at levels that “could have devastating consequences” (Cockburn, 2005). Coca Cola was “giving back” to Plachimada, wherein the give-back took the form of toxic sludge along with profuse daily donations of foul wastewater (Cockburn 2005).

“When you drink Coke, you drink the blood of people,” said Mylamma who started the movement against Coca Cola in Plachimada. Since the water in that area has become toxic, now the women have to walk long distances to get safe drinking water. In January 2004, the World Water Conference brought global activists like Jose Bove and Maude Barlow to Plachimada to support the local activists. A movement started by the local adivasi women had unleashed a national and global wave of people’s energy in their support. The local panchayat used its constitutional rights to serve the notice of closure to Coca Cola. The Perumatty panchayat filed public interest litigation (PIL) in the Kerala High Court (Shiva 2006: 3-4). As a result and due to immense pressure from the growing anxiety among the civil society activists and the people of the area, the Kerala state government ordered the closure of the Coco Cola plant of Plachimada in 2004.

CONCLUSION

This paper has examined the concepts of ‘right,’ ‘need’ and ‘want’ and their implication in the case of water as a natural resource. The purpose behind doing so was to capture the complexity of the debate on water. Water as a natural resource has many aspects, viz. social, economic, political, cultural and spiritual. But many a time we feel that political economy of water tends to get more attention in comparison with the other dimensions of it. Especially, with the emergence of the “Washington Consensus” as a model of economics advocating the neo-liberal policies worldwide, privatisation and commoditisation have come to occupy the centre stage in the debate on water. The way ‘need’ and ‘right’ have been projected as mutually exclusive is very problematic. The concept of ‘need,’ in its literal meaning as ‘essence,’ is actually complementary to the concept of ‘right.’

In the Indian context, one can notice the changing role of the state in the ownership and distribution of water. With the adoption of the new economic policy, the state in India seems to be moving away from the concept of the welfare state and to be guided largely by the neo-liberal policies. A close look at the NWP, 2002 makes it amply clear. One of its sections says that private sector participation is necessary for the efficient management of water. But, the Sheonath river project very well reflects the terrific risks involved in privatisation of common property resources, especially a major source of water, i.e. river. The case of anti-Coke struggle in Plachimada reflects the potential of a small local movement to turn into a worldwide debate over transnational corporate intervention. This situation may lead to clashes between environment and development, culture and development, and perhaps also environment and culture. It also sets the local against the global, the poor against the rich, and to some extent the poor against the poor (Wramner 2004: 3). Coke is not water. A human being has the basic need for, and therefore a basic right to, water. There is neither a need for, nor a right to, Coke. However, it is the 'desire' to drink Coke or Pepsi and other soft drinks that these MNCs are trying to satisfy. This 'desire' or 'want' itself is partly created by the marketing strategies like advertisement (Iyer 2007: 136).

In this context, we can say that the so-called 'need' principle of the WB-IMF seems to have overridden the 'right' aspect. In the context of the 'need-right' debate, the WB-IMF along with the UN have posed water in terms of 'need versus right.' The Indian Constitution does not mention anything like 'right to water.' Such circumstances suggest that market forces are more likely to decide the future unfolding of the development and management scenarios including vital decisions about financial sustainability and water pricing.

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