

New Social Movements in the Era of Neoliberal Globalisation: A Case Study of Plachimada Water Struggle in Kerala

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This article aims to locate the water struggle at Plachimada, in Kerala, in the broad framework of new social movements in the era of neoliberal globalisation. New social movement and neoliberal globalisation are twins. However, both of them have a contested relationship ever since their existence. One of the reasons for this unique relationship is the conflicting interests of both phenomena. Therefore, understanding the nature of these two phenomena is equally important as grasping anti-neoliberal globalisation movements across the world. This article examines the concepts and contested relationship between new social movements and neoliberal globalisation. Further, it studies the significance of the water struggle at Plachimada as a new social movement resisting neoliberal globalisation.

Keywords: New social movements, neoliberal globalisation, common-pool natural resources, public trust doctrine, plachimada water struggle

New social movements and neoliberal globalisation came into existence in the second half of the 20th century. Neoliberal globalisation stands for the interests of global business tycoons, who are keen to accumulate exorbitant profits through the privatisation, commodification, and over-exploitation of common-pool natural resources on the planet. Privatisation and commodification of common-pool natural resources are against the fundamental principle of the public trust doctrine. The public trust doctrine emerged as a legal tool to conserve common-pool natural resources under public ownership. Keeping these resources under public ownership is to ensure their availability for the benefit of the general public. Under the aegis of neoliberal globalisation, global tycoons often violate the public trust doctrine, which in turn cause the shortage and contamination of common-pool natural resources. Common people have to bear the brunt of it. In such circumstances, people resort to new social movements to protect common-pool natural resources and their livelihood. Neoliberal globalisation represents unbridled capitalism, and new social movements represent the resistance of people against it. The reason for their contested relationship is the conflicting interest between each other. In other words, neoliberal globalisation's quest for profit at the expense of the common-pool natural resources, environment, and livelihood of people triggering the new social movements across the world. In this theoretical framework, this article examines the significance of the Plachimada water struggle in Kerala.

For convenience, this article is divided into five sections. The first section attempts to clarify key concepts under discussion of this article. In the second

section, this article analyses neoliberal globalisation and new social movements in the Indian context. This section briefly explains India's entry into the neoliberal phase of globalisation and the impacts of its consequent structural adjustment programmes. This section also discusses the constitutional validity of the public trust doctrine in India and the significance of the Panchayati Raj Act 1992 on new social movements in the country. The third section narrates the water struggle at Plachimada. In the fourth section, this article examines the extent of the water struggle at Plachimada as a new social movement. The fifth section is the concluding part of this article.

New Social Movements

New social movements (NSMs) or 'new politics' emerged in the second half of the 20th century (Miller, 2020). The demarcating element, which makes NSMs distinct from old social movements (OSMs) or traditional politics, is the focus of concern. Old social movements were characterised by their focus on material factors and their ideological orientations. It was meant for addressing material factors such as development and the economic inequalities in society. Each old social movement tried to address the aforesaid issues on the basis of its ideological orientation. For instance, old social movements subscribed to liberalism held that rapid industrialisation and free trade would bring material development to society, and the economic inequalities would be resolved gradually by the trickle-down effect. The supporters of the trickle-down effect argued that the wealth would be overflowed from the industrialists and business class to the working class as the pace of industrialisation and free trade were in full swing. On the contrary, the left-wing movements argued that the trickle-down effect would never happen as there is no limit to the acquisitive mentality of the bourgeoisie. Old social movements affiliated with Marxism believed that inequalities in society could resolve only by restructuring the production mode. Thus, the old social movement or traditional politics was a class-based movement focused on material and ideological factors while it ignored other issues in society.

However, the new social movements emerged as a platform to address the issues ignored or neglected by traditional politics or old social movements. For instance, the new social movements address issues such as identity (based on gender, race, and ethnicity), depletion of natural resources, human rights violations, environmental problems, etc. (Kennedy, 2013, pp. 105-6). Old social movements have a rigid organisational structure. However, new social movements are flexible and decentralised. The leadership of a new social movement consists of the residents of that particular area. Hence, each new social movement retains autonomy from its counterparts across the world. While retaining its autonomous nature intact, the new social movements may collaborate and cooperate with their counterparts worldwide. Unlike political parties and other registered associations, new social movements may not have enrolled members. Instead, a core group of few activists and a large number of followers, supporters, and sympathisers are leading new social movements (Miller, 2020). Even though the leadership of a new social movement is decentralised, the issues it addresses are of global importance.

In order to overcome a balance of payment (BoP) crisis, India had to approach the IMF for a loan in 1991 (Bhattacharyya, 2014). The IMF agreed to release the money, but on the condition that India might implement the structural adjustment

programme (SAP). As per the SAP, India had to invite Foreign Direct Investment (FDI) in every sector of the economy (Adnan, 2015, pp. 27-28). This allowed transnational corporations (TNCs) to restart their operations on Indian soil after two decades of debarment from the country. While new development opened up the floodgates for foreign tycoons to exploit common-pool natural resources in India, a legislative initiative equipped local people to protect these resources. It was the 73rd amendment to the constitution, which conferred a constitutional status to the Panchayati Raj Institutions (PRIs) (Sharma, 2015). This amendment, popularly known as the Panchayati Raj Act 1992, empowered the Panchayati Raj Institutions (PRIs) to conserve common-pool natural resources within their territorial limits (Bhat, 2010). The Act entrusted the State legislatures to pass appropriate acts in their States and devolve powers and functions to PRIs (Hooja, 2006). While the SAP opened up Indian soil to TNCs for exploiting common-pool natural resources, the Panchayati Raj Act 1992, empowered PRIs to protect these resources. These twin developments added a global v. local dimension to the new social movements in India.

Public Trust Doctrine and Water Governance in India

The public trust doctrine is a legal concept, which emerged to conserve common-pool natural resources. The conservation of these resources is vital for ensuring the survival of life on earth. Common-pool natural resources such as rivers, forests, air, ecosystems, etc., are the resources gifted by nature and benefited by multiple numbers of users (Ostrom, 2001). The salient features of the common-pool natural resources are difficulties in their conservation and their vulnerability to degradation. Due to their large size, these resources are difficult to conserve in locker rooms or by fencing. Even though the common-pool natural resources are large in size, they are finite in quantities. The size of the common-pool shrinks according to the extent of resource utilisation from the source. Hence, these resources are vulnerable to degradation in case of overexploitation and imprudent use. The degradation of these resources harms food security, climatic conditions, and ecological balances (Sagarin & Turnipseed, 2012). Hence, the conservation of the common-pool natural resources is vital for the survival of life. Due to their unique features, an effective legal tool is the only viable mechanism to conserve the common-pool natural resources. The public trust doctrine has emerged as a legal tool in this regard.

The concept of the public trust doctrine first appeared in the ancient Roman law, which held that the resources such as rivers, seashore, forests, and the air are either owned by no one individually (*Res Nullius*) or by everyone collectively (*Res Communis*) (Yang et al., 2020). In other words, no private entity has the right to own these vital resources. Instead, these resources are owned by the general public, and the government may function as a trustee of them. The government does not have the authority to sell these resources to any private party. Instead, the government is mandated to manage and conserve these resources for the well-being of general public and future generations. Another school of thought, which supports the public trust doctrine argues that the law of nature is universal, and it is the supreme law of the universe. All other laws enacted by human-made institutions are inferior to this universal law. Hence, the former does not have the authority to

overrule the latter. By virtue of the law of nature, common-pool natural resources, vital for the survival of life, are entitled to be freely available to the general public (Shiva, 2002). The conversion of these resources into private ownership will not serve this purpose (Yang et al., 2020). Hence, privatisation of common-pool natural resources is a contravention of the law of nature.

The medieval English law conferred ownership of common-pool natural resources to the British Crown. However, the English law set forth a clause that the Crown did not have the authority to hand over these resources to private owners if it was against the public interest. Moreover, the English law provided that the common-pool natural resources had to be conserved by the Crown in trust to use the general public (p. 157). According to English law, water and other common-pool natural resources are usufructuary, which means people only have the right to use it but do not have the ownership right (Hall, 2021). The United States of America was carved out of thirteen British colonies, and the former framed its legal system by borrowing heavily from English common law. On the corollary of that, the public trust doctrine has also become an integral part of the US legal system. It held that the trusteeship of the common-pool natural resources transferred from the British Crown to the sovereign United States when the latter got independence from the former. Today, the US holds these resources in public trust, and its government is mandated to conserve these resources for the benefit of the general public (Yang et al., 2020).

Initially, the scope of the public trust doctrine was limited to certain areas such as rivers, seashore, forests, and the air. Having understood the challenges in the modern world to the environment and common-pool natural resources, Joseph L. Sax, the then professor of law at the University of Michigan, appealed for a comprehensive public trust doctrine. In his seminal article titled, *Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention*, published in the Michigan Law Review in 1970, Professor Sax outlined the features of modern public trust doctrine (Merrill, 2021). In this article, Professor Sax sought to expand the coverage of the public trust doctrine by encompassing all types of publicly owned resources, including all bodies of water, parks, and wildlife, etc. The scope of the public trust doctrine should be extended from time to time to address issues that affect common-pool natural resources. In such cases, the legislature, executive, and the judiciary may discharge their responsibility in favour of the common good and general will (Yang et al., 2020). In his view, the public trust doctrine is essential for safeguarding public resources from private encroachment, ensuring their fair use, and conserving them for the present and future generations. As far as the modern public trust doctrine is concerned, every common-pool natural resource, vital for the survival of life, should be conserved in public trust and made available to benefit the general public. The privatisation and commodification of these resources are deemed to be a violation of the public trust doctrine. According to Professor Sax, the public trust doctrine assigns three responsibilities to the government. First, the government should ensure that the resources in public trust are accessible to the general public. Second, the government should ensure that these resources are not commodified and sold 'even for a fair cash equivalent'. Third, it is the government's responsibility to ensure that the trust resources are 'maintained in particular types of uses' (p. 158). The public trust doctrine set forth by Professor Sax has a profound influence on the legal system in the United States and many other countries. The

courts in India often cite the public trust doctrine and the name of Professor Sax in judgments of cases pertaining to the environment and common-pool natural resources (Scanlan, 2017). The case of the Plachimada water struggle is also not different. In sum, the essence of the public trust doctrine is that the common-pool natural resources are gifts of nature, and they are finite in quantities. By the law of nature, these resources should be freely and fairly available to the general public. The privatisation and commodification of the common-pool natural resources are repugnant to the law of nature. Overexploitation and contamination of these resources and the diversion of these vital resources for commercial purposes may jeopardise life on earth. The public trust doctrine authorises the government to conserve and manage these resources for the general public and future generations. For this purpose, the government should take effective measures to ensure the availability of common-pool natural resources to the general public, to protect these resources from overexploitation, contamination, and privatisation.

The world has been witnessing the neoliberal phase of globalisation since the 1970s. Global economic institutions such as the International Monetary Fund (IMF), World Bank, and the World Trade Organisation (WTO) are regulating the rules of neoliberal globalisation. The IMF and the WTO discharge their responsibilities through setting forth and monitoring the rules for the seamless functioning of the global economy and free trade, respectively, while the World Bank delivers its duty through providing financial and technical assistance to its member states (Baker & Hinds, 2012, pp. 318). Through the structural adjustment programmes (SAP) and unfavourable trade rules, these global economic institutions are functioning against the interests of the developing countries (Roy, 2005, pp. 40). For instance, SAP made the developing countries in Asia, Africa, and Latin America restructure their economy. As a result, TNCs got access to the common-pool natural resources and markets in developing countries. The case taken for this article is a classic example of the impact of neoliberal globalisation on the environment, common-pool natural resources, and the livelihood of people in developing countries.

The ancient Roman law, medieval English law, US law, and Professor Sax's 1970 article profoundly influenced shaping the public trust doctrine in India (Scanlan, 2017). Having understood the deep connection between Indian civilisation and nature, articles 21, 48A, and 51A were incorporated into the constitution to protect the environment and its valuable resources (p. 28). The Indian judiciary applied the public trust doctrine for the first time in *MC Mehta v. Kamal Nath* 1997. In this case, the Supreme Court enunciated that "all ecosystems operating in our natural resources" come under the ambit of the public trust doctrine. Consequent to the 73rd amendment to the constitution, Kerala Legislative Assembly passed the Kerala Panchayat Raj Act in 1994, which set forth a three-tier system: Grama Panchayat, Block Panchayat, and District Panchayat (Thomas, 2004). Sections 166, 218, and 234A to 234C of the Kerala Panchayat Raj Act 1994 empower Grama Panchayats in the State to regulate water resources within their territorial limits and ensure the equitable supply of potable water to its residents (Department of Local Self-Government, 1994). In other words, the trusteeship of water resources is transferred to the bottom level of the government body, where local people have direct control over governance. Thus, the Act empowered the people to conserve the common-pool natural resources in public trust. Since new social movements are the local

level initiatives for protecting common-pool natural resources, the Panchayati Raj Act boosted their morale in this regard.

The law to govern groundwater rights in the country is the Indian Easements Act of 1882. According to section 7 (g) of this Act, the groundwater is the property of the landowner (Indian Easements Act, 1882). This century-old Act does not put any limit on the quantity of groundwater extracted by the landowner. As a result, an individual has the unbridled right to extract any amount of water below the surface of land under his or her ownership. This section in the Indian Easements Act provided a convenient loophole for Coca-Cola to justify their overexploitation of groundwater at Plachimada. However, the Indian judiciary holds that groundwater has to be conserved in public trust due to the following reasons: First, it is a common-pool natural resource vital for survival. Second, the growing trend of overexploitation and contamination of groundwater is a serious matter of concern. Third, India has to take note of international agreements on groundwater resources. Indian courts have interpreted that access to safe water is the right of every individual in the country, in accordance with articles 14 (equality before law) and 21 (protection of life and personal liberty) of the constitution (Vani, 2009). From this standpoint, the courts in India have enunciated that any action to obstruct the availability of clean water by overexploitation and contamination of groundwater is a clear violation of the fundamental rights enshrined in the constitution. Though the judiciary has taken a progressive stance towards the conservation of groundwater, the provision in the Indian Easements Act of 1882 prevents from conferring a public trust resource status to groundwater. Hence, the legal status of groundwater in India is a debatable issue.

Water struggle at Plachimada: A Case Study

This section of the article examines the impact of water extraction by the bottling plant of Coca-Cola at Plachimada in the Palakkad district of Kerala. This section narrates the developments that led to the setting up of the aforementioned plant, its impact, and the resistance of the people. Coca-Cola had to leave India in 1977, consequent upon the nationalisation drive and corresponding legislation in the country (Bijoy, 2006). For instance, the Monopolies and Restrictive Trade Practices (MRTP) Act 1970 had provisions to prevent a business tycoon from amassing excessive assets in the country (Gupta, 2016, pp. 200). The Parliament also passed the Foreign Exchange Regulation Act (FERA) in 1973. FERA put a cap on the profit that could be transferred from India to abroad by a foreign company. FERA further stipulated that the equity share of a foreign company might not go beyond 40 per cent. These developments forced Coca-Cola to leave India. However, India's entry into the neoliberal phase of globalisation helped the company to restart its functions in the country. Coca-Cola restarted its operations in India under its subsidiary, the Hindustan Coca-Cola Beverages Private (HCCB) Pvt. Ltd, in 1993. Thereafter, the company set up its plants in various parts of the country (Bijoy, 2006). In a Global Investors Meeting (GIV) in 1999, the Kerala Government invited Coca-Cola to start its bottling plant in the State (Shivarajan, 2011). The government processed the application of Coca-Cola through a green channel system and granted the initial approval to set up an industrial unit of the company (Parmar, 2015). The green channel was a mechanism to expedite the process of scrutinising applications of industrial units. The government considered it essential for attracting more

investments to Kerala and supporting its rapid industrialisation. While the government was keen to make the State an investment-friendly destination, it ignored the environmental consequences of the proposed project of Coca-Cola. Hence, the government did not conduct an environmental impact assessment before approving the company for setting up its bottling plant at Plachimada. Plachimada, a small settlement located in Perumatty Grama Panchayat of Palakkad district, Kerala (Parmar, 2015). Most of the people at Plachimada were agricultural labourers and below the poverty line. Ecologically, Plachimada and the proximal regions in the Palakkad district held rich water resources. These socioeconomic and ecological factors at Plachimada were the major attractions to Coca-Cola. Therefore, the company identified a location at Plachimada for establishing its plant. The location was near the Chittoorpuzha River, the Moolanthodu Canal, the Meenkara Dam Reservoir, Vengalakkayam, and Kambalathara storage reservoirs (Bijoy, 2006).

Coca-Cola acquired 34 acres of land at Moolathara village, and its representatives approached the Perumatty Grama Panchayat for obtaining a licence for extracting groundwater at Plachimada. The company representatives promised that the functioning of the plant would bring immense development and employment opportunities at Plachimada, and that would enhance the living standard of people (Bywater, 2012, pp. 220). The Panchayat granted the licence on 25 January 2000, and the plant started the commercial production of soft drinks and bottled drinking water in March 2000 (Bijoy, 2006, pp. 4333). The groundwater extracted through bore-wells was the primary raw material for manufacturing soft drinks and bottled drinking water. The production of beverages also created toxic waste, and the tactic adopted by the plant for its disposal was its supply as fertiliser to farmers (Shivarajan, 2011, pp. 188). Within months after the company started functioning its bottling plant at Plachimada, the local people experienced its impact in the form of the recession of groundwater level and its deteriorating quality (2006). Reports of skin problems and other ailments emanating from contacting the traditional water sources became common at Plachimada (Varma & Rangarajan, 2018). The new trend of people approaching clinics for medical assistance was also getting prevalent. Earlier local people never relied on modern medicine, even during the time of pregnancy. In addition to these malaises, people had to depend on the water supplied by the Panchayat to tide over the problems of water shortage and its contamination (Ibid). Eventually, people realised that the Coca-Cola plant had depleted and contaminated groundwater (Puvimanasinghe, 2007). Meanwhile, the local people submitted a representation to the Panchayat, which sought the cancellation of the licence granted to the plant. In that representation, people complained that the plant was responsible for the shortage and contamination of water sources and consequent health problems at Plachimada (Parmar, 2015). The Panchayat constituted a committee to examine the issue. After the field visits, examinations of traditional water sources, and consultations with the affected people, the committee substantiated allegations against the company (pp. 98).

Origins and the Course of the Struggle

These developments forced people at Plachimada to launch a campaign against the plant under the banner of Coca-Cola Virudha Janakeeya Samara Samithy (People's Struggle Committee against Coca-Cola) (Bijoy, 2006). Coca-Cola Virudha Janakeeya

Samara Samithy kicked off its struggle against the global tycoon on the Earth Day (i.e., 22 April) of 2002 (Varma & Rangarajan, 2018). During the initial period, the struggle was very peaceful, but it became aggressive in June 2002. On 9 June 2002, the protesters dumped the toxic sludge in front of the plant. This sludge was supplied to farmers as fertilisers by the plant. The dumping of toxic sludge led to a clash between the police and the protestors. The police clamped down on the protestors with its coercive apparatus (Raman, 2007). The incident immediately received the notice of the general public, and it ratcheted up the intensity of the struggle. Activists focusing on the issues such as the protection of the environment and human rights, declared their support for the cause of the Plachimada water struggle. This led to the formation of the Plachimada Solidarity Committee, which was a group of sympathisers to the movement outside Plachimada. The Plachimada Solidarity Committee functioned as an umbrella organisation of 32 civil society groups across Kerala (Bijoy, 2006). Meanwhile, there was mounting pressure on the Perumatty Grama Panchayat to annul the plant's licence, which came into effect on 15 May 2003. The Panchayat issued an order on the same day to put an end to water extractions from 17 May 2003 (Parmar, 2015). Against this order of the Panchayat, the company approached the Government of Kerala for favourable action. In response to that, the government stayed the order on 12 June 2003 (p. 106). The plant could restart its operations with the support of the stay order, which in turn scaled up the intensity of the Plachimada water struggle.

Aggrieved by the stay order, the Panchayat filed a writ petition before the Kerala High Court. The Panchayat argued that the stay order of the Kerala Government was *ultra vires* as it was the responsibility of the Panchayat to protect water resources. According to sections 166, 218, and 234A to 234C of the Kerala Panchayat Raj Act 1994, the Panchayats are the custodians of water resources. Hence, the Panchayat held that the State Government had encroached into their domain of authority. The court upheld the public trust doctrine in its verdict on 16 December 2003 (pp. 110). However, the court had to consider the fact that section 7 (g) of the Indian Easements Act 1882 treats groundwater as the property of the landowner. Nevertheless, the court was concerned about the consequence of granting unrestrained rights on groundwater, which might gradually lead to its disappearance. Therefore, the court opined that there should be a limit to the quantity of groundwater extracted by a landowner. Hence, the court ruled that the plant could extract only a fixed quantity of groundwater corresponding to the land (34 acres) under its ownership.

The company filed a petition before the Kerala High Court seeking a study to gauge the groundwater level at Plachimada and fixing the quantity of groundwater that the plant could extract. By the end of December 2003, the court conceded this petition by constituting an expert panel to look into the matter (Shivarajan, 2011). Meantime, having understood the gravity of the Plachimada water struggle and the growing resentment of people, the Kerala Government ordered the plant to stop water mining in March 2004, and as a result, its function came to a halt. However, the Kerala High Court, based on the report of the expert panel, in April 2005, issued a favourable order permitting the plant to restart its functioning. Contrary to the earlier stance, upholding the public trust doctrine, the court in this order endorsed the provision in the Indian Easements Act. The court ordered that since groundwater was the property of the landowner, the plant had the right to extract groundwater from the land under its ownership. The order stoked massive outrage and

exacerbated the intensity of the protests. At this juncture, in May 2005, the Panchayat decided to approach the Supreme Court against the order of the Kerala High Court. During this time, the Groundwater Monitoring Committee (GMC) came out with its report, which stated that the groundwater level at Plachimada had significantly depleted due to over-extraction. Considering the GMC findings, the Government of Kerala in November 2005 declared Plachimada as a high-risk area in terms of groundwater availability (p. 189). In August 2008, the Government of Kerala determined to bear the expenses for the legal battle of the Panchayat in the Supreme Court. In April 2009, the government constituted a committee to study the extent of damages meted out to Plachimada by Coca-Cola. It estimated that the monetary value of the damage was Rs 216 crores.

The Kerala Legislative Assembly passed the Plachimada Coca-Cola Victims Relief and Compensation Claims Special Tribunal Bill on 24 February 2011 (Koonan, 2011). The bill sought to constitute a special tribunal for dealing with the cases related to the bottling plant of Coca-Cola at Plachimada. The bill had the provisions to empower the special tribunal to receive complaints from the victims and dispose of them. The provisions were also made to transfer cases from various courts to the special tribunal (PC-CVRCCST Bill 2011). However, on 1 February 2016, the President of India returned the bill without giving his assent, and the special tribunal never became a reality. (Basheer, 2016). Meanwhile, the legal battle continued in the Supreme Court. In July 2017, the company submitted before the Supreme Court that it would permanently close down the plant at Plachimada (Raghunandan, 2017). The protesters fighting against the Coca-Cola plant at Plachimada and their sympathisers breathed a sigh of relief after years of persistent struggle against the global giant. However, the recent move from the company has created suspicion among the people at Plachimada, which will be discussed in the section 'recent developments' of this article.

Global Significance of Plachimada Struggle

The water struggle at Plachimada is the classic example of 'local-global nexus' in the resistance against neoliberal globalisation. In a short period, the Plachimada struggle could strike a chord with the anti-neoliberal globalisation movements across the world (Bywater, 2012). During the struggle, several activists engaged in the anti-neoliberal movement at the local, national and global levels visited Plachimada and extended their support to the noble cause of protecting common-pool natural resources. Their involvement in the Plachimada struggle helped a lot in inviting global attention to this movement. In February 2003, Medha Patkar, the leader of Narmada Bachao Andolan and the National Alliance of People's Movements (NAPM), started a nationwide Yathra against neoliberal globalisation from Plachimada. In her speech at Plachimada, Patkar lashed out at global tycoons due to their greed for accumulating excessive profit, which destroys the lives and livelihoods of people and natural resources. She dubbed neoliberal globalisation as 'economic terrorism'. On 25 July 2003, BBC Radio aired a detailed report on the high presence of toxic in the sludge supplied by the plant in the guise of fertiliser. The report stated that the 'fertiliser' contained nickel, cadmium, chromium, lead, and zinc at alarmingly high levels beyond the limit prescribed by the World Health Organisation (WHO). The report drew worldwide attention and, based on it, the Kerala State Pollution Control

Board (KSPCB) conducted a study on the issue. The study of the KSPCB corroborated the report of the BBC, and the KSPCB ordered the plant to stop fertiliser supply (Bijoy, 2006).

Vandana Shiva, the renowned environmental activist, and anti-neoliberal globalisation author, also extended her support to the Plachimada struggle. According to Shiva, the struggle at Plachimada was a campaign against the privatisation of water (Bywater, 2012). The World Social Forum organised its global conference in Mumbai from 16 to 21 January 2004. Anti-neoliberal globalisation activists from various parts of the world attended that conference. Vandana Shiva invited the delegates of the World Social Forum to the World Water Conference (WWC) at Plachimada on 21-23 January 2004. The most notable among the WWC participants were Maude Barlow-the leading Canadian water rights activist, and Jose Bove- a well-known French farmer and the leader of the anti-globalisation movement (Shankar, 2010). The participants of the WWC discussed 25 cases related to the impact of neoliberal globalisation on the water all around the world (Jacob, 2004). One of the outcomes of the World Water Conference was the Plachimada Declaration, which proclaimed water as a fundamental right of all. It further stated that "water is the property of the general public, and no one has the right to privatise, commodify and sell it" (Subramaniam, 2018). The World Water Conference, the Plachimada Declaration, and the involvement of the World Social Forum had created a ripple effect across the globe. Many universities and colleges in Ireland, Italy, Norway, the UK, and the United States boycotted the Coca-Cola products. The most notable act of prohibition was the cancellation of Michigan University's contract worth \$ 1.27 million with Coca-Cola (Davies & Featherstone, 2016).

Recent Developments

Coca-Cola submitted a project proposal to the Kerala Government in 2019. Based on it, the company held a formal discussion with the water resources minister. The proposal sought the permission of the government to implement Coca-Cola's corporate social responsibility (CSR) activities at Plachimada (Satish 2019). It also submitted a proposal to the Panchayat in this regard. However, the activists of Coca-Cola Virudha Janakeeya Samara Samithy smell something fishy about the company's new move. They charge that if the company had a social responsibility, it would have compensated for the damage it meted out to Plachimada. Hence, people suspect that the project is a plot to reopen the plant through the back door. While the company plans to restart its functioning at Plachimada by using its clout, the people are upping their ante to resist it.

Plachimada Struggle as a New Social Movement

Neoliberal globalisation stands for privatisation and scaling up of economic activities at the cost of common-pool natural resources. This is against the principle of public trust doctrine, which seeks to retain the common-pool natural resources in public ownership. The privatisation and commodification of common-pool natural resources in public trust naturally cause their overexploitation and degradation. Moreover, the conversion of nature's gifts into products for sale deprives common people of their access to these resources. This triggers people's resentment against neoliberal globalisation and they resort to new social movements. Most of the new

social movements in Asia, Africa, and Latin America are organised against the impact of neoliberal globalisation on common-pool natural resources, the livelihood of people, and the environment. The case at Plachimada is also not different. Even though the overwhelming majority of people at Plachimada live below the poverty line, the region is rich in water resources. As far as the votaries of neoliberal globalisation were concerned, the economic backwardness at Plachimada could be overcome by the maximum utilisation of its natural resource: i.e., water. They argued for the commodification of water on the pretext that it would scale up economic activities, enhance job opportunities and bring prosperity to the region. However, overexploitation of groundwater and its contamination led to serious health and environmental issues at Plachimada. The commodification and overexploitation of the abundantly available common-pool natural resource at Plachimada ushered in the process of the region getting arid. People at Plachimada had to find alternative sources, such as water tankers, to offset the scarcity of water. The commodification of water has thus, in effect, deprived people of their access to water, which is their right by virtue of the law of nature. This forced people at Plachimada to pitch their battle against the global tycoon under the banner of the Coca-Cola Virudha Janakeeya Samara Samithy.

The aim of new social movements is to unearth the issues ignored by the old social movements. As far as the new social movements are concerned, depletion of common-pool natural resources and environmental degradation are the issues of their top priority. In line with the characteristics of the new social movement, Coca-Cola Virudha Janakeeya Samara Samithy organised its campaign to conserve groundwater from overexploitation and contamination. Water struggle at Plachimada is a new social movement as it is for conserving groundwater. Another feature of the new social movement is its decentralised, localised, and flexible organisational structure. The frontline soldiers of the Plachimada water struggle were local people. One of the leaders of the Plachimada struggle was Mayilamma, a tribal woman, who played a major role in organising this struggle at the grassroots level (Varma & Rangarajan, 2018). Each new social movement is organised to address a particular issue at the local level, and it gets supporters from all over the world. The Plachimada struggle also got support from the anti-neoliberal activists across the world. For instance, the participants at the World Social Forum (WSF) held in Mumbai on 16-21 January 2004 extended their support to the Plachimada struggle. The activists of the WSF identified the Plachimada struggle as part of the people's movement across the world against neoliberal globalisation and its impact on the environment. As a sign of solidarity, they attended the World Water Conference (WWC) at Plachimada. The support of the anti-neoliberal activists in general and the WSF, in particular, has helped to connect the Plachimada struggle with its counterparts across the world. Even though the struggle at Plachimada was for conserving the groundwater at a locality, the issues and slogans they raised were of global importance. Therefore, the water struggle at Plachimada can be categorised as a new social movement in the era of neoliberal globalisation in every standard.

Conclusion

The Plachimada water struggle is a classic example of the contested relationship between neoliberal globalisation and new social movements. India's entry into the neoliberal phase of globalisation paved the way for Coca-Cola to restart its operations

in India. As a result, the company could set foot in Indian markets and also got an opportunity to extract water resources in the country. Neoliberal globalisation seeks to privatise and commodify common-pool natural resources for scaling up economic growth by ignoring their impacts on the environment, health, and society. The tenor of neoliberal globalisation is repugnant to the objective of public trust doctrine. The public trust doctrine strives to conserve common-pool natural resources under public ownership for the benefit of the general public. In the case of Plachimada, the major concerns of the Government were to promote industries and development in Kerala. While focused on promoting ambitious projects in the State, the Government ignored their consequences on the environment, public health, and society. Hence, it didn't carry out an environmental impact assessment to gauge the consequences of the proposed project of Coca-Cola at Plachimada. Coca-Cola bottling plant over-exploited water at Plachimada, which caused the recession of the groundwater table. It transformed once a water-rich region into a drought-hit zone. In addition to that, the operation of the bottling plant contaminated traditional water sources at Plachimada, which led to health problems.

More the corporate groups enhance their profits at the expense of the common-pool natural resources supported by neoliberal policies, more the common people are deprived of access to these resources. It compels common people to organise new social movements for upholding the public trust doctrine and conserving vital resources. In other words, neoliberal globalisation triggers new social movements, and their conflicting interests are the major reason behind their contested relationship. Like those of the new social movements in other parts of the world, local people at Plachimada rallied under the banner of Coca-Cola Virudha Janakeeya Samara Samithy to protect groundwater. The movement got support from anti-neoliberal globalisation activists from various parts of the world. Since the new social movements are organised at the local level, the 73rd amendment to the constitution or the Panchayati Raj Act of 1992 has significance for them in the Indian context. The aforementioned Act has empowered the Panchayati Raj Institutions in the country in protecting the common-pool natural resources. For instance, consequent to the 73rd amendment to the constitution, the Kerala Legislative Assembly passed the Kerala Panchayat Raj Act in 1994. The Act vested the trusteeship of water resources at Grama Panchayats. Thus, the Panchayati Raj Act has boosted the morale of new social movements organised for the conservation of common-pool natural resources in public trust. The Perumatty Grama Panchayat is the trustee of water resources at Plachimada, and in this capacity, the Panchayat took the issue to the Kerala High Court and the Supreme Court. Though the Indian judiciary adopts a proactive stance to conserve common-pool natural resources by upholding public trust doctrine, section 7 (g) of the Indian Easements Act 1882 was an impediment to bringing groundwater into the ambit of the doctrine. As a result, the long legal battle between Perumatty Grama Panchayat and Coca-Cola at the Kerala High Court and the Supreme Court couldn't produce any positive result. However, it was through the dogged perseverance of the new social movement under the banner of Coca-Cola Virudha Janakeeya Samara Samithy and its support across the globe that compelled the company to withdraw from the groundwater extraction at Plachimada. Thus, the new social movement at Plachimada succeeded in upholding the public trust doctrine and conserving groundwater.

However, the recent move of the company to implement a project under corporate social responsibility is seen as Coca-Cola's tactic to restart its operations at Plachimada. This triggers people's resentment against the water extraction at Plachimada. In this way, Plachimada epitomises the situation of neoliberal globalisation, where global tycoons' thirst for exorbitant profits and people's struggle against it under new social movements to conserve common-pool natural resources are in constant conflict.

References

- Adnan, S. (2015). Primitive Accumulation and the 'Transition to Capitalism' in Neoliberal India: Mechanisms, Resistance, and the Persistence of Self-Employed Labour. In B. Harriss-White & J. Heyer (Eds.), *Indian Capitalism in Development*. Routledge.
- Bae, Y. J. (2019). Introduction. In Y. J. Bae (Ed.), *Globalization*, Greenhaven Publishing.
- Baker, P. & Hinds, K. (2012). Regulators of the Global Economy: The IMF, the World Bank, and the WTO. In L.M. Healy, R. J. Link (Eds.), *Handbook of International Social Work: Human Rights, Development, and the Global Profession*. Oxford University Press.
- Basheer, K.P.M. (2016, February 7). A Lost Battle: Plachimada's Victims May Never Get Coke's Compensation. *The Business Line*. <https://www.thehindubusinessline.com/news/national/a-lost-battle-plachimadas-victims-may-never-get-cokes-compensation/article8206306.ece>
- Bhat, S. (2010). *Natural Resources Conservation Law*. Sage Publications.
- Bhattacharyya, S. (2014). Introduction: A Critical Look at Two Decades of Market Reform in India. In S. Bhattacharyya, (Ed.), *Two Decades of Market Reform in India: Some Dissenting Views*. Anthem Press.
- Bijoy, C. (2006). Kerala's Plachimada Struggle: A Narrative on Water and Governance Rights. *Economic and Political Weekly*, 41(41).
- Bywater, K. (2012). Anti-Privatization Struggles and the Right to Water in India: Engendering Cultures of Opposition. F. Sultana & A. Loftus (Eds.), *The Right to Water: Politics, Governance and Social Struggles*, Earthscan.
- Das Gupta, C. (2016). *State and Capital in Independent India: Institutions and Accumulation*. Cambridge University Press.
- Davies, A.D. & Featherstone, D. (2016). Networking Resistances: The Contested Spatialities of Transnational Social Movement Organizing. In W. Nicholls, B. Miller & J. Beaumont. (Eds.), *Spaces of Contention: Spatialities and Social Movements*. Routledge.
- Government of Kerala. (1994). The Kerala Panchayat Raj Act 1994. *Department of Local Self-Government*. <https://lsgkerala.gov.in/ml/act/kerala-panchayat-raj-act-1994>.
- Dutta, M. J. (2012). *Voices of Resistance: Communication and Social Change*. Purdue University Press.
- Freeman, C. (2016). Epilogue: Globalization through the Nordic Periphery. In S.T. Faber & H.P. Nielsen (Eds.), *Remapping Gender, Place and Mobility Global Confluences and Local Particularities in Nordic Peripheries*. Routledge.
- Hall, N. (2021). Public Trust Doctrine. In A.R. Zelle, G. Wilson, R. Adam & H.F. Green (Eds.), *Earth Law: Emerging Ecocentric Law - A Guide for Practitioners*, Wolters Kluwer.

- Hooja, R. (2006). District Planning Practice and Theory with Special Reference to 'How to' Aspects. In G. Palanithura (Ed.), *Dynamics of New Panchayati Raj System in India: Volume V- Panchayati Raj and Multi-level Planning*. Concept Publishing Company.
- Indian Easements Act. (1882). Indian Easements Act 1882. *Legislative Department, Ministry of Law and Justice*. <https://legislative.gov.in/sites/default/files/A1882-05.pdf>
- Jacob, S. (2004). Coke Case Enters Decisive Phase. *India Together*. <http://www.indiatogether.org/cokecase-environment>
- Kennedy, P. (2013). *Key Themes in Social Policy*. Routledge.
- Koonan, S. (2011). Constitutionality of the Plachimada Bill, 2011: An Assessment. *Law, Environment and, Development*. 7 (2).
- Merrill, T. W. (2021). Private and Public Law. In A.S. Gold, J. C.P. Goldberg, D.B. Kelly, E. Sherwin & S. E. Henry (Eds.), *The Oxford Handbook of the New Private Law*. Oxford University Press.
- Miller, V. (2020). *Understanding Digital Culture* (second edition). Sage.
- Ostrom, E. (2001). Reformulating the Commons. In J. Burger, E. Ostrom, R. B. Norgaard, D. Policansky & B. D. Goldstein (Eds.), *Protecting the Commons: A Framework for Resource Management in the Americas*. Island Press.
- Parmar, P. (2015). *Indigeneity and Legal Pluralism in India: Claims, Histories, Meanings*. Cambridge University Press.
- PC-CVRCCST Bill. (2011). The Plachimada Coca-Cola Victims Relief and Compensation Claims Special Tribunal Bill, 2011. *Kerala Legislative Assembly*. [http://www.niyamasabha.org/bills/12kla/plachimada victims.pdf](http://www.niyamasabha.org/bills/12kla/plachimada%20victims.pdf)
- Puvimanasinghe, S. F. (2007). *Foreign Investment, Human Rights and the Environment: A Perspective from South Asia on the Role of Public International Law for Development*. Martinus Nijhoff Publishers.
- Raghunandan, G. (2017). A Look at the Legal Issues Plachimada's Struggle for Water against Coca-Cola Has Brought Up. *The Wire*. <https://thewire.in/law/coca-cola-plachimada-kerala-water>
- Raman, K. R. (2007). Plachimada Resistance: A Post-Development Social Movement Metaphor?. A. Ziai (Ed.), *Exploring Post-Development: Theory and Practice, Problems and Perspectives*. Routledge.
- Roy, S. (2005). *Globalisation, ICT and Developing Nations: Challenges in the Information Age*. Sage Publications India.
- Sagarin, R. D. & Turnipseed, M. (2012). The Public Trust Doctrine: Where Ecology Meets Natural Resources Management. *The Annual Review of Environment and Resources*. 37. <https://www.annualreviews.org/doi/pdf/10.1146/annurev-environ-031411-165249>
- Satish, A. (2019, February 2). Coca-Cola Opens its Plachimada Campus, for a Different Cause. *The New Indian Express* <https://www.newindianexpress.com/states/kerala/2019/feb/02/coca-cola-opens-its-plachimada-campus-for-a-different-cause-1933067.html>.
- Scanlan, M. K. (2017). A Comparative Analysis of the Public Trust Doctrine for Managing Water in the United States and India. In A. Rieu-Clarke & A. Allan & S. Hendry (Eds.), *Routledge Handbook of Water Law and Policy*. Routledge.

- Shaji, K. A. (2020, March 18). Water-stressed in India: Why Jal Shakti Abhiyan Has Only Cosmetic Effect in Palakkad. *Down to Earth*. <https://www.downtoearth.org.in/news/water/water-stressed-in-india-why-jal-shakti-abhiyan-has-only-cosmetic-effect-in-palakkad-69824>.
- Shankar, S. (2010). Necessity and Desire: Water and Coca-Cola in India. In P. Bose & L. E. Lyons (Eds.), *Cultural Critique and the Global Corporation*. Indiana University Press.
- Sharma, P. (2015). *Democracy and Transparency in the Indian State: The Making of the Right to Information Act*. Routledge.
- Shiva, V. (2002). *Water Wars: Privatization, Pollution and Profit*. Pluto Press.
- Shivarajan, S. (2011). Dynamic Networks and Successful Social Action: A Theoretical Framework to Examine the Coca-Cola Controversy in Kerala, India. In S. C. Jain & B.L. Kedia. (Eds.), *Enhancing Global Competitiveness through Sustainable Environmental Stewardship*. Edward Elgar Publishing.
- Steger, M. B. (2010). *Globalization: A Brief Insight*. Sterling Publishing Company Inc. New York.
- Steger, M. B. & Wahrab, A. (2017). *What Is Global Studies? Theory and Practice*. Routledge.
- Subramaniam, M. (2018). Contesting Water Rights: Local, State, and Global Struggles. Palgrave Macmillan.
- Thomas, E. M. (2004). Decentralised Planning in Kerala. In E.M. Thomas (Ed.), *Kerala's Economic Development: Performance and Problems in the Post-Liberalisation Period*. Sage Publications.
- Vani, M.S. (2009). Groundwater Law in India: A New Approach. In R. Iyer(Ed.), *Water and the Laws in India*. Sage Publications.
- Varma, R. S. & Rangarajan, S. (2018). The Politics of Land, Water and Toxins: Reading the Life-Narratives of Three Women Oikos-Carers from Kerala. In D. A. Vakoch & S. Mickey (Eds.), *Women and Nature? Beyond Dualism in Gender, Body, and Environment*. Routledge.
- Yang, T., Telesetsky, A. Harmon-Walker, L. & Percival, R. V. (2020). *Comparative and Global Environmental Law and Policy*. Wolters Kluwer.

