

Deprivation of the Constitutional Guarantees and the Development Induced Dispossession of the Adivasis in Plachimada

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Abstract

Plachimada is known for the mobilisation of the Adivasis in the Palakkad district of Kerala, who resisted the operation of the bottling unit of the Coca Cola in their village, as the company extracted, depleted, and polluted the groundwater in the aquifer, dispossessing them by confronting the people's right to water. The paper aims to provide a nuanced perception of how the dispossession has expunged the constitutional assurances of the Adivasi in a development democracy like India per se Kerala. The study would proceed by bringing out the interconnectedness of the setting up of the factory and the water stress felt by the Adivasis, which resulted in economic, social and cultural disaster in the Adivasi hamlets. This would be located in the larger frame of how communities dependent on common property resources are affected by mega developmental projects funded by foreign capital. The ethnographic data collected from the field work during 2018-19 is analysed to understand how the dispossession led to the *cul de sac* of Adivasi rights in contemporary India.

Keywords: right to water, dispossession, constitutional assurances, common property resources

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Introduction

The impact of the neoliberal mode of development on marginalised communities in the liberalised India is reflected in the words of late Mylamma, the leader of the struggle who said: "they came to our village with glittering offers; that our people would get ample job opportunities in the plant; the overall development of the village would be taken care of...On the contrary, six months went by, slowly we started facing the reverse effects. Our precious water resources had been stolen." (Vasudevan, 2005). The demand throws light on how life has been inverted by the commencement of a bottling unit of Coca Cola in Plachimada, a remote area in Palakkad district in Kerala. It was a government-facilitated, foreign direct investment programme aimed at rapid industrialisation and enhancement of G.D.P. Neo-liberalism has reconceptualised the assumptions of development across the world. The countries have resorted to the commodification of the global commons to fuel the emerging economies. The capitalists have grabbed the opportunity to reinvest the accumulated capital to advance profit. They appropriated the common property resources, even

at the cost of ecology. Appropriation has been a part of the expansion of capital since the beginning of colonialism. The capitalists appropriated the means of production, including labour during the time of Industrial Revolution. Later they appropriated natural resources, in addition to labour, in the late 19th century.

But the contours of appropriation altered drastically in the neoliberal times with the capitalists encroaching into the common property resources, dismantling the life-sustaining mechanisms of the poor. This trend was strengthened in India also. The planning and execution of developmental programmes by the government in India, in post-1990 witnessed a paradigm shift from the government-regulated mechanism to a market-navigated method, in tune with the spirit of liberalisation. The deregulation and opening up of the markets released opportunities for domestic and foreign capital to invest in profitable ventures in India. Multi-national corporations were invited to set up units with multiple objectives—like enabling capital flow, generating employment, and enhancing technologies. In continuation of this new policy

prescription, the Coca Cola company, which left India during the Janata government in 1979, due to its inability to comply with The Foreign Exchange Regulation Act (F.E.R.A.) norms, re-entered India in 1993 after the inception of the liberalisation policy and started subsidiary units in different parts of the country. Accepting the invite of the Left Democratic Front (L.D.F.) government in Kerala, the company set up a bottling plant in Plachimada in Palakkad district of Kerala in 1999. The company was commissioned in March 2000. But, within a short period of time, the Cola bottling unit allegedly gulped the groundwater resources and depleted and polluted the available surface water resources. This was contrary to the expectations of the people and the promises given by the government about regional development.

Review of Literature

The debate on the sustainable use of the global commons was initiated with the publication of *The Tragedy of the Commons* by Garret Hardin in 1968. But studies in the area gained momentum in the late eighties. Amita Baviskar *In the Belly of the River* have shown the pitfalls of the state induced developmental projects like the displacement of the peasant population with reference to her study on the Narmada dam project. Alf Gunwald Nilsen in *The River and Rage* has reasoned about the priorities in the use of water in India. Water has been studied from multiple angles like, the need to treat water as common property (Zarteveen 1997), the role of the state (Evans 1997, Jessop, 2010, Kahler 2002, Levi 2002, Nettle 1968, Cable 1995, Strange 1996), the impact of the trade rules of W.T.O. (Shiva 2002, Conca 2006), the question of water rights (Peck in 2001, Bakkar 2005), gender, water and power relations (Ferree 2000 Scot 1986) and women in localised protests against globalisation (Desai 2016). The water war in Cochabamba and the resistance to privatisation (Olivera 2004, Spronk and Weber 2007) have examined the nature of the movements against the commodification of water. The resistance to privatisation of water in the U.S. (Gleick, 2010) and the privatisation of resources resulting in the dispossession (Bakkar 2005, Swyngedouw, 2004, Spronk and & Webber 2007, and Roberts in 2008) have delineated the link between resistance and dispossession. The evolution of the resistance movements of the fisher folk who depended the Chilika Lake in Odisha (Pattanaik 2016) has resulted in an analysis of the varied dimensions of the livelihood challenges faced by the fishing

community of that region. Plachimada struggle too has been studied from divergent perspectives by various scholars.

C.R Bijoy (2006) has pointed out the gravity of the exploitation of resources by the company and the absence of efficient laws to control it. Ravi Raman (2010) had shown how water based Adivasi movement gradually gave rise to a global solidarity. Rose Mary George (2012) had analysed the case of Plachimada as a movement in the backdrop of globalisation and liberalisation. Pooja Parmar (2015) explained the meaning of the mobilisation of the Adivasis and has given an “outsiders” translation of the whole event. She has explained the legal nuances of the whole struggle. Mangala Subramannian (2017) looked at it as an issue of the privatisation of water resources and attempted to understand the struggle from the perspective of the marginalised. Plachimada is looked upon as an instantiation of the change effected on the Adivasi life by robbing off the common property resources, resulting in dispossession, within the ambit of the expansion of capital in present times. This unprecedented dispossession of the Adivasis has had far reaching consequences in different phases of their life. The life and livelihood challenges expressed by Mayilamma, at the beginning demonstrate the subtle ways in which the Adivasis have been dispossessed in the village of Plachimada. This paper aims to provide a critical understanding of the way in which dispossession of the Adivasis led to disenfranchisement, a *cul de sac* of the Adivasi rights in contemporary India.

Adivasi Land Rights

The Adivasi rights in India are more visible in situations where it is flouted than where it is obeyed. It has a history from the commencement of the European enterprise of forestry which resulted in the loss of land ownership to the Adivasis, initially. The British administrators provided the provision for ‘Scheduled area’ in the 1874 British policy which was stretched to independent India also. This was meant to stop land alienation of the tribal lands to the non tribals. In addition to this, there are two sections to the Indian constitution that deal exclusively with indigenous peoples’ land rights i.e. the Fifth and Sixth Schedule of the Constitution. The fifth Schedule tends to be protective as the government is in charge of any development in tribal lands, whereas

the Sixth Schedule is more in favour of self-management in North Eastern region by giving autonomy. In Kerala, the Kerala Scheduled Tribes Act (1975 Act) was supposed to restore the one million acres of land that are believed to have been stolen by settlers from Adivasis over the last century.

However, years after the 1975 Act was passed and despite orders from the High Court, this law has not yet been implemented. In 1999, the government of Kerala adopted a new law that sought to overturn the 1975 Act. Even though the High Court of Kerala stated that such a law could not legally overrule the 1975 Act, the government challenged this decision in the Supreme Court, in a pending decision, that will have serious consequences. But in October 2001, an agreement was finally signed by the A.K Antony administration that came into force in January 2002. The agreement guarantees the allotment of one to five acres of land to landless tribal families. This agreement is the result of the new governmental policy based on the idea of providing 'alternative land' instead of the 'alienated land' to affected groups, transforming its land restoration policy to rehabilitation policy. Only a few months after the entry into force of this agreement, however, it seems that the promised lands are forest lands dedicated to timber, naturally protected areas, or lands not suitable for cultivation. Thus, the agreement signed by the government appears to be nothing more than empty rhetoric, legally, the landless tribals would not be able to own the promised lands. In a recent decision, the High Court of Kerala has already intervened in favour of the forest department, as under the 1980 Forest Conservation Act, assigning such tracts of land to tribal populations as illegal. The possibility of getting the alienated land was closed by promising alternative land, and this was scuttled showing the inability to transfer the forest land. In addition to this the chequered history of the land alienation of the Adivasi population of the state has been aggravated by the displacement/ dispossession of the Adivasis under the guise of development in the neo liberal period. The dispossession of the Adivasis of Plachimada is a case in point.

A 'Big' factory among 'Poor' people

The state made the people believe that foreign capital would usher in development into the village. The red carpet welcome accorded to the company by the Communist Party of India-Marxist (C.P.I.M.)-led government in the state

removed the scepticism about foreign capital and strengthened the belief that foreign capital could facilitate regional development. The state explained that the revenue of the panchayat would go up and it would give more fillip to the future developmental projects. The state-centred developmental propaganda claimed that poverty would become a thing of past, once industrialisation gains momentum. The mothers of Plachimada dreamt of their children working in factories in their village itself, as it would be developing at a fast pace, putting an end to their woes and their endless journey to garment factories in Coimbatore for employment. They believed that this will further motivate their children to study well and climb up the societal ladder and gain more social mobility. The promise that the dawn of modernisation would ensure quality education, health, and improved sanitation facilities in their habitat, as well as the promises of development that would trickle down, caught the imagination of the villagers. The small and medium land-owning community believed that the price of land would go up as a result of urbanisation, making them prosperous. In addition to that, the people also believed that the opportunities unleashed by urbanisation like the prospects of new commercial establishments could be great. The Adivasis and Dalits dreamt of getting regular employment in the factory. The majority of the population was initially happy, under the euphoria whipped up over the discourse of development.

However, a small section was sceptical about the promises given (Bijoy, 2006). The shift in industrial policy was justified by citing the critique of the 'Kerala model' of development indicating the inability of the state to generate revenue to sustain the development matrix that it had achieved. This change necessitated attracting industries and making a favourable atmosphere for the smooth flow of domestic and foreign capital. To facilitate this, the state resolved to address the issues of labour militancy, resistance to procurement of land, and relaxation in labour norms. Along with this, the privatisation of production and service sector got an aggressive push. The state industrial policies of post-1990 were designed to make provisions for mechanisms to implement this shift in policy.

Plachimada, a village in Perumatty panchayath in Palakkad district, which is

known as the rice bowl of Kerala, is located on the Kerala– Tamilnadu border. The demographic data in the three kilometre radius of the plant in Plachimada indicates that 34% of people belong to Scheduled Tribe (S.T.), 10% to Scheduled Caste (S.C.). The S.C./ S.T. population comprises of *Malasar*, *Elavar* and *Cheruman* communities. The people of the locality depended on agriculture for livelihood. The labourers in the paddy field were employed for Rs. 80/- and Rs. 50/- per day for men and women respectively. They used to get approximately 200 days of work a year. The Adivasis of Plachimada are early migrants from the neighbouring Coimbatore who settled here 30 years back. They were employed as labourers in the paddy fields and coconut plantations. Despite being a rain shadow region, Plachimada's ground water reserve was well enough to sustain the local population and agriculture. The Adivasis of Plachimada used water from the open wells for domestic and agricultural purposes. Though located in a rain shadow area, satellite pictures had shown the abundant groundwater accumulation in Plachimada (Bijoy, 2006). People depended on open wells for domestic as well as agricultural purposes. Plachimada's development indices were below the Kerala average. The government support extended to them was limited to a Lower Primary school (L.P.S) and a Primary Health Centre (P.H.C). They had access to a limited medical facility in the form of a physician in the P.H.C. The Coca Cola company was set up on 34.64 acres of land-- which included a multi-cropped paddy field— procured with the support of local and the state government. The state promised rapid development and employment opportunities for the local people at the time of the commencement of the factory in March 2000 to win the confidence of the native population. The commencement of the factory signalled a shift in the government's approach towards development in favour of private and global investors, in a state which resisted this for a long period of time. The company easily secured the clearances from Kerala State Pollution Control Board and district administration by using a state industrial promotion initiative to lure the potential investors like single window mechanism, initiated by the government of Kerala. But the company secured all the licences allegedly without fully complying with the prescribed

norms. Two years after the commencement of the factory, when people protested over the pollution and the issue was brought before the judiciary, the Pollution Control Board repeatedly asked the factory to install the reverse osmosis system which testifies that it was not properly installed when clearances were secured / granted.

Ever since the inception of this development model, the life of Adivasis had turned far worse than what it was earlier. They cannot keep the food prepared in the polluted water for long. Children who carried lunch boxes from home returned without having lunch, for the food became stale within a couple of hours, thanks to the poor water quality. The frequent use of the water resulted in rashes all over the body. Diarrhoea and hair fall became common among the tribal habitats and children complained of irritable bowels and burning sensation in the eyes. The misery and discontent of the Adivasis forced them to take up a fight against the company. Late Velloor Swaminathan explained the rationale of the agitation: "It is a new experience for us that water has become a market commodity. It is alien to our habits. To sell bottled water is unjust and anti-nature" (Vasudevan, 2005). This conviction drove the local people to embark on an agitation. They lodged a petition with the Panchayath, district, and the state administrations. Yet the narrative of the life experience of the Adivasis and their complaints were rejected and all the agencies supported the company, following the line of global managerial reasoning. The hollowness in the promises given to the people and the real experiences were evident in the words of late Mayilamma, the leader of the Plachimada struggle, when she said "there is a small well in front of my house. We have been drinking the water from the well all these days. Now, the water is not good. We are not against you giving a permit or an award to any company. But can you bring the good water back to our well?" (Pariyadath, 2016). Initially, the land-owning class declined to support the Adivasis and Dalits. The situation further deteriorated within a period of one and half years, as the water table went down significantly; the available water became polluted and the slurry from the company deposited in the fields as fertiliser reduced the productivity, and it destroyed the farming community. Later, it was identified that the slurry contained lead and cadmium in it which affected the fertility of the soil. This further reduced the employment opportunities in the

paddy fields. People from all sections of society started listening to the agitators and came up in support of the historic struggle. The depletion of water and the pollution of the paddy fields and the loss of employment resulted in the dispossession of the Adivasis and Dalits. In spite of the staunch opposition of the state agencies and mainstream political parties, the movement succeeded in closing the company in 2005.

The critique of the Kerala Model of Development identified the pitfalls of the prevailing strategy of development and welcomed foreign direct investment for the development of the state. But within a short span of time since the commencement of the factory, adverse effects like depletion and pollution of water became visible and the poor people of Plachimada had to fight the big company who came there to rescue their state.

The Dispossession and the Disenfranchisement of the Adivasis

The literacy rate of Plachimada is below the Kerala average. The Adivasis had access to a Primary school in their hamlet itself. Most of the children used to attend the primary school. But they had to travel to Vandithavalam, 4.5 kilometres from the tribal hamlets, to access high school education. The number of students who could attend high school was less than 10% who attended the primary section. The establishment of the bottling unit at Plachimada created a sea change in this as Plachimada became a water stress area within a short period of time. So the Adivasis were forced to protest against the company by organising a demonstration in front of the Panchayath office under the leadership of Mayilamma. This changed the daily chores of the Adivasis of Plachimada. The Adivasis soon started a non-stop sit-in before the company demanding its immediate closure. The Adivasis' struggle gained momentum and it became a movement against dispossession. Though the company resorted to all the means to crush the agitation, the mobilisation gained momentum and could challenge the basic assumptions of the development projected by the state. But the struggle had far reaching consequence like the physical, mental and emotional being of the Adivasis in Plachimada. The lived experiences recounted through ethnographic study reveal the extent of dispossession as well as the sense of disenfranchisement felt by the Adivasis.

Pazhanaanthal, a house wife of Plachimada colony, who participated in the agitation against the company said:

We used to get enough and more water from the wells of Aaruchami Kownder, the tenant for whom i worked as labourer. We also used to take water when he switches on the motor to pump water to irrigate the coconut plantation. But after the company's arrival, some of the wells have dried up completely and the water in the remaining wells was spoiled.

The Adivasis of Plachimada were forced to depend for water also. A resource which was freely available was restricted all on a sudden when the region turned to a water stress region. The shortage of water impacted the daily routine in the house hold in many ways. The mothers were not in a position to attend children any longer as they were busy with managing water for that day. The daily travails of their existence was described by Amaravathy of Plachimada colony, who strongly felt that the company destroyed the life, said:

The food we prepared began to give off a foul smell within two hours of cooking, and the porridge had lost all the flavour it had earlier... We couldn't give this food to children when they go to school... They stopped taking food to school.

The children either stopped or became irregular in schools as education is not a priority when the survival of the family itself is questioned. The Adivasis' life, which was heavily dependent on common property resources, was devastated within a short span of time, as the ecosystem services came to an abrupt halt. The sudden change in the quality of water and its impact on nutrient cycling further impoverished the Adivasis. The experience narrated by Amaravathy shows how the health of an already backward community was affected by the polluted water and the consequences of which on their educational and social prospects are disastrous. All the efforts made to educate and uplift them were obliterated by the pollution of water. The report published by Jananeethi has cited this as a reason for the ill health of the children of the locality. Thankavelu, son of Mayilamma, said "we have never gone to school...now our children too have stopped going

to school.” The administration was hesitant to listen to them initially, but by the time, the school drop outs became conspicuous, the situation in Plachimada worsened as the agitating Adivasis in general and the women in particular were brutally attacked by police and agents of the Cola. The youngsters of Plachimada narrated how the police resorted to brutal lathi charge when they participated in the agitation. The company allegedly employed local goons to physically handle the youngsters. Muthulakshmi, a resident of Plachimada colony, complained that the agents of the company had beaten her husband up and threatened to demolish their house. She said:

Because I sat in the *pandal*, they told me to stop doing it. When I said no to them, they physically attacked my husband and threatened to destroy my house. They also threatened that our children would be targeted. Ever since this threat, we stopped sending them to school.

The use of physical force to silence the Adivasis was clear in Plachimada. The ostracising from the mainstream society and the brute physical force both by the police and goons, along with the livelihood challenges was felt like double oppression by the Adivasis. Veluchami, who believed that the state betrayed them, described the double oppression as:

...due to the scarcity of water, farmers stopped the practise of planting two crops in a year. Thus, the working days dwindled. Nobody from our family was employed in the factory also. The touch with the polluted water made our kids permanently sick. We had to take them to hospital frequently.

The decreasing number of working days had added to the misery of their existence. Neither the company nor the state could deliver any of the promises of more employment opportunities, an increase in the income of the people, and the rapid development of the region. Contrary to this, water—a common property resource—was depleted and polluted within a short period of time. The health standards of the people, in general and children, in particular declined and the villagers have to walk kilometres to fetch a pitcher of water. Though education was free, the atmosphere was

not favourable for the parents to send their children to school.

The soft drink company operated only for five years in Plachimada. Within that period itself, it guzzled the groundwater and made the people in the neighbourhood suffer water stress. The operation of the company not only reduced the existing employment opportunities but did not also create any substantial avenues for the people of the locality. The acquisition of the land for soft drink plant in Plachimada did not trigger any protest, but the peril of ‘enclosure’ was felt by the Adivasis when the company, initially, erected a huge compound wall, converting it in to an access-restricted area. The impact of it on the livelihood strategy is evident in the following statement of Aamina, a non-Adivasi native of Plachimada colony, whose right to life was threatened due to the enclosure said:

Earlier we used to rear grace goats in this area. Now a huge wall has been constructed. Even if we get in, the security personnel threaten us of dire consequences. Now, where shall we go to rear our goats? Our children who used to aid us in this stopped coming with us as they were afraid of the abuses of the security personals. Not only that they stopped studying, but they became indifferent also. Their character changed abruptly

The impact on livestock rearing was a double blow as it resulted in the reduction of income as well as the creation of a vacuum in the minds of young children due to the lack of socialisation. The story of a pond being converted to a junkyard by the company illustrates the mindless activities of the company. Hamszaveni, a native of Plachimada whose inalienable right to water was obliterated said:

There was a pond here...where we used to take bath. All our children learned swimming from here. They used to accompany their mothers to the pond where they learned catching fish along with swimming. The children were always happy to come to the pond. Now our children have to take bath by taking water (which is polluted) from the well in the colony. Now we have to force them to take bath.

When the women of Plachimada walk three miles in the morning to get water, the enclosure and subsequent destruction of the water sources shows how life has been impacted by the actions of the company. The opening up of land for commodity production pushed the Adivasis from the land. This process of 'Neo enclosure' (De Angelis, 2001) pushed the Dalits and Adivasis of Plachimada into a small area where they could no longer carry out their livelihood strategies. The disillusionment of the people in Plachimada is clear in the words of Ambika, a native of Plachimada colony, who was one of the ring leaders in the initial stages of the protest, when she said:

...the dream of our children working in Plachimada itself...either in the cola company or in the companies that were expected to come after Coca Cola did not materialise. Our children continued to go to the cotton mills in Coimbatore and our misery only doubled."

The Anganwadi teacher while explaining the difficulties posed by the polluted water spoke about the difficulties of children in attending the schools as:

the disinterestedness of children in going to schools or Anganwadi was due to the lack of attention paid by the mothers. There was no body in the home to prepare them to go to school or Anganwadi. They cannot take the food prepared in this water also. This created tension in the minds of children. If they go to school, they had nothing to eat at noon.

The actions of the company collapsed the available structure, however small it might be, that supported the Adivasis till now. The absence of alternate mechanisms, in the form of supporting systems played havoc on Adivasi lives. A teacher in the Vandithavalm school Mr. Narendran who noticed the irregular behaviour of students said:

The teachers earlier used to go to the colonies to compel the parents to send their children to school. They used to educate the parents the need for education and upward social mobility. Ever since the agitation started, they couldn't meet the parents, and if at all met would talk about agitation only... The shift in parents' attitude due to the shortage of time and

mounting pressure of the agitation is evident here.

The state, instead of protecting the Adivasis used brute force to crush the struggle. The marshy lands of Plachimada dried up and the number of working days in the paddy fields dwindled. A lot of reports including that of Jananeethi demanded the closure of the company and compensation for the damage it caused to ecology. But the company ignored all those reports and continued its operations, shattering the livelihood means of the Adivasis and Dalits which reflected the patronage the company enjoyed from the state at the cost of its citizens. The angst in the words of Kanniyamma echoes the miserable condition of dispossession experienced by the Adivasis of Plachimada when she said

we were poor, but now, we have lost everything. Our children are perpetually sick, every day we have to take them to hospitals, they have stopped going to school. Men are unwilling to marry girls from our oorsas nobody is willing to take risks.

This dispossession has no parallels in history as the condition has been wrought by the implementation of a developmental project at the behest of the government by a multinational company. The constitutional guarantees like Right to life of Article 21, have not been fully observed in the case of the Adivasi citizens. In addition to the provisions of the constitution, the 19 provisions in the penal code and provisions in the SC/ST Prevention of Atrocities Act of 1989 and the Water Prevention and Control of Pollution Act of 1974 also did not assist the Adivasi while met with a challenge in the Plachimada struggle. Earlier the land alienation of the Adivasi was due to much social and economic reason. But in Plachimada, it has been caused by the government support for a company by foreign capital. Hence, this new form of land alienation, by depriving them of water, could be read as a government sponsored one. In the absence of a physical displacement, the land alienation remains invisible also. This has posed many challenges before the Adivasis while protesting against the move of the government. The actions of the government, who are the custodian of Adivasi rights, being responsible for their invisible dispossession, are a new form of disenfranchisement in contemporary India. The governments in Kerala have neither restored the alienated lands nor have they

allocated the promised one to five acer land till date. But they are very meticulous in dislocating/dispossessing the Adivasis from their remaining land under the guise of land acquisition for mega projects.

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