

**INVESTIGATING
SOME ALLEGED VIOLATIONS
OF THE
HUMAN RIGHT TO WATER
IN INDIA**

Report of the International Fact Finding Mission to India

January 2004



FIAN International



Bread for the World

Imprint

Date of issue: 30-3-2004

FIAN International Secretariat

A.P. 102243

D-Heidelberg, Germany

Tel.: ++49-6221-6530030

Fax: ++49-6221-830545

Email: fian@fian.org

<http://www.fian.org>

Edited by: Sabine Pabst, Ashwini Mankame, and Preeti Purohit / FIAN International
with the written contributions of the members of the Fact Finding Mission

Photographs: Mohan Dhamotharan (pages 4, 30) ; Dr. Gamini Kulatunga (page 23) ;
Sabine Pabst (pages 3, 5, 10, 11, 13, 17) ; Bernhard Wiesmeier (pages 14, 19)

CONTENTS

I	Introduction	
1.1	Fact Finding Mission: Nature and Objectives	3
1.2	The Water Situation in India	4
2	India's Obligations under the Human Right to Water	
2.1	International Law	6
2.2	National Law	7
3	Case Documentation	
3.1	Bauxite Mining in Damanjodi and Kashipur, Orissa	9
3.2	Groundwater Mining in Plachimada, Kerala and Padumathur, Tamil Nadu	14
3.3	Water Supply in Tiruppur, Tamil Nadu	18
3.4	Water Supply in New Delhi	22
4	Summary Conclusions on Violations and Threats	26
5	Recommendations	29
6	Annex	31

1. Introduction

1.1 Fact Finding Mission: Nature and Objectives

Between 8th and 14th January 2004 FIAN International and Bread for the World conducted an international Fact Finding Mission to India. The international Fact Finding Mission investigated the problems concerning the implementation of the human right to water in selected areas in India.

Bread for the World is the development organisation under the auspices of the Protestant Churches in Germany. Since 1959 it is seeking to contribute to overcome hunger and poverty in



Fact Finding Mission Team interviewing villagers

the so-called developing countries, being committed to the objectives of “Justice for the Poor”. Since March 2003 Bread for the World has been running a campaign for the human right to water supported by many groups and individuals in Germany. The campaign asks to take water out of the WTO agenda, and seeks to contribute to the strengthening of the international network for the defence of the human right to water.

FIAN International (Foodfirst Information & Action Network) is the international human rights organisation working for the right to feed oneself of those threatened by hunger and malnutrition. It was founded in 1986 and has members in more than 50 countries. FIAN has consultative status at the UN. FIAN promotes the fundamental right to food, which is enshrined in the International Covenant on Economic, Social and Cultural Rights of the United Nations. The human right to water – as far as it is linked to the human right to food and affects persons threatened by hunger and malnutrition is a part of FIAN’s mandate.

The Fact Finding Mission had the following objectives:

- To investigate in some situations how the Indian Government is meeting its international law obligations under the human right to water;
- To raise international awareness on the issues of water privatisation and access to water by visiting affected communities, interviewing public authorities and the affected people;
- To disseminate the information gathered and to use the results for further educational work;
- To strengthen lobby work within the UN human rights system on the right to water as a human right;
- To present first results during the World Social Forum in Mumbai, India, January 2004.

The Fact Finding Mission to India consisted of three teams, who analysed different cases of alleged violations of the right to water (composition of the teams see annex 1).

Team 1 visited cases of water mining and privatisation of water in Plachimada, Kerala and Sivagangai and Tiruppur, Tamil Nadu. Team 2 went to Orissa and visited Kashipur in Rayagada District and Damanjodi in Koraput District, where the impact of bauxite mining on the right to water was studied. Team 3 examined the impact of the Sonia Vihar water treatment plant and the planned privatisation of the Delhi water supply. The members visited areas in New Delhi, Uttar Pradesh, and Uttaranchal.

The Fact Finding Mission teams used a methodology common to the work of human rights organisations when collecting information on human rights violations. They visited the different locations, collected documents and gathered data related to the cases, conducted visual inspections of the area, held interviews with affected persons, and sought the views of the responsible governmental institutions.

This report contains an analysis of the main issues identified and observed by the Fact Finding Mission with regard to the implementation of the human right to water in India. It includes a description of all the cases visited, conclusions on the human rights performance of the respective states authorities and some recommendations to the government of India.

1.2 The Water Situation in India

Water is a prerequisite for survival and clean water is necessary for good health. For mere physical survival human body needs 3-5 litres of water per day. Without proper water consumption the human body is not able to absorb food properly, which can lead to serious malnutrition even if food is actually “consumed”. Lack of access to clean water results in many water related infections and epidemics.¹



Global consumption of freshwater increased six fold during 1900-1995, at a rate faster than twice the rate of population growth in the world. If the present trend continues, two out of every three people on earth will have to live in a water stressed condition.² The availability of fresh water in Asia is only 3000 cubic metres per person per year, the lowest figure for any continent.³ In India, the availability is put at 2500 cubic metres and the dire prognosis is that India may reach a state of water stress (that is when average annual per capita availability falls to 1000 cubic metres) before 2005.⁴ The situation in India is compounded by high urban migration, which will swell the ranks of the 320 million living in the cities at the moment to 630 million in 2010.

In water quality, India ranks 120th in a list of 122 countries in the world and in terms of availability of water India ranks 133rd in a list of 180 countries. With a projected increase in population of 15 million every year, the main problems to be faced would be conservation and equitable distribution of water.⁵ At least 200 million Indians do not have access to safe and clean water. An estimated 90% of the country's water resources are polluted with untreated industrial and domestic waste, pesticides, and fertilizers.⁶ About 1.5 million children under the age of five die every year from water-borne diseases. According to the UNEP (United Nations Environment Programme) India will be “water- stressed” before 2005.⁷

¹ In 2000 the World Health Organization estimated that 1.1 billion persons did not have access to an improved water supply (80 per cent of them rural dwellers) able to provide at least 20 litres of safe water per person a day: 2.4 billion persons were estimated to be without sanitation (WHO, The Global Water Supply and Sanitation Assessment 2000, Geneva). Further, 2.3 billion persons each year suffer from diseases linked to water (United Nations, Commission on Sustainable Development, Comprehensive Assessment of the Freshwater Resources of the World, New York, 1997). In 2001, nearly 2 million people died from infectious diarrhoea, 90% of them children under five (World Water Assessment Programme, 2002).

² As per the United Nations World Water Development Report as quoted in Shiva, Vandana (2003), “Ganga, Common Heritage or Corporate Commodity?” Jal Swaraj, Water Sovereignty Series No. 5, (New Delhi: RFSTE/Navdanya)

³ Shiva, Vandana, Bhar. Radha., Jafri, Afsar, Jalees, Kunwar (2002) “Corporate Hijack of Water: How World Bank, IMF and GATS-WTO rules are forcing water privatisation” (New Delhi: Navdanya)

⁴ Shiva, Vandana et al. *ibid*

⁵ Shiva, Vandana et al. *ibid* (page 2 based on Government of India figures)

⁶ The Observer of Business and Politics, April 23, 2000

⁷ UNEP (United Nations Environment Programme) stipulates that a country is “water-stressed” if its water availability is between 1000 and 17000 cubic metres per person.

The amount of water available per person in India is decreasing steadily – from 3450 cm in 1951, it fell to 1250 cm in 1999. According to the Ministry of Water Resources is expected to decrease further to 760 cm per person in 2050.⁸ Water scarcity is the single biggest threat to food production, as falling groundwater levels and shrinking rivers make less water available for agriculture. Water is a key productive resource for growing food and raising cattle. Sustained access to water for irrigation is a question of survival for about 70% of the Indian population. This number includes disadvantaged and marginalized farmers and those surviving by subsistence farming as well as agricultural labourers. The impact of a lack of access to water has been dramatically exposed during the last years in drought-prone areas throughout the country. Basically water is required for agriculture and domestic consumption. Apart from this water is used by industries.

Agriculture accounts for almost 80 per cent of water use in India. The FAO estimates that due to population growth there is a need for additional 60 percent more food in the next 30 years. This estimate assumes that the current water intensive agriculture is continued. Hence a review of water use in agriculture is a must; demand management both in agriculture and industry is an imperative in this regard. Ground water is the major source of irrigation in India. It fulfils almost 60 percent of the country's total irrigation needs, in rainless areas this rate being even much higher.⁹ Over 70 per cent of the value of farm produce depends on ground water. However, excessive depletion of groundwater reserves has led to a dramatic decrease of the groundwater level. Moreover crops that need more water (paddy, sugar cane) are being farmed replacing the traditional products consuming less water (millet). Industry too has become a huge consumer of ground water in agricultural areas.



Diverting water from domestic and agriculture to industries poses serious problems. In most parts of India, ground water mining is taking place at twice the rate of natural recharge causing aquifers to drop by 1 to 3 meters every year. Till date, many private corporations contribute to the excessive depletion of groundwater.

⁸ The Observer of Business and Politics, April 23, 2000

⁹ International Water Management Institute

2 India's Obligations under the Human Right to Water

2.1 International Law

In the UN human rights system, the right to water is dealt with in the context of the rights to health, housing and food. The right to water is implied as a human right under the International Covenant on Economic, Social and Cultural Rights in articles 11 and 12¹⁰. Water is explicitly referred to under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)¹¹ and the Convention on the Rights of the Child (CRC).¹² In the Universal Declaration of Human Rights from 1948 a strong reference to the right to water is made under Article 25 stating the right to a standard of living adequate for health and well-being.¹³ India is a state party of all these human rights documents.

The UN Committee on Economic, Social and Cultural Rights presented in its General Comment No. 15 of 2002 an authoritative interpretation of the provisions of the International Covenant on Economic, Social and Cultural Rights. As an introduction the Comment states: "Water is a limited natural resource and public good fundamental for life and health. The human right to water is indispensable for leading a healthy life in human dignity. It is a prerequisite to the realisation of all other human rights." The Comment defines the right to water as follows: "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses." This is specified further by noting "the importance of ensuring sustainable access to water resources for agriculture to realise the right to adequate food."

The normative content of the right to water is described by the following elements: Availability, quality, accessibility (physical and economic), and non-discrimination and information accessibility.¹⁴ The right to water imposes – according to General Comment 15 – three types of obligations on state parties: obligations to respect, protect and fulfil. The General Comment deals with both national and international obligations.

¹⁰ "Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need. "

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

¹¹ Article 14, paragraph 2 of the CEDAW stipulates that State parties shall ensure to women the right to "enjoy adequate living conditions, particularly in relation to [...] water supply".

¹² Article 24, paragraph 2 of the CRC requires State parties to combat disease and malnutrition "through provisions of adequate nutritious foods and clean drinking water".

¹³ Article 25 (1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care..."

¹⁴ "The water supply for each person must be sufficient and continuous for personal and domestic uses (...) The water required for each personal or domestic use must be safe, (...) Water and water facilities and services have to be accessible to everyone without discrimination (...) within safe physical reach (...) affordable for all (...) accessible to all, including the most vulnerable and marginalized sections of the population (...) Accessibility includes the right to seek, receive and impart information concerning water issues." General Comment No. 15 on the right to water, UN Doc.E/C.12/2002/11

National obligations

The obligation to respect requires that the State parties refrain from interfering directly or indirectly with the enjoyment of the right to water. This includes refraining from engaging in any practice or activity that denies or limits equal access to adequate water, arbitrarily interfering with customary or traditional arrangements for water allocation or unlawfully diminishing or polluting water.

The obligation to protect requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Where water services are operated by third parties, State parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water.

The obligation to fulfil requires State parties to adopt the necessary measures directed towards the full realisation of the right to water. The obligation includes sufficient recognition of this right within the national political and legal systems (...) adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable to everyone; and facilitating improved and sustainable access to water, particularly in rural and deprived urban areas.

International obligations

“State parties have to respect the enjoyment of the right in other countries.¹⁵ Water should never be used as an instrument of political and economic pressure”. State parties shall “prevent their own citizens and companies from violating the right to water of individuals and communities in other countries. State parties should ensure that the right to water is given due attention in international agreements” and “should ensure that their actions as members of international organisations take due account of the right to water.”¹⁶

Moreover, General Comment 15 emphasizes certain core obligations of minimum essential levels of each of the rights enunciated in the Covenant: Access to water and water facilities and services must be ensured on a non-discriminatory basis, “especially for disadvantaged and marginalized groups”. Access to the minimum essential amount of water must be ensured at all times for everybody.

India being a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is thus obliged to “use the maximum of its available resources”¹⁷ to fully implement the rights enshrined in the ICESCR.

2 National Law

2.2.1 Indian Constitution

Article 21 of the Indian Constitution guarantees the right to life. The Supreme Court of India has defined the right to life in a broad sense to include health, education, pollution-free environment, safe drinking water and livelihood. Therefore access to safe and sufficient drinking water and sanitation is a fundamental right. The 73rd and 74th amendments to the constitution guaranteeing Panchayat Raj (self-governance) recognise the right of the Gram Sabha (village councils) over their natural resources, which include water.

¹⁵ “(...) Any activities undertaken within the State party’s jurisdiction should not deprive another country of the ability to realize the right to water for persons in its jurisdiction.” General Comment 15

¹⁶ General Comment 15

¹⁷ International Covenant on Economic, Social and Cultural Rights, Art. 2.1.

2.2.2 The Indian National Water Policy

“Water is a prime natural resource, a basic human need and a precious national asset. Planning, development and management of water resources need to be governed by national perspectives.”¹⁸

The Indian National Water Policy¹⁹ April 2002 seeks to formulate policies and strategies for optimal utilisation of water in order to provide the necessary amounts of water required for domestic use, irrigation, hydro-power and industrial use. With dropping water levels, increasing irrigation requirements and growing population, this is not an easy task. The National Water Policy has set down water allocation priorities as follows:

- Drinking water
- Irrigation
- Hydro-power
- Ecology
- Agro-industries and non-agricultural industries
- Navigation and other uses.

Accordingly, “adequate safe drinking water facilities should be provided to the entire population both in urban and in rural areas. Irrigation and multipurpose projects should invariably include a drinking water component, wherever there is no alternative source of drinking water. Drinking water needs of human beings and animals should be the first charge on any available water.” (Ministry of Water Resources 5, April 1, 2002)

The importance of water as part of the ecology is recognized: “Water is part of a larger ecological system. Realizing the importance and scarcity attached to fresh water, it has to be treated as an essential environment for sustaining of all life forms.”²⁰ The policy paper also emphasizes the need to especially safeguard vulnerable parts of the society: “Special efforts should be made to investigate and formulate projects either in, or for the benefit of areas inhabited by tribal or other specially disadvantaged groups such as socially weak, scheduled castes and scheduled tribes. In other areas also, project planning should pay special attention to the needs of scheduled castes and scheduled tribes and other weaker sections of the society. The economic evaluation of projects benefiting such disadvantaged sections should also take these factors into account.”²¹

The importance of groundwater conservation is pointed out: “Exploitation of ground water resources should be so regulated as not to exceed the recharging possibilities, as to ensure social equity. The detrimental environmental consequences of overexploitation of ground water need to be effectively prevented by the central and State Governments. (...)”²² However, the water policy also outlines: “Private sector participation should be encouraged in planning, development and management of water resource projects for diverse uses, wherever feasible.”²³

¹⁸ National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources

¹⁹ National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources

²⁰ “Water Quality: Both surface water and ground water should be monitored regularly for quality. A phased programme should be undertaken for improvements in water quality. Effluents should be treated to acceptable levels and standards before discharging them into natural streams. Minimum flow should be ensured in the perennial streams for maintaining ecology and social considerations. Principle of “polluter pays” should be followed in management of polluted water. Necessary legislation is to be made for preservation of existing water bodies by preventing encroachment and deterioration of water quality.” (National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources)

²¹ National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources

²² National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources

²³ National Water Policy, April 1, 2002, Government of India, Ministry of Water Resources

3 Case Documentation

3.1 Bauxite Mining in Rayagada and Koraput districts, Orissa

3.1.1 Background

India's huge reserves of minerals attract both national and international companies. After the Indian Government announced the New Mineral Policy in 1994, global mining giants entered into joint ventures with Indian companies. So far, the impact on the people and their environment has been disastrous: Deforestation, loss of topsoil, discharge of toxic effluents and dumping of toxic wastes are some of the problems. Furthermore, thousands of people - mostly indigenous people (Adivasis) - were uprooted and displaced without proper resettlement and rehabilitation.

After the Indian Government announced the New Mineral Policy in 1994, which opened up the mining to global giants, several mining Multi National Companies (MNCs) have already entered joint ventures with Indian companies. Records in India as well as in other countries have shown that large MNCs frequently ignore human rights and often do not sufficiently care about the environmental impact of their activities.

In 1997, the Supreme Court ruled that tribal and forest lands in "scheduled" indigenous areas of the country cannot be leased to non-tribals or to companies for mining operations. The judgement also guaranteed tribal participation in the planning and implementation of mining activities. The Government of India, through the Ministry of Mines, is now seeking to counter the Supreme Court judgement by proposing an amendment to the 5th schedule of the Constitution to allow the transfer of tribal and government lands in the 5th Schedule Areas.²⁴ The new laws are geared explicitly to ease private investment, "reform labour laws" and protect corporate interests by sacrificing the protection of indigenous people provided by law. This would further marginalize minorities like the Adivasis and would violate their human right to feed themselves, and to water by displacing them and degrading their land.

The southern belt of Orissa is considered as one of the poorest regions in India though it was once called the breadbasket of the area. Plantations, paper industry and mining have emerged as a consistent and growing threat to people and their environment. The area has come to the news because of the occurrence of numerous starvation deaths during the last years. The area comprising Koraput / Bolangir / Kalahandi (K-B-K) and Rayagada districts contains high bauxite reserves. Bauxite is the raw material for aluminium production, the trendy material of modern lifestyle. The region has attracted investments from some of the biggest aluminium corporations in India and abroad.

Bauxite is located at the top of the hills. Mining of bauxite is mostly done by strip mining (open cast mining). Potential adverse impacts of open cast mining are threatening human life and livelihood through resettlement and health, air quality, water quality, ecology and biodiversity, natural resources, and infrastructure. Alumina plants are generally situated on the banks of large rivers, as they require large amounts of water. The most visible impact on the environment of mining and processing of alumina (out of which, in a second step, aluminium is produced) is red mud. Red mud contains a high amount of sodium hydroxide, which is needed

²⁴ The Orissa Government has constituted a Committee of Secretaries (notification No. 6601, dated. 19-5-01). This Committee of Secretaries has made its recommendations to the Cabinet sub-committee that the Samatha judgement is not replicable in Orissa, as adequate care has been taken to protect the tribal interests in the existing laws of the state namely "The Orissa Scheduled Areas Transfer of immovable Property (Scheduled Tribes) regulation, 1956 (Regulation No. 2 of 1956) and "Orissa Zilla Parishad (amendment) Act, 1997.

There has also been an effort to amend the Panchayat's Extension to the Scheduled Areas Act (PESA), which empowers tribal communities in the 5th Scheduled areas to decide about their natural resources. It is considered to give powers to the concerned District Collector for land acquisition, whereas the PESA empowers the Gram Sabha or the village community to decide on such matters.

to dissolve bauxite out of the ore. Sodium hydroxide is a highly toxic chemical. Experiences from other bauxite mining and processing units show that proper disposal of toxic waste is complicated and the pollution of river water by effluents common.

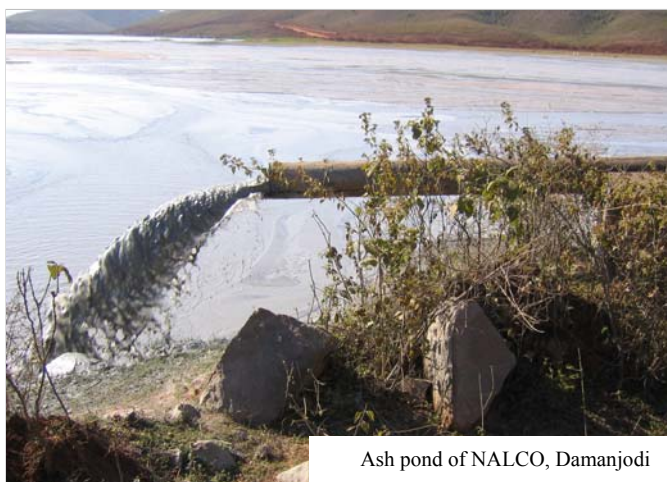
The fact finding team visited two main areas: Damanjodi in Koraput District, where the Indian state owned company NALCO is operating an alumina plant and bauxite mining since 1981, and Kashipur in Rayagada District, where Utkal Alumina International Ltd. has been trying to start operating its plant and mine since 1992.

Damanjodi, Koraput District

In 1981 NALCO (National Aluminium Company Ltd.) started with bauxite mining and established an alumina plant. 10058 acres of land were acquired for building the so called “red mud pond” and the “ash pond”. Fifteen villages with about 597 families had been displaced. NALCO built a rehabilitation colony far away from their former farmland. Every family consisting of 5-15 members got a compensation of about 3000 INR/acre, one house (one and a half rooms) but no farmland. To each displaced family NALCO had offered one job, especially in a lower paid position (drivers, diggers). No jobs were offered to women; all family members had to depend totally on the one male who got the job. The state of women had changed rapidly. Having lost their sources of income after displacement and resettlement they now depend on the men for their daily needs. Before displacement they sold produce from the farm for their own requirements and to support the family. Now without that they have lost their independence and dignity. Women were also complaining about an increased work burden. Men are frequently drunk.

At the rehabilitation colony it was observed that there was an inadequate supply of drinking water. NALCO had only provided 3 wells for the more than 500 families, which was found to be largely insufficient. People managed to build two more wells out of their own resources. They complained that in the dry season the water situation is worsening, as the water in the wells dry up. Before their displacement the people used the spring water in their villages freely, it was enough to satisfy their daily requirements of water for both domestic and agricultural purposes. In Damanjodi there is only a primary school. To continue their education, pupils have to travel long distances to other towns. In view of the economic situation facing most of the displaced people at the rehabilitation colony it is often difficult for them to afford the costs involved in the long distance travels of their children. This means that the chances of the children of securing good jobs in future are limited. Their independence in future is jeopardized. They have lost their land as a source of livelihood, but do not receive compensation in terms of new land or adequate human resource development measures provided by the company which is making a lot of money out of their land.

The team visited also the red mud pond of the alumina plant. It was observed that there was not even the obligatory impervious lining protecting the toxic red mud from ground water. In an earlier interview the NALCO officials assured the existence of such lining. The possibility of contamination of ground water is unavoidable. This incident indicates that the company pays too little attention to the protection of ground water as well as other natural resources.



Ash pond of NALCO, Damanjodi

The huge power requirements of the NALCO plant are met by coal power station. The generated ash is being simply dumped into a separate ash pond. Complaints received from villagers indicate that whenever it rains both ponds overflow and their toxic material is spilled into their streams and rivers. This is in sharp contrast to statements of the state pollution control board that even a heavy monsoon will not lead to an overflow of the ponds.

Kashipur, Rayagada District

In Kashipur, in Rayagada District of southern Orissa, Utkal Alumina International Ltd. (UAIL) a consortium of Canadian ALCAN (45 % share) and Indian HINDALCO (55% share) has been trying to start mining bauxite and processing alumina since 1992. The area is mainly inhabited by indigenous people (Adivasis, mainly Jhodia, Kondh and Paraja), whose major source of livelihood is agriculture and the collection of minor forest produce. It is considered the most fertile land in Kashipur Block (Doraguda Valley).



Landscape in Kashipur area

The depletion of forests due to strip mining is one of the biggest threats facing Adivasis in the region today. The surrounding areas have already witnessed a steady depletion of forest areas by paper mills, hydroelectric projects, mines and mining infrastructure. Within a few decades, the Adivasis displaced from these areas have been reduced from relative self-sufficiency to wage-labour and beggary. According to estimates of the Norwegian Agency for Development Cooperation around 60 000 people will be affected by this project.²⁵

Open cast, surface mines, despite their known environmental dangers, are preferred by the industry because of the quick return of investment they bring. While it is the expected profit, which is the main incentive for multinational companies to start bauxite mining, one should severely doubt if those companies will engage in so-called sustainable mining practices. So far, a public hearing as guaranteed by the Panchayat Raj act for scheduled areas and Adivasis has not been organised.²⁶ The government and UAIL are also in contempt of the Supreme Court's 1997 decision in the Samatha case, which prohibits mining by private companies in Adivasi areas.²⁷

The project received environmental clearance in 1995 and acquired 2865 acres of land. The Environment Impact Assessment (EIA) report - which is a prerequisite for projects to commence activity and must be discussed in public to obtain the informed consent of those affected by the project - has not been made available to the people concerned. According to the State Pollution Control Board, Orissa, so far there is no EIA at all. UAIL claims to have conducted several studies regarding the environmental impact of the project. However, despite repeated requests, UAIL has not made any of these documents public. The inconsistency of information provided by the responsible parties reveal, that things are not implemented in a proper and transparent manner.

²⁵ PSSP (Prakrutik Sampad Surakshya Parishad), 2002

²⁶ 73rd and 74th amendment to the Indian Constitution

²⁷ Samata, Hyderabad, 2001: "Surviving a Minefield: An Adivasi triumph – A Landmark Supreme Court Judgement Restoring the Rights of Tribals."

UAIL proposes to manage dry red mud and ash by stacking them in large open ponds. This would cause nearly 150 tonnes of sodium hydroxide to be leaked in the soil every day. This in turn would raise the pH levels of the soil in the region much beyond acceptable limits leading to severe environmental damage.²⁸ Another consequence would be the large-scale loss of vegetation and natural habitat. The soil rendered loose and unstable from surface mining is washed away. The surrounding rivers and streams, which are fed by groundwater reserves, would begin to dry up. This would result in desertification, leading to increased risks of landslides, flash floods, loss of natural habitat for flora and fauna and loss of cultivable land and forest resources that have for centuries until now sustained diverse indigenous communities.

The impact of the project is not limited to the surrounding villages alone. The infrastructure to create this development has been huge and has contributed to further damage of the environment and the displacement of the people of this region.

Bauxite extraction and conversion to alumina is extremely resource intensive, it requires large amounts of water²⁹ electricity and land. The Upper Indravati Hydel Power Project, which was constructed to provide power to energy intensive alumina refineries in the area has inundated 150,000 hectares of forest land and 10,000 hectares of agricultural land and displaced more than 5000 Adivasi families from over 100 villages.

UAIL will use two streams, Sana Nala for its water requirements and Bara Nala for its effluent discharge.

In December 2000 police fired into a peaceful assembly of protesters in Maikanch village. Three people died and 8 were injured, at least three of them are still invalid. End of 2003 the report of the judicial inquiry which was set up to probe the deaths of the three men was submitted. However, so far only a synopsis is available. While the commission faulted the police for excessive use of force it did not recommend any action against them. The commission has agreed that while there should not be senseless destruction of environment, the state cannot afford to remain backward as a result of environmental protection.

The company and the government maintain that the bauxite-alumina complex would help the Adivasis by offering jobs and creating infrastructure. The commission report states that bauxite extraction would not have an adverse impact on the environment. In April 2003, Indal has announced to recommence work at the site in 2005 (Originally the production process was scheduled to begin by 2002). In the first phase of the project 1 500 000 tonnes alumina annually shall be produced by 2007.

3.1.2 Conclusions

The problems observed in the course of the Fact Finding Mission indicate extreme violations of the human right to water. Drinking water resources that are already limited and are of utmost necessity for human life are severely endangered. There is a lack of binding national ecological standards for industries. According to a statement of the State Pollution Control Board, there are no standards for the design and construction of the ponds, only standards for water quality. Based on that one can conclude that the possibility of long-term impact on the health of the people who live in the surrounding area is high.

²⁸ The power requirement of 80 MW will require 2800-3000 tons of coal per day. This is expected to generate 900 to 1000 tons of ash per day. According to the environmental clearance give by the government, the company does not have to take care of overburden dumping for the first five years. It is expected that the overburden will be dumped on the slopes of the mined area leading to siltation of streams, damage of slopes and cultivable lands.

²⁹ According to UAIL officials 170000 cubic litres of water are needed daily for mining and processing. However, UAIL only has access to two streams, the Sana Nala for its water requirements and the Bara Nala for its effluents discharge.

In the course of monitoring and tests of water samples the pollution control board in Rayagada conducts tests only for suspended particulates, coli form bacteria and turbidity. Tests are not conducted for heavy metals and other pollutants, the water can therefore not said be to be safe. The long term impact on the health of communities that were visited is high. Already some villagers in the affected areas complain of headaches, stomach ache, itching and fever.

The massive negative impact on the water resources caused by NALCO (and will be caused by UAIL) could be observed. Water absorption is reduced by large scale drying up through construction of infrastructure (buildings, streets etc.). Open cast mining is changing natural water cycles by soil compression and breaking up of topsoil. Large scale removal of vegetation has a negative impact on the fragile ecosystem. This would lead to increased erosion and long lasting impact on the local water resources (danger of desertification and degeneration into steppe)

People have lost (NALCO) and will lose (UAIL) their free access to drinking water sources they currently use. Precious fresh water resources are irresponsibly handled: Existing drinking water resources are being polluted, especially groundwater by infiltration of toxic red mud ingredients. Although people displaced by NALCO operations had been given houses in a rehabilitation colony, they had to build their water facilities mainly with their own resources. Still they have water problems in dry seasons.



Conveyor Belt of NALCO, Damanjodi

The lack of an impervious lining (a must according to international standards) to prevent leakage is a long-term danger for the people who live in the surrounding area. The alumina projects create massive interference into culture and religion of the affected people and communities (water is being used in traditional healing practises, springs in the hills and hills themselves are sacred). In addition the mission team observed the following problems, which aggravate the situation and hinder the implementation of the human right to water according to national and international law.

- Insecurity of traditional land rights: Adivasis have no land titles
- Conflicting Legislation National law vs. states law
- Rejection of caste certificates in Kashipur to reduce the official number of Adivasis
- Discrimination of vulnerable groups
- Lack of transparency in government decisions and procedures (violation of the right to information)
- Evasion of democratic processes (public hearing)
- Insufficient and slow legal proceedings state violence, lack of prosecution of real culprits, false cases
- Lack of political will, state violence, lack of prosecution of real culprits, false cases
- Dominating influence of corporate interests
- Negligence of future's generations' right to water (sustainability)
- Corruption of villagers by bauxite mining companies
- Social and cultural uprootal of the affected communities

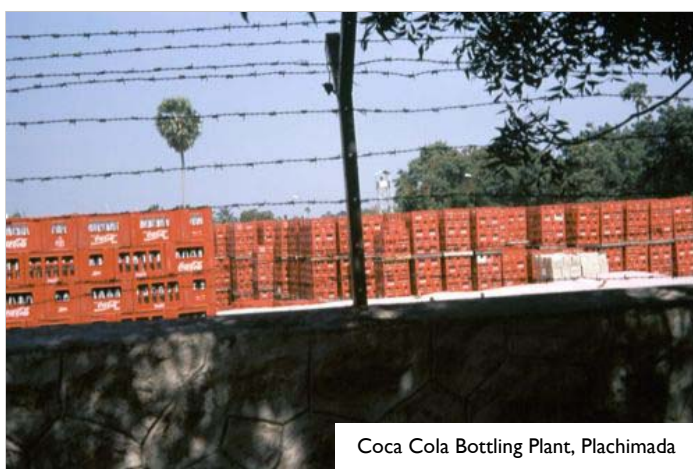
3.2 Groundwater Mining in Plachimada, Kerala and Padumathur, Tamil Nadu

3.2.1 Coca Cola Plant, Plachimada, Palakkad district, Kerala

3.2.1.1 Background

In 1999, a Coca Cola Plant was established in Plachimada in Palakkad District, Kerala, by Hindustan Coca Cola Beverages Private Ltd. (HCBPL) The company was leased 38 acres of land for the plant and employed 70 permanent workers and 150-250 casual labourers. The plant was producing 200 truckloads of beverages per day with 550-600 cases, each containing 24 bottles of 300 ml. In order to cover the water needs for this large production, the company dug 60-65 bore-wells on the land leased and extracted at least 600,000 litres of water every day.

The intensive extraction of ground water led to a depletion of ground water levels in the area. The drying up of wells has affected the lives of all the people living in the area. Paddy (rice crop) farmers were unable to run their pumps long enough to water their fields, which led to a decline in the harvest. In addition, the ground water was severely contaminated, as salinity and hardness of water increased. This made the water unfit for human consumption and irrigation.³⁰ The Coca Cola Plant



also disposed foul smelling slurry waste as fertilisers, which lead to further contamination and health problems³¹. Along with the effect on paddy crops, around 1000 landless indigenous families who are dependent on agricultural wage labour were affected by the contamination of water and loss of crop.

As a consequence a people's movement against the factory emerged on April 22, 2002 conducting various forms of protests in front of the factory. This led to mass arrest and registration of cases against the peaceful activists.³²

People's demands:

1. An immediate closure of Plachimada factory of HCBPL;
2. Initiation of criminal proceedings against the company, making the company culpable and therefore pay for their crimes;
3. Steps to ensure the availability of safe water until such a time the surface and groundwater is reversed to safe limits;
4. Steps to guarantee free health care for all the affected persons;
5. Compensation to the victims for damages caused to health and for the economic loss

³⁰ Poor water quality was confirmed by a test of a medical officer of the Primary Health Centre of Perumatty: The water of the wells of this area is polluted and unfit for domestic use.

³¹ The factory waste had been tested within a BBC study. The material contained a number of toxic metals, including cadmium and lead. According to Prof. John Henry (Saint Mary's Hospital, London) these levels of toxins cause serious problems like polluting the land, local water supplies and the local food chain. (BBC study, 2003).

³² However, no action was taken against the company for their criminal acts and culpability under the Pollution Control Act, The Environmental Protection Act 1986, The Water (Pollution and Control) Act 1988, SC/ST Prevention of Atrocities Act and relevant sections of IPC and CRPC.

On 7th of April 2003, the Perumatty Panchayat (village assembly) took a decision to cancel the license agreement granted to the Coca Cola plant and the Supreme Court had ordered a stay order until a decision was made. On the 30th of August 2003, a peaceful demonstration was organised by the People's Union for Civil Liberties, Kerala, in front of the Kerala Ground Water Board. They wanted to voice their protest against the inefficiency of the board in tackling the ground water problems created by the Coca Cola Plant. 13 activists were arrested at this demonstration and remanded for 5 days. They had been accused of attempting to destroy the office and were being given the image of "terrorists". This is only the latest of a number of arrests made since the protests against the Coca Cola plant have begun.

On December 16th the Kerala High court directed HCBPL to find out alternative sources of water for the Plachimada bottling unit. The court ordered that the Panchayat should not interfere with the functioning of the company if it used the water drawn from other sources. Besides, the company should only be allowed to use the quantity of water equivalent to that used by a landowner with 34 acres of land.³³ The Government of India meanwhile set up a Joint Parliamentary Committee (JPC) to verify whether the contention of Centre for Science and Environment (CSE) that the soft drinks made in India – Pepsi Cola and Coca Cola - contain pesticides residues at more than the EU standard levels is true or not, and if so suggest remedial measures³⁴. The Joint Parliamentary Committee (JPC) decided that Coca Cola and PepsiCo's plants in Palakkad district of Kerala are responsible for "causing pollution of water, depleting ground water and reducing crop yields besides causing ailments to human beings" and asked the Government of Kerala State to take immediate corrective measures. The pesticides content of these beverages is much higher and hazardous for health.³⁵

Following this report the Chief Minister of Kerala issued a statement to take stringent action against the company. Subsequently, the Kerala Govt. had given a notice to the Coca Cola Plant banning the use of any more ground water through their bore-wells in Plachimada, till the mid-June.

3.2.1.2 Conclusions

Water quality problems occurred 10 months after the production started. Water quality analysis³⁶ conducted revealed that the present quality is not suitable for human consumption. There have been a number of cases of health problems (water borne diseases) like skin irritation (itchiness after washing or using the water), diarrhoea (mostly children are affected), eye irritation (burning, drying of the eyes), stomach and abdominal problems, loss of hair.³⁷ The quality of water is neither fit for drinking nor for sanitation purposes. According to the local people cooking rice takes longer and rice gets spoiled easier (after 2 hours), milk and tea get spoiled and the water is foul smelling and has a bitter taste.³⁸

Because of poor water quality, women have to walk 2-3 km to a private well or 1 km to an irrigation canal to get potable water. Not only private wells are affected but also the village

³³ The Hindu, 16th December, 2004

³⁴ CSE had asserted that 12 brands of cold drinks made by the two American companies contained high levels of four extremely toxic pesticides: Lindane, DDT, malathion and chlorpyrifos. The 15-member JPC tabled its 180-page report in Parliament on 4th February, 2004, six months after the CSE made its findings public.

³⁵ The following are extracts of the report of the JPC on the Coca Cola plant at Plachimada: "Cola plants at Plachimada in Kerala have polluted water, depleted it, reduced crop yield and caused skin disorders and other ailments. This must be resolved. Sludge discharged by these plants could be monitored by an existing committee on hazardous waste management."

³⁶ BBC study

³⁷ Health problems illustrate that the right to water is inextricably linked to the highest attainable standard of health (art. 12, paragraph 1, ICESCR).

³⁸ This is a clear violation of the obligation to protect "failure to enact or enforce laws to prevent the contamination and inequitable extraction of water" of GC 15.

communal well. There are 6-8 communal taps in the village built in 1988.³⁹ What affects the people's health also affects the livestock and agricultural production.⁴⁰

Agricultural problems are both a problem of water quality and quantity. People in the village suspect, that deterioration of agricultural production (paddy and coconut production) may be due to changes of the ground water or the sludge distributed as fertilizer. For example, a farmer who used to harvest 6000 coconuts per month from his plantation now harvests only 1000 coconuts per month. Another farmer had to stop even paddy crop production because of reduction in irrigation water. As farming activity has gone down, labourers are migrating to find other work. Coke offered to buy farm lands adjacent to the factory at the rate of 500,000 INR for 4 acres of land. The farmers, however, refused to sell off the land as they are afraid about their survival without land. According to the comments of the people the money will be gone after a while and they won't be able to feed their families in the long run.

These developments also lead to socio-economic problems. There is a decrease in household income because of decreasing agricultural yield and quality. Seasonal migration is increasing as people look for work. People who benefit from the company are silent supporters of coke plants. There are also people silently opposing the factory (those with family members working in the company). Farm owners are not able to employ agricultural labourers any more; consequently the unemployment rate has increased in this area. Even though the Coca Cola Company has promised jobs, only few jobs were offered to the villagers (only 20-25 workers). Most workers are contract labourers (200) from outside the region.

According to the affected people, they have not been informed about the composition of the expert committee, which had been formed according to the recommendations of the high court judgement from December 16th, 2003. They assured that there is no representative of the affected farmers in the committee. It seems that the expert committee is formed, without consultation as well as representation of one of the key stakeholder of the issue. There are only representatives of the Coca Cola Company and members of the Panchayat. Interviewed people expressed their fear that the expert committee will only focus on the technical aspects of the problem and not look into the social issues. According to a representative of the Anti Coca Cola Committee, farmers are not happy with the progress of the legal case. The case has been filed by the Panchayat, and refers more to technical aspects rather than the right to food, water or livelihood.

In Plachimada a clear link can be seen between the right to water and the right to food. This can be shown in the following 3 examples:

- The yield of agricultural products has drastically decreased.
- There is a change in quality of the coconuts in the village. They are of smaller size and seem to fall off the tree in an immature stage.⁴¹
- Due to the constraints on agriculture, landless labourers are facing employment problems.

³⁹ One communal tap was observed in Plachimada, where people get water half a day per week for 200 families. In this case water availability according to Art.12.a is not given ("The water supply for each person must be sufficient and continuous for personal and domestic use").

⁴⁰ According to an interview partner of the fact finding mission team, the quality of coconuts has dramatically decreased. They fall off the tree before they are mature (small size, brown colour). Thus quality and quantity have gone down leading to loss of income and worsening of the socio-economic status of many families.

⁴¹ The same toxics as in the groundwater were found in the coconuts (BBC-study, 2003)

3.2.2 Coca Cola Plant and Shakti Sugar Mills, Padumathur, Sivagangai district, Tamil Nadu

3.2.2.1 Background

The district of Sivagangai lies in the southernmost Indian state of Tamil Nadu. Though being water scarce area agriculture is an important economic activity. The main stream in the area, Vaigai, has always been an important source for water schemes and for agriculture. Check dams and irrigation canals have been built upstream in order to meet the increasing irrigation needs of the farmers and to supply water to Madurai, the biggest city in southern Tamil Nadu. The repeated shortage of monsoon rainfall together with the increased water off take of the river has led to a water stress situation for farmers and villagers.

Along the riverbeds of Vaigai, there are several sugar mills, which procure sugar cane and process it to sugar products. As this process is very water intensive, those mills discharge high amounts of groundwater from the riverbed. One such mill is the Shakti Sugar Mill near the village Padumathur, which was established in 1989. This sugar mill withdraws 1 million litres of water per day (1 MLD) from the groundwater reserves below the Vaigai riverbed. The company dug two bore wells (600 feet deep) and obtained a license by the Tamil Nadu government for the withdrawal of 4,9 MLD of water. 6 km of pipelines have been laid from the bore well to the mill.

When Shakti Sugar had started its production, sugar cane cultivation in the surrounding was tripled and cultivation of traditional crops decreased. However, sugar cane production dropped drastically in the year 2000 due to lack of water attributed to the irregular monsoon in the past years.

In 2003, Hindustan Coca Cola Beverages Private Ltd. (HCBPL) set up a bottling plant for soft drinks and bottled water within the compound of Shakti Sugar mill. People now fear that (as experiences with other soft drink



bottling plants in various parts of the country like e.g. in the neighbouring state of Kerala have shown) severe problems for the surrounding agriculture. In addition, by further increasing the already high amount of groundwater withdrawal, several water schemes that provide drinking water to villages and towns in the area, will be affected. This has already led to severe drops in yield and therewith of income. Increasing the amount of water would further aggravate this tense situation for the already suffering villages in the area. The high income losses combined with drinking water shortages is a double threat to the food security of the people in the area.

3.2.2.2 Conclusions

There is already an unequal water competition to the disadvantage of the communal drinking water schemes, as the two pumps owned by Shakti Sugar are much deeper than the communal ones, which provide water to different communal drinking water schemes. People in the

surrounding villages of Meenakshipuram, Vengkatti and Padumathur⁴² reported that the water levels have dropped down so much, that they hardly get any water from the communal schemes or from their own wells any more. According to GC 15, Art.7 the Committee notes the importance of ensuring sustainable access to water resources to realize the right to adequate food.⁴³ Attention should be given to ensuring that disadvantaged and marginalized farmers, including women farmers (see also CEDAW⁴⁴ Article 14.2), have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology. Taking note of the duty in article 1 paragraph 2 of the Covenant, which provides that a people may not “be deprived of its means of subsistence”.

As states party to the ICESCR the Indian State must ensure that there is adequate access to water for subsistence farming and for securing the livelihoods of its people. GC 15, Art.11 clearly notes that water should be treated as a social and cultural good, and not primarily as an economic good. Furthermore, the example of a bottling unit in Plachimada, Kerala, have shown that other plants produce toxic sludge as waste product which is often simply dumped in the surrounding area. This could threaten the soil and groundwater quality and lead to further income drops for the peasants. This fear was further stressed by the fact that villagers from nearby Padumathur claim that during a 15 day trial run some cattle have died after having eaten waste produced by the factory.

For HCBPL the location inside the Shakti Sugar mill seems ideal: Shakti has already obtained a license by the Government to extract groundwater up to 4.9 MLD.⁴⁵ However, it is only using 1 MLD. As sugar cane cultivation is on the decrease, Shakti will never be able to use that big amount for sugar production alone. So part of the license could be used by Coca Cola. Local activists, however, argue that HCBL is circumventing national law by using the water infrastructure and compound of Shakti Sugar mills, as the license for water use was given for sugar production and not for beverage production like Coca Cola.

The management of Shakti Sugar Mills seems to be well aware of an emerging opposition and refused to talk to the Fact Finding Mission team.

3.3 Water Supply in Tiruppur, Tamil Nadu

3.3.1 Background

Tiruppur is a town with about 780.000 inhabitants in the State of Tamil Nadu in southern India. Due to the big textile industry including many dyeing factories it is also called T-Shirt-Town. There are about 800 factories here, out of which about 150 are larger factories with more than 150 workers. About 200.000 people work directly or indirectly in this industry.

⁴² The fact finding team visited three villages where the present water situation was observed. Meenakshipuram is situated at the Vaigai river bank. Although this village is right next to the river, they have no adequate access to water. According to persons interviewed, 5 – 7 members of family require 15 pots of water (1 pot = 18 l = 270 l), which they are right now not receiving. Food and water supply within household is not equally distributed: male members of the household are first provided food and water. Women are the last to get food and water. There are 10 water points in this village, but there is running water only for 2h/day. Paddy yield has come down from 50 packs to 15-20 packs (1 pack = 64kg). Earlier the animals could find water at the riverside themselves, now they come home to the village begging for water. In Vengkatti many contract farmers have not received payment from Shakti. One farmer reports decrease of cultivated land from 10 acres to 2 acres due to lack of water. There is a drop in income due to decrease of yield, which leads to seasonal migration. There is running tap water only for 1h/day. PPadumathur is located closest to the Coca Cola site. There has been trouble in growing sugar cane and some farmers have tried to grow traditional crops, but it did not work out well (probably due to a deteriorating quality of soil or salinity). People are afraid of the potential pollution of the Coca Cola plant, because in a 15 day trial production of the company run some cattle died after eating waste of the Coke factory.

⁴³ Compare GC12 (1999) The right to adequate food

⁴⁴ CEDAW, Convention on the Elimination of All Forms of Discrimination Against Women

⁴⁵ As there are more than 100 applications pending regarding water extraction from the Vaigai River bed between Madurai and Sivagangai, a thorough study of water reserves in this region should be conducted integrating surrounding villages and peasants by using the already existing structures like the Panchayat.

The current water consumption of the industry is about 100-120 MLD (million litres per day). Domestic water consumption is estimated at 60 MLD. Due to pollution of the groundwater in the municipality, which is mainly caused by effluents of the textile industry, people and industry are dependent on water supplied from other areas. There are two water systems currently operating in the area, both of which get water from the Bhavani River near Mettupalayam Dam. One was built in 1962 and the other in 1994 together providing 39 MLD of water to the municipality of Tiruppur. Water from outside the municipality is delivered to the city by trucks.

As the existing water supply systems could not meet the demand anymore, the Tiruppur Exporters Association (TEA) drafted a proposal for a comprehensive water supply and sewerage scheme together with the Tamil Nadu Government in 1995. For implementation of the project the New Tiruppur Area Development Corporation Limited (NTADCL) was founded, which receives funds from USAID (development agency of the US-government), the Tamil Nadu



Government and the TEA. This Private-Public Partnership was signed under a concession agreement in February 11th, 2000 between private companies, the Tiruppur municipality, and the Tamil Nadu State Government. The objective of the agreement is to secure supply of potable water for the huge textile industry and for the municipality and adjoining villages as well as a wastewater treatment for the municipality (not for the textile industry!). This comprehensive project shall be contracted to a consortium consisting of private companies such as IL/FS (The Infrastructure Leasing and Financial Services, India), Larson & Turbro (India), the multinational corporation United Utilities (based in U.K.), and Mahindra & Mahindra (India).

Water is planned to be taken from the Cauvery River located about 55 km of Tiruppur. The scheme is expected to generate (extract) a minimum of 185 MLD expandable to 250 MLD.

The Tiruppur Area Development Program Concession Agreement has been signed by the key stakeholders such as the State of Tamil Nadu, Tiruppur Municipality, and the New Tiruppur Area Development Corporation Limited on February 11, 2000. The objective of the agreement is to secure the supply of potable water to the municipality, industry, and wayside villages as well as the sewerage system for the municipality.

However by careful examination of the Concession Agreement, it becomes clear that first of all, the NTADCL project focuses on fulfilling the estimated water needs of the textile and dyeing industry of Tiruppur.⁴⁶ If this is correct, then this is primarily a private project initiated by the TEA to fulfil the interests of the water hungry industry and not a project serving the needs of the whole municipality. Representatives of the TEA and the NTADCL admitted to the members of the Fact Finding Mission bluntly that the supply for industrial purposes is the

⁴⁶ The agreement is made because “despite its emergence as an export centre, the town of Tiruppur suffers from... inadequate levels of water supply...impeding the growth of industries...” and that the TEA “...supported a plan for development of infrastructure facilities, particularly those relating to water treatment and supply...for the enhancement of the productivity and export potential of the industrial units established within and outside the municipal limits of Tiruppur.” Tiruppur Area Development Programme Concession Agreement.

core point of this project, which is also funded by public money; the improved water supply for the domestic uses is seen as secondary by the interviewed TEA and NTADCL representatives.

The water supply scheme is expected to be operational by April 2005 and the sewerage system by November 2005.

3.3.2 Conclusions

Most of the interviewed people in Tiruppur are positive towards the project as they are expecting benefits in terms of quantity as well as quality of potable water supply for the household as well as an improved sewerage system⁴⁷. They expect that the project will boost the industrial development and as a result more jobs will be generated.

On base of the observations of the fact finding team there are doubts if the situation of the people living in Tiruppur will be improved significantly. Based on the Concession Agreement, the prices are subject to increase annually and may also increase due to unexpected circumstances without proper transparency

Critical persons pointed out, that the project is not implemented by the government, but by a private corporation. They pointed out the danger of handing over public natural resources such as river water to the hands of private companies. People also expressed their doubts whether the project could secure the provision of water supply and sewerage services for a long period of 30 years as stipulated in the concession agreement. Complaints regarding lack of transparency of this project were also expressed repeatedly.

A member of the Tamil Nadu Green Movement also highlighted that the project of Tiruppur has not only impacts on the situation of the people of Tiruppur itself but also on the surrounding areas. River Cauvery is the backbone of the agricultural area of the fertile Cauvery Delta. This delta is becoming more and more water scarce. In fact, multiple effects on water availability have led to a series of farmers' suicides during the last years. The diversion of water from Cauvery to Tiruppur will further aggravate the situation of the peasants downstream.

In addition the project will have impact on water supply of neighbouring areas. For example Erode, which is a smaller town about 40 km away from Tiruppur gets its water from two water schemes near the Cauvery River. When the project of the NTADCL is implemented, the supply of Erode as well as other neighbouring municipalities will be threatened, as these municipalities are located further downstream. The people of Erode fear, that their water supply might be sacrificed by the new scheme. Surprisingly, till now the people of Erode have not been officially informed about this project, although it will have severe implications on their water supply system.⁴⁸

The trip of the fact finding team to Cauvery River in January (which is actually monsoon season) provided a picture of a nearly dried river bed, and it was obvious that additional outtake of water will exacerbate the river's condition. The team was also told that due to monsoon failure for three years (2001 – 2004) the river is suffering a severe shortage of water. The NTADCL claims that the new water scheme will not have any impact on the river flow because they will only be using 2-3% of the minimum flow and that the study conducted was based on a 30-year statistical report of the Public Works Department. Considering the water

⁴⁷ At present poor people in Tiruppur buy their water from trucks. Water is also available from the public pipes once a week but the quality is unfit for drinking. According to the information obtained from household members attached to the public water distribution system, they receive water only twice a week for few hours. An average they are paying around 200 INR.

⁴⁸ This is contradictory to what is outlined in GC 15 (Art. 12): „Information accessibility: accessibility includes the right to seek, receive and impart information concerning water issues.“ This applies both for the people in Erode and Tiruppur, who have no knowledge that the Government has entered into an agreement which is crucial to their access to water.

shortage in the whole Cauvery river area during the last decade, and various conflicts for water and suicides of peasants, the validity of such statistical claims has to be critically examined. In an already threatened ecological system even the 2 -3 % outtake of water can lead to loss of crop and hunger of peasants. The planned project will increase the environmental degradation of the whole Cauvery Delta, which is one of the most fertile regions of Southeast India and the backbone of the rice cultivation in South India.

As this project is being set up in a region with (increasing) already existing water conflicts, the state should come up with a proper water management plan for the whole region. This includes integrating the interests of downstream stakeholders like the city of Erode and of course the peasants of the Cauvery Delta. Before such a plan is made, it is highly irresponsible to give concession rights over the scarce water to a private corporation.

The textile industry in Tiruppur has been largely responsible for the pollution of the groundwater in the area and the government of Tamil Nadu is therefore demanding the building of Effluent Treatment Plants (ETP). It is not clear how many textile plants have already complied with the ETP requirement, as there are different figures from different resource persons from TEA, PREM, and the Centre for India Trade Union. While the representative of TEA affirmed, that almost every factory has an ETP by now, the PREM representative pointed out that this is the only factory in Tiruppur, which has an ETP.

The visit to the Effluent Treatment Plant of PREM Group, one of the biggest textile factories in the area, shows that textile companies have a big potential for saving water by using treated water for production. The resource person at the PREM told the team that about 90% of water can be saved by using the water more often in the circuit after building the ETP. However, it increases production costs for the company as the construction of the ETP costs the PREM Group 15 million INR.

It would be interesting to see which is more cost-effective and sustainable in the long run, the re-use of treated water by the textile factories or the water that will be supplied by NTADCL.

As outlined above, a large amount of water is consumed by the industry. The Indian National Water Policy, 2002, sets priorities for the use of water resources. Drinking water and irrigation are the main priorities set, and water for industries is the last on the list of priorities. If water is preferably used for industrial use, it is depriving the villagers' requirement for domestic use and the farmers requirement for at least subsistence farming.

As the concession granted to NTADCL the right to provide the water supply and sewerage services on "strictly commercial principles" meaning the recovery of the "total cost of project along with the returns during the period of the concession." The viability of the project is "primarily dependent on the levy and collection of charges on the purchasers." This is against Art. 11, GC 15, stating that water should be treated as a social and cultural good, and not primarily as an economic good.

It was not very clear to the fact finding mission team in which way the public authorities have control over the project. It is an obligation to protect for the state (i.e. for the municipality and the State of Tamil Nadu) the water services as it is stated in Art. 26, GC: States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and General Comment No. 15, which includes independent monitoring, genuine public participation and imposition of penalties for non-compliance." The team could neither trace an adequate monitoring system where the people could substantially participate in the process to evaluate the impact of the project nor any appropriate measures to be taken in case of violations of the right to water.

The implementation of the water supply and sewerage project also does not guarantee primarily the peoples' access to water services. Under the concession agreement, NTADCL has the absolute right to re-allocate the water to other purchasers in the case that the Tiruppur municipality and wayside villages have not paid for the water. This clearly shows that the purchaser's capacity to pay for water will determine the access to water. Furthermore, the concession agreement clearly states that NTADCL will meet the water demand as long as the Tiruppur municipality and the wayside villages make timely payment and comply with their respective obligations. This is an outright violation of the human right to water that clearly states that water and water facilities and services have to be accessible to everyone without discrimination. Accessibility includes both physical and economic accessibility, and non-discrimination (GC15).

Although the government of Tamil Nadu insisted that the price of potable water for domestic purposes is subsidized, NTADCL has the objective of reducing the "gap between pricing of potable water supplied for domestic and non-domestic purposes" and, after consultation with the government of Tamil Nadu and Tiruppur Municipality, "may fix appropriate value for the subsidy correction factor after 2 years from project completion and for every year thereafter."

It is also possible that the traditional sources of household and even irrigation water supply in the area is threatened as the NTADCL have the exclusive right to extract raw water, among others, within the service area.

The concession agreement in Tiruppur is clearly biased towards the industry. The project was planned in first place to come up with the water needs of the textile industry in the city. Facing the given water situation in Cauvery, it is indispensable to assure that the water needs of parties other than the textile industry are equally considered and responded to.

3.4 Water Supply in New Delhi

3.4.1 Background

Delhi has been experiencing increasing pressure to meet demand for its water resources. Growing urbanisation, improvement of living standards and exploding population are some of the factors. The population in Delhi is presently estimated at least 13 millions. At the moment the city's requirement of water per day is 3300 million litres a day (MLD), while what it gets is only 2000 MLD. Though the average water consumption in Delhi is highest in India (240 litres per capita per day), the disparity in water consumption is very wide. While residents in some areas (Cantonment Board, Lutyen, and Karol Bagh) get between 300 and 500 litres per person per day, while residents in areas like Mehrauli and Narela receive only 30 litres per person per day.⁴⁹ To bridge the widening gap between demand and supply large scale extraction of ground water takes place. The unaccounted loss of water are estimated to be 40 per cent, this includes unauthorised connections and un-metered connections. The present practice of leaving the service connection to be maintained by the house owners is also contributing to leakage losses. A degree of water sharing now takes place among the slum people, which will break down once a tariff is introduced. At present Delhi has the lowest tariff in India. The low industrial tariff in Delhi is also contributing to water waste by the industry.

With the aim to provide safe drinking water for India's capital the Delhi Jal Board (the Water Supply Department of the Delhi Government) made a contract with the French company Odeo Degrémont (subsidiary of Suez Lyonnaise des Eaux Water Division from France). The Sonia Vihar water treatment plant, which was inaugurated in June 2002, is designed for a

⁴⁹ Shiva, Vandana., Bhar, Radha., Jafri, Afsar., Jalees, Kunwar (2002) "Corporate Hijack of Water: How World Bank, IMF and GATS-WTO rules are forcing water privatisation" (New Delhi: Navdanya) page 47.

capacity of 635 million litres a day to cater 3 million inhabitants of the city.⁵⁰ The water for the Suez-Degrémont plant in Delhi is supposed to come from Tehri Dam in Uttaranchal through the Upper Ganga Canal up to Muradnagar in Western Uttar Pradesh and then through a giant pipeline to Delhi. The Upper Ganga Canal, which starts at Haridwar in Uttaranchal, carries the water of Ganga via Muradnagar to Kanpur (Uttar Pradesh) and is the main source of irrigation for the region.⁵¹



Construction of the 30-kilometre pipeline of 3.25 metre-diameter from Muradnagar to the Sonia Vihar water treatment plant in Delhi has already started. Till date around 15 kilometres of the pipeline has been laid. People have already protested against the project. Work on the pipeline has attracted strong protests from farmer groups. Farmers from 12 villages from both sides of the Upper Ganga canal, that is, from Haridwar to Muradnagar, are up in arms against the laying of the pipelines. The diversion of water to Delhi will adversely affect their crop yields in lean seasons. Several farmer groups gathered in Sonia Vihar on August 9th, 2002, and gave the call to Degrémont to quit India.⁵²

3.4.2 Conclusions

Once operational, this project will deprive the richest farmlands of India of irrigation water. As Western Uttar Pradesh is totally dependent upon the canal for irrigation, the impact would be disastrous. Even before diversion of 635 million litres water/day from irrigation, farmers are already affected: The Upper Ganga canal is being lined to prevent seepage into the neighbouring fields to ensure that more water is reaching Delhi. Seepage, however, is an important source of moisture for farming and recharge of ground water. Moreover, though farmers have been suffering severe drought, they had been prevented from digging wells. The government officials that the fact finding team met said that there would be no impact of the diversion of water on agriculture

The appalling water conditions of the most marginalized sections of the Delhi society were experienced by the mission team during its visits to a slum area in Kidwainagar and pavement dwellers in Karol Bagh⁵³. People depend on public water taps and the hospitality of neighbours for water supply. Sometimes water is being purchased at extremely high cost (costs exceeding

⁵⁰ A World Bank sponsored study recommends water reforms, which will end up in privatisation (Lalit K. Jha in *The Hindu*, February 5th, 2004).

⁵¹ The Upper Ganga canal's irrigation requirement has increased from 18 per cent to 80 per cent of its flow due to intensive cultivation. It discharges 12,000 cusecs along its length of 304 km, irrigating nearly one million hectares of land. Out of this 7.65 cusecs (cubic meters per second) equivalent to 270 cusecs will be diverted to Sonia Vihar to feed to 140 million gallons per day treatment plant. This diversion is around 2.3 per cent of the current discharge of the Upper Ganga canal. Tehri dam will not be required to meet this extra flow but to generate power and regulate the flow in Ganga.

⁵² *Frontline*, Volume 20 - Issue 18, August 30 - September 12, 2003.

⁵³ According to interviews with pavement dwellers from Karol Bagh the neighbouring families are likely to stop giving water to the street families once they have to pay for it. For sanitation purpose the street families make use of toilet and bathing facilities of Sulabh International. But in order to use the facilities they have to pay every time they use the toilet, wash clothes or take a bath; 1 Rupee to use toilet, 2 INR to bathe and 3 INR to wash around five to six clothes. In order to have access to proper sanitation a street family would have to spend around 90 INR per month per person. The mission made the observation that it is not economical feasible to have adequate access to sanitation.

four times the normal rates). Health risks due to low water quality and lack of safe and private bathing facilities are some of the major problems along with the lack of sanitation facilities. Approaching government representatives for improvement, e.g. a public toilet, has led to no result.

The Indian state has to ensure that everyone has access to adequate sanitation. Further the government is obliged to extend safe sanitation services, particularly to rural and deprived urban areas. As the mission observed, sanitation and wastewater management services are provided neither in the rural areas nor in the slum areas in the North Delhi. Although, the communities pointed out the demand, there seemed to be no initiative improving their inhuman situation. Even where the implementation of the right to water has been delegated to regional or local authorities, it is still the State party, which retains the responsibility to comply with its Covenant obligations. The state therefore has to ensure that these authorities have at their disposal sufficient resources to maintain and extend the necessary water services and facilities especially to deprived and poor sections of the population.

Ensuring that everyone has access to adequate sanitation is fundamental for human dignity and privacy. In accordance with the rights to health and adequate housing (see General Comment No. 4 (1991) and 14 (2000)) States parties have the obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children. The obligation to fulfil is also violated, as the State has to take measures to ensure appropriate education concerning hygienic use of water and to reduce the inequitable distribution of water facilities and services.

The team also visited village Jalalabad; district Ghaziabad, Western Uttar Pradesh, as well as village Prian Kalier, Block Rourkee, Uttaranchal. In both the areas people mainly depend on agriculture for their livelihood; main crops being sugarcane, wheat and mustard. Animal husbandry for milk production is also common. The major source of irrigation is groundwater (due to the land-allocation pattern gravity-fed canal water is not accessible for everyone). People complained about the high costs of getting underground water. Most affected are marginalized groups like Dalits. A request to the Government to access water from the Upper Ganga canal was not fulfilled. Similarly, a request to improve drainage facilities had not been responded by the government.

The diversion of water to Delhi from the Upper Ganga Canal to the Sonia Vihar water treatment plant would reduce water meant for irrigating farmlands in Uttar Pradesh and Uttaranchal. The feeder canals in Uttar Pradesh have already dried up due to water-intensive agriculture in the upstream of the canal. Instead of working out solutions to tackle the water intensive crop growing by farmers, the government has allowed the situation to worsen. It seems that the government is catering the urban population in Delhi at the cost of the farmers.

The lining of the canal is an additional threat to them, as it prevents water seepage as a source of moisture for fields and replenishing groundwater. The local common resource water of the farmers of western Uttar Pradesh, Tehri and Muradnagar being appropriated by the state, to be handed over to corporations for making corporate profit. The Delhi water plant will get the water for free, without paying for full social and environmental costs to those rural communities from whom the water is taken.

No details of the agreement between the Delhi Jal Board and Ondeo are published publicly.⁵⁴ The official of the Delhi Jal board that the team interviewed said that there was complete transparency in the project and the contract. But the team did not get access to any reports or

⁵⁴ Vandana Shiva of the Research Foundation for Science, Technology and Ecology has pointed out that "The terms of the contract have not been made public. On several occasions we have asked for project details from the Jal Board but it has not supplied them to us. Its response is that the project document is a global tender. Even Enron was a global tender." Ibid.

appointments with top Delhi Jal Board officials. There is fear that new tariffs will be introduced and affect poor people, when the plant becomes operational. Sanitation and wastewater management services are provided neither in the rural areas nor in many urban areas. Although the communities pointed out the demand, there seemed to be no initiative to improve their inhuman situation.

The water policy of the Indian Government takes insufficient account of international law. In the Indian water policy the private corporate sector is seen as the only means to help the people lacking of safe drinking water.⁵⁵ Experiences from other countries and other sectors in India, however, reveal the dark side of this new “remedy”. Due to the immanent interest in “full-cost-recovery” of the corporate sector, the prices in many cities have risen tremendously. When people are compelled to use water from polluted streams and ponds because they cannot pay the water prices anymore there are higher risks of epidemics and other water related diseases.⁵⁶

Information about the details of the agreement between the Delhi Jal Board and Ondeo is not published publicly, although information accessibility refers to the basic factors of the normative content of the human right to water that apply in all circumstances. The agreement should be based on the principle of equity, namely that services offered by the private company Ondeo are affordable for all. When the plant becomes operational and if privatisation of water becomes a reality the participants of the fact-finding team fear that access to water to the rural and urban communities will be expensive when new tariffs are introduced.

4 Summary Conclusions on Violations and Threats

India being a state party to the International Covenant on Economic, Social and Cultural Rights is duty-bound by certain states obligations. The Fact Finding Mission identified the following violations of the human right to water in the cases visited:

4.1 Damanjodi, Orissa (bauxite mining, pollution)

In Damanjodi, Koraput District, Orissa, the Indian State through its state owned factory NALCO displaced people and thus destroyed their existing access to water. They are now are facing severe problems to ensure at least a minimum supply. Even the people who have not been displaced are now facing a deterioration of their situation: The impact of pollution of water can already be seen.⁶⁰ The long-term impact of the bauxite mining on the water situation

⁵⁵ Private sector participation should be encouraged in planning, development and management of water resource projects for diverse uses, wherever feasible,” Water Policy of Government of India, adopted April 2002

⁵⁶ S. Sharma: the Hindu, March 2003

⁶⁰ Reports from NALCO refinery area in Damanjodi in Koraput district, which is just about 100kms from Kashipur, indicate that villages downstream to the plant have been severely affected by the pollution of their streams by plant effluents. Even though the NALCO factory has an ash pond and red-mud ponds, effluents are being discharged into the river regularly, causing cattle deaths and crop loss. Vidhya Das in: EPW.

will be negative.⁶¹In a water scarce area, protecting existing access to water and its overall availability must have highest priority. As the factory was state owned these destructive act must be seen as a breach of India's obligation to respect access to water for the project affected people. Breaches of the obligation to protect were also observed by the Fact Finding team: Instead of ensuring that all legal safeguards on the right to water are followed (right to information, environmental impact assessment, public hearing), the Indian state does not take action to prevent industries (in this case UAIL) from circumventing what is prescribed in the law and required to protect people's access to water.

4.2 Plachimada, Kerala (ground water mining, pollution)

The health problems reported by local people in Plachimada, Kerala, can most probably be attributed to polluted water. The Indian authorities failed to meet their obligation to protect people's access to suitable water against the style of operation of the factory. Moreover the operation of the plant seems to have contributed to the depletion of ground water in the area. The states authorities failed to protect the vital irrigation and drinking water demands made by the local people (and protected by the human right to water) against the excessive water use of the plant in the production of a soft drink (not protected under any human right). This breach of the states obligation to protect is a violation of the right to water by the Indian authorities.

4.3 Padumathur, Tamil Nadu (ground water mining, pollution)

The Plachimada experience of a Coca Cola plant shows that there are serious threats to water quality in the surrounding areas. Other Coca-Cola plants show that pollution of groundwater and land will increase. This would be a serious threat for the environment as well as the water and food security of the surrounding villagers.

The Vaigai water situation has already changed. This has to be taken into consideration by the authorities when considering the clearance for this project. Thorough studies about the whole water situation have to be conducted before more groundwater is tapped. This is especially necessary because over 100 further applications for groundwater bore wells have been made to the Tamil Nadu government.

Moreover, if Coca-Cola uses the license of Shakti Mills, the given purpose for the license would change. Therefore the license for Shakti Mill should be reviewed. If HCBPL starts processing in Padumathur, Sivagangai, there is a potential risk of deteriorating water quality and quantity and the related violations of the human right to water observed in Plachimada. The Indian authorities should reconsider the license and take additional measures to protect local people's access to water. Otherwise the obligation to protect the human right to water would be violated.

4.4 Tiruppur, Tamil Nadu (industrial needs marginalizing human needs)

The Tiruppur municipality is not able to provide its population (and the local industries) with sufficient and safe water (Art. 2, GC No. 15). People have only irregular access to water and especially the poor cannot get the minimum amount of water.

⁶¹ The UAIL intends to set up its refinery and the accessories in 1000 ha of the most fertile land in the Kashipur tahsil, the Doraguda valley, acquiring land of 12 villages. (...) Extraction of bauxite from the Baphli Mali Plateau would be through opencast mines, which would have its own environmental implications. This includes siltation and drying up of rivers which arise from these plateaus, crop damage, and dangers of dam breaks leading to destruction of villages and loss of live. (Vidhya Das in: EPW)

Also the municipality has failed to provide safe water in their area due to the depletion of the groundwater and the pollution of the water. People can by no means use the water of the rivers in Tiruppur municipality. The rivers in Tiruppur were obviously highly polluted (black, foamy, stinky water).

The failure of the authorities to protect the sources of human water consumption against destruction by pollution is a violation of the affected persons' human right to water.

Even if pollution issues had been addressed, there remains the large water demand of industry in the area and the question how to reconcile this demand (not guaranteed by any human right) with the vital demand of human consumption (guaranteed by the human right to water). Given that there are sufficient financial resources to address people's lacking access to water (not necessarily in the municipality, but at higher ranks of state), the failure to meet the states obligation to fulfil this access is a violation of people's right to water.

The NTADCL projected investigate does not seem to be meant to address this violation, but be geared to industry needs – and in fact adversely affect neighbouring communities such as Erode. There is a clear obligation on the respective authorities to protect these communities' human right to water against the NTADCL project.

The project may also breach Art. 11, GC Nr. 15: „The manner of the realization of the right to water must also be sustainable, ensuring that the right can be realized for present and future generations”. The river Cauvery is already dry nearly throughout the year. Further off-take of water is not at all sustainable.

4.5 Delhi (diversion of water from rural areas to the capital)

The human right to water puts the authorities under an obligation to fulfil people's access to water in the slum areas of Delhi. Given the huge discrepancies in water use in Delhi, there is reason for doubt that the investigated project in its anticipated form can be a means for the state to meet this obligation: More water is made available at cost beyond the reach of the deprived sectors of the population. The ongoing violation of this sector's human right to water will therefore persist – until and unless alternative measures will be taken.

The project might even involve breaches of states obligations to respect and protect people's human right to water in the affected rural areas. The diversion of water to Delhi from the Upper Ganga canal to the Sonia Vihar water treatment plant might deny water to the farmlands in UP and Uttaranchal. The feeder canals in UP have already dried up due to the governmental inability to provide water for the increased demand for irrigation water. Instead of providing water or offering solutions to tackle the water intensive crop growing by farmers, the government has allowed the situation to worsen. The mission fears that the government is catering to the affluent urban population of Delhi and destroying access to water for the farmers in the rural areas – in here in particular for the poor. India is under a states obligation to respect and protect poor farmers' human right to water.

5 Recommendations

In its “Conclusions on Violations and Threats” in the previous section the Fact Finding Mission identified violations of the human right to water, as well as threats of future violations in a number of cases. In order to prevent further violations in similar contexts, the Fact Finding Mission strongly recommends to the Government of India the following measures:

a) On bauxite mining (Damanjodi and Kashipur)

- Respect the existing safeguard mechanisms for indigenous people (Samatha judgement and 73rd and 74th amendments to the constitution);
- Fully guarantee civil rights such as right to freedom of expression and right to a fair trial;
- Protect citizens efficiently against violence and repression exercised by third parties;
- Ensure the effective participation of the people affected by projects and programmes having impact on water.

b) On groundwater mining (Plachimada, Sivagangai)

- Develop a comprehensive water management strategy that aims at providing sufficient water to everyone independent from the persons’ financial and political power, so that groundwater extraction will be limited and comprehensive watershed management systems introduced.

c) On water supply privatisation (Tiruppur, Delhi)

- Identify the most vulnerable groups concerning the human right to water and analyse the causes of their vulnerability;
- Ensure equitable distribution of water;
- Secure minimum standards of water quality, and prevent, treat and control diseases linked to water;
- Review the concession agreements with private providers in risk areas in order to integrate fair distribution mechanisms and regulation;
- Deepen efforts to implement water recycling units together with the industry. In water scarce regions, efforts towards better water efficiency, especially for the industry, should be given priority, instead of continuing overuse. Otherwise industrial activities may have to be limited.

d) On regulation mechanisms

- Provide for regulation mechanisms regarding water quantity taken by industrial plants and for the treatment of effluents and toxic wastages;
- Include a strong right to water related component in the regulations for sanctioning projects and programmes;
- Make sure that industries operating in India comply with international environmental standards and that the compliance with those standards is properly monitored;
- Provide adequate compensation (or insist on sufficient compensatory measures by companies) to the people affected by degradation of the groundwater and the negative impacts on agriculture and thereby their livelihood.

e) On national policy

- Base national policies on studies about the sustainability of measures and their human rights impact;
- Give priorities to economic policies, which consider sustainable water supply;
- Guarantee programmes to improve the availability and accessibility to water for individuals and groups who are traditionally or currently facing difficulties in exercising the right to water;

- Adopt suitable low-cost targeted water programmes to protect the right to water of vulnerable groups;
- Ensure the right to information on water issues, and transparency in planning and implementing projects and programmes having impact on water;
- Examine the National Water Policy 2002 in the light of General Comment 15:
- Make the policy consistent with the human right to water as interpreted in General Comment 15;
- Set up indicators and benchmarks for a national strategy or plan of action to realise the right to water;
- Take measures to improve the monitoring of the realisation of right to water. This should be conducted in a non-discriminatory participatory and transparent way;
- Take measures to make sure the priorities listed in the National Water Policy are adhered to.



6. Annex

Participants of the Fact Finding Mission

Team 1 (Orissa):

- Mike Anane, Coordinator, FIAN-Ghana, Ghana
- Constanze Berndt, Bread for the World, Germany
- Karin Deraed, Bread for the World, Germany
- Ujjaini Halim, Coordinator, FIAN-West Bengal, India
- Sabine Pabst, South Asia Desk, FIAN International, Germany

Team 2 (Kerala and Tamil Nadu):

- Agnes Balota, DCBTC, Philippines
- John Bosco, FIAN - Karnataka, India
- Astrid Deschberger, FIAN-Austria, Austria
- D. Gurusamy, FIAN - Tamil Nadu, India
- Christel Kohnert, Bread for the World, Germany
- Ajit Muriken, VAK, India
- Ajit Thamburaj, FIAN International, Germany
- Bernhard Wiesmeier, Bread for the World, Germany

Team 3 (New Delhi, Uttar Pradesh and Uttaranchal):

- Al-Hassan Adam, Coalition Against Privatisation, Ghana
- Gashaye Chekole, EOC, Ethiopia
- Dr Gamini Kulatunga, Alliance for the Defence of Human Rights and Natural Resources, Sri Lanka
- Ashwini Mankame, FIAN International, Germany
- Caroline Nfi, SIRDEP, Cameroon
- Manju Panwar, FIAN-Uttar Pradesh, India
- Adi Patel, ECONET, India.
- Sanjay K. Rai, FIAN-Uttar Pradesh, India
- Frauke Rolenc, Bread for the World, Germany
- B.S. Tomar, FIAN Uttar-Pradesh, India
- Therese Ydreemark, FIAN-Sweden, Sweden