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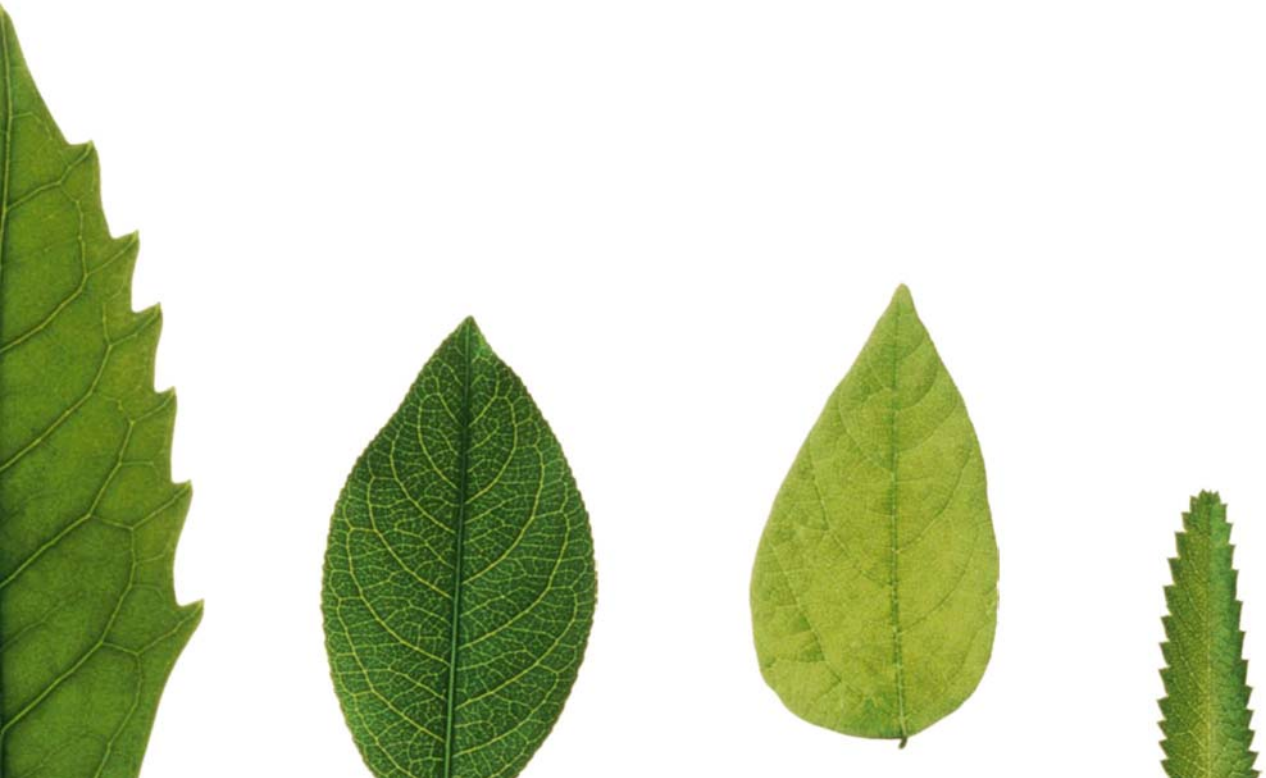
Preeti Sampat



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Preeti Sampat*

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Preeti Sampat, Doctoral Candidate, Department of Anthropology, The Graduate Center, City University of New York, New York 10032, preeti.sampat@gmail.com

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1
THE ROLE OF THE STATE AND SECTOR REFORMS

Over the past two decades of neoliberal policy, the role of the state has been seriously challenged and reexamined across the world. The policy framework in place in a majority of the world today stands on the assumption of the 'inefficiency' and 'failure' of the State in securing development goals. According to the inherent logic of these policies, having spread itself large in the goal of development which it has failed to secure, the State has proved itself 'inefficient' in most productive and service delivery functions, and is now to make way for other bodies to secure these objectives and leave development to the people and market forces. Its productive functions are to be taken over by private corporations and service delivery functions are to be taken over by other forms of private bodies. Heralded by the Thatcher-Reagan era, this reconstitution of democratic structures and processes has repercussions right down to the smallest political constituencies. The discourse on rights that has emerged in these times is perhaps a reflection of the insecurity caused by the 'retreat' of the State. As evidence shows, not the least of public divestments include doing away with provisions for the security of basic rights through public health and education programmes.

While the people propagating this framework have convenient amnesia for the role of the State in industrialising and developing the North as much as South East Asia in recent times, the serious ramifications of this amnesia are experienced by people who are already socially, economically and politically marginalised and have no means of securing basic rights apart from these being proactively made available for them.

The decades of the seventies and eighties saw a mushrooming of NGOs in India as a result of the serious problems and limitations of government structures in securing development objectives. This discourse of the problems of governance has now been co-opted to throw the baby (read the State) out with the bathwater, so to speak. As some have pointed out, the struggle for democratic governance had not reached any progressive culmination when now the sleeves have to be rolled for keeping in place the government itself.

The role of the State is furiously contested, and the forces that keep it in the arena of basic service provision and security are wielded, still, by the scores of people who need the State to carry out its welfare functions and it can be argued, vote for it to do so. Unfortunately, this view is not reflected by a dominant majority of policy makers. New policies pruning the role of the State are constantly and vigorously trumped in policymaking arenas. As the contestation for the State plays out, it takes its battle from policy drafting boards and project proposals to bureaucratic process and to the localities where schemes premised on them are sculpted. Thus we find, 'good governance' which implies a trimmed state, 'people's participation'[1] implying users committees, and 'community ownership' implying cost sharing principles, are all catch phrases in the idiom of mainstream development literature today that are frequently called upon to justify this paradigmatic shift from the State as a provider (and guarantor) of basic services to a 'facilitator' that enables access to these services. Resources and services like water, energy, health and education—rights that the state is bound to secure for its citizens on the path of development—are now called socio-economic goods that people must own and maintain on their own. Increasingly in almost all service sectors—energy, health, education or water—'demand-driven' projects are formulated and executed by 'user committees' that are supposed to establish 'community ownership' through initial cost-sharing with all operations and maintenance costs borne by the users. Added to this, establishment of independent regulatory commissions like those witnessed in the power as well as water sector mean that citizens can no longer hold the Indian State directly accountable for securing basic services for all citizens. In the

1 Terms like 'good governance', 'people's participation' and 'user committees' are an integral part of development literature today with a lot of international aid organisations like the WB and IMF making these concepts part of their policy and project conditionality for aids and loans.

economic logic of this paradigm shift, ability to pay, in other words being a 'user' seems to be the new minimal criteria for access to services, and thus for the privileges of citizenship. In effect, this implies a privatisation[2] of resources and service provision through the divestment of state responsibility.

The redefinition of the role of the State thus takes two important dimensions among others; the better known and hotly contested debate on privatisation of public sector undertakings (PSUs) on the one hand and sectoral reform on the other. In this paper we are concerned with the latter, specifically in the area of rural drinking water supply. The focus is on the Swajaldhara scheme for drinking water provision undertaken under the drinking water sector reforms by the central government. Findings from field surveys in two districts each in Rajasthan are drawn on to examine some emerging trends and concerns in securing the right to drinking water through this scheme.

It is worth noting that sector reforms, while forming a significant aspect of the paradigm shift in the role of the state, are being effected relatively quietly and systematically when compared to the other more controversial policy counterpart (privatisation of PSUs). There is no legislative provision to effect this redefinition of the role of the state. Flowing smoothly from a pre-existing dominant political culture of secrecy and silence, transparency and democratic consensus, quite apart from the rhetoric, does not constitute the area of radical shift in the functioning of the State!

An instrument that emerges from the Washington Consensus edict of structural adjustment, sector reform policies that reduce the role of the State in service provision and securing basic rights for citizens while opening up avenues for private actors is one off the bag of policies that have become crucial for the nod of approval from the transnational bureaucracy, read World Bank and in places (notably the African region) where it is still important, the IMF. What makes interesting reading is the fact that all over the world there is near uniformity in reform policy and process.[3] Tried extensively in South America, despite widespread criticisms of disenfranchising already marginalised people and further worsening conditions for common people, structural adjustment led sector reform is a common feature from the developing South to the Transition economies[4] and indeed the North where social welfare mechanisms are being dismantled steadily. It is worth noting that the World Bank's Country Assistance Strategy (CAS) for India in 1995 focused on the need for state-level reform interventions.[5]

Specifically in the case of water, these reforms 'have been proposed in many countries as a way to address diminishing per capita availability, increasing problems in water quality and increasing competition for control, access and use of available freshwater. They seek to comprehensively reform governance in the water sector'.[6] The Dublin Principles established the notion of water as an economic good in the international debate in the early nineties, assigning it with an economic value in all its competing uses. While this principle was later changed to include social and economic value in various international fora, the idea that water is a tradable commodity now forms the dominant discourse in legal and policy-making circles.

This implies an important shift in terms of the rights of control over and access to water. In fact, this leads to a complete policy reversal from the perspective that water is a public trust to the introduction of

2 Privatisation is defined as the 'process by which state-owned economic enterprises and services, as well as common property resources are being transferred to private entities—local, national and transnational'. P. Sampat, *Economic Globalisation Today* (Bangalore: Books for Change, 2004).

3 *Id.*

4 *See* SAPRIN 2002 for an in-depth critique of structural adjustment policies available at http://www.saprin.org/SAPRIN_Findings.pdf.

5 World Bank, Staff Appraisal Report – Uttar Pradesh Rural Water Supply and Environmental Sanitation Project (Report No. 15516-IN, 1996) available at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1996/05/28/000009265_3961214132402/Rendered/PDF/multi0page.pdf.

6 P. Cullet, 'Water Law Reforms: Analysis of Recent Developments' 48/2 *Journal of the Indian Law Institute* 206, 206 (2006) available at http://www.ielrc.org/content/a0603.pdf.

water rights and the possibility to trade water entitlements (...). The novelty introduced by the reforms is that water rights are now created in favour of water users. These rights are the necessary premise for participation in the management of water resources, for the setting up of water user associations and for the introduction of trading in entitlements.[7]

2 WATER SECTOR REFORM IN INDIA—A BRIEF OVERVIEW

The eighth five-year plan in India (1992-97) emerging at the time of neoliberal reform, introduced the concept of water as a commodity that should be supplied based on effective demand, the cost recovery principle and managed by private local organisations. Through the 1990's the World Bank already had a series of water supply and sanitation projects in various states of the country based on these principles. Of particular relevance to the ongoing water sector reforms in the country is the World Bank initiated drinking water and sanitation pilot project with the Government of Uttar Pradesh in 1996, Swajal. Having located its premise in the eighth plan, in its staff appraisal report for the subsequently named Swajal project in 1996 the World Bank stated:

> Policy reform is urgently required, in particular to: (a) replace the current supply driven approach that results in inefficient service delivery and poor quality of construction with a demand-driven approach where decision-making responsibility is given to beneficiaries; (b) integrate rural water supply, environmental sanitation, environmental management, catchment protection, and health and hygiene; (c) introduce cost recovery to increase sector sustainability; and (d) develop a state water resource management policy.[8]

All subsequent sector reform state and central schemes for drinking water and sanitation in the country are structured on remarkably similar principles and components as Swajal.

A joint World Bank and Government of India review of water resources management in 1999 subsequently concluded that India faces an increasingly urgent situation with its finite and fragile water resources stressed and depleting while different sectoral demands grow rapidly and that a major challenge for India's water sector was to find solutions for competing inter-sectoral demands.[9] It further noted that fundamental reforms were needed in the way water is captured, allocated between sectors, delivered to users and managed.[10] The argument is that

> A comprehensive approach is needed, emphasising four over-arching factors:
>
> - *A shift from supply-driven to demand oriented approaches.*
> - *Division of sectoral responsibilities between the government and non-government stakeholders*, recognising that water is an economic good with both public and private good characteristics.
> - *Decentralising decision-making* and explicitly including non-government stakeholders in service delivery, while re-orienting the role of government from being provider and financier of services to being facilitator and enabler.
> - *Achieving financial viability of service delivery*, which will make the sector sustainable and make further development possible with private sector funding for investment activities.[11]

7 *Id.* at p. 207.

8 *See* World Bank, note 5 at p. 6.

9 World Bank, *Inter-sectoral Water Allocation, Planning and Management* (World Bank South Asia Region Rural Development Sector Unit in collaboration with the Government of India, Ministry of Water Resources. New Delhi: Allied Publishers, 1999).

10 *Id.*

11 A.J. James, India's Sector Reform Projects and Swajaldhara Programme 45-6 (IRC International Water and Sanitation Centre, 2004) available at http://www.irc.nl/page/23597.

The pre-requisites for this approach are some crucial changes—of the policy, legislative and regulatory framework; in institutional arrangements; and in setting up an economic and financial incentive framework. Subsequently, a number of water law reforms have been introduced in recent years, from new water policies to projects and schemes premised on these principles and new regulatory mechanisms like water regulatory authorities.

The new National Water Policy (NWP)[12] is a good example of the nature of reforms being envisaged and undertaken in states across the country. While allocating topmost priority to drinking water followed by irrigation, hydro-power, ecology, agro-industries and non-agricultural industries and navigation and other uses, the NWP 2002 goes on to emphasise the physical and financial sustainability of existing facilities with a need to ensure that the water charges for various uses should be fixed in such a way that they cover at least the operation and maintenance charges of providing the service initially and a part of the capital costs subsequently. Now these rates are to be linked directly to the quality of service provided, with the subsidy on water rates to the disadvantaged and poorer sections of the society well targeted and transparent. In a situation where the hitherto provision of drinking and domestic water as well as irrigation water has been substantially subsidised, this implies a significant policy reversal.[13]

In terms of decentralisation and participation NWP 2002 states: 'Management of the water resources for diverse uses should incorporate a participatory approach; by involving not only the various governmental agencies but also the users and other stakeholders, in an effective and decisive manner, in various aspects of planning, design, development and management of the water resources schemes. Necessary legal and institutional changes should be made at various levels for the purpose, duly ensuring appropriate role for women. Water Users' Associations (WUA) and the local bodies such as municipalities and gram panchayats (GPs) should particularly be involved in the operation, maintenance and management of water infrastructures/ facilities at appropriate levels progressively, with a view to eventually transfer the management of such facilities to the user groups/ local bodies' (Ministry of Water Resources 2002). The policy thus legitimises the 'user' discourse in basic services and divests the government (progressively) of the responsibility for operations and management, or actual service provision. However, while participation is considered an umbrella term including the stages of planning, design and implementation, in reality the focus is really on the tail-end of the process,[14] mainly operation and maintenance.

The legislative changes and regulatory and institutional mechanisms to support the sector reform process are reflected in several water related state acts that have been enacted in recent years[15] establishing a) control over water resources; b) regulatory authorities, as well as c) local level institutions like the WUAs or in the case of Swajaldhara, user committees.[16]

3 SWAJALDHARA—GENESIS AND CURRENT STATUS

Water is today perceived by the public as a social right, to be provided free by the Government, rather

12 *See* National Water Policy, 2002 available at http://www.ielrc.org/content/e0210.pdf.

13 *See* Cullet, note 6 above.

14 *See* Cullet, note 6 above.

15 For instance, the Andhra Water Corporation Act 1995; the Maharashtra Water Resources Regulatory Authority Act 2005; the Andhra Pradesh Farmers Management of Irrigation Systems Act 1997; Madhya Pradesh Sinchai Prabandhan me Krishakon Ki Bhagidari Adhiniyam 1999; Orissa Pani Panchayat Act 2002; Rajasthan Farmers' Participation in Management of Irrigation Systems Act 2000.

16 For a detailed analysis of these sector reform initiatives and their implications see Cullet, note 6 above, who also points out that it is remarkable that while water is a state subject and hence each state has relative freedom to evolve its own policy and legislative frameworks with due regard to its context, in reality most of these recent initiatives are remarkably similar and concurrent to World Bank principles of sector reform prescribed across the South.

than as a scarce resource which must be managed locally as a socio-economic good. This perception has grown out of the fact that the present rural water supply systems are designed and executed by the Government Department/Board for the end-users. Demand preferences of the people are generally not taken into account while planning and executing the schemes. In other words, rural water supply programme has been adopting a supply driven approach. Experience has shown that the present approach has led to the failure of a number of water supply systems/schemes due to poor operation and maintenance.[17]

Government of India's (GoI) major intervention in the water sector started in 1972-73 through the Accelerated Rural Water Supply Programme (ARWSP) for assisting States/ UTs to accelerate the coverage of drinking water supply. In 1986, the entire programme was given a mission approach with the launch of the Technology Mission on Drinking Water and Related Water Management. This Technology Mission was later renamed as the Rajiv Gandhi National Drinking Water Mission (RGNDWM) in 1991-92. In 1999, the Department of Drinking Water Supply (DDWS) was formed under the Ministry of Rural Development (MoRD) to give emphasis on rural water supply as well as on sanitation.

Following the World Bank and GoI review mentioned earlier, and drawing its wisdom from World Bank initiated projects like Swajal, GoI initiated the Sector Reform Pilot Projects (SRPP) in April 1999 with the implicit strategy of these reforms premised on the understanding that people will be willing to maintain and operate water supply schemes only if they *owned* the assets; had been involved in the projects *throughout* from choosing structures to installations and repairs; *know* that the government will *not* maintain the asset; had *sufficient* funds for maintenance and had to pay for operation and maintenance of the system.[18]

> [T]he GoI decided to move from a target based and supply-driven approach that paid little attention to the actual practices and preferences of end users, to a demand-based approach where users get the service they want and are willing to pay for (...). Apart from demand-responsiveness, this approach stressed financial viability and sustainability of the schemes, through full cost recovery of operation and maintenance and replacement costs (...). These sector reforms were to be implemented on a pilot scale in selected villages in 67 districts spread over 26 states in the country, which probably represents the world's largest (central) government supported yet demand-based rural drinking water programme. The Water and Sanitation Program – South Asia (WSP-SA) and UNICEF provided institutional support to the RGNDWM for the Sector Reform Pilot Projects. They also provided implementation support to selected states.[19]

A demand driven approach premised on the full participation of villagers in the choice of scheme design and management arrangements; establishment of Village Water and Sanitation Committees; an integrated service delivery mechanism by streamlining functions of the agencies involved; cost sharing by users contributing in labour, land, material or cash with 10 per cent capital cost and 100 per cent O&M; and conservation measures for sustained supply of water through rainwater harvesting and groundwater recharge structures, were envisaged in the Guidelines for Implementation of Rural Water Supply issued by the RGNDWM. An elaborate institutional structure was set up for the SRPP at the national, state, district and village level to facilitate the projects.

Even as the Sector Reform pilot projects were carried out, there was inadequate guidance for this change to government officials and the responsible officials were not even involved in conceptual and operational discussions and clarifications; NGOs were not involved in discussions; and capacity building for key implementers was inadequate. Further, all members of village communities were

17 Section 1(1), Government of India, Swajaldhara Guidelines, 2002 available at http://www.ielrc.org/content/e0212.pdf.

18 *See* James, note 11 above.

19 *Id.* at 47.

not involved and the formation of committees and their takeover of O&M and finances did not really constitute 'community management'. As found in a survey in Chittoor district of Andhra Pradesh, the poorest of the poor continued to be left out of management.[20] Before these insights could be gleaned from the SRPP implementation experience, the GoI scaled up the SRPP into a country-wide programme of community managed water supply and sanitation called Swajaldhara.[21]

As the MoRD website dedicated to Swajaldhara points out, the programme is a paradigm shift from supply driven to demand driven, centralised to decentralised implementation with community participation and the Government's role from service provider to facilitator. It envisages the empowerment of villagers to ensure their full participation through a decision making role in the choice of the drinking water scheme, planning, design, implementation, control of finances and management arrangements including full ownership of drinking water assets. The community has to share partial capital cost either in cash or kind or both, and 100 per cent responsibility of operation and maintenance (O&M). An integrated service delivery mechanism is also promoted which includes taking up conservation measures through rainwater harvesting and ground water recharge systems for sustained drinking water supply. As is apparent, the principles, guidelines and mode of implementation have a near exact parallel with SRPP upon which the Swajaldhara is premised.

Consultations were held by the DDWS with the state governments, non-government organisations and the external support agencies and 'the extreme need for convergence, promotion of social mobilisation and capacity development of the community and their institutions'[22] in order to hasten the process of sector reforms emerged. It was also suggested that all the reform initiatives in the rural drinking water sector should be brought under the Swajaldhara and comprehensive guidelines formulated thereof. In order to provide fillip to the reform initiatives, it was felt that the State Governments have to play a proactive role, provide an enabling environment for proper implementation, and draw up a clear vision statement with specific road maps for action plans. These would ultimately result in a Memorandum of Understanding (MoU) to be entered into by the State Governments with the Government of India.

It is worthwhile to note here the overwhelming consensus among policy makers on the streamlining and implementation of the scheme in particular and the sector reform process at large. Given that the idea is to eventually bring together all reform initiatives under Swajaldhara and that the reform process itself is the sine qua non of contemporary policy, the scheme has far reaching implications on the right to water in the country.

Taking these consultations into account, comprehensive Guidelines on Swajaldhara[23] covering Sector Reform Pilot Projects as well as Swajaldhara have been brought out. Swajaldhara has two streams: (i) Swajaldhara-I with the GP as the lowest unit for implementing reform initiatives; and (ii) Swajaldhara-II with the district as the unit for implementation. The Guidelines provide operational flexibility to the State Governments and implementation flexibility to the districts and GP level institutions. Further, these Guidelines not only address the basic and non negotiable principles of reforms but also lay down the implementation processes. Tools for evaluation, monitoring and financial procedures are also provided. In keeping with the SRPP principles mentioned above, the guidelines state that the conditions under which people would be willing to pay capital cost partially and operate and maintain water supply schemes are (a) if they own the assets, (b) if they have themselves planned and installed the systems and been actively involved throughout in the process, (c) if they have been trained to do simple repairs, (d) if they know the Government will not maintain the asset, (e) if they have sufficient funds for maintenance, and (f) if they have to pay for operation and maintenance of the systems.

20 *Id*. at 65.

21 *Id.* for a detailed account and analysis of the SRPP experience.

22 *See* Swajaldhara Guidelines, note 17 above.

23 *See* Swajaldhara Guidelines, note 17 above.

Swajaldhara-I: A single GP or a group of GPs or the intermediate panchayat could come up with project proposals under Swajaldhara-I. Specific proposals under Swajaldhara - I will be sanctioned by the District Water and Sanitation Committee (DWSC) provided the projects conform to the Guidelines of Swajaldhara.

Swajaldhara-II: The State Governments would identify districts where chances of success of Swajaldhara are high and prepare proposals for implementation of Swajaldhara II. Such requests should have a project proposal along with Project Implementation Plan (PIP) and Detailed Project Report (DPR). The District selection will be made by the State Water and Sanitation Mission (SWSM) in all States / Union Territories.

While the guidelines state that in order to avail of funds under Swajaldhara I and II, the State Governments would enter into a MoU with the DDWS, MoRD it is not clear if this is mandatory since the Secretary, PHED department in Rajasthan (implementing agency for Swajaldhara) was unable to entertain our request on information regarding the MoU and subsequent queries by International Environmental Law Research Centre with the DDWS in New Delhi also yielded unclear information. However, the MoU is expected to deliver a commitment of the State Government to the reform principles in the water and sanitation sector and to promote throughout the state the Swajaldhara principles. Each State Government is required to prepare an action plan and agreed time frame for initiating and scaling up reforms in the sector and address issues like institutional reforms, integration of water, sanitation, and hygiene, capital cost sharing principles, water tariff/charges, operation and maintenance of systems, the institutional mechanisms for implementation, the role of Panchayati Raj Institutions (PRIs), NGOs, and Community Based Organisations (CBOs); water quality; water conservation measures including legislative action. Towards this end, action points for all stake holders, viz. State Government, PRIs, NGOs, and user groups will be identified, strategy agreed upon and implementation time-frame laid down. Further, performance indicators are to be laid down in the MoU which would be periodically reviewed by both Central and State Governments.[24]

GoI releases funds in 2 installments and the schemes are expected to be completed in a period of two years. In case of all habitations fully covered in the States with 40 lpcd drinking water facility, the service level can be improved to 55 lpcd with 20 per cent of the capital cost to be borne by the community. In such States, in case of water supply schemes providing more than 55 lpcd, the additional incremental cost would have to be borne by the community/ PRIs/ State Government. Funding by GoI would be restricted to 80 per cent of the capital cost of 55 lpcd schemes only. The community contribution towards the capital cost of schemes could be in the form of cash/ kind/ labour/ land or combination of these. However, at least 50 per cent of the community contribution will have to be in cash. In case community contribution is more than 10 per cent of the scheme cost, the excess amount shall be taken into the operation and maintenance fund.

Operation, maintenance and management cost of the water supply schemes will have to be fully borne by the concerned community/ user group/ Village Water and Sanitation Committee/ PRI. This would include recurring costs like salary of operators, electricity charges as well as cost of periodic repair and renewal. It would be *imperative* on the part of the PRI/ community to have a full understanding and appreciation of the likely O&M costs of various technology options before they select the technology for their water supply scheme. Towards this end, the GP/ user group will contribute to an O&M fund. The size of the corpus should be sufficient to meet the O&M cost of the scheme for at least six months. GPs would require to mobilise funds through levy and collection of user charges. Further, upon completion of Swajaldhara schemes under both the

24 *See* Department of Drinking Water Supply, Swajaldhara – State Wise Allocation at http://ddws.nic.in/swajaldhara/html/state_allocation.htm; Department of Drinking Water Supply, Swajaldhara – About Swajaldhara at http://ddws.nic.in/swajaldhara/html/index.html and Department of Drinking Water Supply, Swajaldhara – District Wise Release and Utilisation of Funds (as on 28 February 2005), available at http://ddws.nic.in/swajaldhara/html/0405_swajaldhara_report.xls.

streams and their successful operation for at least 12 months from the date of completion, GoI may provide up to 10 per cent of the capital cost as a one-time incentive to the O&M fund created by the PRI/ User Group and the State Government should also make an equal matching contribution to the O&M fund.

Since funding for operation and maintenance will not be available under ARWSP for all the villages in a Swajaldhara project district under Swajaldhara -II, the State Governments may continue to provide funds, if necessary, for O&M for non-Swajaldhara project GPs from their own funds to the GP till the GP is covered under the project. However, the State Governments should take positive steps to hand over existing rural water supply schemes to GP / VWSC, after undertaking requisite rejuvenation/ repair works under the guidance/ supervision of GP/ VWSC, for operation and maintenance after a specified date (to be decided by the State Government) so that there is one uniform rural water supply system in the District where the GP/ VWSC meets full O&M expenditure. Towards this end, communication and capacity development activities must commence in the district at the earliest.

So far five phases of Swajaldhara have commenced across the country (see Annexure 1 for State wise allocations for 2006-07).

4
SWAJALDHARA CASE STUDIES

4.1 The Case of Rajasthan

Water is a prime natural resource, a basic human need and a precious asset of the State. Planning, development, operation and maintenance of all water resources to support the growth of the state economy and the well being of the population, in response to the growing need for drinking water, agricultural products, industrial production and electricity, a general improvement of living conditions and employment is of utmost importance. Planning and development of water resources need to be governed by the state's perspectives.[25]

The State of Rajasthan is one of the driest states of the country and the total surface water resources in the state are only about 1 per cent of the total surface water resources of the country. The rivers of the state are rainfed and identified by fourteen major basins divided into 59 sub-basins. The surface water resources in the state are mainly confined to south and south-eastern parts of the State. There is a large area in the western part of the state which does not have any defined drainage basin. Thus the water resources in the state are not only scarce but have highly uneven distribution both in time and space. In large areas of the State, ground water is being over exploited and the water table in some areas is going down even at the rate of three metres per year.

Availability of drinking water has been in a critical state in Rajasthan for many years now. Consecutive drought years (4 in the last 6) have worsened the situation manifold. The stress is acute in the summer months with water becoming a source of frequent conflicts in villages and privileges of access to water including the tankers supplied by the state being drawn along caste, class and community lines. The burden on women and young girls is doubled, as they are the ones who traditionally fetch water for the household from the nearest source. Cattle also face this stress, which further deepens the crisis and adds to the larger livelihood crisis as cattle also weaken because of lack of fodder and rates for fodder are high in the summer months.

At the same time, adequate drinking water provision for people and livestock is the topmost stated priority of the State.[26] Water supply to about 91 per cent (65 lakhs) households is based on ground water sources and the remaining households depend on surface waters of Indira Gandhi Canal or Bisalpur Dam or other surface water sources. Barring a few, most districts in Rajasthan are categorised as critical in the exploitation of their ground water resources.

25 Section 1, Rajasthan State Water Policy, 1999, available at http://www.ielrc.org/content/e9903.pdf.

26 *Id*. *See also* Government of Rajasthan, Draft Sector Policy for Rural Drinking Water and Sanitation (August 2005), available at http://rajwater.gov.in/sprdws.pdf.

The new state and central policies claim that through sector reform under the Swajaldhara scheme introduced in 2002, introduction of shared cost (10 per cent community and 90 per cent central government), establishment of user committees and gradually increasing water tariff to meet all costs, a high degree of participation and community control might be achieved that would meet the needs of water for all. In 2004-2005 a total of Rs. 2544.25 lakhs was allocated to districts in Rajasthan under the Swajaldhara scheme (see Annexure 2 for district wise state allocation list). It is in this overall context that this study was undertaken to assess the impact of the Swajaldhara scheme in two districts of Central Rajasthan through a sample survey of 28 villages in Rajsamand and Bhilwara districts.

4.2 Swajaldhara in Bhilwara and Rajsamand Districts

In 2004-05 Rs. 267.12 lakhs were allocated to Rajsamand district under Swajaldhara and Rs. 91.99 lakhs to Bhilwara district. As a result a number of Swajaldhara schemes are underway in the state as a whole and in the aforesaid districts. These districts border each other and their ground water resources are in a critical condition.[27] As such they offered a good starting point to study the impact of Swajaldhara in securing the right to water in areas where water resources are critical. The fact that the author resided in Rajsamand district at the time of the survey was also an advantage in the familiarity with the context.

The initial survey was undertaken in eighteen villages—fourteen in Rajsamand district and four in Bhilwara.[28] The second round was conducted in eleven villages of Bhilwara district.[29] The villages were chosen randomly across different blocks (tehsils) to represent a 25 per cent sample of the Swajaldhara villages in the two districts. In all villages surveyed, the benchmark was at least 10 per cent household surveys, general discussions with villagers and interviews of the committee members on various aspects of the scheme. District level officials of the PHED department were also interviewed. Tables 1 and 2 give a brief overview of the villages surveyed in the two districts.

27 *Id.*

28 This survey was undertaken with the support of School for Democracy comprising five Mazdoor Kisan Shakti Sangathan activists and 10 students of Udaipur School of Social Work, an initiative of the Mazdoor Kisan Shakti Sangathan in central Rajasthan.

29 Philippe Cullet of IELRC also participated in both rounds of the survey.

Table 1: Survey Villages in District Bhilwara

No.	Village	Type of scheme	Amount Sanctioned (Rs. in lakhs)	No. of Users (house holds)	Initial contribution and amount for personal connection (in Rs.)	Receipts given	Monthly charges (in Rs.)	Records shown	Households interviewed
1.	Kasya	Repair of existing tank; new pipelines	10.00	200	700	Yes	36	No	6 connected; 1 not connected
2.	Baaniyon ka Talaab	4 tanks; 2 bore wells	12.76	34	250-500 followed by 1100 for connection	Yes	75	Yes	7 connected; 4 not connected
3.	Kerkheda	2 tanks with public taps	7.51	150	Some individuals in the village including the ex-sarpanch paid the cost	—	—	No	Two village meetings with 60 people.
4.	Neel ki Khedi	Pipe and tank	3.01	40	1250 and 500-600 for personal connection	No	Not fixed yet	No	6 connected; 3 not connected
5.	Mukundpuriya	Pipe and tank	3.31	50	700 and 200-600 for fitting	No	100	No	7 connected; 1 not connected
6.	Sandgaanv	Pipeline	2.90	50	500 and 400 for fitting	No	100	No	5 connected
7.	Mohanpura	Pipe and tank	8.05	100	500 and 6-700 for fitting	No	120/ 130/ 150/ 500	No	9 connected; 3 not connected
8.	Soniyana	Pipe and tank	2.50	40-45	500-2000	No	20-30	No	8
9.	Padampura (joint scheme with Kesarpura)	Pipe and tank	3.01	45	300 and 250 for fitting	Yes	60	No	9
10.	Kesarpura (joint scheme with Padampura)	Pipe and tank	3.01	34	450 and 350 for fitting	No	60	No	3
11.	Latala	Pipe and tank	3.40	36	2000 and 150-200 for fitting	Yes		Yes	4
12.	Sinhpura	Pipe and tank-Incomplete	5.15	—	400 for initial contribution	Yes	NA	No	Common meeting

13.	Rooppura	Papers say pipe and tank but on the ground only pipeline and people do not have knowledge of a tank to be constructed	5.95	—	500 and 350 for fitting	Yes	70	No	Common meeting
14.	Luhariya	Papers say pipe and tank but nothing found on the ground	3.00	—	—	—	—	—	Common meeting

*These are Sector Reform projects initiated in the state before Swajaldhara but premised on the same principles as the latter.

Source: Compiled from the surveys undertaken in 14 villages of Bhilwara District in Rajasthan.

Table 2: Survey Villages in District Rajsamand

No.	Village	Type of scheme and status	Amount Sanctioned (in Rs.)	No. of Users (house holds)	Initial contribution and amount for personal connection (in Rs.)	Receipts given	Bi-Monthly charges (in Rs.)	Records shown	Households interviewed
1.	Jogela/ Miyala	Pipe and tank	6.01	11	7000	Yes	60	No	13
2.	Bagatpura	Pipe and tank	2.99	43	1200 and variable from 350-750 for fitting	Yes	70	Yes	15
3.	Bharatsingh ji ka guda*	Pipe	8.80	136	550	—	60	No	15
4.	Pithakheda	Pipe, tank and well-Incomplete	2.72	—	700	No	—	No	Common meeting
5.	Rajpura/ Fatehpura	Pipe-Yet to begin work	18.38	43+110 (2 Committees)	1000	Yes	—	No	Common meeting
6.	Ganeshpura	Panghat-People have no knowledge of the scheme	2.05	—	—	—	—	—	Common meeting

7.	Khadbamnia	Pipe, tank and well	16.29	107	1000 and 400-500 for fitting	No	60	No	19 connected, 4 not connected
8.	Chhatarpura*	Pipe	6.78	57	1000	—	55	Yes	13 connected, 5 not connected
9.	Sirola	Pipe	12.75	52	2200	—	120	No	11 not connected
10.	Baghana*	Pipe	11.90	87	300	—	120	No	11 connected, 5 not connected
11.	Kalalon ki aanti	Pipe	11.70	168	520	—		No	12 connected
12.	Devpura	Pipe-Incomplete	9.18			—		No	12
13.	Kankrod	Pipe-Incomplete	16.03	200	750	—	30	No	17
14.	Kachhabli	Pipe, well and tank	7.97	18	1000	No	50	No	Common meeting

*These are Sector Reform projects initiated in the state before Swajaldhara but premised on the same principles as the latter.

Source: Compiled from the surveys undertaken in 14 villages of Rajsamand District in Rajasthan.

4.3 The Case of Maharashtra

Acknowledging the vital importance of water for human and animal life, for maintaining ecological balance and for economic and developmental activities of all kinds considering its increasing scarcity, the planning and management of this resource and its optimum, economical and equitable and sustainable use has become a matter of the utmost urgency.[30]

The 2003 Maharashtra State Water Policy states that the distribution of water resources is uneven in the state with a large area in scarcity and an abundance in a small area. 40 per cent of the state is drought prone and about 7 per cent is flood prone. A large number of villages lack drinking water, especially during the summer months, even in the wet Konkan and barely 11 per cent of the net sown area is irrigated. Four of the five river basin systems comprise 92 per cent of the cultivable land and 75 per cent of the people living in rural settlements and fast growing towns and industrial areas with an estimated 49 per cent of these areas containing 43 per cent of the population deficit to highly deficit in regard to water availability. The deficit is expected to increase steadily as a result of population and economic growth.[31] The policy also iterates that drinking water needs of humans and animals shall be the first priority of on any available water.

Maharashtra has had a water sector reform policy in place since 2000. Given the wide prevalence of the World Bank funded Jal Swarajya scheme in the state since 2000, there are very few takers for Swajaldhara. While Jal Swarajya was implemented earlier than Swajaldhara in the state, it is premised on the same features of community participation through user committees and cost sharing, as well as O&M costs for the community. Jalswarajya, significantly, is also a direct loan of the Maharashtra

30 Government of Maharashtra, State Water Policy (2003), available at http://www.ielrc.org/content/e0306.pdf.

31 *Id.*

state government from the World Bank, hence a direct burden on the exchequer and eventually the public. Unlike Rajasthan, in this state, Swajaldhara is under the Water and Sanitation Department.

In 2004-05 Rs. 3.09 lakhs were allocated to Osmanabad district for Swajaldhara and Rs. 34.47 lakhs to Latur district (see Annexure 3). The two districts border each other and parts of both districts are drought prone with a deficit in available water resources. Surveys were conducted in these two districts because of the familiarity of the TISS rural campus faculty with the two districts as well as access to others working in the area for local support. While Osmanabad had only four Swajaldhara schemes in the entire district of which one was surveyed, Latur had 13, of which 6 were surveyed. The attempt was to compare Swajaldhara between Maharashtra and Rajasthan.

Table 3: Survey villages in Districts Osmanabad and Latur

No.	Village/ District	Type of scheme and status	Amount Sanctioned (in Rs.)	No. of Users (house holds)	Initial contribution and amount for personal connection (in Rs.)	Receipts given	Bi-Monthly charges (in Rs.)	Records shown	Households interviewed
1.	Raghuchiwadi/ Osmanabad	Wall for well and pipeline Incomplete	5.47	200	200 and 3-600 for personal	Yes	15	No	10 connected; 6 not connected
2.	Vanjarkheda/ Latur	Well, tank and pipe but contractor turned off connection since he wasn't paid	4.99	300	Paid entirely by Sarpanch and supporters	—	—	No	Common meeting
3.	Vanjarkheda Tanda/Latur	Bore, tank and pipe	14.59	64	200 and 100-150 for personal	No	10	No	8 connected; 3 not connected
4.	Bheta	Pipe	2.53	133	500 and 100 for personal	No	30	No	9 connected; 2 not connected
5.	Kadmatta	Well, pipe and tank	4.27	Public taps	Paid entirely by Sarpanch	—	—	No	Common meeting
6.	Satadharwadi	Pipe	3.03	Public tap	Paid entirely by committee president	—	—	No	Common meeting
7.	Yeloriwadi	Pipe, well and tank	3.44	150	500 and 100 for personal	No	30	No	8 connected; 2 not connected

Source: Compiled from the surveys undertaken in 1 village in Osmanabad and 6 villages in Latur District in Maharashtra.

5 ISSUES AND IMPLICATIONS FOR STATE POLICY ON DRINKING WATER SECTOR REFORMS

The Constitution of India recognises the essential tenet of equal access to water. Article 15(2) of the Constitution explicitly states that no citizen shall 'on grounds only of religion, race, caste, sex, place of birth or any of them' be subject to any disability, liability, restriction or condition with regard to 'the use of wells, tanks, bathing ghats'. Article 21 which speaks of the right to life has been liberally interpreted by the Indian Supreme Court to include all facets of life. The directive principles of state policy (DPSP), which the Constitution in Article 37 declares to be non-justiciable, recognises the principle of equal access to the material resources of the community. Article 39 (b) mandates that 'the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good'. Article 51-A(g) casts a fundamental duty on every citizen of India 'to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures'.[32]

As is evident from the tables above, the schemes undertaken in the villages surveyed were a varying combination of pipes, tanks and wells. Where structures are complete and functioning, the users that have access to the new water resource expressed relief at the easier availability of water. In terms of knowledge of the scheme's conditions and principles however, there is an appalling ignorance among the users and the larger communities. The long-term sustainability of the scheme also hangs in balance with any major O&M costs in the future unanticipated by the users. The divide between the users and the non-users who cannot afford to pay or for other reasons are not part of the scheme in their locality is also inadequately dealt with. This survey has unearthed a set of fundamental questions that need to be dealt with on a priority basis if the right to drinking water for all is to be realised and this access is to be sustainable for those with access today, into the future. Some of these significant emergent issues are discussed below.

5.1 Access to water

The issue of affordability is sensitive for all actors in the project and especially for the villagers who must bear the ultimate responsibility of building and operating a water supply system with associated sanitation and health components. The issues are very complex, and what may be perceived as an 'affordability' problem is simply one in which the focus of attention has been on the cost side of the equation. What at first may appear to be an expensive and therefore 'unaffordable' scheme may indeed be significantly cheaper than the existing sources that are quite distant from the consumer, and often polluted with serious environmental degradation resulting in severe health problems such as high levels of water-related illnesses and increased levels of infant mortality. When these issues are discussed, the question of 'affordability' often becomes less significant compared to the long-term advantages that investment in safe and reliable supplies of potable water will bring to a community. Communities are usually astute enough to recognise such long-term benefits and welcome the opportunity and challenge that projects, such as the current one provides through facilitating access to the necessary levels of finance.[33]

A basic underlying assumption of Swajaldhara is that cost sharing will enable participation in implementation and ownership of the assets. However a chief concern emerging from this study of 35 villages across two states is that through the introduction of shared cost and water tariffs only those with adequate resources are able to access water while others remain outside the purview of the scheme. Thus, those that cannot afford to pay the

32 S. Muralidhar, 'The Right to Water: Overview of the Indian Legal Regime', *in* Eibe Riedel & Peter Rothen eds, *The Human Right to Water* 65 (Berlin: Berliner Wissenschafts-Verlag, 2006) available at http://www.ielrc.org/content/a0604.pdf.

33 *See* World Bank, note 5 at p. 38.

initial cost and contribute to the cost-sharing are left to fetch water from already existing sources irrespective of the World Bank's claims that 'communities' rise up to the challenge of facilitating finances. In village after village we interviewed people who could not afford to pay the initial costs or the recurring costs and they were also generally not allowed access to anyone else's connections since they had not contributed the initial cost. Thus, in Khadbamniya in Rajsamand district people who could not afford to come up with Rs. 1000 initial contribution could not avail of the water supply. Similarly in Rajpura in Rajsamand, despite a strong sense of community ownership, the people who could not afford to pay Rs. 1000 as initial cost could not access water from the new scheme. The same initial cost was unaffordable for many households in Chhatarpura. In cases where they could become users after the scheme had become operational, the cost of membership was significantly higher (Rs. 1500 in Chhatarpura), sometimes including interest rate on the initial amount from the time that contributions were first collected to the time of payment (this was the case in Jogela-Miyala where new members were expected to give interest over and above the Rs. 7000 initial contribution). In Sirola-pithoda the initial contribution was Rs. 2200 and the committee demanded Rs. 5000 for subsequent new connections. Similarly, every village had households unable to afford the initial contribution and subsequent additional and maintenance costs and thus preferred not to become users.

As a result of caste equations still highly prevalent in the villages, the access to water is determined by caste hierarchies. Thus we found that in Rajput dominated Bagatpura in Rajsamand dalit households were forced to pay for the access to water under Swajaldhara despite a weak economic condition and inability to pay through threats. A dalit respondent revealed that the handpump near his house was broken by the upper caste elite in order to pressure him to contribute Rs. 1200. Other ramifications of the caste equations that emerged in Maharashtra included absence of Swajaldhara structures in dalit *bastis* in large villages like Raghuchiwadi in Osmanabad; and a general state of disrepair of structures and unhygienic water storage facility and too few structures compared to the need of the population in dalit localities Yeloriwadi in Latur.

Further, if a person or family does not find favour with the committee president/ Sarpanch or another powerful member of the committee, then their access to water is also curtailed since they are not allowed to become members. Understandably, being in favour of the elite seemed to uniformly determine the access to water for all members of a community within the vicinity of a project. This was volubly brought home in Jogela-Miyala in Rajsamand, where one family was being denied a piped water connection even though the main supply pipe passed very close to their house, because they did not enjoy the favour of the Sarpanch who was also the committee president. In Sirola- Pithoda as well, people willing to pay the initial amount were deliberately kept out of the scheme since they were not in the favour of the powerful school teacher who had initiated the scheme in the village and was a member of the committee.

Additionally, depending on the amount to be paid upfront, some villagers also had to take loans for their contribution, increasing their burden of indebtedness. This was the case where the initial contribution was very high, like Jogela-Miyala at Rs. 7000.

The location of the structures created also determined who had access to how much water supply and where the water was being supplied. In Jogela- Miyala, the tank had been created on common land near the fields of the committee president and his relatives. A valve had also been installed at that point with pipes leading to their fields and when the motor was run to fill the tank, the villagers reported that water was diverted to these fields when desired. Also, a lot of the households had cultivated kitchen gardens here from the water being supplied to them. Apart from the fact that households within the same village were hard pressed to raise the resources to avail of the scheme and some were being denied access due to political dynamics, this is in clear violation of the scheme principles that only allow for drinking water for domestic use and beyond the measure of 40 lpcd, require a greater contribution from the community. Similarly in Kachhabli in Rajsamand the location of the tank was close to a powerful committee member's house ensuring that his family and relatives got the best supply of water while others further down the village complained of much less water availability.

Mere existence of a scheme in a village does not imply that the access to water for all has been secured. While monetary reasons were cited most for the lack of access, the local socio-political dynamic greatly influenced access as communities are rarely homogenous and caste and political equations render access to common resources a fraught project. On paper, government records would only show the existence of a scheme and perhaps the number of households covered by it, clouding the reality of lack of access and the reasons for it. The demand driven nature of the scheme prevents those worse off in the local socio-economic relationships from breaking the entrenched pattern of their marginalisation and does little to secure their right to water.

People are willing to pay for these basic necessities if they feel that is the only way of availing them and that it would improve access, but their 'willingness to pay' does not necessarily reflect their 'ability to pay'. It was found in the villages surveyed that the poorest were often not part of the user groups of Swajaldhara schemes and were fetching water from pre-existing sources precisely because of their inability to pay. Since they had not contributed to the cost of the project they were not allowed access to Swajaldhara sources by those who had. They also mentioned that their access to water would improve if the facility was provided to them free of cost. It was mostly the well off who could afford to pay the initial and recurring contribution.

5.2 Community Ownership and Participation in Committees

A principal premise of the Swajaldhara scheme is that community ownership and participation will emerge from the formation of village water and sanitation committees and further through raising community resources for the 10 per cent mandatory community contribution. The official expectation is that a high degree of participation and community control might be achieved through this feature that would meet the needs of water for all.

We found that constitution of committees is arbitrary in most cases, depending on the favours of the local elite and apart from the few people who are their cohorts, there is little knowledge of the existence of such committees with the general population. People generally knew the name of the 'president of the scheme', but could not give names of any other committee members. For instance, in Kasya in Bhilwara district, people who had a Swajaldhara connection did not even know the names or number of committee members and could only point to the president, Ghisulal Jain, to help us identify the committee members. While the president revealed that there were 14 members in the committee and meetings were held regularly, he refused to show us the records claiming that they were with the secretary (also the village secretary) who was not present at the time in the village. Considering that the users of the Swajaldhara scheme could not identify clearly any committee members apart from him or their functions, little could be expected in terms of the accountability of the committee to the people and transparency in functioning and decision making. In Khadbamniya in Rajsamand, people in the village had no knowledge of the existence of the committee at all. In Baniyon ka Talaab in Bhilwara again, the local pradhan (also representative of Kasya) had solicited the committee president who then went on to tell us that he had invited other members in the committee. In Raghuchiwadi in Osmanabad again, people had no knowledge of committee members and this was the also the case in Kadmata, Vanjarkheda and Satadharwadi in Latur where the Sarpanch/ committee president had also paid the entire initial cost.

In Kachhabli in Rajsamand district for instance, the committee members were all the local elite who were family members of a BDO, the local school principal, and police officer who determined the decisions of the committee. One exception to this general trend of the constitution of committees was Rajpura village in Rajsamand district. Here the village community had struggled against a Hindustan Zinc mine since the groundwater had greatly depleted because of the mine. As a result there was strong community participation in the constitution of the committee and the implementation of the scheme.

While such committees are to be formed in the gram sabhas, there is enough evidence that points to the reality of these gram sabhas being meetings in which the locally powerful manouver the decision-making

process in the least, and make decisions arbitrarily behind closed doors at worst. In Kerkheda in Bhilwara, the ex-Sarpanch and very obviously a very well-off person with a lot of property and assets had constituted the committee and paid most of the initial cost. Since it was a predominantly SC-ST village (around 82 households) the cash contribution was 5 per cent and the structures created were only two tanks without any pipelines. Effectively, while the construction of the tanks with public taps was appreciated by the people interviewed in the village, the decision-making was not participatory and the contribution was also not collected at the level of the community.

In Vanjarkheda Tanda in Latur district on the other hand, political rivalry between the ex-Sarpanch who was the ex-committee president and the present Sarpanch who was the present committee president had led to a crisis where the former had not handed over keys for the new tank and repairs of a valve in a neighbourhood also could not be resolved, leaving people without regular access to water.

Even as people paid monthly charges for water supply, they had no idea where the money went and what was being done with it, leave alone the balance with the committee. Knowledge of its accounts and access to them was almost non-existent except among the committee president, secretary and treasurer where we could meet them. Out of the 35 villages surveyed in all, we managed to see accounts for only four villages.

Given the generally arbitrary manner in which the committees were constituted and the lack of information among users of its members and often even of its existence, the presence of SC/ ST or women members in these committees would appear to be more a tokenism than actual participation in the committees' decision-making affairs in most cases.

Political patronage was a clear issue emerging in villages where the entire initial contribution was borne by the political elite in the community. This was the case in Kerkheda in Bhilwara. In fact in Maharashtra this was a common feature—the payment of the entire people's contribution was borne by either the local sarpanch or the committee president. This was the case in Vanjarkheda, Kadmata and Satadharwadi in Latur district and seemed to be politically motivated to garner support. The Sarpanch from Satadharwadi in Latur district in Maharashtra had paid the entire initial cost and further revealed that he had paid bribes to get the scheme sanctioned and had made more money from the scheme than he had paid in bribes! In Vanjarkheda the people interviewed had no idea of the existence of the scheme even, leave aside the names of committee members. This naturally influenced the constitution and membership of committees as well as the neighbourhoods that would benefit from the scheme.

The underlying assumption in the user committee approach seems to be that village communities are homogenous and do not have a local socio-political dynamic that actively informs how the resources that come into a village are used and that the mere formation of a committee does not guarantee participation in any way. This assumption would be naïve at best and irresponsible and convenient on the part of policy makers and project formulators. The benefits of this and in general any scheme in the village are generally defined by this socio-political dynamic and often a nexus of local political elites and local officials guarantee that they are the beneficiaries of schemes and projects more than the people at large and specifically the already marginalised. The committee's are not linked to the formally to the panchayat and while recently an order has been passed to have the village sarpanch and secretary functioning as the committee president and secretary respectively, there is no formal accountability to the community at large. There are also no social audit mechanisms envisaged in the scheme to ensure that committees are indeed constituted and mandated by users so that the user committees are indeed participatory.

5.3 Nature of the Projects and Project Costs

There is a strong preference for piped water systems with individual connections in the villages surveyed. Most schemes did not envisage public taps for those who could not afford personal connections, marginalising their access to water further and privatising water through the economic principle of cost recovery. While the provision for public

tanks and taps would reduce projects costs and might effectively distribute the benefits of the scheme in an egalitarian manner to those unable to afford it, the piped water supply component keeps costs high. Given the limited nature of participation in the committees and decision making processes, it seems that this preference for personal connections comes from those who can afford to pay and further serves to deny access to others.

Further, given the private connections, every user has to pay a (generally) bi-monthly fee of approximately Rs. 60 – Rs. 120 in the villages surveyed. This amount is to take care of the electricity and caretaker charges for the project. To what extent this fee is arbitrary and/ or reflects actual cost is unclear unless one studied the accounts of a few months and access to these records was not forthcoming. Discussions with committee members revealed that any remaining balance from the collections is kept by the committee as maintenance costs but again, there is no clear social audit mechanism available to check what is being done with this money.

In Sohangadh the actual project costs had been over-run by over Rupees two lakhs as a result of faulty initial designs. While this was a Sector Reform project, even in the case of Swajaldhara there is no provision in the scheme for cost revisions and reassessments. As a result, any cost overruns have fallen on the community and payments for these are pending to contractors in Sohangadh, causing much distress all around.

5.4 Transparency, Information and Corruption

Little was known to people about the specifics of the scheme and its implications. As mentioned above, people did not know about the committee as well as the accounts of the project in most villages. What was alarming was the near-complete lack of knowledge among the users regarding future costs that were to be borne for replacements or repair at the end of the life of materials used for the project initially like pipelines, motors and even tank walls. Information about the schemes are generally among the elite and powerful and the whole process of development is highly skewed in their favour as a result, doing little to secure access and participation of the entire village community.

The general lack of knowledge of committee accounts also provides a breeding ground for corruption where costs are inflated on paper and less materials or poor quality materials are used on the ground. The experiences from social audits conducted in villages across the country are testimony to this travesty of development programmes. Very few committee presidents or treasurers actually revealed the accounts to the survey teams and most claimed that their accounts were either with the Secretary or had gone for audits. Without a deliberate provision and action for social audits in the project formulation itself, this promises to be another scheme that potentially serves as a source of income for the locally powerful. While in Rajasthan there were no instances of corruption related accusations that came to light during the survey, in Maharashtra as mentioned earlier, in Satadharwadi village of Latur district, the committee president openly revealed to us that he had paid commission to a chain of 22 officials in order to secure this project sanction in his village and when asked how he had made up the money thus lost, he further revealed that he had inflated the costs of the project and had personally made more money from the project than the bribes already paid!

5.5 Sustainability

As people had little knowledge of the provisions of the scheme, when asked about future likely costs they would often respond that if the future costs of replacement or repair are high, they will ask the government for support else the structure will collapse since they will not be able to meet long term maintenance costs. Considering the life of materials used for the project, this forces one to consider the question of the sustainability of the Swajaldhara projects.

An area of serious concern would emerge if the government indeed rolls back from the drinking water sector completely once its targets of villages to be covered are met. The presumption that the projects would be sustainable and ensure the right

to water for all after the transfer to the community is questionable given the nature of access and participation that the scheme has been able to secure.

Further, water harvesting structures and other service delivery mechanisms were not in place in any of the surveyed villages and people do not even know of any such provisions in the Swajaldhara scheme to demand for the same. Considering that there is a crying need for such structures in Rajasthan this lack in initiative, information and formulation is sorely missed.

6 CONCLUSION

The application of user fees and shared cost of infrastructure seems only to ensure that one who has more money has more access to resources and this will worsen socio-economic iniquities without the State acting even notionally as an unbiased protector (and guarantor) of rights. While people's ownership and participation in decision-making processes are a must in ensuring access to resources, perhaps this form of participation was not the wisdom people's organisations were bringing to the discourse on development. In a country with as many poor, unemployed and underemployed people with little access to resources and information, it is important to acknowledge that demand-driven and cost-sharing features will do little to secure the right to water for all. In fact it can be argued that with so many people dependent on wage labour daily and almost never making even the minimum wage per day, imposition of costs for drinking water provision amounts to a violation of the right to water. Given that the number of BPL people in the country remain at 33 per cent, that indicators show a worsening of employment trends and depletion of natural resources, it seems doubtful that people are willing to take the burden of cost sharing and maintenance of infrastructure for basic services like drinking water. On the one hand the Indian State has recognised the need for employment guarantee in rural areas to secure livelihoods and on the other it seeks to impose a greater burden on rural folk to meet basic necessities like drinking water, thus weakening the recently secured meager benefit of 100 days employment for one member of a household in a year. This reveals a fundamental contradiction in macro policy formulation in the country.

Given that there is a serious lack of information, transparency and participation in implementation leave alone formulation, community ownership and participation are but a rare occurrence. Even accountability of these committees to the larger village communities seems tenuous. The local socio-political dynamic significantly affects any intended benefits that macro-policy initiatives envisage and if not made a crucial factor for consideration at the stage of policy and project formulation, it will only add to the distress of people who are already marginalised. In the path to development, perhaps it is not so much the role of the State that needs to be pruned as much as accountability and transparency measures that need to be built in every step of bureaucratic and legislative practice to improve the performance of the state in ensuring the goals of democratic and participatory development. A comprehensive dialogue with people living in villages reveals that distress from poverty is acute and measures need to be taken keeping in view the local socio-political dynamic and the inability of people to bear further financial burden.

A large-scale appraisal of evidence from the ground on these features must be undertaken before all schemes in the drinking water sector are subsumed within the overall schema of demand-driven projects that seek to turn the burden of operation, maintenance and future costs entirely to the 'users'. Ability to pay must not become the criteria for access to water and a lively national debate to engage with alternatives that improve access and secure the right to water is imperative before the sector is reformed in ways that entrench marginalisation rather than facilitate development.

Annexures

Annexure 1: Statewise allocation of funds 2006-07

Allocation under Swajaldhara during 2006-07 (Rs. in lakhs)

Sl. No.	State/UT	Allocation per cent (weightage)	75 per cent of GoI Share 2006-07	GoI Share of New Projects 2006-07	15 percent of GoI Share for IEC/HRD	Project Cost 2006-07
1	Andhra Pradesh	6.4805	2160.00	2880.00	432.00	3200.00
2	Bihar	5.4890	1830.00	2434.00	365.10	2704.44
3	Chattisgarh	1.9355	645.00	858.00	128.70	953.33
4	Goa	0.0748	25.00	33.00	4.95	36.67
5	Gujarat	4.1450	1382.00	1838.00	275.70	2042.22
6	Haryana	1.3435	448.00	596.00	89.40	662.22
7	Himachal Pradesh	3.2035	1068.00	1420.00	213.00	1577.78
8	Jammu & Kashmir	7.7329	2578.00	3429.00	514.35	3810.00
9	Jharkhand	2.1463	715.00	951.00	142.65	1056.67
10	Karnataka	5.7905	1930.00	2567.00	385.05	2852.22
11	Kerala	2.0608	687.00	914.00	137.10	1015.56
12	Madhya Pradesh	5.5557	1852.00	2463.00	369.45	2736.67
13	Maharashtra	10.6852	3562.00	4737.00	710.55	5263.33
14	Orissa	3.0539	1018.00	1354.00	203.10	1504.44
15	Punjab	1.2114	404.00	537.00	80.55	596.67
16	Rajasthan	8.7603	2920.00	3884.00	582.60	4315.56
17	Tamil Nadu	3.9969	1332.00	1772.00	265.80	1968.89
18	Uttar Pradesh	9.2791	3093.00	4114.00	617.10	4571.11
19	Uttaranchal	2.2234	741.00	986.00	147.90	1095.56
20	West Bengal	4.6717	1557.00	2071.00	310.65	2301.11
		89.84	**29947.00**	**39838.00**	**5975.70**	**44264.44**
1	Arunachal pradesh	2.2400	449.00	597.00	89.55	663.33
2	Assam	3.7700	755.00	1004.00	150.60	1115.56

3	Manipur	0.7700	154.00	205.00	30.75	227.78
4	Meghalaya	0.8800	176.00	234.00	35.10	260.00
5	Mizoram	0.6300	126.00	168.00	25.20	186.67
6	Nagaland	0.6500	130.00	173.00	25.95	192.22
7	Sikkim	0.2700	54.00	72.00	10.80	80.00
8	Tripura	0.7800	156.00	207.00	31.05	230.00
		10.0	**2000.00**	**2660.00**	**399.00**	**2955.56**
1	Andaman & Nicobar	0.0600	20.00	27.00	4.05	30.00
2	Chandigarh	0.0000	0.00	0.00	0.00	0.00
3	D & N Haveli	0.0400	13.00	17.00	2.55	18.89
4	Daman & Dieu	0.0000	0.00	0.00	0.00	0.00
5	Delhi	0.0300	10.00	13.00	1.95	14.44
6	Lakshadweep	0.0000	0.00	0.00	0.00	0.00
7	Pondicherry	0.0300	10.00	13.00	1.95	14.44
		0.16	**53.00**	**70.00**	**10.50**	**77.78**
	Total	**100.0**	**32000.00**	**42568.00**	**6385.20**	**47297.78**

Source: http://ddws.nic.in/swajaldhara/html/state_allocation.htm

Annexure 2: District wise allocation of funds in Rajasthan 2004-05

	Name of District	Allocation	Ist installment	2nd installment released	Expenditure incurred
1.	Banswara	13.83	10.38	0.00	0.00
2.	Bharatpur	58.22	43.68	0.00	0.00
3.	Bhilwara	91.99	69.00	0.00	0.00
4.	Bundi	60.82	45.62	0.00	0.00

5.	Chittorgarh	725.20	538.45	0.00	0.00
6.	Dausa	32.38	24.28	0.00	0.00
7.	Dungarpur	23.39	17.55	0.00	0.00
8.	Hanumangarh	243.98	182.98	0.00	0.00
9.	Jaipur	370.00	277.50	0.00	0.00
10.	Jaisalmer	59.42	44.58	0.00	0.00
11.	Jalore	39.83	29.88	0.00	0.00
12.	Jhalawar	8.60	6.46	0.00	0.00
13.	Jodhpur	62.69	47.03	0.00	0.00
14.	Karauli	6.69	5.02	0.00	0.00
15.	Kota	62.76	47.08	0.00	0.00
16.	Nagaur	17.95	13.48	0.00	0.00
17.	Pali	12.64	9.48	0.00	0.00
18.	Rajsamund	267.12	200.35	0.00	0.00
19.	S. Madhopur	82.89	62.18	0.00	0.00
20.	Sikar	137.23	102.93	0.00	0.00
21.	Sirohi	32.43	24.34	0.00	0.00
22.	Tonk	62.10	46.58	0.00	0.00
23.	Udaipur	72.09	54.08	0.00	0.00
	Total	**2544.25**	**1902.91**	0.00	0.00

Source: http://ddws.nic.in/swajaldhara/html/0405_swajaldhara_report.xls

Annexure 3: District wise allocation of funds in Maharashtra 2004-05

	Name of District	Allocation	Ist installment	2nd installment released	Expenditure incurred
1.	Sindhudurg	21.36	16.02	0.00	0.00
2.	Ratnagiri	39.73	29.8	0.00	0.00
3.	Pune	334.66	251	0.00	0.00
4.	Satara	314.95	236.21	0.00	0.00
5.	Sangli	28.5	21.38	0.00	0.00
6.	Kolhapur	59.83	44.87	0.00	0.00
7.	Solapur	217.61	163.21	0.00	0.00
8.	Nashik	83.66	62.75	0.00	0.00
9.	Jalgaon	101.7	76.28	0.00	0.00
10.	Ahmednagar	125.51	94.13	0.00	0.00
11.	Nandurbar	56.59	42.44	0.00	0.00
12.	Parbhani	42.85	32.13	0.00	0.00
13.	Hingoli	44.28	33.21	0.00	0.00
14.	Beed	136.9	102.67	0.00	0.00
15.	Osmanabad	3.09	2.32	0.00	0.00
16.	Latur	34.47	25.85	0.00	0.00
17.	Buldhana	66.98	50.24	0.00	0.00
18.	Yavatmal	34.22	25.66	0.00	0.00
19.	Nagpur	144.62	108.47	0.00	0.00
20.	Wardha	94.22	70.66	0.00	0.00
21.	Gadchiroli	7.07	5.3	0.00	0.00
	Total	**1992.8**	**1494.6**	0.00	0.00

Source: http://ddws.nic.in/swajaldhara/html/0405_swajaldhara_report.xls

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