

CHAPTER THREE

STATE AND WATER: THE IMPLICATION OF SECTOR REFORM POLICIES IN INDIA

3.1. Introduction

Historically, it can be seen that local customs and practices have played a critical role in shaping water law/governance and its usage right from the Chinese Society, the Indus Valley Civilisation, the Egyptian and the Mesopotamian Civilisation (Dellapenna and Gupta, 2009; Ghosh et al., 1995). However, the water laws and policies have been evolving due to growing concern over the scarcity of resource.

In the globalisation era, international treaties, declarations have been signed by nations across the world, which paved the way towards endorsement of national water laws and policies by each nation in the globalisation era. This has brought significant changes on water in the context of common vision of public interest. In this way, water laws and policies have been evolving from authoritative implementation, self-regulatory, voluntary participation and decentralisation (ibid). With the objective to understand how these water laws and policies have implications on the lives of common women and men within the domestic drinking water sector in India, it is essential to know the evolution of water laws and policies that existed in prehistoric to the present times.

Thus, a review of India's five year plans has been researched to discuss how the plan documents infer women's role in the drinking water sector and also understand the shift in government's approach from 'supply-driven' to 'demand-driven' and from beneficiaries to participants or stakeholders in drinking water supply at village level. In this context, it is critical to review the five-year plan as an analytical framework to understand the interplay of gender and water at the micro-level.

3.2. Historical Overview of Water Policies in India

The usage of water has a direct relationship in shaping national policies and programmes. Traditionally there were several conditions and rules sanctioned by rulers, religion and international pressure to shape water policies (mostly for navigation, followed by irrigation and more recent for drinking purposes). Primarily, the water rules in India can be traced from the times of Indus Valley Civilisation (around 2500 BCE), to the Vedic and the post Vedic period, the Kautilian period (350 BCE – 150 BCE) and the Mughal Rule (from the sixteenth century onwards till the British rule. During the Kautilian period, water resources were owned by the kings, while the Mughals considered water a gift of God which could not be owned by individuals and had to be provided free of cost (Cullet and Gupta, 2009). But with the British rule, once again the water laws and policies saw a paradigm shift of the rights over natural resources being transferred to the government (ibid). This legacy followed in the independent India until 1990s after the government adopted the neo-liberal policies.

In order to explore the government's role that followed post independence (as part of its legacy) and the drastic shift post in 1990s, this section is further divided into three sections. Each of these sections is standalone in its approach and in doing so it also provides a background to understand the state's role in drinking water sector followed by the recent sector reform approach that has become a trend in development services among developing nations.

3.2.1 Colonial Period

Until the British invaded India, several Hindu kings and the Muslim rulers ruled the country and each had a different perspective on water. During the Hindu rule, the kings governed water resources and the users paid tax (Cullet and Gupta, 2009)¹, but with the Muslim rulers, water was viewed through a religious lens, which considered it as a common good which no individual could own. Due to religious connotation, the Muslim rulers in India, did not pay much attention towards water regulation, as a result the regulation of water relatively lacked attention (ibid). Moreover Cullet in 2009 further states that issues of water scarcity were not felt during that period (Cullet, 2009a).

But as the industrial revolution accelerated in Europe (during the sixteenth century), the professed developed nations began to colonise developing nations in search of wealth². They brought significant shift within the system of resource mobilization and food production to commodity-oriented economy. As a result commercial production received more importance than ever before. The British initially had not interfered with the Indian local rules and customs, but after the first freedom revolution of India in 1857, they enacted several laws and policies to maintain supremacy and legitimacy (ibid).

In the process to harness the natural resources, British enacted laws to control the ownership of these common resources. They took over the community forest and irrigation system and introduced the concept of government control over surface waters. It was then the problems of water logging and salinity increased and the small-scale irrigation schemes broke down (Cullet and Gupta, 2009). The colonial period saw emphasis on irrigation but the rights over surface water virtually remained with the landowners (Cullet, 2009a). They controlled the usage of water through introduction of common law emphasising the rights of landowners to access reasonable portion of the surface water, but there was no law governing the groundwater. This common law principle was enshrined in the Indian Easement Act (1882) (Cullet and Gupta, 2009).

Examining the enactments of water laws and policies during the British India period, it was observed that most of these endorsements were for regulating irrigation, navigation and drainage (the Northern India Canal and Drainage Act, 1873). This act asserted state ownership over surface waters for public purposes such as all rivers and streams flowing in natural channels and of all lakes (Cullet and Gupta, 2009). In this way, provincial states held the power to make decisions on water supply, irrigation, canal, drainage and embankments, water storage and hydropower (ibid). Several princely states had also enacted their own laws with regard to water use (Cullet, 2009a). However, during the colonial period, drinking water in India was not considered a priority, rather water for irrigation/navigation or drainage was a primacy to the British India as it could facilitate commerce and profit maximisation.

3.2.2. Post-colonial Period

Most of the water laws in India were shaped by the legacy of the British rule (who had governed India almost for two centuries) (Cullet and Gupta, 2009)³. As a result, the independent India still followed the Government of India Act, 1935, where water was treated as a State subject and it got enshrined in the Indian Constitution⁴ through which it regulated water supplies for drinking, irrigation, fisheries and navigation (ibid). As a result of which, the Constitution of India purviews rural drinking water supply as a State subject with the caveat of ensuring the right to adequate potable water under the purview of right to life

(Article 21) (Panickar, 2007). Empowered by the Constitutional guarantee, the State governments developed and enacted their own water and sanitation legislations⁵ (ibid; Cullet, 2009b).

During the post independent period, the development of the nation was driven by the ideologies of Nehru, on socialist principles (Joshi, 2004; Parekh, 1991; Bhatt, 1982). During this period, the nation prioritised self-sufficiency through industrial development and food security (Joshi, 2004; Lall and Rastogi, 2007). As a result, the irrigation sector once again saw large number of dams being constructed (Roy, 1999). Although drinking water sector within the First Five Year Plan had a low priority in financial allocation, (Joshi, 2004; James, 2004) it was promoted as part of the government's health plan (Reddy, 2006) due to constitutional safeguards (Joshi, 2004).

Through the Constitutional mandate several State governments constructed water supply infrastructures and maintained the facilities with its own financial and technical capabilities. As a result, provision of free drinking water to its people became the mandate of the State (Joshi, 2004). Therefore, several State governments constructed water supply infrastructures and maintained the facilities with its own financial and technical capabilities. However the State efforts did not suffice the drinking water needs of the people due to lack of qualified work forces to plan and execute the projects (Joshi, 2004; GoI, 2002a). Thus, post 1960 the central government intervened in playing a key role in implementing the water supply schemes in the country.

Significantly, during this time, GoI had prioritised on greater coverage of villages for water provision. Villages were classified as no-source, problem village or partially covered village for provision of drinking water services (Panickar, 2007; Cullet, 2011)⁶. GoI had begun allocating resources and financial authority to the state governments to provide drinking water to rural areas and small urban towns. The first major push to rural water supply provision was made with the implementation of ARWSP in 1972-73 where the central government provided 100 per cent grant to the State Governments to accelerate the implementation of schemes in problem villages (James, 2004a).

However, ARWSP was replaced by the Minimum Needs Programme (MNP) in 1974-1975, but re-introduced in 1977-1978, as the progress to cover the problem villages was not satisfactory (Panickar, 2007; James, 2004a). The re-introduction of ARWSP came with change in technologies from community water supply schemes fed by rivers and canals to hand pumps fitted on bore wells and large multi-village community water supply schemes fed by bore wells.

While globally around the same time, developing nations were making efforts in provision of safe drinking water to its citizens, their attempts fell short of meeting the demands. Consequently, there was a growing concern over its slow progress. Considering the enormity of the drinking water problem at a global level, international bodies declared 1980-1990 as the decade of 'International Drinking Water Supply and Sanitation'. This was also partly related to the Alma Ata declaration (1977) that co-related issues of safe drinking water with health problems (Panickar, 2007). Given the declaration of international decade of drinking water and sanitation (1980 to 1990), there was a shift in the official language of the GoI, and for the first time, the drinking water sector saw inclusion of women within decision-making process and coverage of SC and ST habitations (Joshi, 2004).

During this period, the water supply and sanitation programme was viewed through a 'mission approach' by enriching scientific and technological inputs. The 'mission approach' translated in setting up a Technology Mission (TM) in 1986 to assist state government and focused on small projects and identification of the causative factors of public health problems related to drinking water. The TM was renamed as National Drinking Water Mission (NDWM) with the objective to provide safe drinking water to all uncovered/no source villages and create awareness among the rural population about the hazards of using unsafe water (Joshi, 2004; James, 2004a). However, there were no practical guidelines to implement the programmes (Joshi, 2004). As a result, the official water projects continued to be implemented in the old fashion way especially on coverage figures through target-oriented welfare approach (ibid).

Importantly, despite handing over the subject of drinking water supply services to the state governments, the central government continued to provide support through financial allocations and technical guidance. This increased the responsibilities of the government under the Ministry of Health, so a separate Department of Drinking Water Supply (DDWS) was set up under the Ministry of Rural Development (MoRD) (Panickar, 2007). The water for irrigation was under the purview of Ministry of Water Resources (renamed from Ministry of Irrigation and Power).⁷

The establishment of DDWS positioned the responsibility for planning, policy formulation, direction, financing, monitoring and reviewing the implementation and progress at the central level of drinking water programmes. At state level, several departments were held responsible for executing programmes to provide safe drinking water such the Public Health Engineering Department (PHED), Panchayati Raj Departments, Water Boards. Accordingly in Maharashtra, the Maharashtra Jeevan Pradhikaran (MJP) was responsible for implementation of the programme (Panickar, 2007).

The establishment of DDWS brought in significant changes in the drinking water sector in India. The ARSWP guideline in 1986 and the first National Water Policy in 1987 provided a comprehensive guideline and a national perspective towards drinking water. The NDWM was renamed as the Rajiv Gandhi National Drinking Water Mission (RGNDWM) in 1991. This mission was the key institution in defining the policy and the administration of rural drinking water in India. Thus far, the core drinking water programme had been traditionally implemented and managed by the State Public Health Departments (Joshi, 2004), while the other programmes such as Prime Minister's Gramodaya Yojana (PMGY)⁸ were under the purview and management of District Rural Development Agencies (DRDAs) implemented by the Gram Panchayat (Joshi, 2004).

Drinking water programmes of the States were implemented through a supply-driven approach. Under this process, the control and ownership remained with the government, reducing the communities as mere end-users. Central and State governments funded entire costs of drinking water supply without any cost of recovery from the community.

However, this perspective did not last long. Post 1990s, the rise in fiscal deficits in major developing nations brought significant changes in the welfare administration. With India adopting the neo-liberal policies, development sector saw a major shift in its approach. The role of the state changed from welfare to being facilitator (Panickar, 2007; Joshi, 2004; James, 2004a). The change in economic policies led to reduction in welfare cost and a drastic reform in water sector from supply driven to demand driven.

3.2.3. Post 1990s – Era of Water Sector Reform

The change in economic policies in the 1990s (Argiropoulos and Tajagopal, 2003) coupled with international dictums on international water policies provided a guided framework for developing nations to treat water through an economic lens. Such policy directives were highlighted for the first time in New Delhi Declaration (1990), followed by the Dublin Statement (1992) and reiterated at the UN Earth Summit (1992). It criticised the government's role in providing drinking water services at free of cost and lack of people's involvement in operation and maintenance of the water infrastructures. It was argued that huge capital expenditure was a big drain for the government, consequently large number of world population could not be reached and they remained deprived of safe drinking water.

In order to address the growing scarcity of the water problem, the Dublin statement emphasised on treating water as an economic good, and involving women as the central player in water management. These arguments pushed developing nations to introduce reform in water sector after the 1990s for better water management. Further, the World Bank's, Policy Directives on Water Management (1993), clearly indicated government's withdrawal from the role of service provider to being a facilitator for better water management (World Bank, 1993)

Prior to these directives, the GoI as part of the SAPs of the World Bank had implemented three large projects across India from 1991 to 2002 (James, 2004a).⁹ The key learning as reported by James (2004a) from the Water and Sanitation Programme (WSP-SA, 2000) was community participation to be the central design for planning, monitoring and evaluation. Gender-sensitive design was also essential for the success of the project. Nevertheless, World Bank and the GoI carried out joint assessment of the water resources where these studies marked a distinct failure of drinking water projects, and noted for fundamental reforms so that water incentives were shared with the end users for sustainability purposes (Joshi, 2004; James, 2004 also cites World Bank, 1999a; World Bank, 1999b). This saw the fundamental shift in government's role within drinking water sector.

The World Bank promoted sector reform in the drinking water was rationalised as a direct attack on poverty, via decentralised community-based initiatives (World Bank, 1999b; World Bank, 2001a). The World Bank emphasised on four over-arching factors for a comprehensive approach:

- 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 characteristics.
- Decentralised 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 services delivery, which will make the sector sustainable and make further development possible with private sector funding for investment activities (James, 2004a, p. 45-46 and Sampat, 2007 p.3).

Through such an approach, the World Bank drew the linkage of water and sanitation with poverty. Box 3.1 of the World Bank states that lack of water and sanitation has a bearing on

the well being of the population. For example, lack of access to clean and safe drinking water would hinder women to participate in the cash economy. Likewise, water and sanitation related sickness could further place severe burden on the health services and keep the children out of school.

The issue that the World Bank tried to emphasise was that while the urban poor were able to meet their water requirement through private sources, the rural poor were solely dependent on the public service providers. With the repeated failing of the State to provide basic services to the poorest segments of the population, the strategy needed to be re-organised around private provision for efficient delivery.

Box 3.1: Linkages between Poverty and Water and Sanitation

	Poverty Dimensions	Key effects
Lack of Water Sanitation and Hygiene	Health	<ul style="list-style-type: none"> • Water and sanitation related illness • Stunting, malnutrition • Reduced life expectancy
	Education	<ul style="list-style-type: none"> • Reduced school attendance by children (especially girls) resulting from ill health, lack of available sanitation, or water –collection duties
	Gender and social inclusion	<ul style="list-style-type: none"> • Burdens borne disproportionately on women limiting their opportunities
	Income/consumption	<ul style="list-style-type: none"> • High proportion of budget used on water • Reduced income-earning potential because of poor health, time spent collecting water, or lack of opportunity for businesses requiring water inputs • High consumption risk because of seasonal or other factors

Source: Bosch et al., (2003) pp. 373

Nonetheless, the argument clearly directed the governments to change their policy from being service provider to the role of facilitator, which could be incorporated within the Poverty Reduction Strategy Papers (PRSPs). As a result, the government had to make changes within its policy, legislative and regulatory framework (Sampat, 2007).

Rural drinking water till 1999 was within the jurisdiction of Ministry of Rural Development. However, confronted with issues related to lack of accessibility, scarcity and growing drinking water problems, the Ministry of Water Resources committed to make potable drinking water available in all 600,000 villages in India by 2004. The RGNDWM decided to bring in sector reform (Shordt, 2006) and announced the start of the SRP Project in April 1999 covering 67 districts across 26 states of the country (Joshi, 2004). The sector reform was based on the highly successful Swajal project implemented and as proclaimed by the World Bank in Uttar Pradesh (WSP-SA, 2002; James, 2004a; Cullet, 2009a; Cullet, 2009b; Cullet, 2011).

Additionally, the change in government’s role within the water sector was also related with two studies. Joshi (2004) states the first study of the World Bank and the Planning

Commission, GoI in 1996, indicated the PHEDs were constructing new water supply facilities in villages rather than handling the O&M which increased government's cost, and second the study by an Indian Institute of Mass Communication (IIMC) in 1998-1999 showed the willingness of the poor to pay for the services and handling the O&M by themselves as owners (Joshi, 2004, p.12).

So to implement the SRP Project two key donors: Water and Sanitation Program – South Asia (WSP-SA) and UNICEF provided the institutional support to the RGNDWM (Sampat, 2007; James, 2004a; Joshi, 2004). While analysing the donor support, we found that UNICEF had been part of the drinking water provision in India from the early 1970s and WSP-SA, which is the unit of World Bank, had already signed a strategic alliance with the RGNDWM for providing technical assistance to develop the demand-driven approach.

As the SRP project was being implemented, it laid the foundation of a demand-driven approach for the government. It entailed community contribution of 10 per cent towards drinking water installation costs and responsible for subsequent O&M costs. A detailed mapping of the policy features as outlined in the SRP Project and the traditional role of the government is listed in box 3.2.

Box 3.2 Policy features of Supply and Demand-Driven Approaches

Criteria	Supply-driven approach	Sector Reform Programme
Control role	Government	People/users/clients
Goal	Coverage	Process, Demand-based
Basis for service	Water a welfare good to be provided free of cost	Water a social and economic good demonstrated by willingness to pay
Role of government	Provider	Promoter
Role of people	Recipient	Manager
Role of women	Low	High
Actions	State monopoly	Users, Panchayats, NGOs, State and Private Sector
Partnership scope	Low	High
Capital contribution	100% Government (50/50 State and Government)	10% community contribution
O&M	State	Users
Level of management	State	Users – habitation level
Dependence on government	High	Low
Source protection	No clause	Integral part of the programme
Political patronage	High, provided for free riders	Relatively low, because users have to pay
Incentive for officials	High because of their role in decision-making, control of finances	Disincentive, power taken away by users

Source: Joshi, 2004 (p.12) also cites Prasad, 2002 (p.163).

The rationale of promoting the demand-driven ideology was to secure financial and resource sustainability (Joshi, 2004; World Bank, 2001a). The supply-driven approach was found to be technically and economically inefficient by subsidising the rich at the cost of the poor. On the other hand, since water was considered an economic and a social value (Sangameswaran, 2006; World Bank, 2001a; World Bank, 1993), a sense of ownership of the resources and services had to be generated. Eventually, in the demand-driven approach, the end-consumers were given the option of choosing the appropriate technology, which they could afford to operate and maintain.

The key concern here was, given the framework of Dublin Statement and the agenda nurtured and promoted by the World Bank through SAPs since 1980s for state withdrawal from welfare approach, they had compelled governments to reduce their involvement in service provision through bringing about reform in various sectors such as drinking water and sanitation, education, health and among others (Cullet, 2009a; Cullet, 2009b). For example in the demand-driven strategy, when community members were asked to design their own model of drinking water infrastructures, plan and implement the project through their participation in the decentralised water user's committees may sound outstanding, but the shrewd agenda that was being promoted through sector reform was the same old structural adjustment programmes.

If we try analysing the situations within the water user's committee (especially the VWSCs, WDCs and SAC established under the Jalswarajya Project in Maharashtra) we find the same old marginalised people had been further disenfranchised. Because these committees were considered to be the lowest level of decentralised institutions created for effective delivery of water supply services, but the members controlling these committees were the same rural elites, who made decisions with their vested interest of governing the institutions (Kulkarni et al., 2008).

They could appoint private companies to undertake the construction of water infrastructure. The company paid the 10 per cent contribution for the villages because it was an easy route to bypass the rules of the project and everybody was in a win-win situation. But the underlying questions of corruption and leakages remained as the companies are paying the contribution of the capital cost including the labour contribution (kind). Invariably which corner these companies will cut their profits. A detail explanation is given in the annexure 1 – Jaulke Experience.

The model Jalswarajya Project followed was drawn from the SRP Project. The implementation of SRP Project across the nation as rightly put by Joshi (2004) 'was probably considered the worlds largest government supported demand-driven scheme based on rural drinking water programme' (Joshi; 2004, p.12) which got replicated as Swajaldhara – a central government supported programme (Sangameswaran, 2006; Cullet, 2009a; Cullet, 2009b). In order to spearhead SRP as a pilot project, new institutional structure was set up at the national, state, district and village level (James, 2004a; Joshi, 2004). Like-wise the VWSC was the lowest level of institution at the village level responsible for implementing the project and similarly the District Water and Sanitation Mission (DWSM) at the district level.

However, though the SRP Project was officially launched in 1999, the programme actually was implemented in 2001 (Joshi, 2004). This was partly due to the ambiguity (as per the reform policy guidelines) on the concept of 'progressive' districts, which on the contrary were also the problem districts. Further, the overtly economic interpretation of 'demand' and the institutional arrangement did not provide sufficient time to convert the centralised scheme to three-tier management with a federal background (Joshi, 2004, cites Iyer, 1994 p. 13). NGOs were not involved in discussions and there was inadequate capacity building of the key implementers (Sampat, 2007; James, 2004a). Nonetheless, with several pitfalls within the SRP, the project was extended to the whole country in the form of the Swajaldhara immediately after the completion of the Swajal Project in December 2002 (Joshi, 2004; Sampat, 2007).

On the other hand, state governments implementing SRP Project had to prepare sector reform projects incorporating the characteristics of demand-driven approach (James, 2004; Joshi, 2004), based on the empowerment of community to ensure active participation through decision-making in the choice of scheme, design and management; village level capacity building through establishment of VWSCs; cost sharing by users (10 per cent of the capital cost), conservative measure to sustain the water sources; and through integrated service delivery mechanism by streamlining the functions of the agencies involved in project implementation (GoM, 2003a).

The State governments had the responsibilities to raise financial resources from various donor agencies and financial institutions to provide safe drinking water on the principles of demand-driven approach. These elements were included in the Guidelines for implementing the rural water supply projects issued by RGNDWM in 1999 (GoI, 1999). In this way, for the first time in India, Maharashtra State Government implemented Aaple Pani Project from the support of German Development Bank (KfW) in three districts (Kulkarni et al., 2008).

Subsequently, in 2003 a comprehensive project across 26 districts was implemented as Jalswarajya Project from the support of World Bank for effective delivery of drinking water services through establishing several decentralised institutions. The Jalswarajya Project ensured to empower the community including women, through their participation in designing, implementing and managing the water infrastructures at the village level.

Before analysing the Jalswarajya Project and the national drinking water policies, it was important to review the five years plan that saw the shift in service provisions. The other reason for reviewing the five-year plan document was to trace the government's change in perspectives in regard to women and drinking water.

3.3. Review of Five Year Plans

The government policies and programmes had undergone a series of transition ever since independence. To begin with, the emphasis was on setting up physical infrastructure in the form of hand pumps. Thereafter, we noticed a transition from technology measures to a socio-technological approach seeking participation of people. A national water policy was drafted in 1987, which subsequently was revised in 2002. For ensuring sustainability of water resources the GoI in 1999 institutionalised community participation in the implementation of rural drinking water supply schemes through the sector reform projects. The sector reform projects resulted in a paradigm shift for the government, i.e., from the supply-driven to demand-driven approach.

In this process, a trend that reflected the change in perspectives of the GoI under several influences has been discussed elaborating under each Five Year Plan up to the current implementation of the plan document (Eleventh Five Year Plan) as the Twelfth Five Year Plan is still at an approach stage. In reviewing these plan documents it will assist the researcher to map the perspectives of drinking water sector and women in India.

3.3.1. The First Five Year Plan (1951-1956)

When the First Five Year Plan was launched in 1951, it emphasised on raising the domestic savings and investment rate in order to achieve higher growth and faster industrialisation. The

economic development perspective was based on Harrod-Domar Model; high priority was paid to agriculture particularly investing in irrigation. Though the Government of India under Bhore Committee in 1946 (before the five year plan was initiated) had outlined the drinking water problem (Panickar, 2007; Ghosh et al., 1995), it mainly referred to the urban areas (Reddy, 1999). There was also low priority in financial allocations. In fact water problems were mainly linked to agriculture for the purpose of food security. Drinking water at best was related only to the health problems. The plan was framed in a male-centric domain wherein, economic development was considered in terms of men learning to make optimal use of the resources for larger output¹⁰.

Interestingly, during this first Five Year Plan, Community Development Programs (CDP) was launched where the focus was on village agency development and strengthening of Gram Panchayat so that these could function as units of self-government. Village elections were emphasised, but given the patriarchal structure following the postcolonial rule, women within the power-culture and devolution of governance were nowhere entrusted to participate in the development processes. Development in this context was mainly referred to industrialisation, construction of large dams, roads etc.

In 1953, responding to a circular enquiry, the Union of Health Ministry noted the inability of the State Governments to make significant impacts on water supply and sanitation schemes, as a result they wanted the Central Government to intervene. This led to the launch of first National Water Supply and Sanitation Programme of India (Ghosh et al., 1995) in 1954. As a result, most States implementing drinking water supply and sanitation programmes, had to depend on the Central Government for technical guidance, financial allocation and other necessary inputs. This shift of responsibility from the State to the centre saw the beginning of 'trickle-down' approach in the water supply and sanitation sector.

3.3.2. The Second Five Year Plan (1956-1961)

The Second Five Year Plan was also called as the 'Mahalanobis Plan' named after the architect PC Mahalanobis. It was based on the 1928 Soviet Model of Feldman commonly known as Mahalanobis-Feldman (FM) Model for India. This model aimed for higher economic growth with increase in consumer goods boosted by infrastructure development, leading to huge imports and adding to the loans borrowed from IFIs. It is important to note here, that these situations from the early 1960s can be earmarked for the beginning of structural adjustment policies in India.

The First National Drinking Water Supply and Sanitation programme of 1954 at the Central level was extended in the Second Five Year Plan with higher financial allocations. Interestingly, the programme continued to be largely urban biased (Ghosh et al., 1995). The official rationale behind the disparities between urban and rural drinking water supply purportedly was on account of shortage of material, inadequate transport facilities and the absence of public health engineering staff in the States to plan and execute schemes.

As a result with the advent of Second Five Year Plan, the drinking water supply sector saw an emphasis on technological aspect and creating a centralised network to plan and execute the water supply services. As a result, several Public Health Engineering Departments (PHEDs) were established by the States and functioned under the central government. Initially the PHEDs functioned under the Irrigation Department and Urban Development Department. In the late 80s, the PHEDs were brought under the Rural Development Department.

3.3.3. The Third Five Year Plan (1962 – 1967)

Drinking Water Supply and Sanitation sector in the third Five Year Plan continued with its urban agenda. However, in this phase drinking water sector program was implemented as a separate component under different programmes such as Health Programmes, CDP and the Welfare of Backward Classes Program.

During this entire phase of the Five Year Plan, largely from the 1960s to the 1970s it is found that drinking water supply programmes were driven with coverage issues. At international and national level of implementing drinking water programmes, governmental efforts were classified based on the achievement of coverage figures (such as number of villages) (Joshi, 2004 also cites Nicol, 2000). The coverage figures were based on villages with no-source, problem and partially covered with drinking water services (Panickar, 2007; Cullet, 2011) (see note 6).

3.3.4. The Fourth Five Year Plan (1969 – 1974)

During the Fourth Five Year Plan, through the Balwant Rai Mehta Committee's recommendation, the Community Development and the Panchayati Raj were welded together for developmental initiative. It was assumed that with the support of PRIs at the local level it would facilitate community mobilization for their own development. It is important to note here, that this initiative was the beginning of the Community Led Initiative Programmes, which aimed to handover the responsibilities to the people at the rural level. This analysis of the plan document had been discussed as part of the drinking water supply policies and programme review as very often Jalswarajya Project was guided with this notion of community participation.

The drinking water supply in the Fourth Five Year Plan was addressed as a separate component under the Regional Development, Housing and Water Supply. The GoI provided technical design and the finance, handing the responsibility of implementation to the PHEDs and Water Boards at the State level (Panickar, 2007; World Bank, 2006) with the assistance from Exploratory Tube wells Organisation and Geological Survey of India (GSI) (Ghosh et al., 1995). In this way, in 1972-73, the first drinking water project known as ARWSP was implemented with the technical support from UNICEF (Reddy, 1999; Ghosh et al., 1995). For the first time in the plan document the water supply schemes were considered as paid services. It also stated that the capital contribution and levies were to be collected from beneficiaries whenever possible. The rationale stated under the document was if the piped water supply was not maintained, it might reach a stage of disrepair, resulting in large waste of public funds.

The change in the government language within the ARWSP as stated in the Fourth Plan document clearly saw beneficiaries to be levied for the water services. This was the beginning of imposing user pay policy. Thus, the foundation to adopt neo-liberal policies by the GoI was already laid 30 years ago when it actually got implemented in the 1990s. It showed that the neo liberal policies had started to take conceptual roots in the minds of development planners long before it was put to practice.

3.3.5. The Fifth Five Year Plan (1975 – 1980)

The Fifth Five Year Plan aimed to alleviate poverty (Reddy, 1999) and attain self-reliance, through the inception of 20 Point Programme led by the Congress Government. Supply of drinking water as a high priority found its reflection in point 8 of the 20 point programme (Ghosh et al., 1995).

In this process, the MNP replaced the ARWSP in 1974-1975. However, it was re-introduced in 1977-1978 as not enough attention was given in identification of problem villages under MNP (Panickar, 2007; Reddy, 2006; GoM, 2004). Specifically within the provisioning of drinking water supply, the Urban Drinking Water Supply Programmes had major share in the national programmes as compared to other rural development programmes.

3.3.6. The Sixth Five Year Plan (1980 -1985)

Given the international recognition of the growing water problem and water politics to govern nations by large multinational companies (Goldman, 2005)¹¹, drinking water issues were discussed at length at various international conferences (Panickar, 2007)¹². During this period with the declaration of 'International Drinking Water Supply and Sanitation Decade' (Water Decade), the GoI saw changes in the official language (Joshi, 2004). They started to recognise the involvement of women in decision-making and the share of the marginalised communities especially the SCs and STs to be covered in providing safe drinking water (ibid).

Despite the new additions to the existing technical guidelines, there was no practical guideline to implement the policy (ibid). As a result, the implementation continued to follow a target-oriented approach in tackling drinking water problems. They followed the coverage figures to cover 1.9 lakh problem villages based on having lack of assured source of drinking water within a reasonable distance of 1.6 km (Cullet, 2009a; Panickar, 2007; Ghosh et al., 1995).

Inclusion of women and the marginalised to participate in drinking water project also indicated the limitations of the 'trickle-down approach'. Development strategy from the Sixth Five Year Plan had envisaged people's participation in implementing programmes, operating and monitoring the progress. Henceforth in the drinking water sector, it was observed that the poor were brought into the nexus of paying taxes through soft charges imposed on their felt needs, identified by them through their own participation.

As stated, with the recognition of women's role in development programmes, the government, notably, brought about a significant change with the addition of a separate chapter for women and development in the Sixth Five Year Plan. Thus, it is found that it took 30 years for the policy makers to recognize the drudgeries faced by women. However, the problems of women were confined to education, employment and health care.

3.3.7. The Seventh Five Year Plan (1985 – 1991)

By the Seventh Five Year Plan, the drinking water programmes were taken-up in a 'mission approach' (Reddy, 2006), enriching them with scientific and technological inputs to ensure better performance with less cost. Earlier the Ministry of Urban Development (MUD) was made the nodal agency for rural water supply and sanitation services but later the Department

of Rural Development undertook TM to look after the State Water Supply Programmes in villages and related water management issues in 1986 (Panickar, 2007; Ghosh et al., 1995). The TM was also known as National Drinking Water Mission (NDWM), which later was renamed as Rajiv Gandhi National Drinking Water Mission (RGNDWM) in 1991.

During this period, particularly in 1987 the first National Water Policy was formulated. As a result of which RGNDWM introduced a comprehensive guideline to implement the ARWSP. This guideline provided the core framework to ensure the provision of drinking water to all habitations in the country (GoI, 1999).

3.3.8. Eight Five Year Plan (1992 – 1997)

During the Eight Five Year Plan, the drinking water sector did not receive adequate importance and it continued its target-oriented welfare approach (Joshi, 2004). This was due to budgetary deficit that resulted from massive borrowings with high interest from the IMF and the World Bank (Uppal, 1993). As a result, the Government of India adopted a New Economic Policy in 1990. This saw the public sector reforms, to bring efficiency through private operations (ibid).¹³

On the other hand, when development benefits and economic growth were seen as failures (Kulkarni et al., 2008), the recommendation of G.V.K. Rao Committee in 1985, to strengthen and revitalise the Panchayati Raj System got importance and was constitutionally amended in the form of 73rd and 74th Amendment. This action paved a shift towards democratic decentralisation in 1991 making governance as one of the answers to the economic crisis (Kulkarni et al., 2008). In this process, reservations were made to SCs and STs in proportion to the population at the village and significantly one-third (1/3rd) seats were reserved for the women at the local government elections.

The Panchayati Raj initiative laid the foundation of democratic decentralisation, which devolved the powers and responsibilities on to the Panchayats for preparation of plans for economic development, social justice and implementation of development schemes. This strategy led the foundation for people's participation, and also the gradual withdrawal of state's welfare role. Thus resources and services that state virtually provided to its citizens were no more viewed as a social good, it was to be valued through an economic lens (World Bank, 1999b). Henceforth, water (for irrigation and drinking) began to be viewed as a social and an economic good.

3.3.9. Ninth Five Year Plan (1997 – 2002)

Given the international recognition of drinking water problems, it moved various governments and non-government actors to treat water as scarce resource with the connotation of being a 'socio-economic good', so that it could ensure effective usage. Such proclamation can be traced within the New Delhi Declaration (1990), the Dublin Statement (1992) and the UN Meets – Earth Summit (1992). These international declarations also saw women having a central role in providing, managing and safeguarding the water resources and being treated as 'water managers'.

Though the above stated scenario may not be the only factor, but by and largely it was also driven by the principles of World Bank Policy (1993) for transformation of the state role in providing services to being a facilitator. In this process the GoI under the Ninth Five Year

Plan, stated that the state should withdraw from the role of being a controller and licensor of private enterprise in the areas of market competition and financial sector. A fundamental shift was made in providing water supply services from a supply-driven approach to demand-driven approach. Similarly with the Constitutional 73rd Amendment, it provided an institutional mechanism for decentralisation of activities under the rural drinking water and sanitation scheme. Both institution and sector changes went hand-in-hand.

The institutional changes that occurred with the adoption of New Economic Policy in 1991 did bring several unanswered question to the researcher as to who drove the GoI for institutional change. Such a move can be related with the World Bank policies that directed the governments to reduce the state's role in providing welfare services (World Bank, 2001b; WSP - SA, 2000; World Bank, 1999b; Narayan, 1995; World Bank, 1993). As a result the best mechanism to implement sectoral changes saw with devolution of power in the form of democratic decentralisation so that people could manage their own affairs.

In India enacting the agenda of decentralised governance and the adaptation of sector reform policies was justifiable constitutionally.¹⁴ In the drinking water context the democratic decentralisation provided a significant ground for the establishment of decentralised institutions for effective delivery of water supply and sanitation services at the village level, through collectivisation, need identification, planning, implementation and monitoring of the project for sustainability purposes. Well this may sound naive of people controlling their own resources by themselves, but the underlying crux of this matter, was that the private enterprises could participate in effective delivery of services to the people (World Bank, 1999b). Nevertheless, the contestation of sector reform, which came-up largely with the World Bank policy in India aligned with the constitutional amendment (73rd and 74th Amendment) that enabled decentralised self-governance and the Public Private Partnership (PPP) in water sector.

Further the Ninth Five Year Plan stressed on replicating models from Maharashtra, Madhya Pradesh (Betul District), West Bengal (Midnapore District), but if we analysed the key aspect of the model we would find a community-led initiative programme to manage their own affairs. They formed decentralised institutions such as VWSC with 50 per cent women's participation and adequate representation from the SCs and STs community. People were directly involved with the construction of drinking water supply infrastructures. Thus, the users of the drinking water project were to provide 10 per cent of the capital cost and 100 per cent as recovery cost for O&M in all the new drinking water supply projects which aimed at increasing the service level beyond 40 lpcd. This levying of user charges ensured efficiency in drinking water-use and eventually this remained the underlying theme of the neo-liberal agenda, which India had adopted, and seriously considered market as a substitute and a solution to where the state failed.

When community water projects were implemented, women were brought as an important stakeholder their 1/3rd representation and collectivising in the form of SHGs. But when the SHGs were promoted it adopted a target-oriented approach¹⁵ to bring more women in development so that they could participate in the cash economy. Involvement of women in the cash economy was assumed to enhance their decision-making within the household, eventually empowering them (WSP-SA, 2000). Such assumptions were highlighted through evaluation studies by the World Bank in partnership with the GoI, where, they emphasised on the need for strategic changes in implementing drinking water projects from supply-driven to demand-driven approach (Panickar, 2007; Joshi, 2004; James, 2004a; World Bank, 1999a;

World Bank, 1999b). These studies/reports highlighted the success of Swajal Project, due to which in 1999 a nation-wide SRP Project was implemented in 67 districts across 26 states.

Thus, the Department of Drinking Water Supply (DDWS) was formed under the MoRD to give a boost to the rural water supply and sanitation sector. Various donor agencies such as the WSP-SA and UNICEF provided the financial, technical, and institutional support to RGNDWM. The SRP Project was replicated across India in the form of Swajaldhara Project, as community-led initiative programme. During this period several institutions for drinking water service delivery were developed (please see Joshi, 2004. p.9). A detail sketch of the village level institutions established by Jalswarajya Project is listed as annexure 2.

3.3.10. Tenth Five Year Plan (2002 – 2007)

During the tenth Five Year Plan, rural drinking water supply project was implemented as a full-fledged Sector Reform Programme (Swajaldhara), which got replicated across India. State Government had the responsibility to design their respective drinking water supply schemes through a demand-driven approach. The Swajaldhara guidelines emphasised on people's participation, transfer of ownership through operating and maintaining the water supply infrastructures.

The rationale justified for replication of SRP Project by the State governments in the plan document was on account of lack of people's involvement in O&M of the water supply infrastructures water supply facilities were in a dilapidated stage. As a result through the directives of the SRP Project and Swajaldhara Guidelines, State governments implemented their own water projects through a demand driven approach emphasising on people's participation and handling over 100 per cent of the O&M costs. In this process, Maharashtra State government emphasised on the need to handover the responsibility of O&M, to "Village Water Committees" (Das, 2006).

Given the status of drinking water sector in India, and the growing international lobbies of corporate groups to treat water as a socio-economic good, India reviewed the existing NWP of 1987 and brought amendments in 2002, with a clear framework to treat water as a scarce resource. The users were required to pay tariffs and maintain the water supply infrastructures. In this process, private enterprises could participate in the provision of drinking water supply allegedly for better service efficiency and accountability to users.

Like-wise as discussed in the Ninth Five Year Plan review, women in the drinking water sector, continued to be perceived through a programmatic approach where they were provided a platform to participate in water governance. This strategy was labelled as an empowering approach, but it failed to challenge the household dynamics and the traditional social hierarchies. Development projects on women, focused on convergence to leverage resources and mobilise them for savings and IGAs. It was assumed that once women became entrepreneurs, they would be empowered to travel alone outside the village, built leadership skills and among others.

3.3.11. Eleventh Five Year Plan (2008 – 2012)

By the Eleventh Five Year Plan the GoI stressed on adopting Swajaldhara principles. The State Governments implementing sector reform drinking water project were to incorporate the principles under the ongoing ARWSP directed from the Swajaldhara Guidelines (GoI,

2003). It implied a total transformation of state role from welfare services to facilitator. The plan document also called for convergence of development projects such as health care, hygiene, sanitation and drinking water for a comprehensive approach at the village level, through complete participation of stakeholders at all levels from planning, design and location to implementation and management of the projects.

Interestingly, the plan emphasised on handing over the responsibility of water supply infrastructure's maintenance to those women involved with the SHGs who had been functioning well at the village level. As a result, the SHGs were involved in collecting the maintenance funds. In this process, women in the form of a group were trained as caretakers and mechanics for repair and maintenance of the water infrastructure. This earmarked the shift of traditional role of women from the household domain as caretaker to the community arena as mechanics and caretaker of the water supply infrastructure. The piped drinking water supply projects rationalised that through such provision women's saved time in fetching water could be utilised for IGAs (Cleaver, 1998a). As a result we find in most community based drinking water projects, time was an explicit factor used to draw women's participation and the rationale of involving within the IGAs.

Thus drinking water projects assumed that women were predominantly motivated to improve their 'domestic' water supplies in order to save time, which could then be used for IGAs. As a result, the framework of empowerment with drinking water projects did not consider the household power dynamics. Women participated in the community based water management project as a non-negotiable principle (Kulkarni et al., 2008; Swayam Shikshan Prayog, 2002). Eventually women were considered to be willing to pay either in cash or kind in order to secure a water close to their home (Cleaver, 1998a; van Wijk-Sijbesma, 1998; Fong et al, 1996). When women participated in the community based water management project, they were further mobilised to form SHGs who were endowed with additional responsibility to handle the O&M of the water supply infrastructures. In such a scenario, very often women did not benefit, instead women were imposed to undertake the community work provided from the time saved in collecting water (Cleaver, 1998b). This increased women's additional burden from reproductive and productive roles (Moser, 1993; Kabeer, 1994).

Further more, the inclusion of rural women to participate in the decentralised institutions created by the drinking water project intended to bring about improvement in the quality of service provision. By allocating resources in consultation with local authorities, the project aimed to make them accountable leading to greater willingness to pay taxes for the services received. In this process, participation of women in the decentralised institutions of the drinking water supply projects and establishment of Self Help Groups (SHGs) were considered to bring women's empowerment and accountability.

Prior to focusing on the state level implication of the national agenda that were enlisted within the Five Year Plans, it is important to reflect the national policies that have directed state government to review state policies and implementation of drinking water project.

3.4. Review of National Water Policy

GoI had formulated two National Water Policies (NWP)¹⁶ - the first NWP was formulated in 1987; it did not envisage any role for the community in practicing traditional methods of water conservation. The policy failed to make impact in the lives of rural communities (Shree, 2010). But when the government implemented SRP Project across the country, it

revised the existing NWP of 1987 and brought significant changes to facilitate the process of sector reform in the water sector through adopting the NWP, 2002.

From both the NWPs of 1987 and 2002, one could clearly notice the importance for provisioning of drinking water, but due to emerging policies at the international level that followed after 1992, new water management changes took place, which was reflected in the NWP, 2002. It brought about legal and institutional changes emphasising on the role of women within the decentralised institutions. But the policy document did not explicitly list the roles and responsibilities of women in water sector.

In addition, the 2002 policy document stated the intent of establishing WUAs and involvement of local authorities for operation, maintenance and management of water infrastructures and eventual transfer of water management to the end-users. Through such approach it tried to align itself to the international policies of bringing water governance into practise. This policy document also emphasised on private partner participation so that innovative ideas could be generated, financial resources mobilised thus improving service efficiency through corporate management and accountability to users.

The policy document (2002) clearly indicated involvement of contractors right from planning, designing and management to having the right to operate, lease the structure for water supply. However, the policy did not explicitly highlight the corrective measures to be taken for the wrongdoers in water harnessing (Swamy, 2011). Interestingly, State water policies had supplemented this national policy. This guided the Maharashtra State Government to formulate the Maharashtra Water Policy in 2003 and Amended in 2005.

While analysing the gender gaps within the national water policy document, it is found very often gender was equated with women in the water sector in terms of participation (i.e. number of women participating in the WUAs) and their access to decision-making, but it fell short of strategizing the way to involve women in the decision-making processes. The document viewed 'humans' at the centre rather than viewing humans as part of the nature of the whole ecosystem (Swamy, 2011; Shree, 2010). The policy document did not analyse the changing gender relations that existed within household and community level. It was assumed that women's practical needs were met by making drinking water available to them. The saved time then could be utilised in the community development work. .

Unfortunately, this time saved by women was correlated to their participation in the IGAs through SHGs but the questions remained as to which women participated, who benefited the most and finally how were IGAs promoted to meet the strategic needs of women in the community-led water supply system.

The NWP 2002 is currently being revised for the National Water Policy 2012 prepared by the Ministry of Water Resources. The adaptation of the National Water Policy – 2012 is yet to take place, however much of the draft document continues to perceive water through an economic lens, letting the private players have a key role in water management in rural and urban areas. The 33-paged draft document although provides WUAs with statutory powers for water pricing, management – operation and maintenance, yet it fails to explicitly outline the role of women in the water management institutions (GoI, 2012).

The section below in this chapter illustrates the implication of national water policies and planning at the State level. Given the context of the study, Maharashtra's drinking water

situation has been discussed to highlight the concerns that brought the implementation of a large-scale sector reform project in Maharashtra by reducing the role of the state from service provider to facilitator.

3.5. Rural Drinking Water Scenario in Maharashtra

The state of Maharashtra, carved in 1st May 1960, on linguistic basis, was known to be the third largest state, having an area of 3.08 lakh sq.km and is considered to be the second most populous with 112.37 million population in the State (Census 2011). The State had an estimated figure of 43, 722 villages and 45, 528 hamlets (Kulkarni et al., 2008). For administrative purposes, the state was divided into six different divisions – Konkan, Nashik, Pune, Aurangabad, Nagpur and Amravati. Nashik and Pune divisions being adjoining were popularly known by Western Maharashtra, Aurangabad came under Marathwada; and Nagpur and Amravati division together form the Vidarbha region whereas Konkan stood alone as a region.

Addressing water for drinking and irrigation purposes in the State was largely the responsibility of the governmental agency – Ground Water Survey and Development Agency (GSDA) since its establishment in 1972. The GSDA was responsible to tap the underground water sources across Maharashtra and regulate its usage (GoM, 2004). The GSDA passed the Maharashtra Water Supply and Sewerage Board Act (MWSSB Act) in 1976 and was made responsible to implement the Ground Water Act, 1993.

In relation to developmental change and use of ground water, the State witnessed irregular change, as it mainly focused on Western Maharashtra due to political reasons (Kulkarni et al., 2008). As a result despite being a drought prone area, the Western Maharashtra region had disproportionate development. This brought the exploitation of ground water in the region (ibid).

Interestingly, on the other hand, the government data confirmed to sufficiency in the availability of drinking water in the State based on watershed developments and groundwater availability. Ground water obtained from the wells – bore and dug wells, which was estimated to be 1.51 million wells were used for both irrigation and drinking purposes. However, much of it was used for irrigation and a small amount for drinking purpose (Das, 2006). Unfortunately due to over-exploitation of groundwater for irrigation, the water table had been declining at the rate of 0.3 m per year (Kulkarni et al., 2008), due to which, problems of salinisation with increased amount of nitrate and fluoride level was observed not only within Western Maharashtra but also over the five regions.

There were a number of villages in the state that had excess of iron, fluoride and nitrate. It differed between regions for several reasons. But the issue was that with reduced level of ground water, safe drinking water became scarcer and that increased the workload for women who carried head loads of water containers from long distances. The increased contamination of drinking water resulted in poor health conditions not only for the women but also to their household members resulting in additional work load (Crow and Sultana, 2002).

As stated earlier, despite the constitutional provision, the central government continued to support state governments by providing 100 per cent financial support given the lack of state's capability to raise their own funds (James, 2004a; Joshi, 2004). Programmes like ARWSP were implemented across the nation through central assistances to address the

problems of safe drinking water. However, with growing industrialisation, Maharashtra State government independent of the central support, had implemented several small drinking water projects with its own financial resources (Kulkarni et al., 2008) emphasising on individual village-based schemes (Sangameswaran, 2010).

In 1986, when the RGNDWM was introduced by the central government, it provided fresh impetus to the drinking water delivery system in India (Joshi, 2004). Piped drinking water supply schemes were designed for larger habitation covering several villages as regional rural schemes (RRSS). They were also considered to have advantageous position as compared to individual village-based schemes. It included mainly the economies of scale and quality problems perceived to be lesser than the overall number of villages having individual village-based schemes (Sangameswaran, 2010).

Considering the advantageous position of RRSS, it gave a big boost to several multi-lateral agencies for funding thus justifying the project purpose. In this manner, the World Bank as Maharashtra Rural Water Supply and Environmental Sanitation Project funded RRSS in Maharashtra for a period from 1991 to 1998 (GoM, 2003a). The notion of “big is better” was connoted to the scheme. Canals were built to provide drinking water from the larger dams where five per cent was reserved for drinking purpose (Sangameswaran, 2010). The RRSS was implemented in 10 districts. The community took pride in implementing the drinking water schemes at the village level.

3.5.1. Withering of Welfare State’s role in rural drinking water

However, the notion of ‘big is better’ could not be explained in isolation. It had political concern. Sangameswaran (2010) states the affirmative action by the state government was due to its political commitments - the coalition of Bharatiya Janata Party (BJP) and Shiv Sena’s government (1995 – 1999) and more importantly the drought situation across the state (GoM, 2004).

The BJP led Shiv Sena government brought a ‘white paper’¹⁷ in 1995 (GoM, 2004) identifying villages with acute water problems (Kulkarni et al., 2008). They committed to having “tanker-free Maharashtra”¹⁸ by the year 2000, and placed strict water supply norms¹⁹ under the master plan (Sangameswaran, 2010). Further the ‘white paper’ clearly highlighted the need for large investment to meet the drinking water needs of the people. As a result new institutional arrangements were made for water supply. This was established through amending the MWSSB Act, 1976 (GoM, 2004) that opened the pathways for private players in raising the capital cost.

This led to the establishment of Ministry of Water Supply and Sanitation and Water Supply and Sanitation Department (WSSD²) separate from Rural Development Department in 1996 (Kulkarni et al., 2008). Maharashtra Jeevan Pradhikaran (MJP) was set up and GSDA was included into its fold; thereby forming two principle technical wings of the WSSD (GoM, 2004) to raise the capital and RSPMU for implementing the special projects funded by the foreign aid.

During the period of BJP-Shiv Sena’s government in Maharashtra (1995 – 1999), the RRSS acquired prominence as a result of which MJP played an important role in providing individual village and regional water supply schemes as well as urban schemes (Sangameswaran, 2010). Further during the BJP-Shiv Sena’s government, the state heavily

subsidised power, agriculture and irrigation sectors, which led to reduction in grant-in-aid and other major international funding in the development sector. However, with the return of Congress coalition government in Maharashtra, the notion of welfare state changed. The *Tanker – Mukti Yojana* and the MJP showed a decline in their role (Sangameswaran, 2010). Both these programmes were considered failures due to huge costs incurred with RRSS –

..lack of willingness of the local authorities to take over the large schemes and the issues of inequities (water distribution) between the head-end and tail-end villages. This brought about disillusionment in the larger schemes as well” (ibid, p.63).

A proper road map was essential to address the lacunas of drinking water supply, so the Sukthankar Committee setup in 2000 under the chairmanship of D.M Sukthankar recommended:

...for revision and improved collection of water tariff, allocation of funds for O&M, training of manpower, of Urban Local Bodies (ULBs), involvement of community (and in particular, of women) in water supply schemes in order to meet the spirit of the 73rd and 74th Amendments of the Indian Constitution....”(GoI, 2007, p.188).

Specifically, the WSSD and the Sukthankar Committee recorded that the supply driven approach lacked consumer’s preferences and source sustainability (FIRE (D), 2001). Further it was observed that the rural drinking water in Maharashtra mainly concentrated on creation of assets and not adequate attention was paid to people’s participation and O&M of the water supply infrastructures (Sangameswaran, 2006; GoM, 2004).

In this context as stated earlier, Sukthankar Committee indicated a revamp from supply-driven approach to a demand-driven approach. This opportunity provided an excellent motivation for devolution of responsibilities to the local governments or community members with the aim of strengthening the decentralised institutions – provided under the 73rd Constitutional Amendments (Sangameswaran, 2010). This paved the way towards effective governance of water, supporting Kulkarni’s view (2007) that the lack of governance in ground water further increased the crisis in drinking water sector in the state. Eventually it obliged people to participate in self-governance. Moreover, access to resources marked the distinct departure of the state from managing and controlling over the water resources to facilitating and providing technical support to the villagers. As a result, the earlier traditional individual village schemes were again seen as an alternative to the present water supply scenario in the State (Sangameswaran, 2010). The annexure 3 documents the historical overview of the rural drinking water scenario in the State.

In this process, the post-2000 situation of drinking water in the State changed drastically, the traditional supply-side to demand-side management came into existence. Projects were implemented when the community approached the district office (Sangameswaran, 2010; Panickar, 2007). In this way, the sector reform in drinking water was implemented through various projects – first the SRP Project in 1999 which later merged into Swajaldhara, as part of the Central Government funding, Aaple Pani Project, through the German Development Bank (KfW) and the larger ambitious Jalswarajya Project through the World Bank funding.

The SRP Project implemented in Maharashtra covered four districts (Dhule, Amaravati, Nanded and Raigad) (Menon, 2004). Aaple Pani (Our Water) through the support of German Agency for Development (KfW) was implemented in three districts (Ahmednagar,

Aurangabad and Pune) between 2001 and 2007 (Kulkarni et al., 2008). The Aaple Pani project involved many actors in implementing water supply schemes including the NGOs in rural Maharashtra. But the Jalswarajya Project implemented in 26 districts covered the entire State²⁰ with minimal interference from the NGOs (Support Organizations - SOs) and it formed the larger sector reform programme highlighting demand based approach in the State.

The changes from supply-driven to demand-driven approaches initiated new concepts of institutional reforms, people's participation and empowerment of women, men and the marginalised. Henceforth the drinking water sector saw a paradigm shift; private players were motivated to provide water to the poor with an economic value attached to it. Water, which had long been provided by the government, could no longer be accessed for free. People had to pay and value its usage as a norm imposed through the policy reform. The local people were motivated to participate in the projects designed by the think tanks so that they could control the resources that govern their lives.

Projects that seemed to be bottom-up actually were designed by the think tanks and imposed on villagers who considered water as their need and therefore willing to come together in designing their respective model for implementing the project. Through such water projects, people's participation became the buzzword²¹. Recognising that people's participation required institutional platform, reforms were carried out leading to establishment of decentralised institutions to strengthen the 73rd Constitutional Amendment Act or the PRIs.

Before analysing the implication of the Jalswarajya Project into the lives of the people, it is important to understand the State Water Policies to draw the relationship between State's responsibilities towards the provision of safe drinking water.

3.5.2. Maharashtra State Drinking Water Policy

Having the constitutional provision of safe drinking water as the State responsibility, the GoM after the formulation of the National Water Policy, 2002 also formulated its own State Water Policy in 2003. This was the first state level document on water policy developed by the State government in India. Like National Water Policy 2002, the State Water Policy 2003 had also prioritised drinking water, but water for industrial use was listed as second over water for agriculture purpose (GoM, 2003c).

Evidently, water for industrial use was considered more important than water for irrigation. Secondly the policy document strongly advocated for the involvement of private sector in the same line of user participation. There was no indication of how private sectors were to be involved despite the reference (in the document) to private public partnership for support in technology, finance and management. Interestingly in the entire document, women's participation found mention only in a single instance and that too within the irrigation sector. It stated, "women's participation within the irrigation management should also be considered" (GoM, 2003c, p.5). Other than that statement there was no mention of women's participation in the state water policy. It indicated that women's participation was not an integral component within the state water policy 2003. The policy document was to be reviewed after every five years.

After the formulation of the Maharashtra State Water Policy in 2003, the State government enacted two important legislations in 2005: Maharashtra Management of Irrigation System by Farmers Act (MMISF) and the Maharashtra Water Resources Regulation Authority Act

(MWRRA). Both these Acts emphasising on people's participation also encouraged private sector participation and establishment of new institutions such as WUAs and reduced role of government in water service provision within the irrigation sector. Though water charges were mentioned within the MWRRA Act 2005, drinking water did not receive as much priority like the State Water Policy of 2003. Industrial water due to its affordability to pay high tariffs received greater importance over agricultural water usage (Viswanathan, 2011).

The MWRRA Act, 2005, was amended in 2009 with 'polluter pay' norms especially relating to the water used by industries. The MWRRA Act, 2005 was again amended in 2011, which brought 'sectoral allocation' of water as per its usage (GoM, 2011). Overall, analyses of these policy document revealed that water for drinking purpose was still not a priority, and its importance was only related to tariffs charges. Not surprisingly, therefore, industrial water use with their affordability to pay higher water tariffs received priority over irrigation sector.

The reforms in water sector in Maharashtra especially the MWRRA Act as rightly stated by Dharmadhikary (2007), was largely pushed by the World Bank. Even while the World Bank recognised the unhealthy commodification of water and the several challenges in providing water to the people (World Bank, 2003a), it still pushed for such structural changes (Dharmadhikary, 2010; Dharmadhikary, 2007).

3.4.3. Paradigms in Sector Reform in Rural Drinking Water

The whole process of sector reform in rural drinking water can be viewed through three paradigms:

- i. First it being a **command and control** where governments wanted urgent changes in meeting development outcomes, basically through a top-down management and also to present development affairs as welfare services. They planned and made necessary institutional arrangements for delivery of welfare services. In the case of Maharashtra's Jalswarajya Project, VWSC, WDC and SAC were established as the lowest form of decentralised governance by the government even below the Gram Panchayat and Gram Sabha under the PRIs, so that people could participate to manage their own affairs.
- ii. Second paradigm - the **devolution and transparency**, for devolution of power government involved people to participate in the decentralised institutions established by the drinking water projects for delivering the services and used transparency to make the results public through displaying information on village Panchayat walls or school buildings regarding decisions taken in meetings; income and expenditure; budgets of the project and also listing the names of members in the committees.
- iii. Third paradigm – **quasi market**, this is where the private companies as local contractors enter in the delivery of welfare services. The VWSC in consultation with the DFT select the local contractors for the construction of the water supply infrastructures. However applying market-like pressure to a public service such as provision of drinking water is complex. The local people pay 10 per cent of the capital cost and are perceived as the main stakeholder of the project. Villagers such as poor, marginalised and the tribal community unable to pay cash as contribution pay in kind (labour). There are several experiences where the labour contributed by the poor especially by women are paid by the local contractors (see Kulkarni et al., 2008)

Few questions which still remain while concluding this chapter. These are: can empowerment of women be claimed simply through participating in the decentralised institutions without considering the household dynamics and what measures need to be taken when implementing gender strategy and decentralisation which opens up potential for social and political changes. Similarly, we also need to take into account, various dynamics of mainstream politics and the implication on implementing development projects at the village level, and to what extent do women perceive themselves as empowered cutting across age and caste groups. These are questions, which the study further looks into the subsequent chapters as perspectives of the women from the field, who are members of the decentralised institutions.

Notes:

¹ Referring to Arthashastra (The Science of Politics) during the Kautilian period (350 – 150 BCE). It discussed the use of water for the development of water works, irrigation, transport, and specified that all water belonged to the king and the users were to pay a water tax to withdraw water from irrigation systems installed by the kings (Dellapenna and Gupta, 2009).

² For example in India, the European nations colonised were: the Portuguese (1510-1961), the Dutch (1605-1825), the Danish (1696-1869), the French (1759-1954), and the British (1612-1947).

³ Mentioned under Preamble of the Constitution of India and the Directive Principles of the State Policy, Article 36 to 51A (Cullet and Gupta, 2009).

⁴ Article 47, 246, List II of the Seventh Schedule, Entries 17, 21 (Cullet and Gupta, 2009).

⁵ The Rajasthan Irrigation and Drainage Act (1954), Madhya Pradesh Water Act (1949), Bihar Irrigation Act (1997) (Cullet and Gupta, 2009).

⁶ Problem villages were defined as one where no source of safe drinking water was available at a distance of 1.6 km or depth of 15 meters or water source have excess salinity, iron, fluorides or other toxic materials or where water was exposed to the risk of Cholera or Guinea Worm (Panickar, 2007; Cullet, 2011).

⁷ At the national level, the Ministry of Water Resources was in charge of the department of irrigation under which different sectoral programmes were designed and managed. As the surface water was a state subject, but the ground water below the private land was privately owned. Until then ground water privatisation was practised in India. In 1986, when the landowners started pumping water unlimitedly from their private property for various usages; such as irrigation, water markets through tanker provision and among others, groundwater depleted at a rapid rate. This provoked the Government at the central level to formulate the Environment Protection Act (1986) as a measure to regulate the usage of ground water (Dharmadhikary, 2008).

⁸ PMGY launched in 2000-01 implements project and schemes for water conservation that range from rainwater harvesting, water recharge to sustainability of drinking water sources in areas classified under the Drought Prone Areas Programme (DPAP), Desert Development Programme (DDP) and other water-stressed and drought-affected areas. It also addresses water quality problems and provision of safe drinking water to uncovered and partially covered habitations (Joshi, 2004).

⁹ Maharashtra Rural Water Supply and Environmental Sanitation Project (1991 – 1999); Karnataka Integrated Rural Water Supply and Environmental Sanitation Project (1993-2000) and The Swajal Project (1996 – 2002) in Uttar Pradesh.

¹⁰ Chapter I of the Plan – Under “The Determinants of Economic Development”.

¹¹ During this period, large multinational companies had already taken over the state control water resources in South America.

¹² Including Alma Ata Declaration on Public Health (1978) to achieve ‘Health for all by the year 2000’.

¹³ After the announcement of New Economic Policy in 1991, the GoI submitted a memorandum in June 1992 to IMF, where it was agreed to release the bulk instalment of US\$ 2.2 Billion into an Enhanced Structural Adjustment Facility by November, 1992 (Uppal, 1993).

¹⁴ Article 47, 246, 262, Entry 56 of List I of Seventh Schedule and Entry 17 under List II of Seventh Schedule of the Indian Constitution.

¹⁵ The DRDA implemented SGSY programme, whose major activity was of establishing SHGs.

¹⁶ The National Water Policy 2012 is yet to be approved; as a result in this section (review of policies) only two water policies of 1987 and 2002 have been reviewed.

¹⁷ “Brihat Aarakhada”

¹⁸ Also known as “Tanker – Mukti Yojana”.

¹⁹ The 40 lpcd norm was changed into 55 lpcd and the water sources were supposed to have a reliability of 95 per cent (Sangameswaran, 2010). The issue of reliability was the surface water to be used rather than depending upon the groundwater. This means in order to provide water supply, water canals to be constructed for provision of drinking water to villages which eventually brought in the idea of modernity and development thus becoming the pride to those villagers who had drinking water facilities in their villages.

²⁰ SRP Project was implemented in four districts – Dhule, Jalgaon, Nanded and Raigad and at present are implementing the central funded project – “Swajaldhara” ProGramme. Pune, Ahmednagar and Aurangabad implemented KfW (German Bank supported) “Aapale Pani” ProGramme whereas the remaining districts implemented Jalswarajya Project in two phases – Phase I and Phase II. Phase I districts include Thane, Nashik, Satara, Sangli, Osmanabad, Buldhana, Yavatmal, Nagpur and Chandrapur and its implementation spread from 2003 to 2009. The Phase II districts included Ratnagiri, Sindhudurg, Kolhapur, Solapur, Nandurbar, Jalgaon, Jalana, Beed, Parbhani, Latur, Hingoli, Vashim, Akola, Wardha, Bhandara, Gondiya and Gadchiroli and its implementation spread from 2006 to 2012.

²¹ It is not to mark through water project explicitly rather the notions of community involvement in development projects.