

## Why Delhi must think beyond water ATMs

Philippe Cullet

Access to sufficient safe domestic water has become an increasing concern at all times and particularly during the summer's drought. Various initiatives have been taken to ensure the realisation of the right to water recognised by the Supreme Court more than two decades ago. These include the direct recognition of the right to water in the proposed National Water Framework Bill, 2016 drafted by the Ministry of Water Resources, River Development and Ganga Rejuvenation. If adopted, this will be a useful complement to other initiatives that have been taken over time, such as the contribution of the National Rural Drinking Water Programme to water supply in rural areas and the decision of the Delhi Government to ensure the realisation of the right to water through the provision of free water to every person.

The noteworthy Delhi free water policy has been appreciated by rights holders, welcoming the fact that the state is taking measures that directly contribute to the realisation of their rights. Yet, the present policy remains incomplete because it only applies to users with a metered piped water connection. This has been acknowledged and the Delhi Government has made efforts over the past year to ensure that the rest of the population will have access to piped water soon. In the meantime, it has taken initiatives to ease the burden of accessing basic water, for instance, by increasing the number of tankers.

The Delhi situation is noteworthy because it is blessed with high per capita water availability. Yet, while water is available in plenty, many people struggle to access sufficient safe water to meet all their basic household needs. For many people, it is the cost of water that is the challenge. This is noteworthy in a context where the consensus

among policy-makers is that people must be forced to pay for any water they use, even life-saving drinking water, life-saving water used for cooking food, water used for sanitation or water used to clean oneself, clothes and one's dwelling. They often argue that it is only the poorest of the poor that should be granted a 'lifeline tariff' and that everyone else should pay the full cost of the water they use.

In this context, the Delhi Government free water initiative brings a welcome change to policies that have failed to ensure the realisation of everyone's right to water. A policy that recognises the life-giving qualities of water and the difference between the realisation of the right to water and commercial or industrial use of water is a timely proposition. Yet, in a policy environment that oozes opposition to the very idea of free water, people will have to fight to assert their right to water. The is also the case in Delhi, where despite the positive free water policy, the position of the Delhi Government on certain water policy issues has been unclear.

To start with, the Aam Admi Party (AAP) appropriately promised in its manifesto that it would enshrine the right to water by amending the law. Yet, the amendment to the act that alone will give the free water policy a permanent binding basis has not been adopted.

The Delhi Government has also failed to put a halt to the introduction of Water Dispensing Units (water ATMs) that undermine its own measures to realise the right to water. In principle, water ATMs had been proposed for areas that did not benefit from piped water supply. Even this was controversial because the underlying message was that only basic drinking needs would be taken care of, rather than all basic household/domestic needs. In practice, there has been slippage. In the first place, the Delhi



Government was meant to be installing water kiosks providing free water in 'underdeveloped' areas. Yet, the first water kiosk installed was near a metro station for the convenience of the travelling public. Further, alongside the free water distributed in those kiosks, the Delhi Jal Board (DJB) agreed in late 2015 to a proposal for setting up water ATMs in various parts of Delhi at a price of Rs 5 per 20 litres.

Supply through water ATMs is probably an excellent option to fill specific gaps where there is no water supply, preferably on a temporary basis. There are, however, various reasons why water ATMs should not become a permanent tool for accessing drinking water. Firstly, paid water ATMs function in effect on the basis of automated disconnection. Anyone who does not have money in his or her account cannot access water. This is regressive in the context of the right to water. Indeed, even in England where water supply was fully privatised, similar pre-payment cards were prohibited already in the 1990s. Such pre-payment cards should have no place in drinking water supply policies.

Secondly, operators may be required to abide by certain water quality standards but there

is a lack of effective monitoring mechanism. This opens the door to significant uncertainty as to the quality of the water supplied at any given time.

Thirdly, users connected to a piped network are often appropriately subjected to tiered rates, implying that the more they consume, the more expensive the water becomes. This is missing in the case of water ATMs and is problematic because the water from water ATMs is more expensive per litre than piped water.

Fourthly, while water ATMs are premised on the need to provide water to the poor, they contribute to a broader pattern of commercialisation in the water supply sector and disengagement of the government from its duties of provision. On the one hand, the greater involvement of corporations in water supply through CSR activities can be seen as a positive sign that they increasingly understand the urgency of providing sufficient safe domestic water to all. On the other hand, some of the providers of water ATMs understand their own role as that of a social enterprise and see people they contract in specific localities to set up schemes as entrepreneurs. This implies that on the ground, users face an entity that is run as a business without any social purpose.

The unclear nature of the interests driving entities entering the water ATMs business is made more problematic by the fact that they may also be driven by easier access to land and water provided by the government. Indeed, in Delhi private entities signing up for these projects get access to land for ten years to set up the facility and access groundwater. This is quite advantageous for the operator in a context where the 2010 Delhi Groundwater Direction stipulates that no one can draw groundwater unless they get prior permission from the DJB.

On the whole, it is tempting

to see any measure that appears to be increasing supply of safe water as positive. Yet, what we need are measures that foster the realisation of the right to water in full and in the long term. The Delhi Government is partially showing the way with its free water policy and its proposal for free water kiosks. A lot more needs to be done, in particular since many people face difficulties in accessing sufficient safe water because of economic constraints.

While the AAP Government has correctly understood the right to water to include the water necessary to realise several other rights that depend on water, including the right to food, right to health and right to sanitation, a dispensing machine that counts in glasses or one-litre units is not an appropriate solution to meet these needs, as it drastically restricts the scope of the right to water. Water ATMs should have no place in a progressive modern domestic water supply policy. They should only be installed where there is currently no piped water supply and dispense free water, something that may represent an improvement over the less-than-perfect government tanker supply. Further, they should not be seen as an achievement but only as a stopgap measure while better long-term measures are implemented. There is no place for paid water ATMs in drinking water supply policies since these de facto implement automated disconnection that will harm the poorest most. Finally, it is unhelpful to compare water ATMs for the travelling public with drinking water supply for people living in areas that do not get access to sufficient safe domestic water.

The need of the hour is for the government to enshrine the free water policy in legislation as promised by the AAP in its manifesto. This must include clear guidance on water ATMs to ensure that they contribute on a temporary basis to access to water where it is insufficient and do not become a double-edged sword harming the poor in the name of helping them accessing safe and sufficient drinking water.

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100 YEARS AGO

### OCCASIONAL NOTE

In an article on the Viceroyalty of India in Chambers's Journal, Mr. W.V. Roberts points out that the choice is usually made of peers over forty and under fifty. Lord Chelmsford is forty-eight. It is true that Lord Dufferin was appointed at the age of fifty-eight, but he was an exception to the rule in other ways as well. It is on record that he complained in a letter to Sir William Gregory that all the people who surrounded him in Calcutta were younger than himself, and that he had no companion or playfellow. This, indeed, has been given as the reason why he resigned office before the expiry of his term. Then Sir Henry Norman was offered the post when he was fifty-seven, but declined it. It was Mr. Gladstone who made the offer, and he was then an octogenarian. One of his colleagues credited him with the remark that he thought "that young fellow Norman to be just the man for the post." Lord Curzon was the youngest Viceroy – he was only thirty-nine – since the abolition of the Company.

### NEWS ITEMS

#### POSTAL THEFTS

Bombay, July 4

At the High Court Criminal Sessions today, presided over by Justice Beaman, a postal sorter named Dinkar Sadashiv was tried on three charges of theft consisting of an army notebook, a leather pouch and newspapers. The prosecution alleged that the postal authorities had recently received several complaints that articles sent by unregistered post had not reached their destination. It was evident that they were abstracted during transit. Mr. Seal Felt, an R.M.S. officer, paid a surprise visit to Victoria Terminus on the arrival of the Calcutta mail on June 13th and searched all the sorters. The accused was noticed hiding certain articles and subsequently made a statement. He pleaded guilty and counsel on his behalf urged that it was a pitiable case. The accused was fifty-seven years' old and had been in the service for twenty-six years, during which period he had borne a good character. The accused was sentenced to one year's rigorous imprisonment.

#### CALCUTTA BANKERS' CLAIM

(From Our Correspondent)