International Conference on Political Economy of Water

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A Social Work Response

Edited by

Geeta Balakrishnan and Meghna Vesvikar

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PREFACE

Access to water is a fundamental right of all human beings because it significantly affects quality of life and enables people, especially the poor, to live with dignity. A significant number of organisations and governments all over the world are working on this challenge and developing sustainable intervention models. There are several community driven approaches, where the attempt is to bring water within the reach of people, and to help establish their ownership and rights over it.

The social work profession with its commitment to work with the marginalised and the underprivileged cannot be immune to the challenges posed by the scarcity of water. It is inevitable that the profession joins the various efforts made the world over to tackle this problem head on. This international conference is an attempt by our college to examine specific nuances of water scarcity, and develop viable social work intervention strategies based on the experiences of successful intervention models.

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WATER-RELATED CONCERNS IN PRISONS AND UTILITY OF RAIN WATER HARVESTING

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Abstract

Mumbai receives a surplus annual average rainfall of 2,200mm. It also draws 3,400 MLD from six large reservoirs in and around the city. Yet, in summers, there are acute drinking and domestic water crises in the city. The crises are so severe that the state government explores expensive and ecologically damaging options, like desalination and cloud seeding, to quench a thirsty city. Yet, the most logical solution of promoting roof-top rainwater harvesting seems to fall off the policy edge. The future of the city's water supply looks grim, as Mumbai's water requirement by 2026 is expected to top 14,000 MLD, way beyond the present capacities of the reservoirs.

One silent stakeholder group whose water woes rarely get any media space is Mumbai's numerous under trials and convicts who are located in four prisons in the city. They make a consolidated number of approximately 6,000 people. Many are under trials that are yet to be proven guilty. In most cases they are too poor to afford lawyers. The debate triggered by the Chief Election Commissioner on conferring voting rights to under trials has finally brought the rights of such constituencies to the forefront. However, civil and political rights are a distant dream for under trials and prisoners whose basic and universal human rights to safe and sufficient drinking water are not being met. Their water woes are silent.

Prison studies by educational institutes and NGOs across the world have shown that in both developed and developing countries, from Australia to Afghanistan, prison health is not a priority. What is not being realised is that these diseases could become community health problems as a result of contact between the prison and wider society, through staff, visitors, and the eventual release of prisoners.

This paper attempts to highlight the crises in drinking water in prisons and suggests that given the available infrastructure and roof space, through roof-top rainwater harvesting, Mumbai's prisons can provide sufficient and safe drinking water to prisoners at a marginal value to the public exchequer, and suggests that such models can be successfully implemented in other public institutions.

Introduction

"You ask them [guards] to turn on the water, but they don't listen."
"If I asked to shower, they'd think I was crazy."
"My dream is to go to a prison where I can get a shower."
—Detainees in Nabeul detention facility, Tunisia

On 28 July 2010, through resolution 64/292, the United Nations General Assembly explicitly recognised the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The resolution calls upon states and international organisations to provide financial resources, and help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.

In November 2002, the Committee on Economic, Social and Cultural Rights adopted general comment no. 15 on the right to water. Article I.1 states: "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights". Comment no. 15 also defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses (http://www.un.org/water forlifedecade/human_right_to_water.shtml).

India, being a signatory to the UN UDHR, is legally bound to provide all its citizens water that is sufficient, safe, acceptable, accessible and affordable. One category of people whose rightful requirements regarding water are rarely considered are the numerous under trials in Indian prisons. By definition, under trials are people in custody whose guilt has not yet been proven and who are thus to be considered innocent until proven

otherwise. It also remains the state's responsibility to ensure their safety and health during their incarceration. The UN standard minimum rules for treatment of prisoners state that all places where prisoners live or work are required to provide them with sufficient and safe water for sanitation, personal hygiene and cleanliness of surroundings. However, in spite of being justiciable and recommended by numerous guidelines, this right is often witnessed in its violation across most Indian prisons. Most Indian prisons show an adverse ratio of bathing cubicles, and toilets with flush latrines for prisoners. The availability of approximately 135 litres of water per prisoner is rarely met. Also, most prisons lack an independent stand-by arrangement for water, and do not recycle or harvest water.

> *'When a state deprives people of their liberty, it takes on a responsibility to look after their health in terms of the conditions under which it detains them.'*
> —Article 12, International Covenant on Economic, Social and Cultural Rights

The state has shown ambivalence towards prisons on the whole. They are seen as unproductive institutions, housing the unwanted section of society. They use state funds and have little output to show for it. This is a logical fallacy, because if the state is unable to provide as yet innocent prisoners with even water, how does it expect them to reform?

Denial of water to prisoners, for drinking and other uses, is a human rights' violation as it contravenes both national and international laws. These include the UN International Covenant on Civil and Political Rights - Article 10, Basic Principles for the Treatment of Prisoners - Principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment - Principle 1, the African Charter on Human and Peoples' Rights - Article 5, and the American Convention on Human Rights - Article 5 (2), all of which emphasise that all persons deprived of their liberty shall be treated with humanity and respect for their inherent dignity and value as human beings. Further, the International Covenant on Economic, Social and Cultural Rights (Article 12) establishes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. According to the Basic Principles for the Treatment of Prisoners: Principle 9, prisoners shall have access to the health services available in the country, without discrimination on the grounds of their legal situation. The Standard Minimum Rules for the Treatment of Prisoners, Rule 12 states that the sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary, and in a clean and decent manner. Rule 13 further adds that adequate

bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene, according to season and geographical region. Rule 26 dictates that the medical officer shall regularly inspect and advise the director upon the hygiene and cleanliness of the institution and the prisoners, as well as the sanitation of the institution.

The prison manuals of most Indian states, and seminal documents like the Mulla Committee Report of 1983, lay down similar guidelines. For example, the Rajasthan Prison Manual, 1951 states that it shall be the duty of the superintendent, the medical officer and the jailor at all times to ensure that pure and wholesome water is provided for consumption by the prisoners, and that supply of such water is at all times freely available to every prisoner for drinking purposes (Part IX, Section I, Rule 20a). Also, every possible precaution shall be taken to prevent the pollution of the water supply, either at its source or in distribution (Part VI, Section IV, Rule 45). When a new water supply is obtained, or when there is suspicion that the water is impure, samples shall be sent to the chemical examiner for analysis (Part VI, Section IV, Rule 46). Every sleeping ward shall be provided with drinking water, and prisoners at work shall be provided with drinking water as is necessary (Part VI, Section IV, Rule 51). The Mulla Committee recommended in 1983 that clean drinking water be supplied to prisoners and also that it should be tested periodically (Recommendation 66). Even the more recent Model Prison Manual (2003) dictates that every prison will provide covered cubicles for bathing, at the rate of one for every ten prisoners, with proper arrangements to ensure privacy. Every prisoner will be required to bathe as frequently as necessary for general hygiene according to climatic conditions (Ch. 2.14.1). Taking into consideration that the daily requirement of water of an individual is about 135 litres, there will be an arrangement for the adequate supply of water in every prison. W3, in view of its cost effectiveness and feasibility, new prisons should have arrangements for rainwater harvesting and recycling of water (Ch. 2.14.2).

The Rajasthan Prison Manual also states that the medical officer shall be responsible for the maintenance of cleanliness in the hospital, and will see that all jail rules are strictly observed in it (Part XXV, Section XIII, Rule 321). The medical officer shall give his careful attention not only to the treatment of the sick, but to every matter connected with the health of the prisoners and the hygiene of the jail (Part XXV, Section XIII, Rule 279). The Model Prison Manual (2003) sums up the situation by stating

that medical personnel are to provide both preventive and curative services (Ch. 4.07.4).

Few Indian prisons can boast of a regular supply of water, especially during summers, in spite of their large and concentrated populations. However, prisons suffer from the image of being a storehouse for the unwanted individuals in society and do not even offer basic amenities like water. The situation is borne by both convicts and under trials. If the government expects reform, how can it back away from providing something so vital to human existence? NGO studies, such as CHRI's studies on Karnataka and Maharashtra prisons, indicate that the prisons usually have half or less than half of the required number of toilets, usually without flushes and not offering sufficient privacy.

> *"The Sub-Jail Manual does not contain any provision on drinking water. The research team found only four sub-jails that have taps with running water inside the cells – Jamner, Bhadgaon, Mahad and Wai. Other sub-jails that they visited did not have any provision for running water, whether drinking or otherwise, inside the cells. Drinking water is supplied from outside. Often the contractors who supply food also supply drinking water. In some cases, as in Gondia, drinking water is kept in a bucket just outside the cells so that prisoners can get it on their own. In other cases, they need to request the guards to provide them water every time they are thirsty.*
>
> *In Pachora and Yewala sub-jails, a toilet consists of a small hole in one corner of the cell. The height of the wall that separates the toilet from the rest of the cell is approximately three feet, and affords little privacy. The toilet space is partitioned into two small enclosures by a wall of the same height. One side functions as the bathing area, and the other is equipped with an Indian style commode. The entry to both these areas is open on one side and affords no privacy. There is no adequate supply of water inside the cells. Only four sub-jails in Maharashtra have provisions for running water inside the cells. In a few toilets that the research team was able to see from the inside, the conditions were pathetic. In some, like Gondia, human faeces went unremoved; the place was stinking and filthy when the team inspected it. Conditions in the sub-jails are extremely unhygienic due to the lack of proper cleaning facilities, which exacerbates health challenges inside prisons. The cells are cleaned by inmates, who lack the necessary supply of phenol and water."*
> (http://www.humanrightsinitiative.org/publications/prisons/maharashtra%27s_abandoned_prisons_a_study_of_sub-jails.pdf)

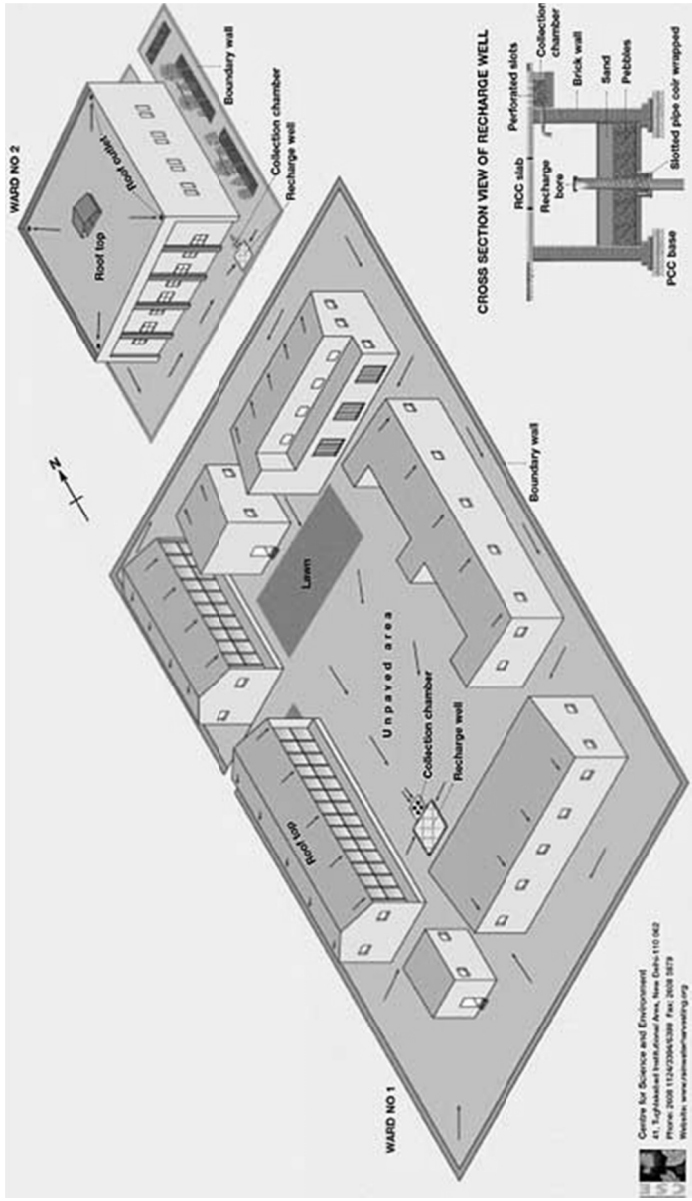
Rainwater harvesting (RWH) means catching and holding rain where it falls and using it (http://www.rainwaterharvesting.org/index_files/FAQ.htm). It can be stored in tanks or can be used to recharge groundwater. Though RWH sounds technical, India has a rich tradition of using rainwater for sustainable, participatory and equitable management of water (http://www.rainwaterharvesting.org/). Examples include the community water tanks of Karnataka and Tamil Nadu and the bawdis of Rajasthan. RWH has three broad stages: transporting rainwater through pipes or drains, filtration and storage in tanks for reuse or recharge. The catchment area includes terraces, verandas, courtyards, lawns, grounds etc. RWH structures require little space – their building blocks are dried bore wells, underground tanks, and open spaces like rooftops and grounds. Neither does RWH require major construction, making it financially viable too. It requires mostly biannual but inexpensive maintenance, making it a sustainable source of clean water throughout the year.

RWH can mitigate water scarcity, especially in spaces with high population concentrations such as schools, colleges, housing colonies, office complexes, hospitals, embassies, water intensive industries such as food processing and prisons. For example, Maharashtra receives an annual average rainfall ranging from 880-3,000 mm. Even if half the normal rainfall were captured, it would take only 0.5-1.7 hectares of the land area of each of its 1,389 villages to meet each village's drinking and cooking water needs. Even in severe drought conditions, that is, a 50% decline in normal rainfall, only 1-3.4 hectares would suffice for RWH (http://www.rainwaterharvesting.org/Solution/Solution-potential.htm).

Tihar Prison, New Delhi practices RWH in wards 1 and 13. The statistics prove that RWH has substantial potential to mitigate water scarcity and also to reduce water logging:

Total area (Ward 1 and Ward 13): 4125 square metres (Sq m)
Average annual rainfall in Delhi: 611 millimetres (mm)
Total volume of water harvested: 1280 cubic metre (m^3) or 1,280,000 litres
This represents 50.78 per cent of total rainwater harvesting potential.

Figure 1-1 Rain Water Harvesting in Tihar prison



Source: http://www.rainwaterharvesting.org/Urban/tihar.htm

Prisons are ideal locations to practice RWH for the following reasons: Prisons have a large concentration of population that remains fairly stable across the year. Prisons thus have a high demand for water across the year and usually have insufficient water per person for drinking and other uses. Most prisons depend on a government supply of water or, in the case of sub-jails, on private contractors. There are rarely any alternative sources of water in the case of increased demand. Most importantly, prisons are viewed as storehouses of people who have harmed society by committing crimes, and these people need to be punished. As a result, any difficulty faced by the inmates of a prison, notwithstanding the crucial distinction between convicts and under trials, is perceived by society as just desserts. In reality, under trials need to be compensated for the human rights violation that is insufficient water which they face in prisons, given their sub-judice status. In reality, if prisons were to practice RWH, they would in fact be water self-sufficient and could actually function as eco-friendly institutions in spite of their large populations. With an assured supply of water, the spread of water-borne diseases will reduce, resulting in better health for prisoners and lesser medical expenses for the administration. Savings on water bills would also reduce the burden on the state exchequer, improving the bad press that prisons usually receive in almost all quarters. Also, the manpower in prisons could be trained in RWH techniques, giving them a possibility of earning an honest, sustainable income post-release. This will also help prisons develop partnerships with civil society and educational organisations in the community in order to increase the opportunities available to prisoners. A proportion of the money could also be donated as a form of reparation to the victim and their families.

Rainwater harvesting is being practiced in Tihar prison complex, New Delhi, but it is yet to be implemented in most states. This indicates reluctance on the part of policy makers to launch simple and inexpensive, eco-friendly strategies to reduce state expenditure in a supposedly controversial space, which would actually make these institutions self-sufficient. Without realising that *''Developing civilian-run prisons linked to the national health and welfare systems, and with strong local links to assist social reintegration and rehabilitation, can make an important contribution to crime control and community peace and stability''* (Organisation for Economic Co-operation and Development, Handbook on Supporting Security and Justice, 2007). And it is not just policy makers that seem to be lagging when it comes to prison reform, it is also philanthropy – few donors or corporates are willing to invest in prison development, by initiating projects or through research. Sponsorship for

prison clientele is not a priority and even information is difficult to obtain. The eradication of poverty is a concern for most aid projects that do not seem to appreciate the fact that there is a large concentration of poor under trials in almost all Indian prisons. This lack of concern on the part of the state, and its poor investment in prisons, has solidified into social apathy towards the cause of prisoners' rights, especially in developing countries that have a burgeoning under trial crisis.

At the very least the experience of prison should not leave prisoners in a worse condition than when they started the sentence, but should help them maintain and improve their health and intellectual and social functioning.

Methodology

The researchers collected three water samples each from two prisons in Mumbai. The first prison is in a central location and houses both male and female prisoners. The second prison is located in a suburb of Mumbai with only male prisoners. The prisons have a population of approximately 800 and 1,500 inmates respectively. The water samples included both drinking water and water used for other purposes like bathing, cleaning etc. The water samples were tested for bacterial contamination. The samples from prison 1 showed the following levels of contamination: 8% (fit for human consumption), 15% and 18% (fit for non-drinking purposes only). The samples from prison 2 showed the following levels of contamination: 9% (fit for human consumption), 17% and 20% (fit for non-drinking purposes only). The medical registers of the prisons showed 38 and 86 prisoners respectively treated for water-borne diseases, namely dysentery.

The total sanctioned budget for Maharashtra prisons in 2011-12 was Rs. 17,903 lakhs, which increased to Rs. 18,628 lakhs, a rise of approximately 4%. Medical expenses use up approximately 6.8% of a prison budget, and vocational training 1.8%. The health expenses amount to approximately Rs.335 lakhs, which, even if reduced by $1/10^{th}$,would amount to a saving of Rs. 33.5 lakhs across the state.

Ethnographising a Prison Visit

The researcher knew from prior experience of conducting students' visits to prisons that permission for any work in any prison would first have to be cleared by the Deputy Inspector General of Prisons, South Region, in Byculla. Accordingly, she visited him and obtained the required permission and fixed appointments with the prison superintendents.

The experience in the first prison was an eye opener, as first experiences usually are. The researcher had to knock loudly and for a long time at the prison gate, after which a solitary eye peered at her out of a hole in the sheet of metal at the entrance. The researcher had reached her half an hour earlier, knowing from prior experience that the superintendent could be making a surprise round, doing paperwork, or may have been called away for a meeting. The Havaldar asked for my name and the purpose of my visit and went away to confirm my appointment. It was drizzling and two women were standing next to me. One young, and the other middle-aged, holding a screaming child about two years old. They were not particularly affluent. The havaldar came back a few minutes later and was a little more respectful to me, still ignoring the other three people outside. Apparently, you don't volunteer help in a prison, as it would only increase your workload.

Like any other prison, the entrance was similar to that of a fortress. The door could be opened in three ways: So narrowly that only a single person could enter; half the gate could be opened to allow a small group to enter; and the entire door if a vehicle were passing. The threshold of the door was high and the semi-darkness made it likely that a person new to the building would stumble. I was asked to write my details such as name, address, contact details and purpose of visit in a register and was asked to wait. The area had chairs only for the guard. The usual boards adorned the walls: number of male and female prisoners in the premises and those in hospital and on leave; that this being a government institution, all services were free, bribery was a crime, and the telephone number of the anti-corruption bureau. For those who moved in these circles, each board could tell its own, usually contrary, stories.

The havaldar escorted me to the superintendent's office. The superintendent sat at his immaculate table and gestured me to sit. I introduced myself, the concept of rainwater harvesting, and the need to have the measurements of this prison to decide if this was feasible. He did not utter a word and nor did I register a flicker of understanding, acceptance or emotion on his face. After I finished speaking, he said in a heavy voice, "This is our prison doctor. You can ask him questions." I asked the doctor if I could see the hospital files for cases of water-borne diseases across the monsoon months in comparison to the rest of the year, for both in-patients and outpatients. He curtly told me that this was a government institution and if I wanted data or test water samples, I would need government permission. He did not specify whose, and ignored me when I told him that I had the DIG's permission. He said that whatever my findings were, since this was privately conducted research, the results

would not be binding on a government institution. Thankfully he was called to the hospital and left immediately. I decided not to pursue the matter further on the first visit, because if he didn't give me the data voluntarily, I could obtain it under the Right To Information (RTI) Act, but that would mean pushing the superintendent in a corner and unnecessarily antagonising him.

I put a smile on my face and asked the superintendent if he was from TISS. It turns out that we were from the same department and, using this to my advantage, I requested if I could simply measure the perimeter of the various buildings and area - non-controversial data. He agreed and. in a very kind gesture, asked one deputy superintendent of the female ward and two havaldars to accompany me throughout the institution.

The deputy introduced me to a very fat and hostile woman – the warden of the women's jail. I knew that if the deputy hadn't been with me, I would have been denied entry and would not have been able to convince her to let me enter her fiefdom. She didn't appear too happy to let an outsider into her domain, and did not appear to favour reasonable discussions either, but again, all of this was based on a few minutes of introduction and small talk.

I observed the female and male wards and took the measurements. The superintendent joined us for a few minutes but left soon thereafter. The deputy was quite chatty and after the measurements were taken, she asked me to see the staff quarters. In spite of my initial misgivings I was glad I went there because the visit brought forth an entirely new, for me, idea. I had always believed that a person who has been offered gainful employment, that too a government job with low workload, good salary and perks, retirement benefits etc., should do his work well and without complaint. I had always wondered why most staff in prison didn't like their work and were adept at shrugging responsibility and finger pointing. Turns out their housing has a lot to do with it. The cramped two rooms per family were smaller than 12X15 sq. ft., with a bathroom only a contortionist could be comfortable in, one which could barely accommodate a bucket and a human body. The rooms had little sunlight and were right next to the road, which meant that there was no silence or tranquillity around, except maybe very late at night. How do the adults rest, how do the children study, I wondered to myself. No wonder the staff tended to be tired and irritable. For a row of six houses with at least 24 members, there were only three outside toilets, one of which was not working. Since the block was right next to the road and there was only a waist-high wall between them, outsiders would often use the toilets, which led to the staff locking them. The sewage pipe is right next to the pipe for

drinking water, and the monsoon often mixes the two. I couldn't wait to get away from there, scared not just by their living conditions, but mostly by the realisation that I had a lot of rethinking to do.

In a surprising turn of events, the deputy invited me to her house for tea. She showed me her bowl of goldfish, which she kept to unwind from work with living creatures who placed no demands on her, especially when sometimes she had to work double shifts – her own words. This reminded me of the importance of adequate rest – almost all of the male staff had dyed hair, bad skin and autoimmune disorder, all symptoms of high levels of stress. Not one of the staff I saw was physically fit, or even had a flat stomach – signs of a poor diet and little or no exercise. The deputy told me that her fiancé was in the police and would be in Mumbai soon. His company would help her forget her superior's attitude that if she was nice to or helped a prisoner, she was probably getting some fringe benefits. She told me that I hadn't asked, otherwise she would have shown me where a notorious female murder convict was sitting. Why didn't I ask about that convict because the newspapers had sufficiently publicised the fact that she was in this prison? Because my professional training tells me that making an example of someone does not reform them, I wanted to retort, but kept quiet. After all, she had been unusually nice for a prison official. I was still uncomfortable with the fact that she was not even a graduate. How does a person who has not completed graduation, and has no formal education in human sciences, wield so much power, and what does this result in? I left quickly before my face could betray my thoughts.

The first visit to the second prison went much more smoothly. The superintendent heard me patiently and promised the required data and documents in a few days. When I asked him if I could see the premises though, he refused but gave no reason. I had visited the prison as a student as well as a teacher before, and I wondered why he would refuse where the previous superintendent allowed me a free run. My only guess is that for a person in such a high-stress job, some room should be given for individual quirks. The required documents were ready on the said day. In contrast, this prison was in a suburb and accommodated almost three times the first prison's population, but the superintendent here was pleasant, articulate and very cooperative, even though visits from the staff kept interrupting our conversation. Both of the superintendents have received the same training and have had similar job profiles across prisons, but there is a distinct difference between them when it comes to innovation in a closed institution. One was willing to give information and end the story there, provided I did nothing to antagonise him, whereas the other had a much higher workload, more dangerous prisoners in greater numbers, and was

yet interested in making the prison more self-sufficient. The latter was physically fit and open to change, something markedly absent in the first prison.

The researcher had perceived the water scarcity and low quality during previous visits to the prison with students. The above mentioned were personal visits to the prisons for collecting RWH data, namely specifications of the available buildings and space. The more controversial information on prisoners' health, such as number of prisoners suffering from water-borne diseases, number of prisoners hospitalised for the same etc. was not at all forthcoming from the first prison. The doctor of the first prison was not willing to share data with a government aided college because the results of the water testing would be carried out by a private party and would not be applicable to the prison, which was a government institution. So much for creating a fruitful public-private partnership. Which begs the question that if there was nothing to hide, why was the data not shared? This supposedly controversial data could also have been obtained by filing an RTI application for each prison, but RTI applications tend to put the receiver on the defensive, as the data needs to be accurate and also delivered on time. This often results in animosity between the parties, as the applicant is believed to have arm-twisted the prison into giving data that could be used against them and could possibly indict them at a later stage. This mental block then replaces the limited goodwill for the applicant with open animosity for having made the prison answerable. The vast scope of research on prisons, from prisoners' health to their rehabilitation, is hampered by lack of readily accessible data. According to the Supreme Court, under trials have not yet been proven guilty, and hence have the same rights as people not in prison. Not ensuring their health and safety while in state custody is not only a violation of their rights, it is further a violation by the state itself that refuses to open up to partnerships with NGOs, educational institutions etc. How can one expect reform when the process of incarceration lacks basic amenities? And if prison workers themselves find it so difficult to understand prison health issues, how would prison health and other aspects from incarceration and punishment, to rehabilitation ever reach the public domain for discussion and change?

Research in and around prisons is not castigation, but an attempt to acknowledge existing and future problems and collaboratively identify solutions to address inmates' rights and build institutional capacity. Apart from local efforts by NGOs and educational institutions which are often sporadic, such long-term changes require a strong policy shift so that public institutions are encouraged to take steps from repairing buildings to improving management, and are not limited to efforts by individual prison

superintendents. Along with policy direction, another crucial requirement is appropriate, and timely budget allocations for RWH and other initiatives, as well as accountability of prison administrators to minimise human rights violations. Prison-related laws and manuals also need to be urgently updated to accommodate current realities like overcrowding and long-term incarceration. This shift of prisons from being punishment postings to places of innovation will require both time and investment but is vital because, to quote Fyodor Dostoevsky,

"One can judge a civilization by the conditions of its prisons."

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FULL COST RECOVERY IN URBAN WATER SECTOR: GOOD OR EVIL

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Abstract

This paper presents the concept of full cost recovery in the water sector and how it is being implemented on the ground by different agencies in India, highlighting the rationale and entrenched issues. The paper has tried to study both the concepts of water as an economic as well as social good. Research studies have indicated that while the cost incurred in any kind of service is essential for the fiscal health of any institution, at the same time the government cannot run away from its responsibility towards society to provide it with the basic right to life at affordable prices. Implementing agencies need to understand that upward revisions alone do not help to increase the recovery rate and should explore the need to club it with various other policy measures, like minimising the operation and maintenance costs by efficient management. Finally, full cost recovery policy should break out from its hegemonic framework and should reach the public in its easily customisable forms. Policymakers and implementers should be more flexible in their approach when applying this policy on the ground, and neighbourhoods should be given more powers in the decision making process regarding full cost recovery mechanisms. The repaying capacities of the individuals should also be kept in mind while deciding the tariffs for the services.

Introduction

Cost recovery has been central to the neoliberal reforms agenda all over the world for quite a few decades now. All international funding agencies are promoting 'full cost recovery' rigorously in almost all

sectors. It has become one of the permanent conditions of their 'conditional funding' model of development. The World Bank (2004) emphasises that cost recovery needs to be a core element of reform, in particular with regard to projects providing water supply and sanitation services, as well as irrigation and drainage. In many Asian countries, the unwillingness of authorities to charge the poor for their water consumption, and the lack of capacity of service providers in the public sector have been identified as a few of the several reasons for which cities have struggled to provide clean and reliable water supply to their residents (ADB, 2012). It has resulted in low coverage of water utility in urban areas, and therefore the Asian water crisis, which in fact can be dubbed as a crisis of governance (ADB, 2007).

The other side of the argument about cost recovery is that it is a threat to the poor and ultimately, to the whole notion of a democratic transformation in any country. According to Bond (2000), cost recovery administration incurs more expense than can be squeezed out of low-income people. He further argues that the consumption-related charges entail costly methods of collection, which either lead to significant under-recovery of costs, or significantly higher prices to consumers. It makes cost recovery policy unsustainable and even on its own financial terms, cost recovery leads to excessive spending to recover the costs (McDonald & Pepe, 2002).

However, both these arguments may seem correct to any rational mind at a superficial level. But when we try to understand both these concepts in depth, we can notice a fundamental difference in both these ideologies. While one argument treats water majorly as an economic good, the other one considers it a purely social good. This difference in ideologies should be discussed in detail to understand the dilemma of full cost recovery.

Water: Economic or Social Good?

Agenda 214 and the Dublin principles put the concept of water as an economic good on the global agenda, and they have received wide acceptance by the world's water professionals (GWP 1998). However, there is substantial confusion about the exact meaning of some of the articulated principles. In particular, it is not clear to many non-economists what is implied by the statement that water is an "economic good" or an "economic and social good." But it is quite clear from it that there is a consensus in all international organisations that water should be treated as an economic good at some level, and the cost associated with it should be recovered from the consumers. It has been argued that in view of the

'public good' nature of water, municipalities have kept tariffs well below the cost recovery level, relying on heavy loans and subsidies, which has resulted in severe financial constraints and led to poor service and underinvestment (Rauf & Siddiqi, 2009). But the other side of the argument is that water cannot be treated as an economic good, as it is an essential, which every citizen should be able to afford. As noted in 'Let waters, not profits, flow', the editorial of the Hindu on 4th February 2012, water is a finite, life-giving resource, and access to water must remain a fundamental right. Panda (2012) quotes the Supreme Court's verdict on the 2G spectrum, which stated "Natural resources are vested with the government as a matter of trust in the name of the people of India… it is the solemn duty of the state to protect the national interest, and natural resources must always be used in the interests of the country and not private interests." He argues that water is a finite natural resource over which all human beings and other species have equal rights. Overall, this side's argument is that water should be treated as a social good, and if there has to be any bias towards a section in water allocation then it should be towards the poor, farmers, fisher folk, and other sections of society whose lives and livelihood are directly related to water.

The Concept of Cost Recovery

The concept of cost recovery is based on the payment of the full cost of services to ensure that the services can be sustainably provided in the short and medium-term. Recovering costs from users thus helps provide the funds for adequate current financing of the services, for retirement of the loans that funded the investment, and/or for future public needs (World Bank, 2010). But cost recovery and water charges may also be used with the aim of managing demand, and providing an incentive for improving the allocation of scarce water resources. According to World Bank (2010), we should keep in mind that improving cost recovery requires that several issues be addressed, including what costs are to be recovered, who should bear the costs, which cost recovery mechanism to use, how to achieve or maintain high rates of collection and how to provide services efficiently.

Which Costs to Recover: The full cost of water service provision can be divided into three categories: direct costs, costs created by externalities and opportunity costs. Direct costs include the operation and maintenance costs and the capital costs of water services, while externalities generally deal with the consequences of public health and/or environmental impacts of water production and consumption, such as discharge of wastewater. Opportunity costs represent the value of future sacrifices implied by the

current water use.

Who Bears the Cost: In case of multipurpose projects, different users should share the costs proportionally to the services they receive, but in projects with many indirect beneficiaries, it may be unreasonable to expect direct beneficiaries to pay for the full cost.

Which Cost Recovery Mechanism to Use: When water services can be monitored and controlled, volumetric pricing is used most often.

How to Achieve High Collection Rates: The management should be transferred to an organisation with financial autonomy, so that it can assure users that their payments go back to the service provider.

Rationale of Cost Recovery

The basic reason given for full cost recovery in the urban water sector is that it helps the ULBs to provide better service delivery and, as water is under-priced and hence undervalued, people demand more quantities of water. And this indiscriminate and unplanned exploitation of water resources may result in severe water shortages in future (Rauf &Siddiqi, 2009), which is environmentally unsustainable. JNNURM (2005), giving the economic argument, said: "Rational user charges provide financial stability and strengthen the ULBs/para-statals by effectively recovering all the costs associated with a particular urban service. Such financially viable user charges may even generate resources for expanding or upgrading the service. User charges enable ULBs/para-statals to provide services from a demand perspective. They encourage people to realise the need for conservation of precious resources by reducing wastage and optimising usage."

World Bank (1999) says that the notion of water provision as a public good and welfare activity is giving way for the concept of water as an economic good and input in economic activity, cost recovery, and financial viability concerns are getting increasingly reflected at policy level, which in turn is further pushing the agenda of full cost recovery. Also, in India, the overall fiscal discipline induced by macro economic reforms played an important role in magnifying the opportunity cost of institutional change within the water sector, which opened up the entry of the private sector. Involving private partnership in water is considered an advantage as it provides additional finances and better technical and management skills. Public-private partnership is an effective means of establishing cooperation between public and private sectors, and to bundle financial resources and technical expertise to address urban water needs (ICID, 2005).