

**Water Economics and Governance**  
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**Lecture - 10**  
**Water Right Challenges and Initiatives**

Hello everyone. So, this week we have been talking about the right to water and sanitation primarily we did discuss about the different aspects of right to water and sanitation in the earlier lectures in the week. And, in this last session of this week we will be talking about various challenges and some of the United Nations initiative taken towards the right to water. So, that is what we are going to discuss today.

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**Challenges to the Acceptance of Right to Water**

- ✓ The lack of proper understanding of the meaning of the right to water, as well as its implications and obligations lead to a few governments being hesitant to accept the “Right to Water”
- Does the Right to Water mean that water must be free for all users?
  - ✦ NO, but the price should be affordable for all (even the most disadvantaged members of society)

Source: The Right to Water: From concept to implementation; World Water Council, 2006

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So, when we talk about “Right to Water” the acceptance of right to water by various states is major is a major sort of there are several challenges several major challenges or several misconceptions rather one can say, due to which few governments are being hesitant to accept this right to water in their law and policy framework and as we have discussed that until unless it is make through the proper policy framework. Within the law of the state or within the law of the government it there would be several hurdles towards the implementation of the right to water and sanitation which we were discussing earlier lecture.

So, there is this this hesitation towards acceptance of right to water is primarily because of the lack of proper understanding of the meaning of right to water, what exactly right to water means what it essentially entitles to it is users or what responsibilities it brings responsibilities it brings onto the government, what are the likely implications and obligations towards that right to water is may not be very well understood by several people may not be very well clear and that is why although it has on paper it has been accepted that it is one of the basic human rights, still some states and some countries are have not been able to deploy it fully.

So, we will talk about these major challenges see the first question that usually or sort of misunderstanding that usually brings with right to water is that does right to water mean that water must be free for all users. So, many thing that when we have this right to water; that means, we should get water at our household level or in our home for free, but that is a that is not correct this is a big misunderstanding the right to water does not entitle the residents of a society or community to get free water, it is not the case actually if you see.

So, right to water does not mean that water should come free what right to water means that water should be made available when we talk about pricing. So, it should be made available for all at affordable cost. So, this all includes even the most deprived most disadvantages mem this disadvantaged member of the society and the water should be made at available price to them as well.

Now, this available price to them may not be means it is not necessarily that one keep the price of water at the lowest level. So, that if let us say a household has a monthly income of for example, 10,000 rupees. So, 3 percent of 10, 000 becomes 300 rupees. So, that does not mean that their monthly water charges, but for that particular family the monthly water charges as suggested by the un council that should not increase 3 percent of the household income. So, some household with having 10,000 monthly income should not invest more than 300 rupees towards water.

Similarly, another household which is basically having a let us say income monthly income of around 5 000. So, they should not be spending more than 1 3 percent of 5000 which is even going to be the less. So, that way some 150 rupees or so that way the point is that water should be affordable now for a poor household water is being made

available at 150 rupees per month not necessarily that the person who is owning a huge bungalow and big flat should also be getting water at that price their household income may be in the lakhs and their affordability range is quite high. So, water can be given at higher tariffs or higher prices to the people from healthy incomes. However, it becomes very difficult to fix a different tariff for in in a different tariff for each and every type of are how many tariffs one agency is going to keep.

So, what can be alternatively can be done that water can be charged at a sustainable price we will talk about these sustainability aspect in the next week, but it should be charged at a sustainable price and a subsidies or those kind of things may be given to the poor or deprived. So, that price for those particular sections of the society comes within their affordability range. So, that is what it means essentially that right to water in terms of cost if you see then there is another question which is often posed that does it mean that every house must be served by water distribution system and sewer system.

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**Challenges to the Acceptance of Right to Water**

- ❑ Does it mean that every house must be served by water distribution systems and sewer systems?
  - NO, but every individual must have access to one or more safe water sources within a reasonable distance and time where such systems are unavailable
- ❑ Does the implementation of Right to Water mean significant additional expenditure?
  - YES, but it could be optimized based on the geography and demography.

Source: The Right to Water: From concept to implementation; World Water Council, 2006

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Again the right to water does not say that the water has to be basically served at household level or each and every house should have a water connection or something of course, that will be the ideal case, but to begin with no right to water does not entitle that you must have water in your household particularly.

What it says that every individual must have an access to one or more safe water sources within reasonable distance and time. So, one should be able to get water within

reasonable distance or within reasonable time. So, for example, if you are looking at a slum area and all that and there are some public taps with 24 7 water supply; that means, that entire community is served with that thing if there are sufficient number of taps even at one single location not in each and every household.

So, that will also serve the purpose. So, of course, having a system where each and every household is fed with the piped water and well sanitation system is an ideal and should be a long term goal, but to begin with the right to water does not say that you have to have a household level distribution system, what it says that it is a responsibility of state to provide water services within the reasonable distance and time. So, that the customers also that the residents should have access to water when they need at that particular time.

So, that is one aspect then another question which is posed at times that does the implementation of right to water means significant additional expenditure. So, that is one question which state has to face that if you are going to adopt right to water what about the expenditure, how much funds it will require and all that of course, there is no question that yes it does need expenditure, because if you are willing to improve a scenario improve a system from in it is existing place to a wider community reach whatever form you will have to augment your system you will have to upgrade your system you will have to have those kind of this thing.

So, of course, you will need additional expenditure, but how much this expenditure is going to be that can be optimized that can be controlled or that can be sort of reasonably worked out based on the geography and demography of the area. So, where like what section of people are living there whom you are going to feed with like for example, if you are putting a common taps in a well to do society or in a reasonably high income group society water is not fed to their household that is of no particular use most people will go for then installing of the various bore wells and putting water through the they will consume ground water they may not even go for the piped water supply in that case. However, this can work in a low income group community where they do not have access to maybe adequate number of hand pumps or tube wells or those kind of setups.

So, what minimum cost would be needed for such systems need to be understood properly and it can be optimized based on the geography of the area for how far you have to take that water in order to bring it in the proximity reason, how much the supply hours

you need to maintain and what is the population demographics of the reason. So, all these factors in combination would be utilized in order to optimize this system which gives you the best which gives you the best services in terms of right to water.

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**Challenges to the Acceptance of Right to Water**

- ❑ Does it mean that any individual without access to water will be able to seek legal redress against public authorities?
  - YES, The state authorities have responsibility to respect, protect and fulfil the right to water. Where they fail to do so, individuals can argue their case against the public authorities in court.
  - However, within General Comment No.15, the legal obligations of the public authorities are defined with all due caution and allow for progressive implementation of the right to water).

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Then there is another question which is which sort of bothers state authorities that if we implement right to water. So, does it mean that any individual who is not having access to the water will be able to seek legal actions or legal redress against public authorities?

Now, this is something very relevant point that what happens if you implement right to water on paper at least you adopt the policy based on right to water and then some people who is basically not having adequate access to water goes to a court or somewhere for a legal action that I have this right, but I am not able to exercise my right because of the failure from the state agencies. So, does it sort of does it considers the case for a legal action or legal redress the answer is yes it does the state authorities have when you put try to water into the policy scale and implementation scale that time it is the responsibilities of state authorities to respect protect and fulfill this right to water.

So, they have the responsibility to make this water available at whatever criteria we have discussed earlier let us say if quality adequate quantity and procs like affordable prices reasonable within reasonable reach. So, all these things will come into the thing that every individual should have access to what in such in such manner and now if someone is not having and you have by law given him the authority to have these things so; that

means, if some people did not having did not have the access of water or access of the facilities under right to water, they do have a right to seek legal redress and go to the court go to the judiciary and can argue their cases against the public authorities because it is failure on the part of state government which is represented by the public authorities.

So, yes it does have that risk attached to it; however, this risk is very important because that is what will make the people accountable, if you do not have this authority to the user to go to the court and seek legal redress and all that. So, where will accountability come from people will not bother whether they are getting means authorities will not bother whether people are getting water or not because there is no threat to them. But if you make them responsible, if you make them sort of a you fix up the responsibilities you fix up the accountability that yes you have to do this and you are accountable for this, this maintenance or this management and failing to which will may put you in some sort of trouble. So, that sort of instigate the actions and that works in favor of the community.

So, yes they are allowed to take the legal actions. However, the UNS general commend number 15 says that legal obligation legal obligations of the public authorities are defined with all due caution and allows for progressive implementation of the right to water. So, the UN has taken due cautions that in which case the legal thing has to be considered it is not that for any a small and particular minute things one moves to the court and sort of seeks a legal action. So, that is something which is considered.

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**Challenges to the Acceptance of Right to Water**

- ❑ Does it mean that the public authorities must manage the water services directly?
  - NO, the human right to water does not address the mode of service delivery.
  - Public authorities must exercise effective control over the water services after first choosing the most appropriate management method – public, private or semi-private – for those services.
  - Any mechanism chosen must ensure genuine public participation, transparency and penalties for non-compliance with human rights standards

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Now, the next question is does it mean that public authorities must manage the water services directly, because it eventually if you seek the previous discussion. So, the public authorities are responsible or accountable for ensuring the compliances of right to water. So, does it mean that they should manage the water services directly?

Again a human right to water does not address the mode of services delivery. So, whether it is being managed by the public authorities or it is being sublet to some private organizations or it is being done under PPP mode. So, whatever is the mode of the services delivery beginning from the government sector to private sector to public private partnerships? So, whatever could be the mode whosoever is the sort of being contracted for maintaining the services is not mentioned under right to water? So, the state or the public authorities are responsible for ensuring the implementation, but it is not necessarily that they have to do it they can basically put it to a company and if some case and this thing arises they are whosoever company takes the contract under certain abiding rules that yes they have to ensure that and if there is a failure it will eventually will go on to the company or the service provider.

So, public authorities although should exercise the effective control over the water services after first choosing the most appropriate management method whether it is public private or semi-private and then they; obviously, they should be in effective control in case of any failure or any non-compliances. So, any mechanism chosen must

ensure genuine public participation transparency and penalty for non-compliance of the human right of the water and of course, sanitation as well.

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**Challenges to the Acceptance of Right to Water**

- ❑ Does it mean that the safe water of one country must be supplied to neighbouring countries that lack suitable resource?
  - NO, recognition of the right to water in no way affects State parties' right to exercise full sovereignty in the management of their water resources while meeting their international commitments.
  - Where countries share water resources on their borders, the right to water does not affect the claims that States can make on each other. The division of such resources is covered by international customary law that specifically addresses the division of transboundary water resources.

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The next challenge or next doubt that comes into the mind of state authorities is that does right to water mean that safe water of one country or one state must be supplied to the neighboring country if that neighboring country lacks suitable resources. So, means that states are bothered that under right to water we may need to share our water resources with another state or with another government or those kinds of doubts also at time come into the mind of these state authorities.

Again right to water does not mention this. So, the straight answer is no it does not mean that one country has to share their water resources with another country if that is deprived of the significant water resources. So, recognition of right to water in no way affects the state parties to exercise the full sovereignty in the management of their own water resources. However, of course, they need to meet their international commitments. So, if there is a Trans Boundary River let us say or Trans Boundary Water Resource. So, there like international agreements or managements are there that you have to basically abide by treaties that let us say this much fraction of water will be left for the downstream country this much fraction of the water is to be utilization by the upstream nation.

So, all those international law and treaties is to be maintained, but right to water in addition does not say that no if there is a let us say drought in the downstream country. So, the nation that is in upstream has the legal obligation to release more water no that is not the case right of right to water does not say that. So, countries basically sharing the water resources on their border, they water does not affect the claim that state can make on each other right to water will not have any say in that claiming. So, one country cannot say that under right to water I need this much of water in that river no that is not a that is not a correct way. So, because the divisions of these resources are governed by international customary laws and whatever the treaties and this thing are signed for Trans Boundary Water Resources. So, it has to abide by that right to water has no say in that thing.

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**Challenges to the Acceptance of Right to Water**

- Problem of priorities within budgetary constraints
- Political reasons
- Geographical constraints
- Lack financial resources for implementing the right to water

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There are few other potential issues or potential challenges which is there that the problem of priorities within budgetary constraints. So, when you have limited budget available when you do not have significant amount of budget available, if you see the last point mentioned over here which is on to the lack of financial resources. So, these points actually can be clubbed the lack of financial resources may lead to the budgetary constraints and then which sector or how you prioritize your water services becomes a challenge that government or the regulatory of bodies need to take up. There are political reasons in addition because whether they are different political parties as you might be

seeing have different agenda some would like to give the water free some would like to increase the water tariffs make in order to make it sustainable.

So, the different political groups could have different agenda based on the votes based on the development plans based on their financial resources available. So, all these things also like political will is a very important aspect in water management holistically. And in particular in exercising of right to water or giving the due importance due existence to the water services is largely depends on the political will as well then there are a geographical constraint at times may you have area with a very difficult geography to handle. So, what if you do not have adequate amount of water resources the state does not have adequate amount of water resources it is a drought prone zone we have several places in our country also. If you see the belts in the Rajasthan and all that when there is no water or the groundwater is there, but there are lot of consequences in withdrawing lot of groundwater in order to meet the water available for everyone.

So, what kind of like that could be leading to a unsustainable practice. So, all those consequences based on the geographical area or the mountainous terrain. So, how like if let us say a household is situated on to some 3 4 kilometers away from the different major villages or of cluster of 4 5 households are situated on at that position in a hilltop now for pumping that water to that much height to that many small number of people may largely prove uneconomical. So, those kind of geographical constraints can also sort of inhibit the state agencies to go for the full flashed implementation of right to water of course, there are lack of financial resources. So, if the state or the regulatory authorities are not able to manage the adequate amount of financial resources for implementing the right to water then it becomes a major challenge.

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**UN initiatives**

- ✓ **Human Rights Council Resolution A/HRC/RES/18/1**
  - ❑ On 28 September 2011, The Council welcomed the submission of the compilation of good practices on the right to safe drinking water and sanitation, in which the Special Rapporteur put particular emphasis on practical solutions with regard to the implementation of the human right to safe drinking water and sanitation.
  - ❑ The resolution calls on States to ensure enough financing for sustainable delivery of water and sanitation services.

Source: [http://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](http://www.un.org/waterforlifedecade/human_right_to_water.shtml)

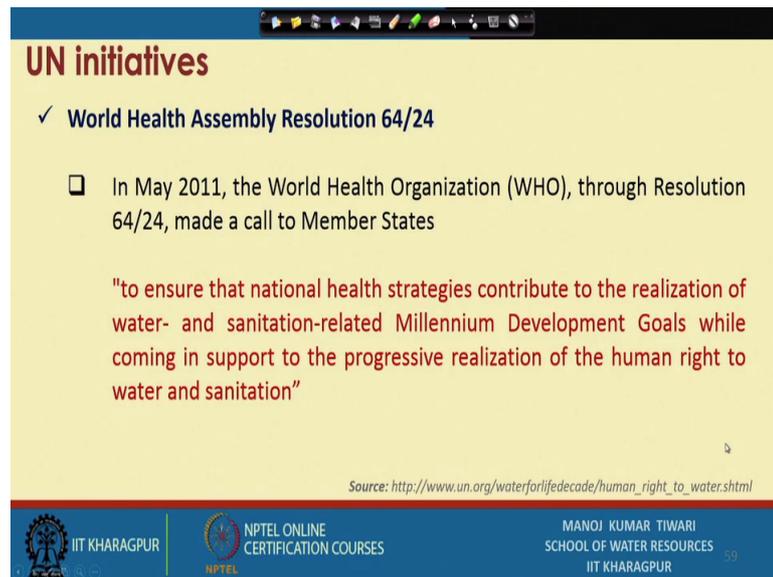
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So, with all these challenges there has been certain initiatives taken by united nation in order to in order to sort of evaluate this status and help the different states different governments different nations to for the like adopting policy adaptation under the right to order. So, there was one on to the human rights council resolution which on 28 September 2011, the council welcomed the submission of the compilation of good practices on the right to safe drinking water and sanitation.

So, there was dock there was a compilation of good practices report compiling the various good practices onto the right of safe drinking water and sanitation was submitted and was accepted. So, in which the special reporter put particular emphasis on practical solutions with regard to the implication of implementation of the human right to safe drinking water and sanitation.

So, that way basically a report containing the compilation of good practices was published and it was suggested that this could be adopted by different nations, in order to implementing the right to water and sanitation the resolution calls on a state to ensure enough financing for sustainable delivery of water and sanitation services. So, that was UN directed the different it is member nations that you do the sufficient fund allocation for implementing the right to water.

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**UN initiatives**

- ✓ **World Health Assembly Resolution 64/24**
  - In May 2011, the World Health Organization (WHO), through Resolution 64/24, made a call to Member States

"to ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation"

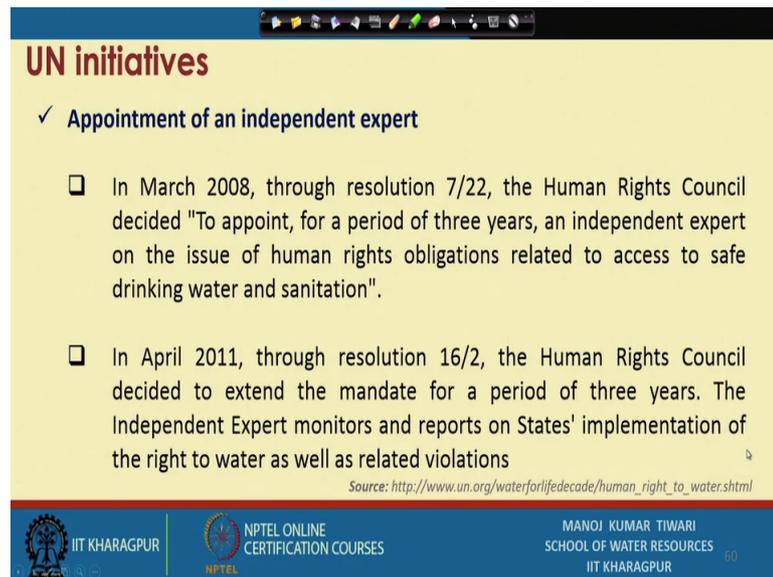
Source: [http://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](http://www.un.org/waterforlifedecade/human_right_to_water.shtml)

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So, that was sort of a pressure from the united nations then the in their world health assembly resolution in May 2011, the WHO sort of also made a call to member state all it is members state to ensure that national health services contribute to the realization of water and sanitation related millennium development goals, while coming in support to the progressive realization of human right to water and sanitation.

So, they sort of put pressure onto their member states to go for right to water and sanitation in terms of realization of the major millennium development goals as well; so that was by WHO.

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**UN initiatives**

- ✓ **Appointment of an independent expert**
  - ❑ In March 2008, through resolution 7/22, the Human Rights Council decided "To appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation".
  - ❑ In April 2011, through resolution 16/2, the Human Rights Council decided to extend the mandate for a period of three years. The Independent Expert monitors and reports on States' implementation of the right to water as well as related violations

Source: [http://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](http://www.un.org/waterforlifedecade/human_right_to_water.shtml)

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Then there was appointment of independent expert in March 2008 through resolution the human rights council decided to appoint for a period of 3 years an independent expert onto the human right obligations related to the access of safe drinking water and sanitation and this the term of this expert was again increased in upheld 2011 to through resolution 16 by 2. So, this x this x was term was extended and the mandate for a period of 3 more years was given the independent expert monitor and reports the state implementation of the right to water as well as it is violations.

So, what kinds of violations are being done in different states and different countries? So, there are independent evaluation through United Nations was arranged for this. So, these are some of the steps that united nation took towards the implementation of right to water.

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**WATER RIGHTS: Summary**

- Water entitlement, like water rights, is a legal right to access water. It can be specified as a share of water from a consumptive pool of water as per a water plan or a fixed annual volume.
- For a monsoon dependent country like India, efficient, equitable, and sustainable use of water requires the widespread adoption of desirable practices such as conjunctive use, supplemental irrigation, water-saving technologies, water transfers, and water recycling.
- The Water Rights and Entitlement System should be developed to address the problems of economic efficiency, social equity and environmental safety pertaining to water.

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So, if we see this, the overall discussion onto right to water what we have done in this week. So, it says that basically in our prospective if we speak. So, water entitlement like water rights is a legal right to access water can be specified as a share of water from a consumptive pool of water plan for a fixed annual volume. So, that entitles every citizen or every individual to have that for countries like India which are mostly monsoon dependent efficient equitable and sustainable use of water requires widespread adaptation of these like various desirable practices in terms of the conjunctive use in terms of the sort of effective or water saving irrigation water saving, other technologies water transfer the recycling the waste water management the rainwater harvesting because, since we have limited resources we discussed this in the first week of this course.

So, we have limited amount of resources fresh water resources per capita. So, that is why it brings on us the moral responsibilities to adopt various desirable practices in order to the better management of the water. And then the right to water and sanitation and then entitlement systems should be developed under policy framework systems with considering due economic aspect social equity and environmental safety criteria's. So, that is; what is the need of the hour?

And with this we will end this discussion onto water rights here. Today, you for being with us and we will discuss next week onto the water sustainability.

Thank you.