

Chapter Six

Conclusion and Suggestions

Introduction

This chapter provides the conclusion and suggestions of the present study. While so doing, the chapter revisits the research questions and provides findings in the context of the same. The chapter lists the limitations of the present study and presents recommendations for the future research and water policy making. The chapter further highlights the contributions made by the present research.

6.1. Revisiting the Research Questions

Qualitative by nature, this study was undertaken to examine the status of Right to Water in the water policies of the union government of India, drafted respectively in 1987, 2002 and 2012. The intention was to present a normative inquiry on the concept of Right to Water and to examine the same in the context of water policies drafted by the union government of India. The study has focused on the following questions-

1. What are the theoretical understandings and implications, in general, and as per global standards on Right to Water?
2. What are the provisions relating to the Right to Water in the Indian Constitution, what are the major developments in the legal framework of Right to Water and how the judiciary and civil society have interpreted and argued the idea of Right to Water?
3. What was the water governance framework with regard to the Right to Water from 1947 to 1987?
4. How were the water policies of 1987, 2002 and 2012 formulated and how did these address the issue of Right to Water?
5. And lastly, to what extent did India's national water policies commensurate with the global standards and framework to ascertain Right to Water?

The nature of the questions shows that the focus of this study was threefold. To address the identified areas, the investigation was carried out in the three steps. The first step has explored the meaning of Right to Water and offered theoretical understandings and implications of the same. The second step has described the Indian Perspective of Right to Water and has focused on the constitutional, legal and judicial arrangements and interpretations and contributions of the Indian civil society on the idea of Right to Water. In the background of these two steps, the third step of the study has analysed India's national water policies drafted respectively in 1987, 2002 and 2012, in the context of the idea of Right to Water. Importantly, in this study, the investigation followed in the three steps were independently linked to each other and to present a comprehensive understanding on the research questions, methods as hermeneutics, explanatory, descriptive and critical content analysis were used as the major tools of research.

6.2. Summary of the Main Arguments and Discussions

The issue of right to water is complex and increasingly dynamic. In the tradition of policy research, the issue and content of right to water is often studied in the background of international declarations. This has often missed or ignored normative descriptions and therefore studies have failed to address the problem of right to water as the “central question” of water justice. This study, while discussing right to water, has explained that the notion of Right to Water is an empirical question which needs to be explained and understood against a theoretical background. Thus this study has conceptualized policy analysis with the value of normative arguments, empirical agreements and arrangements evolved at the regional and national levels. Importantly, in the present study, the idea of Right to Water has been discussed as a policy concern, and hence it has not presented a descriptive analysis on the problem of water scarcity or abundance but has endorsed that water, in all situations, should be preserved as a right and its preservation should be ensured through a policy. This study, with the use of hermeneutic, explanatory and descriptive approaches, has shown that the idea of Right to Water has many meanings and interpretations. The study has revealed that the idea of Right to Water has

emerged, evolved and is being argued through theoretical arguments and is shaped with the help of institutional arrangements developed at the international, regional and national levels. In the present study, the theoretical arguments and institutional arrangements were conceptualized as a process.

The study has found that the roots of right to water lie in modern political thought, where the ideas on rights are developed in different discourses and are advanced with various perceptions within the Liberalist, Marxist, Feminist and Human Rights perspectives. In these schools of thoughts, the idea of right holds different meanings and arguments. However, the purpose of rights is commonly argued in favor of good life. This study has proposed that with regard to Right to Water the purpose to have rights advanced by Marxist perspective is most appropriate, as it argues to have rights to satisfy needs of a given society. This study argues that to have right for such a purpose provides strong logical reasoning and creates the required space to consider water as a right.

Well-known scholars of modern political thought as Hobbes, Locke, Blackstone, Hegel, Getzler and Nozick have considered water as a right. While their ideas are considered important for effective water management processes globally, they are not theorized in the traditional sense. The research found that among all other ideas, the ideas advanced by Locke are more popularly acknowledged. His key argument that “water has many uses” and that the “significance of labour in water uses cannot be ignored” are revisited in the nineteenth and twentieth century and are advanced as Thatcherism and Washington Consensus. In water management processes, the ideas further popularised as neoliberalism have argued that water is a right as it has many uses and utilities. The principles of neoliberalism, while reinterpreting the idea of many uses and significance of labour, emphasise that water is not a free right as water is precious and its management requires labour and efficiency i.e. effectively good management. Since the principles offered by Thatcherism, Washington Consensus and neoliberalism have advocated for commoditization of water resources and encouraged water

privatization, their practices have faced serious objections from different schools of thoughts. Scholars from the discourse of neo-Marxism, eco-feminism, human rights and post neo-liberalism argued that the water distribution and management practices, under neoliberalism is not just as it gives priority to efficiency over equality, which has encouraged commodification of water resources. The arguments evolved in these schools of thought have emphasized that the idea to privatise water as a resource are against the idea of rights itself as a right cannot be sold or buy. The study has found that the objections raised by these schools of thoughts have created new discourses that have advocated that it is essential to consider water is a right because it is a basic need of human life. Notably, the arguments developed in the discourses of neo-Marxism, eco-feminism and post neo-liberalism have not defined the meaning of right to water. However, the arguments are articulated to find out to whom water should be given and how.

The investigation has shown that this vacuum is filled by the discourses evolved as theoretical arguments and institutional arrangements made at the international, regional and national levels. The study has described institutional arrangements, evolved with reference to declarations, regulations and constitutions as interpreter of Right to Water and not as the protector of right to water.

The study, with reference to the available literature, has shown that the terms like Right to Water, Human Right to Water and Water Rights have different meanings and at the international level the conceptual evolution of an idea that can be called Right to Water has evolved in both, narrow and wider senses. The narrow sense embraces those documents that have considered water as a right, but has preserved claim-ability on the same under a specific condition. International documents such as International Humanitarian Law, Treaties and International Environmental and Labour Treaties are some of the examples of this. On the other hand, the wider sense embraces those arguments and documents that ensure right to water to all, in all situations. The investigation shows that the development of wider sense is a result of two developments

noted at the institutional level and observed in theoretical arguments. The theoretical arguments that have evolved with reference to global water justice movement, while condemning the principles of Thatcherism, Washington Consensus and policy strategies of World Bank, have provided wider sense to right to water. These arguments have emphasized that since these three arguments together advocate water efficiency over water equality, they actually give to the idea of Water Rights and not Right to Water (Lindquist and Gleick, 1997; Shiva, 2002; Iyer, 2010; Sangameswaran, 2007; Khadka, 2010). The arguments claim that the idea of Water Rights is dangerous for the real entitlement of right to water as it allows the treatment of water as a commodity and permits the sale of water resources for profit. The study found that in the academia, arguments against commodification of water resources are considered and explained as post neo-liberalism (Saden, 2009; Brand, 2009; Burdick, Oxhorn, & Robert, 2009; Escobar, 2010) and are upheld as Post Washington Consensus (Sandbrook, 2011). Although the arguments do not offer a definite meaning of Right to Water, this study has accepted the significance of their claims and has described them as emergence of the concept of Right to Water as an argument against neoliberalism.

The investigation has found that at the international level, the second important wider offerings have evolved with the undertakings made by the United Nations that has institutionalized the idea that water is a right. In the long history of the United Nations, mainly two declarations/resolutions are found fundamentally important: The General Comment 15 (hereafter Comment 15) adopted by the United Nations Committee on Economic, Social and Cultural Right in 2002 and the United Nations General Assembly Resolution A/Res/64/292 adopted in 2010 (hereafter the Resolution). This study has explained that Comment 15 is one of the major sources of right to water because it has ascertained right to water as every individual's independent right to sufficient, safe, acceptable, physically accessible and affordable water, for personal and domestic uses. In the study the Resolution passed in 2010 is considered as the second major declaration that has transformed the value of right to water as a human being's right to water and sanitation and has endorsed the right to water as universal.

In compare to the Resolution of 2010, the details offered by Comment 15 are more significant for the present study. As while elaborating on right to water, Comment 15 provides extensive details on the subject of beneficiaries and focuses on the duties of the state and non-state actors and emphasises that to fulfill right to water, states must be accountable, transparent and open in their actions, as the World Health Organization explains (2003).

The study has found that the regional declarations and national laws too have proposed a meaning for the idea of Right to Water. The importance of regional documents in fulfilment of right to water is considerable and inarguable because while managing water resources they consider the cultural and geographical realities and take into account beliefs that represent cultural similarities of a region (Bakker, 2010; Shiva, 2001). To prove the point, this study has illustrated major legal and non-legal undertakings developed at the regional level. The investigation has shown that the provisions of the Protocol of San Salvador (1988), the African Charter on Human and Peoples' Rights (1995), the European Council of Environmental law (2000), the European Parliament of European Commission (2003), the Madeira Declaration on the Sustainable Management of Water Resources (ECEL, 1999) , the European Charter on Water Resources (2001) and the Abuja Declaration (2006) are some of the examples which point that the regional documents have valued water as a right and have encouraged right to water for all.

The study, establishes the significance of national undertakings, with respect to the evolution of Right to Water, and insists that fulfilment of right to water is a national subject, and hence guarantees given by international or regional institutions cannot be feasible without effective support from the national frameworks. The study has shown that there are some nations that have ascertained that right to water is a fundamental right of all. The provisions related to such declarations are found in the constitutions as *Constitution of the Commonwealth of Massachusetts, the Constitution of the Commonwealth of Pennsylvania, the Constitution of Republic of Uruguay, the Constitution of the Federal Republic of Ethiopia, Constitution of Uganda, Constitution of Republic of the Gambia, Constitution of Republic of South Africa, Constitution*

of Zambia, and Constitution of Republic of Venezuela under Bolivarian Republic of Venezuela, Congo, Ecuador, Maldives, Kenya, South Sudan, Egypt and Zimbabwe as well as in the provisions of national laws. The study has shown that the contributions of the Acts/laws as Swaziland's Water Act, the Mauritanian Water Code, Costa Rica's Water Law, Kyrgistan Water Code, South Africa's National Water Act, Australian Utilities Act, United Kingdom's Water Industry Act, Finland's Water Service Act, South African Water Services Act, and Indonesia's Regulation No. 23/2006. Indonesia's Regulation No. 23/2006 is significant in this view as the country has proposed principles of water planning that implicitly ensures right to water to all.

The study presents that the idea of Right to Water, evolved with reference to international, regional and national documentation, has advanced as a result of two relationships. The first relation expresses that the regional and national understandings are effectively connected with the international declarations and also with each other. The relationship points that it is incorrect to say that only international declarations have inspired the regional and national undertakings, for many times it is precisely the opposite. The second relation is between theoretical arguments and institutional frameworks, developed at the international, regional and national levels. The study has found that such relations are not negatively argumentative but actually positive and constructive in nature. The fact is that the theoretical arguments put forth by Post-neoliberalism usually sets moral pressure on international, regional and national organizations to take steps to assure right to water to all and make it available, accessible and affordable for all. It has actually offered an idea to be worked on. On the other hand, the ideas developed within the institutional frameworks have strengthened the theoretical discourse by offering global, regional and national implications on the idea of Right to Water. It is noted that the institutionalisation of right to water has lead to the internationalization of the concept of Right to Water. The investigation has found that in the process of evolution of the idea of Right to Water, a theoretical relation between different levels is unavoidable as each level is interacting argumentatively for constructive purposes and ultimately offer a comprehensive meaning of Right to Water.

The study has shown that since the idea of Right to Water has evolved as a process and the meaning of the idea can be attained by understanding what right to water is and what it is not. In the study, an interpretation of what right to water has acquired with the amalgamation of the three arguments which respectively state that water is for commons (Shiva, Bakker, 2002; 2010), right to water is linked with duties (Anand, 2007) and finally that right to water can be entitled within a specific scope (Cahill, 2005). The study has described that a meaning derived from the amalgamation of these ideas, draws on three important aspects of right to water. The first aspect proclaims that water is a basic need of life and hence, to ensure rights of commons over water resources, it is essential to consider women, children, the weak and the differently disabled as the first beneficiaries of the right to water. The second aspect underlines that right to water is not just a right to be claimed but is also a duty to be performed. The investigation has found that underlying this concept, there are multiple parties who are responsible for respecting, protecting and preserving right to water for all, including the union/state/ local governments, private sectors, NGOs and even researchers (WHO, 2003). The third aspect clarifies that right to water is not a limitless right but it is enjoyable as per the list of priority order. This argument insists that adoption and implementation of an appropriate priority order entitles individuals to use water with equal freedom to fulfil and satisfy their basic needs as drinking, food, health, sanitation, housing, employment (fishing only) and cultural requirements.

The study has rejected the notion that Right to Water is a free and limitless right, enjoyable without responsibilities. When the right asserts that governments are responsible to entitle every individual to have right to water, it is not signifying that individuals and groups as water users have no duties while claiming right over water. It designates that individuals, communities and water using industries (including production houses and agriculture) have the duty not to waste or pollute water and water resources, and preserve water by using it wisely. Clearly, the idea of Right to Water contains a chain of rights and responsibilities which insist that entitlement of right to water is possible because of the perfect pairing of rights and duties.

The study has shown that the argument of 'right-duty pairing' further draws upon four aspects of right to water i.e. entitlement, equality, freedom and claims. The study draws a relationship between the four aspects and presents that in the situation of water stress and water scarcity, entitlements and claims on equal freedom over use of water becomes a matter of immunity, which insists on realizing duties to right to water. In this way, the concept of Right to Water, instead of giving absolute assurance, places essential limits on water uses. This implies that Right to Water is not just a promise given by a government to its inhabitants but a promise given by each to each. The study has shown that the real entitlement and enjoyment of water depends on the common consensus attained and maintained in a society. The consensus on water uses establishes a co-relation between rights and duties and upholds right to water as a preserved privilege for the future generations. Clearly, the implications of the meanings and elements of Right to Water are wider as they are fundamentally concerned with water justice and water democracy and as a process create a condition that preserves water and guarantee its availability, accessibility and affordability to all, even in future.

The study has underlined that it is not enough to treat water as a need; in fact, the requirement is to endorse it as a right. The study, to fulfill right to water, has insisted upon having a water policy and has argued that the best policy is a policy which integrates the values of Right to Water and draws distributive and management strategies accordingly. The study has argued that a water policy should be tested on the ground of its contents and should be examine if it integrates the elements of Right to Water. This study for the purpose of investigation has acknowledged the significance of Right Based Approaches. The study has described that the use of Right Based approaches for studying Right to Water in the context of water policies is most appropriate. This is because the approaches have evolved a set of normative principles that underline water as a right and have along with, provided the required details to design water policy as per the value of Right to Water.

The study, while exploring status of Right to Water in India, found that in India, the idea of Right to Water evolved as post-independence phenomenon. As it is at the initial stage, it is continuing to evolve in different directions and without chronological order. The study has shown that during the British colonial rule, water and water resources were managed by the state governments to maximise profit from water bodies. The Acts enacted by the British, for this purpose, allowed the governments to control water against the rights of commons over water resources. However, colonial understandings got shifted after independence. Indian Constitution, through various Articles implicitly entitles individuals to lay claim on water as their right. The study has found that the contribution of the Indian Constitution to right to water though limited, is relevant. As Articles like Right to Equality (Article 15 (2)), Right to Freedom (Article 19 (1)(e), Right to Life (Article 21), Right to Education Act 2009 (Article 21 (A)), Fundamental Duties (Article 51 (A)(g)) and Directive Principles of State Policy (Article 48A) implicitly entitle Indians to claim water as their right. The study has found that in India, laws related to water have offered less with respect to Right to Water. The laws and Acts made by the union government are not codified in the traditional sense and are framed mostly in federal references. The provisions used to focus on the principles of riparian rights offer nothing significant that can ensure rights to individuals over water resources.

The investigation has found that in India, in the absence of codified laws in favor of the idea of Right to Water, the importance of planning framework has increased; significantly, these planning frameworks are introduced at the union as well as at the state level. The study has shown that in India, the objective of water planning proposed by the union government, promotes the socialist idea of State and considers and maintains the Backward Classes as the first beneficiary of water distribution processes and focuses on accessibility, availability and affordability while developing programmes/schemes for them. The study has mentions programmes as *Accelerated Rural Water Supply Programme*, the *International Drinking Water Supply and Sanitation Program*, the *Role of Women in Water and Environmental Sanitation Services*, *The Rajiv Gandhi National Drinking Water Mission*, *Swajaldhara (I) and (II)*,

Haryali, National Rural Drinking Water Quality Monitoring & Surveillance Programme as a few examples of the same.

The study has explained that in India, the Acts and Programmes made by the state governments, such as *Tamil Nadu Water Supply Act 1970*, the *Karnataka Urban Water Supply and Drainage Board Act of 1973*, the *Uttar Pradesh Water Supply and Sewerage act 1975* and *Punjab Water Supply Sewerage Act 1976*, *Gujarat Panchayat Act 1993* and *The Bihar Municipalities Act 2007*, have contributed significantly to the rise of the idea of Right to Water as provisions mentioned in these Acts extensively enforce the availability and arrangement to supply water to all. With respect to the fulfilment of Right to Water, other Acts as *Karnataka Ground Water, (Regulation for Protection of Sources of Drinking Water) Act 1999*, the *Maharashtra Ground Water (Regulation for Drinking Water Purposes) Act 1993* and *Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act 2005*, are also noteworthy because while granting permission for water extraction, these Acts make it mandatory for the authorities to justify the purpose of extraction and while so doing focus on availability of water resources and quality of water. The study has argued that even though the undertakings of the union and state government contribute to the emergence of the idea of Right to Water, there is yet a clear absence of required details and consistency. In the national and state documents, the idea that water is a right is accepted only in a limited sense and hence they are not the major interpreters of right to water but only a thin expounder of the idea of Right to Water.

The study has shown that the Indian judiciary while interpreting provisions of the Indian Constitution, has offered a detailed meaning of the idea of Right to Water. Looking into the contribution of the Indian judiciary, this study has identified its verdicts as a definer and expounder of Right to Water. The study has explained that the significance of judicial verdicts is huge because the interpretations of international documents offered by the judiciary has contextualised Right to Water in the Indian context and in the process of doing so, the judiciary has reconceptualised the fundamental right to life in favour of

right to water. The study has cited various cases and has shown that the doctrine of public trusteeship used by the judiciary in the context of protection of environment and natural resources has shifted the idea of right to water from a purely or merely a negative action to positive and substantive obligations of governments. The idea of public trust offered by the Indian judiciary has re-affirmed the idea of Right to Water by which a trustee cannot alienate the trust nor can it fundamentally change its nature; at the most it holds a usufructuary right in water in favor of the people.

The investigation has found that in India, the idea of Right to Water has expanded due to the arguments articulated by the civil society. The study has presented the contribution of civil society in the form of responses of NGOs, academicians and water activists to governmental undertaking. The study has shown that while raising voices against neoliberal practices in water governance, the objectives of NGOs as one alliance preserves key aspects of Right to Water, described in the Chapter Three of the present study. The study has pointed out that the intellectual works of Indian academicians and water activists usually supports post neoliberal practices in water management and argues for water justice. To endorse the point, the study has thrown light on the objectives of some of the major NGOs and has elaborated upon the works of Vandana Shiva, Ramaswamy Iyer, P. B Anand, Vandana Asthana and P. Sangameswaran.

The study has shown that in India the idea of Right to Water has evolved in two stages, where Stage 1 represents the top down undertakings made by the union and state governments and Stage 2 denotes bottom up undertakings of the judiciary and civil society. The study has clarified that the evolution and progression of the idea are horizontal developments and not vertical ones. And hence the contribution of each stage in the advancement of Right to Water is equally important. The investigation has found that there is a notable interaction between the top down and bottom up stages, the argumentative nature of which has endorsed and ascertained water as a right to all.

The study has emphasized that in India, to ensure and individual's rights over water and the state's rights over water resources, there is a need for a national water policy as it has the potential to enable water entitlements in favour of both, the citizens of the Indian nation and the states as an inseparable part of the nation. The study, to highlight the significance of the national water policy, has argued that a national water policy while proposing solutions to water related problems, bring states to a common agreement and makes them obligatory to each other. In short, an ideal water policy can provide direction to the Indian states as to what should be done in a given situation and how to solve the problem of water distribution and management in favour of the principles of water democracy.

The investigation has found that after independence, India has drafted three water policies, the history of which though not very old, is long. The study has described that the idea to have a water policy developed in the background of the setting up of the Ministry of Water Resources, the Department of River Development and the Department of Ganga Rejuvenation, which is redefined periodically, respectively in 1952, 1969, 1974, 1980 and finally in 1985. In 1985, with the reconstitution of the Ministry of Water Resources, a need for nationwide planning for water resources was realized and resulted in the framing of the first national water policy in 1987. The study has found that there is a remarkable gap between the first and second, and the second and third national water policies. For instance, the second national water policy was drafted after 14 years of the first national water policy, i.e. in 2002 and the third national water policy came in after 10 years of the second national water policy, i.e. in 2012.

The study has shown that each policy has its own advantages and limitations. The first national water policy that was drafted by the Rajeev Gandhi Government in 1987, was relatively a thin document that has focused mainly on the water management aspects including drought, food and irrigation management and development of groundwater. The second water policy that was drafted under the leadership of Prime Minister Atal Bihari Vajpayee in 2002, has many repeats of the national water policy of 1987. It is found that

the policy has some unavoidable internal contradictions that have created confusion on the issue of entitlement on water resources. Significantly, the policy is not very popular among water scholars as it has made provisions that have lead to water privatization and caused environmental damages (Iyer, 2000). The third NWP was planned under the leadership of Prime Minister Manmohan Singh and was introduced in 2012. Importantly, the policy has taken a participatory initiative and included discussions with the academia, experts and professionals. However, in the adademia the idea of public-private partnership proposed by the policy is subjected to criticism.

This study, while presenting a critical analysis of the idea of Right to Water in the context of India's national water policies, drafted respectively in 1987, 2002 and 2012, has argued that policies are legitimate documents and distributive and management strategies are their key aspects. With this view, the study has examined India's national water policies with reference to distributive and management strategies and has used hermeneutic, exploratory, descriptive and critical content analysis as a tool for the same. To examine distributive and management strategies in context of Right to Water, the study has introduced a framework and called it the Water Policy Analysis Guiding Framework (hereafter the Framework). The Framework, introduced in the study, comprises benchmarks and principles, advanced in different documents and evolved at different levels. Significantly, while doing so the study maintains the identified difference between Human Right to Water and Right to Water.

The investigation has shown that the Framework has focused on the four principles of Right to Water and stated that water can be entitled to all if the scope of water uses is realized with appropriate priorities, combined with duties and ensured under institutional mechanisms. The Framework, in the scope of its focus i.e. to ensure water freedom with equality, offers a yardstick which enables the researcher to analyse if India's national water policy embraces the values inherent in the idea of Right to Water. To analyse distributive strategies, the framework has proposed five benchmarks and to examine management strategies it offers seven benchmarks. Here, the

benchmarks which focus on the distributive strategies have explored if the pattern of water allocation, denoted in the three national water policies, has identified the real beneficiaries. Further, while doing so if it has ensured that water is available, accessible, acceptable and affordable to all and if it has treated children, women and disadvantaged as special beneficiaries of water. This study has further explored if distribution has ensured priority of different water uses and if responsibility of allocation is properly defined for both the public and private sectors including stakeholders as citizens, civil society and researchers, in the context of Right to Water. Similarly, the benchmarks which have focused on management strategies have examined if the three policies propose to establish adequate institutional mechanisms to uphold national requirements and give preference to the regional needs and if the policies suggest to establish adequate measures to facilitate, protect and promote right to water to all. This study has looked into the benchmark to see if adequate measures are introduced in them to ensure efficiency with absence of monopoly, exploitation and discrimination and if adequate infrastructure is proposed/built to ensure transparency, accountability and people's participation. Another benchmark of the Framework insists upon exploring if adequate measures to maintain sustainability of water resources are introduced and also if the infrastructure creates monitoring systems to ensure right to water to all. The study, while studying the benchmarks in the context of India's national water policies, found that the question of water availability, accessibility, acceptability and affordability is discussed in all the three national water policies; however, none of the policies have offered the required details of the same. It is difficult to precisely say what is considered as quality, quantity and accessibility of water. The study has argued that the emphasized purpose of the three policies i.e. to ensure social equity and social justice is an incomplete idea. The contents of the three policies do not denote what is the meaning of sufficient and continuous supply of water. Further, they have not ensured quality and affordability of water resources as well. The requirement to distribute water is discussed with reference to the requirement of Indian states and less focus is given on the individual's rights over resources.

The three national water policies while proposing to allocate water to all, advocate for positive discrimination. However, instead of entitling right to water to all the water disadvantaged i.e. poor, women, children, differently abled and marginalised, the policies divide the entitlements on the bases of caste and urge to make special provisions for Schedule Castes and Schedule Tribes. Notably, the entitlement to women is late and narrowly proposed in NWP of 2012 but the children and disables are ignored thought-out in the policies. Clearly, the considerations of beneficiaries in India's national water policies are incomplete as all disadvantaged groups are not identified and treated as beneficiaries.

The study has revealed that in the three national water policies, the question concerning priorities in water uses is addressed to a larger extent. However, that has some unavoidable confusions. In the three policies, priority orders are not maintained constantly and are subject to change as per the situation. The situation is more confusing in the NWP of 2002, as it gives priorities to too many subjects, including ecology, environment balances and development. The repairing ideas offered in the NWP of 2012 are incomplete as the required details on the priority issues are not mentioned in the policy.

The investigation has found that India's national water policies propose that state governments should be the suppliers of water; however, the responsibility related to water supply is not proposed to respect, preserve and fulfill right to water to all. The study has shown that with respect to featuring government as the obligator, in comparison to the NWP of 1987 and 2002, the NWP of 2012 is relatively better as it assigns governments to ensure minimum water availability and obligates all the three tiers of the government, for the same.

The study has found that the NWP of 2002 and 2012 proposes to involve the private sector in the decision making and water management processes. The participation of the private sector is encouraged to build, own, operate, lease, and transfer water resources. The study has expressed doubt on such suggestions and has argued that the participation of such a nature creates sense

of private ownership over water resources which indeed are an idea against Right to Water. Since the private sector in water management processes is not directly responsible to the people, but to the elected leaders (NWP, 2012), it is doubtful if private water supplies will fulfill the water requirements of the people and if provision of penalty for each water supply will be implemented. The study has expressed a risk that the private hand in water management could make water unaffordable to the commons as the purpose of the management will be to ensure maximum profit from water and water resources and not to ensure water equality.

The investigation has found that in the three national water policies, the citizens and civil society are not referred as obligatory parties. The union water policies consider public and private water distributions as solo obligator and do not want any other party to play a role in this regard. In the view of the principles of Right to Water, this indeed is an incorrect approach, as realization of right to water cannot be fulfilled until obligation of each user is not decided. The study has shown that the obligations of the researcher referred to in the three policies are important but are not with reference of Right to Water. The focus is given more on the scientific advancement, but how this scientific advancement will ensure right to water with equality, is unclear. The NWP of 2012 proposes to establish a research center to evaluate policy impact; however, if the purpose of evaluation is to ensure right to water, is uncertain.

The study, while investigating the management strategies of India's national water policies in the context of the idea of Right to Water, found that the management strategies have not institutionalized the idea of Right to Water. The three national water policies have advocated the establishment of institutions and infrastructures to attain multiple purposes, except right to water for all. A purpose towards right to water is thinly noted in the NWP of 2002. The policy insists upon establishing institutions and departments and emphasises to address the problems of quality, quantity and environment; however, while so doing, it focuses on the problems faced by states and not on

the water problems faced by individuals. And hence it cannot be claimed confidently that the institutions proposed for policy management are inclined to the idea of Right to Water.

The study has found that the measures offered to remove regional water inequalities are the main strength of the three national water policies as the suggestions mainly focus on the institutional setups for the same. The study has argued that these sections of the three water policies are relevantly close to the principle of Right to Water, as they propose to ensure availability and accessibility of drinking water in all situations and more importantly, to the regions facing problem of water shortage.

This study has described that India's national water policies insist facilitating (financial accessibility), protecting (pollution control) and promoting (reuse and conservation of water) water resources. However, the same is not clearly encouraged in the context of the idea of Right to Water. The study has pointed out that none of the policies focus on ensuring financial accessibility of water. Efforts like proposing effective water budget (NWP of 1987) and providing water subsidies to the poor (2002) are meaningless as for a poor there is no significance of budget and subsidy. The study found that idea as protecting and promoting water resources are thinly addressed by the policies as they propose to establish institutions to take action against the polluters and to spread awareness among people about the need and significance of water conservation. However, since the processes of these institutions are linked with the principle which indirectly says pollute and pay, the doubt is if the policies are serious about the issue of water pollution. The problem is that a little concern is shown to make people aware about their rights over water and water resources. And so it is difficult to accept that the purpose of India's national water policies facilitates, protects and promotes the idea of Right to Water.

The study has revealed that the requirement of efficiency in water management with absence of monopoly and discrimination, which is the core

value of Right to Water, is not fulfilled by India's national water policies. However, the policies strongly prohibit exploitation of water resources. The study has found that some sections of the policies have over-emphasized efficiency and while so doing have ignored that a legitimate control on monopolism over water resources and discrimination in water supply needs to be addressed. The study has argued that since monopoly and discrimination in water supply are not appropriately discouraged in the water policies, there is a doubt if good quantity and quality of water that is preserved due to efficiency, will reach the people equally. The real threat is that efficiency, in the presence of monopoly and discrimination, will encourage the principle of pay and use and will entitle water only to those who can pay and are ready to pay. The study has shown that in all the three policies, the problem of exploitation of ground and surface water is addressed appropriately. The suggestion made by NWP of 1987 and 2002 is important in this view as the two policies emphasize that while recharging water projects concerning ground water development, social equity should be ensured.

The study has shown that accountability, which is one of the core aspects of Right to Water, is narrowly discussed in the three national water policies. The accountabilities of the institutions are elaborated with reference to dam and environmental safety, project reviewing and assessment of water uses and are not proposed to ensure right to water. Only one provision of NWP of 2012 has shown concern for accountability, which has suggested that the water suppliers are responsible to ensure water supply and for this duty they are accountable to the democratically elected people. The study has expressed a doubt on the nature of such accountability and points out that it may encourage corruption. The study is of the view that there will be hesitation in imposing penalty for failure of accountability as the government of the elected people is itself one of the obligatory party in water management.

The study has explained that in the three water policies, the requirement of transparency is viewed with reference to standards for coding, classification, processing of data and method. According to the three policies, data can be shared between the state authorities. However, it has not proposed if

information on water availability and accessibility will be shared with the commons as well. The policies have agreed for free sharing of the water information. However, on the question of individual's accessibility of information, the policies are silent.

The study has shown that the policies focus on participatory approach of water resource management, which indeed is an affirmative step towards ensuring/attaining right to water. It found that the policies have taken initiatives to encourage participation of farmers, women, water users associations and local bodies in decision--making and water planning. While it appears as if the policies fulfil the criteria of Right to Water as they encourage participation. However, it does not do so fully. The policies while emphasizing on people's participation, entitle different communities to be part of decision-making. They however ignore the Schedule Tribes and Schedule Castes, who otherwise are the real beneficiaries of water allocation (see Chapter five). This disturbs the principle of Right to Water which insists that beneficiaries should be participants and participants should be beneficiaries. Instead of following this principle, the policies actually do the opposite. They suggest caste as a beneficiary, but do not ensure their participation in decision-making and water planning. On the other hand, disadvantaged people, other than the castes, are not beneficiaries but are part of the decision-making.

The study has shown that India's national policies emphasise sustainability of water resources and environment. However, whether the purpose of sustainability is to ensure right to water to all, is not clear. The study found that the suggestions given by the policies (Mainly NWP of 2012) are relevant for water management but are thin in context of the idea of Right to Water. Since availability of water in India is uncertain, it is difficult to recognize if the advocated sustainability will entitle individuals to have and use water as their claimable right.

The study has revealed that in the three national water policies, water politics is dominating on the monitoring infrastructure. In decisions matters, the infrastructure is not independent and aspects like transparency, accountability

and participation are completely missing from the monitoring process. The purpose of monitoring in the three policies is to ensure dam safety and preservation of ground water resources. They ignore that a monitoring system is required to check large water users, whose water use may affect the idea of right to water as a whole.

The study, in the view of the above limitations of India's national water policies, has concluded that the India's national water policies are ideal documents but they have not embraced the aspects of Right to Water and hence it is doubtful if implementation of the water policies will ensure water to all. The policies have elaborated on multiple aspects but in the process of elaboration, have missed out on suggesting how the increasing gaps between water haves and water have nots will be reduced in future. It is unfortunate that India's three national water policies distribute and manage water and water resource as a part of human needs but do not respect, protect and preserve water as a right. The researcher thinks that India's national water policies are need based and not right based. Significantly, the needs are further viewed in the context of development, rather than of life itself. The policies remain quiet on the questions: development for whom and if development is more important than life.

6.3. Limitations of the Present Research

The researcher would like to emphasise here that this study has three objectives: to explore the idea of Right to Water, present the Indian Perspective of Right to Water and to investigate India's national water policies in the context of Right to Water. And hence, water policies drafted by the union governments were not analyzed as a whole. Rather, the analysis was done only in the context of two key aspects of the water policies, which explicitly or implicitly concern with water distribution and management of water supply.

A major limitation of this research is that it does not offer an impact study of national water policies at the national or state level. In the present research, the idea of Right to Water was analyzed in the national context only and

accordingly water policies drafted by Indian states were not analyzed. Similarly, since the focus of the present study was on India's national water policies, water policies of the States are not studied. And hence, the investigation has not presented a comparative analysis of water policy documents drafted by various States. In the present study, the focus was mainly on individual rights over water resources and therefore the rights of Indian states over water resources, known as riparian rights, were not studied. The study has not analyzed the conflicting areas of water resource management, the solutions for which are proposed in the three national water policies. The study has deliberately not discussed policy process and policy evaluation as a whole because the core objective of the present study was to analyze the contents of India's three national water policies in the context of Right to Water, which was a text driven analysis. Since India's national water policies were at the center of the present study, documents other than water policies were not analyzed in the context of Right to Water.

6.4. Recommendations for Future Research and Policy Making

This study has promised academic as well as practical suggestions that are as follows-

6.4.1. Directives for the Future Research

To conceptualized and contextualise the idea of Right to Water, this study has proposed major recommendations. The study while so doing informs that the discourse of Right to Water has not developed in the required theoretical framework and the same has not been discussed in the policy contexts. The study has stressed that in social science research there is a notable gap in the water and policy discourses which needs to be bridged. For this purpose, this study proposes that -

- In future the idea of Right to Water can be studied with reference to caste, class or gender entitlements.

- In future the idea of rights, which in the present study is discussed with reference to Right to Water, could be discussed with the reference of Water Rights and study could be made with reference to different water users.
- In future Water policies can be examined in the context of riparian rights.
- In future India's national water policies can be studied with reference to water pollution, water wastage, water re-use, and water conservation, use of technology in water management, climate change, and environmental damages and so on.
- Since the present study has focused on the water policies of union government in India, another area of research could be State Water Policies. It is relevant to study if water policies drafted by Indian States integrate the value of Right to Water.
- As this research has not analysed water policies of other nations, in future a study can be made in the reference to the other nations.
- A researcher can even adopt a comparative approach and analyze which state policy has upheld the value of Right to Water.
- In future research could analyse the impact of the India's national water policies with reference to the idea of Right to Water.
- In future India's national water policies could be studied with reference to inter-state or trans-boundary water disputes and water conflicts.
- It would be interesting to study if nations or Indian States embrace the value of Right to Water in their legal framework.

6.4.2. Suggestions to Policy makers

The practical implications of this study point to the fact that national water policies are governmental documents and hence it is expected that the national water policy will reflect the interests of the people and entitle them to use water as their right. The study has endorsed that right to water is a trumping

power of individuals. Accordingly, a national water policy should initiate to ensure right to water to all and for this purpose should integrate elements of Right to Water in the distributive and management strategies of the water policies. The study urges to improvise the content of the policy documents. A fact is that the present contents are technically confusing which allows water haves to misuse water, while water have not are bound to struggle for even their basic requirements. The policies, in short, should be people centric and not merely project centric. The study underlines that a national water policy should not always be a cry for water scarcity; however, it must propose how water could be preserved when there is abundance of water resources and how preserved water can be supplied to ensure right to water in the situation of scarcity. Accordingly, the focus of distributive and management strategies should be on both the situations, i.e. water abundance and water stress/scarcity.

For the fulfillment of the mentioned objectives, this study has suggestions for the policy makers and proposes that while drawing the content of the water policy they -

- Should focus on the language of the water policy content and should make it simple and free of repetitions.
- Should classify the distributive and management strategies appropriately and ensure that management strategies harmonise fully with distribution strategies.
- Should focus on preventing water misuse and should create a mechanism that can distinguish between water rich, water middle and water poor areas or communities, and prepare a list of chargeable amount as per the economic status.
- Should redefine the meaning of people's participation in water planning and should reframe the practice of participation at all levels.

- Should involve water users and water experts in the decision making process and should classify the participations as soft and hard contributions. The soft participation should include all types of water users including individuals and groups; this includes use of water for drinking, domestic, agriculture and industrial purposes. However, the hard participation should be an advisory body and should comprise water and policy experts, engineers and scientists and environmentalists. The role of both types of participations is different; the soft participation should put their water requirements and hard participation, before suggesting content of a policy, should checkout to what extent the requirements of the groups of water users can be converted into policy promises within the available resources.
- Should hold only achievable aspirations, as availability of water cannot be always certain.
- Should ensure and maintain that water planning participation is not representing political interests.
- Should re-conceptualize the significance of Pani Panchayats and should reconsider their role as participant in decision making and water planning.
- Should check that content of the water policy documents has not privatized water resources against the interest of the poor and disadvantaged, and includes men, women, children and the differently able.

Clearly, the study urges for change in policy content and insists that water stress is not water scarcity but many times it refers to the imbalances between water requirements and the capacity of supply. This study has suggested a re-thinking of the policy draft and insisted upon positively acknowledging and integrating the elements and scope of Right to Water in the contents of the water policy.

6.5. Contribution to Research

Since the present study is relatively new in the area of policy analysis and related literature is still limited, it is correct to say that this study by studying idea of Right to Water in context of the contents of the India's national water policies has contributed to the studies of Right to Water, to the studies of Water Policy, and to the studies of India's national water policies. The contributions of the present study can be noted on the following grounds-

- Present research has attempted to shift the focus of the water discourses by incorporating the value of water policies for the fulfillment of right to water. Here, the study of water policies is narrowed down in the context of Right to Water, which actually has entitled commons to claim and have water as their right.
- The study has simplified the idea of Right to Water. While narrowing down the claims of individuals on water and arguing it as a claim against local authorities, the study has actually recognized, acknowledged and entitled individual's right over water more appropriately as it prevents interventions of international actors against the will of the local inhabitants. The study in this way has provided a useable meaning of right to water to law and policy makers.
- The study has introduced the process of evolution of Right to Water and has scrutinized the relationship between normative contents and theoretical arguments which have emerged at different levels. By doing so it has contributed to understanding the argumentative perceptions on the idea of Right to Water and has helped to attain the institutional developments on the same.
- The study has contributed to building upon the Indian Perspective on Right to Water and to attain the same, the study has looked into the idea beyond the undertaking of legislature and executive and has placed the Indian judiciary and civil society as expounders of Right to Water.
- The study has offered a tool useful to analyse the contents of water laws, water planning and water policies in the context of Right to Water. The

researcher has called it as Water Policy Analysis Guiding Framework. The researcher thinks that the Framework is significant for future studies as it helps to maintain the difference between Human Right to Water, Water Rights and Right to Water.

- This study has actually provided suggestion for the policy makers which expresses that what actually they are supposed to do.
- Since this study has discussed Right to Water in the context of water policies drafted by the union government in India and not in the reference of legal frameworks, the study has actually established the value of policy framework in fulfillment of right to water.

To conclude, the present study has contributed to the water policy discourse by discussing India's national water policies in the context of Right to Water. From the available literature it is easy to draw that in the academia, water policies are discussed as a whole and any commentary on them is mainly given with reference to water privatisation. In the policy discourse, water as a right is not discussed with sufficient depth and details. The present study has filled this gap and has added to the discourse of water policies.