

*Good Practice Contribution to the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.*

*Submitted by the Ecumenical Water Network (EWN) and the ACT Alliance on behalf of CASA (Church's Auxiliary for Social Action), India*

## **“From drops to mighty river”**

### **Strengthening and mobilising community and civil society to assert their right to water**

Church's Auxiliary for Social Action (CASA), India

#### **Contact details:**

Name: Dr. Sushant Agrawal, Director / Mr. Dinesh Suna, Policy Officer  
Organisation: CASA (Church's Auxiliary for Social Action)  
Email: sushant@casa-india.org ; dinesh@casa-india.org  
Telephone: +91-11-2573 0611/12  
Webpage: www.casa-india.org

#### **Description of the practice:**

##### **Name of the practice:**

*“From drops to mighty river” - Strengthening and mobilising community and civil society to assert their right to water (Right to water campaign: Mahi Bajaj Sagar Multipurpose Hydro Project (Dam) in Banswara, Rajasthan)*

##### **Aim of the practice:**

To enable the local tribal and dalit communities of Banswara, Rajasthan state, to have access to the water of Mahi river flowing near their villages, which is being diverted to another state, Gujarat, through the *Mahi Bajaj Sagar Multipurpose Hydro Project (Dam)*.

##### **Target group(s):**

The Tribal and dalit communities of the 300 villages of Banswara and Dungarpur districts.

##### **Partners involved:**

CASA and Mahi Jal Sangharsh Samiti (Mahi water struggle committee)/Mahi Jal Failao Manch (Mahi Water Expansion Forum). Latest development: Hundreds of organizations of Rajasthan state brought together in the State-level Platform of Rajasthan Vikash Manch (Rajasthan Development Forum)

##### **Duration of practice:**

8 years (since 2002) and ongoing

##### **Financing (short/medium/long term):**

Long term financial support through CASA's programmatic interventions of Core Programme and the local support by various partner organizations. CASA has three different types of programmes : 1. Core Programme (Direct programmatic intervention through its staff); 2. CFC (Collective Forms of Cooperation) or Package Programme; and 3. Emergency interventions (Disaster response programme). Through these programmes, CASA works in 4,500 villages. CASA has been financing this water rights campaign through its Core Programme intervention.

**Brief outline of the practice:**

***The campaign for the right to water in Banswara region of the Rajasthan state is all about participation of all the stakeholders, primarily the communities affected by the multi-purpose hydro-electric project. CASA mobilized the local communities who were excluded from reaping the benefits of drinking water, sanitation, and water for agriculture from the ongoing Mahi hydro-electric project. It led to the formation of the people's forum called Mahi Jal Sangharsh Samiti (Mahi water struggle forum / committee), which later on became the Mahi Jal Failao Manch (Mahi Expansion Water Forum).***

A dam was constructed on the Mahi River in the Banswara region of Rajasthan in the seventies, called the ***Mahi Bajaj Sagar Multipurpose Hydro Project***. Most of the water of the Mahi Dam is being taken all the way to Gujarat, the neighbouring state, while the adjacent areas of Banswara remain dry due to lack of water supply. Therefore the demand of the people is to extend the water of the Mahi River to their dry lands, before diverting the water to another state, i.e., Gujarat. The Mahi Forum is also concerned that the decision was influenced by the fact that the Gujarat state has financed a larger part of the dam construction costs rather than on need. It believes that finances alone should not be the deciding factor in the priorities of the government. The campaign accepts that the areas of Gujarat to which the water is being diverted are drought prone areas, but has difficulty with the decision to provide water to another state while the people living near the dam watch the water bypassing them, leaving them with no water supply. Furthermore another dam is under construction and near completion - the Sardar Sarovar multi-purpose Project on the Narmada river, one of the largest in the world - which will provide water to these dry regions of Gujarat. Not only have the people of Banswara district lost their water supply because of the dam, they have also lost their land in the area where the dam was constructed. Many have not yet received the compensation package from the government.



***(Mahi Bajaj Sagar Multi Purpose Hydro Electric project - Dam)***

As a consequence, the people of Banswara region are dependent on a few wells and ponds for drinking water and sanitation purposes. People in the region also use the water directly from the river for drinking and sanitation purpose. Rural India does not yet have water supply through taps.

While all of the villages under the same district have the same socio-economic and living standards some have access to the irrigational facilities from this multi purpose project and some are deprived of these benefits. Approximately 300 villages claim that the Mahi dam water is flowing only 25-30 km away from their respective villages and are advocating for the Government to show some political will in ensuring they can access water to improve their socio-economic status. The dam only requires to be connected to the villages through a channel and from there sub-channels can be extended to strategic locations to cover the 300 villages.

In the past, much of the villagers' efforts were in vain as their endeavours were splintered and uncoordinated. Seeing their struggle CASA decided to guide and facilitate this movement more systematically.

A critical first step in the campaign was a detailed survey of the area in order to understand the gravity of the problem. Out of a total 309 adversely affected villages, 72 villages fall in CASA's area of operation and in the other 237 villages a number of different voluntary organizations are active. All these voluntary organizations were brought under one platform in order to strengthen and expedite the process. Few imagined that such a campaign stance as this could be made against such a huge project of the government, while water was still a big issue in the region. When CASA took the initiative by calling joint meetings of the partner organisations and village leaders, everyone showed interest in joining the cause, as it affected most of them.

The initial platform that was formed later evolved into a formal Forum called "**Mahi Jal Failao Manch** – *Mahi Water Expansion Forum (MJFM)*" with a sub-committee **Mahi Jal Sangharsh Samiti** – *Mahi Water Struggle Committee (MJSS)*.

The MJFM met with the concerned persons, delegates to the political and Government officials with regular intervals. The Forum also represents the demands of the affected people before the Government and political leaders. They have formulated rules, regulations, strategies and activities in order to achieve the goal of the struggle for the benefit of the thousands of villagers.

In the process, regular meetings with the government officials and local administration departments were undertaken. The issue was also brought to the attention of the local legislators and Member of Parliament. So far, a number of workshops have been organized with like-minded individuals and representatives of GO/NGOs under the aegis of the Forum in order to review and plan future interventions and strategies. Several Rallies and dharnas (demonstrations) have been organized in order to put pressure on the local administration and make the decision makers aware about the issue. Soon the campaign started getting support from far and wide, cutting across the political spectrum. As an impact of the interventions the campaign received wide media coverage and responses from various political quarters and on one occasion the matter was discussed at the state assembly, though no decision could be reached. The Chief Minister made a visit to meet the activists and received a memorandum from the people. However, the process is going on and we are yet to achieve our goal. The **Sangharsh Samiti** has decided to fight for the cause until the goal is achieved.

**CASA believes that a campaign has to be process-oriented and the practice therefore should not be judged as good or bad only on the basis of its end result regarding the campaign's goals. The end result of a campaign for a specific goal as in this case may turn out to be "negative", due to various factors and dynamics involved. Yet it still may be considered as a successful 'good practice' if the process itself fulfils the criteria for good practices and has promoted and led to improved participation, community empowerment and mobilization, greater human rights awareness and more effective civil society coordination.**

## **1. How does the practice meet the criterion of availability?**

### **Explanatory note: Availability**

Availability refers to sufficient quantities, reliability and the continuity of supply. Water must be continuously available in a sufficient quantity for meeting personal and domestic requirements of drinking and personal hygiene as well as further personal and domestic uses such as cooking and food preparation, dish and laundry washing and cleaning. Individual requirements for water consumption vary, for instance due to level of activity, personal and health conditions or climatic and geographic conditions. There must also exist sufficient number of sanitation facilities (with associated services) within, or in the immediate vicinity, of each household, health or educational institution, public institution and place, and the workplace. There must be a sufficient number of sanitation facilities to ensure that waiting times are not unreasonably long.

### **Answer:**

The Banswara district in Rajasthan is a relatively dry area and does not have any major source of surface water except for the Mahi river. The only option the local tribal and dalit communities have is to depend on wells. However, due to the deeper water table in that area, the wells are mostly dry. People have to walk long distances to fetch water for their daily needs: both for drinking as well as household activities. The expansion of the Mahi dam water supply to reach out to the villages of Banswara district could solve the problem of severe water scarcity in this region. Sufficient water would be available for their drinking as well as sanitation requirements.

As far as the sanitation facilities such as individual or public toilets are concerned, due to lack of water supply toilets were not constructed in this area and people openly defecate in the fields, like in many other parts of rural India. CASA believes that if water from the Mahi river was piped from the dam to these villages, people would start constructing toilets near their houses, as the government has various subsidised schemes for constructing toilets

Moreover, CASA believes that the criteria of “availability” and “accessibility” must go hand in hand with ‘ownership’ and ‘control’ of the water resources. A detailed note is given on this regard in the final remarks in this document and a major focus of this campaign is towards making that a reality.

## **2. How does the practice meet the criterion of accessibility?**

### **Explanatory note: Accessibility**

Sanitation and water facilities must be physically accessible for everyone within, or in the immediate vicinity, of each household, health or educational institution, public institution and the workplace. The distance to the water source has been found to have a strong impact on the quantity of water collected. The amount of water collected will vary depending on the terrain, the capacity of the person collecting the water (children, older people, and persons with disabilities may take longer), and other factors. There must be a sufficient number of sanitation and water facilities with associated services to ensure that collection and waiting times are not unreasonably long. Physical accessibility to sanitation facilities must be reliable at day and night, ideally within the home, including for people with special needs. The location of public sanitation and water facilities must ensure minimal risks to the physical security of users.

### **Answer:**

The whole struggle of Mahi Jal Sangharsh Samiti (Mahi Water Struggle Committee) is about accessibility. As presented above, the area where the villages in Banswara are located can be categorised as semi-arid. Bore (tube) wells and hand-dug wells are the only source of water, which are very often dry out or have very little water. As a result, people of these villages, mostly women have to walk long distances to fetch water. When drinking water is scarce, water for sanitation requirements seem a luxury to them.

Once the demand of the Mahi Jal Sangharsh Samiti is fulfilled and the Hydro project extends its water coverage to these villages, then accessibility to water for drinking as well as for sanitation purposes will be a reality, as well as making irrigation possible.

### **3. How does the practice meet the criterion of affordability?**

#### **Explanatory note: Affordability**

Access to sanitation and water facilities and services must be accessible at a price that is affordable for all people. Paying for services, including construction, cleaning, emptying and maintenance of facilities, as well as treatment and disposal of faecal matter, must not limit people's capacity to acquire other basic goods and services, including food, housing, health and education guaranteed by other human rights. Accordingly, affordability can be estimated by considering the financial means that have to be reserved for the fulfilment of other basic needs and purposes and the means that are available to pay for water and sanitation services.

Charges for services can vary according to type of connection and household income as long as they are affordable. Only for those who are genuinely unable to pay for sanitation and water through their own means, the State is obliged to ensure the provision of services free of charge (e.g. through social tariffs or cross-subsidies). When water disconnections due to inability to pay are carried out, it must be ensured that individuals still have at least access to minimum essential levels of water. Likewise, when water-borne sanitation is used, water disconnections must not result in denying access to sanitation.

#### **Answer:**

The socio-economic conditions of the villagers in this district are poor. Most of them are living below the poverty line. The arid condition of their land makes the situation even worse as they do not have any yield in their cultivable lands. Spending money for the purpose of digging wells is beyond the abilities of many poor farmers. Like for the majority of rural India, water supplied through taps by the civic bodies is a distant dream. Therefore, the people are compelled to use contaminated water in most of the cases and are therefore susceptible to disease. The additional burden of spending money on medical treatment is an added financial burden.

CASA and the campaign is confident that extending water from the Mahi's hydro project through channels and sub-channels to reach out to those 300 villages will enable the local tribal communities be able to afford water for drinking as well as sanitation requirements. It additionally recognizes that is the responsibility of the government to provide these basic services to its people.

### **4. How does the practice meet the criterion of quality/safety?**

#### **Explanatory note: Quality/Safety**

Sanitation facilities must be hygienically safe to use, which means that they must effectively prevent human, animal and insect contact with human excreta. They must also be technically safe and take into account the safety needs of peoples with disabilities, as well as of children. Sanitation facilities must further ensure access to safe water and soap for hand-washing. They must allow for anal and genital cleansing as well as menstrual hygiene, and provide mechanisms for the hygienic disposal of sanitary towels, tampons and other menstrual products. Regular maintenance and cleaning (such as emptying of pits or other places that collect human excreta) are essential for ensuring the sustainability of sanitation facilities and continued access. Manual emptying of pit latrines is considered to be unsafe and should be avoided.

Water must be of such a quality that it does not pose a threat to human health. Transmission of water-borne diseases via contaminated water must be avoided.

#### **Answer:**

As discussed earlier, due to water scarcity there are neither public nor individual sanitation facilities in these villages. Hence people openly defecate, which leads to many health hazards besides other social stigmas, particularly for women. At least thanks to the low density of population of the villages, this practice does not become as big a problem as it could be in the context of a city. Nevertheless, the inadequate availability and accessibility of water deprives people from a hygienic lifestyle and a minimum standard in quality and safety, particularly for women during their menstrual period.

Once the water of the Mahi river reaches these villages through canals, people can have access to water in plenty. The water channel will recharge the existing wells, which dry up in the summer season, which they primarily use for drinking purpose. This can enable communities to lead a more hygienic lifestyle. A point of note is that rural Indians generally use the surface water for drinking and their immune system is accustomed to this. When the well water is not available, the villagers can use the surface water by their traditional filtering processes.

## **5. How does the practice meet the criterion of acceptability?**

### **Explanatory note: Acceptability**

Water and sanitation facilities and services must be culturally and socially acceptable. Depending on the culture, acceptability can often require privacy, as well as separate facilities for women and men in public places, and for girls and boys in schools. Facilities will need to accommodate common hygiene practices in specific cultures, such as for anal and genital cleansing. And women's toilets need to accommodate menstruation needs.

In regard to water, apart from safety, water should also be of an acceptable colour, odour and taste. These features indirectly link to water safety as they encourage the consumption from safe sources instead of sources that might provide water that is of a more acceptable taste or colour, but of unsafe quality.

### **Answer:**

As it is true with most of the rural India, people are not used to sanitation facilities such as toilets. It is considered impure and unclean to have a toilet attached to the home. Therefore, at times it is seen that in some villages the government has constructed toilets, both public and some individuals, but they are not used by the villagers. They continue to openly defecate.

Another reason for people in rural areas not using the toilets are that there is not adequate supply of water. Unlike in western countries, people in India are used to anal cleansing rather than using tissue paper. Tissue papers (napkins) are alien to them and on top of this, they are expensive. Even in cities people use toilet paper very rarely, primarily due to the cultural practice. Once sufficient water is made available to these villagers, the government can develop a plan for culturally acceptable sanitation facilities and ensure that they will be put to good use.

## **6. How does the practice ensure non-discrimination?**

### **Explanatory note: Non-discrimination**

Non-discrimination is central to human rights. Discrimination on prohibited grounds including race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status or any other civil, political, social or other status must be avoided, both in law and in practice.

In order to address existing discrimination, positive targeted measures may have to be adopted. In this regard, human rights require a focus on the most marginalized and vulnerable to exclusion and discrimination. Individuals and groups that have been identified as potentially vulnerable or marginalized include: women, children, inhabitants of (remote) rural and deprived urban areas as well as other people living in poverty, refugees and IDPs, minority groups, indigenous groups, nomadic and traveller communities, elderly people, persons living with disabilities, persons living with HIV/AIDS or affected by other health conditions, people living in water scarce-regions and sanitation workers amongst others.

### **Answer:**

#### **Tribal communities and Dalits of Banswara are excluded from the benefits of the Mahi Dam.**

There are nine blocks under the Banswara district in Rajasthan, namely: Kushalgad, Sajjangad, Pipplekhunt, Gadi, Ghatol, Bagidowra, Anandpuri, Talwada and Banswara. Of these, three areas are not supplied with water: Pipplekhunt, Sujjangad and Kushalgad directly because of the diversion of water by the dam.

Though the local "Panchayat Extension to Scheduled Area" (PESA) laws give the local men and women in the villages (known as the gram sabha<sup>1</sup>) and the tribal communities of that region the right over local natural resources this does not happen in reality and they are discriminated against. A local song accurately depicts this scenario with the line "Though the trees are planted by us, yet its fruits and shadow are enjoyed by others" ("PED TOH HAMARA HAI, PAR CHHAO HAI PARAI")

<sup>1</sup> All men and women in the village who are above 18 years of age form the Gram Sabha, an important component of the Gram Panchayat (Panchayat Raj Institutions or Local Self Governance).

When there is scarcity, it is only the rich and powerful who can afford to have access and control over water resources. A few rich farmers have dug wells for themselves but do not allow the poor people of the same villages to fetch water for their need from their wells. Besides, due to the caste factors, the marginalized and excluded communities of the lower castes – the dalits – are not allowed to fetch water from the common wells and ponds dug at the village for all. They are treated as “untouchables”, which is a common practice in the caste dominated rural India.

CASA recognizes that although its programme focuses on dalits, e.g. caste based discriminations are discussed and awareness is created among the people, casteism is a reality in India and will take a long time to eradicate even in urban areas.

As a result of the water campaign, the water of Mahi river is likely to be extended to the three unsupplied areas. CASA is confident that once the reach of the project is extended, everyone including the dalits can have access to water in a dignified manner without fear of discrimination. The water channel will not be the domain of the rich alone as its will be similar to a flowing river which will connect all the villages.

## **7. How does the practice ensure active, free and meaningful participation?**

### **Explanatory note: Participation**

Processes related to planning, design, construction, maintenance and monitoring of sanitation and water services should be participatory. This requires a genuine opportunity to freely express demands and concerns and influence decisions. Also, it is crucial to include representatives of all concerned individuals, groups and communities in participatory processes.

To allow for participation in that sense, transparency and access to information is essential. To reach people and actually provide accessible information, multiple channels of information have to be used. Moreover, capacity development and training may be required – because only when existing legislation and policies are understood, can they be utilised, challenged or transformed.

### **Answer:**

The project focusing on a campaign for the right to water is all about participation of all the stakeholders, primarily the communities affected by the hydro-electric project. CASA mobilized the local communities who were being excluded from reaping the benefits of drinking water, sanitation, and water for agriculture from the ongoing Mahi hydro-electric project. They have enabled the formation of the people's forum as noted earlier.

A detailed step by step process of CASA's role in the water campaign is given below:

In 2002 communities and dalits met at the People's Action for Transformation centre (an initiative of CASA) in Banswara as part of a strategic planning process and identified concerns such as Migration, irregular rainfall, lack of water supply for drinking, sanitation and irrigation, decrease in productivity, indebtedness, deforestation, lack of primary health centres and educational institutions, and lack of awareness of their rights.

During this event, water was prioritized as a key concern. People were still depending on a few wells, tube-wells / hand pumps, ponds, etc. for their water requirement, which was not adequate. Since most of the villagers depend on agriculture, lack of water supply makes them totally dependent on rain water for irrigation. Therefore, they cannot yield more than one crop a year, which in itself is inadequate to support their families. During the planning process CASA learnt about the Mahi Dam and the diversion of water from nearby villages as noted earlier.

CASA decided to address this key issue of scarcity of water so that the other inter-related problems mentioned above could be addressed. While doing a resource mapping, the prominent water source that came to the people's mind was the Mahi Dam. There was this huge reservoir filled with water



right 'under their nose' and its water was sent all the way to Gujarat, whereas people from these three blocks adjacent to the dam were deprived of the water. Hence the idea was debated how to bring water from Mahi Dam to the non-command areas of Banswara district. CASA did a detailed survey of the area in order to understand the gravity of the problem.

Out of total 309 adversely affected villages 72 villages are in CASA's area of operation and in the other 237 villages a number of other voluntary organizations are active. All these voluntary organization were brought under one platform in order to strengthen and expedite the process. Thus with the efforts and facilitation of CASA, the **MAHI JAL FAILAO MANCH, Banswara** came into being in 2004 (a forum created to advocate for the distribution of the water of the Mahi Dam to the non-command dry lands of Banswara). 14 NGOs who worked in area on various issues became members of this Forum. Currently the number of partner organizations working on these issues have significantly increased as the MAHI JAL FAILAO MANCH has now been merged with the state platform of Rajasthan Vikash Manch, there by get a larger platform to garner support on this issue

The Mahi Jal Failao Manch (MJFM) has been working to create awareness among the people about their rights and about accessibility and control over water. It has been engaged in advocacy and networking for bringing water to these areas. With the help of the village level organizations, the forum has been facilitating the water campaign with regards to the Mahi Dam. Some of the key objectives of the Mahi Jal Failao Manch are:

1. To create pressure on the government for bringing water supply from the Mahi Dam to the non-command areas in Banswara district, so that the problem of drinking water and sanitation can be addressed
2. Through the Mahi Dam, irrigate the land of 7,500 farmers to the tune of 11,375 acres in 269 villages and thereby check the increase in migration and also sustain their livelihoods.

## **8. How does the practice ensure accountability?**

### **Explanatory note: Accountability**

The realization of human rights requires responsive and accountable institutions, a clear designation of responsibilities and coordination between different entities involved. As for the participation of rights-holders, capacity development and training is essential for institutions. Furthermore, while the State has the primary obligation to guarantee human rights, the numerous other actors in the water and sanitation sector also should have accountability mechanisms. In addition to participation and access to information mentioned above, communities should be able to participate in monitoring and evaluation as part of ensuring accountability.

In cases of violations – be it by States or non-State actors –, States have to provide accessible and effective judicial or other appropriate remedies at both national and international levels. Victims of violations should be entitled to adequate reparation, including restitution, compensation, satisfaction and/or guarantees of non-repetition.

Human rights also serve as a valuable advocacy tool in using more informal accountability mechanisms, be it lobbying, advocacy, public campaigns and political mobilization, also by using the press and other media.

### **Answer:**

One of the key elements in the memorandum submitted by the Mahi Jal Sangharsh Samiti (MJSS) / Mahi Jal Failao Manch (MJFM) to the government of Rajasthan in many occasions is that this is a gross violation of human rights committed against the communities of Banswara district as they are being deprived from the benefits of the hydro project, for which some of the villagers lost their land. Today they are about 30 km away, placed in a relocated area. The water is being diverted all the way to another state in Gujarat simply because they have paid a larger proportion of the money to the Rajasthan government for the construction of the dam. The campaign forum is therefore asking the Rajasthan government to be accountable to its people, as it is the moral and legal obligation of the government to take care of its citizens.



Supplying the three additional areas will still mean that the people of Gujarat can receive water from the Mahi river – it will not deprive the people of Gujarat. Moreover, the Narmada Dam (Sardar Sarovar Dam) can also be connected to the arid areas of Gujarat.

For the construction of the project, the government has displaced several people (exact numbers not available) from their habitation, for someone else's benefit. Despite the displacement, many of the villagers are not compensated at all and in those who receive compensation receive less than their dues.

CASA has been helping the Forum to contact various political leaders as well as ensuring media coverage. The following are glimpses of the process so far:

**Year 2002:**

As discussed earlier, CASA identified water as a key issue affecting the lives of the local people of Banswara district, which is giving rise to many other issues such as migration, indebtedness, deteriorating standard of life, health and education, etc. Then the people realized that the water of the Mahi Dam, on which they should have the first right, was taken away to a different state Gujarat, while they have to face all these problems due to scarcity of water. It was shocking for many to realize this 2-3 decades after construction of the dam.

**Year 2004:**

Mahi Jal Failao Manch was created with the facilitation of CASA, involving 14 NGOs as its members who are working in the local area, to advocate for the distribution of the water of the Mahi dam to the non-command areas of Banswara. Several workshops on the issue of water were organized by CASA involving all the stakeholders, primarily from the affected areas. This created awareness among the key members of the forum and other stakeholders and also helped them to develop a common strategy for the water campaign.

However, one of the local Member of Parliament who was present at one of the workshops, refused to act on their demand of expanding the water of Mahi dam to the non-command areas Banswara district due to political reasons. This was a great setback for the Forum and the people of Banswara who were struggling for their rights over water.

**Year 2006: Bishal Rally by Mahi Jal Failao Manch:** A key turning point in the entire water campaign process through the Mahi Jal Failao Manch was the Bishal Rally (Mega Rally) in which more than 3,000 people participated. There were people from different parts of Banswara, other than the affected communities. Most of the local MLAs (Member of Legislative Assembly) and MPs were also present there to give strength to the rally. CASA had played an important role in mobilizing people as well as resources to make this rally a success. People carrying placards, banners, demanding their rights to water marched the villages and towns and the rally culminated at Kushalgad, which is one of the affected blocks. The centre of attraction was the demonstration of hundreds of women who were carrying empty pots, upside-down a symbolical protest to show there is no water for them to carry home.



*Mega Rally by the MJFM and the reference communities*

This rally got major media coverage and it created significant awareness among the people of Banswara and also at the local government level. The local MLAs even raised the issue at the State Legislative Assembly and it was discussed at length. To take it to the next step, CASA started exploring the feasibility of expanding the water supply to the non-command areas of Banswara. CASA then signed an agreement with the AFPRO (Action for Food Production) organisation which is specialized in the field of agriculture, irrigation, and water supply. With AFPRO, CASA plans to do a study on the feasibility of expanding the water of Mahi dam. However, due to technical and financial reasons, the study has not yet been implemented. If financial resources become available, it will go ahead with the study, which can be an added advantage to the campaign.

Between 2006 and 2007 the awareness campaign continued through the Forum among the villagers and it continued to engage in advocacy role. The People's Action for Transformation centre (a local resource centre of CASA) in Banswara, which is registered as the SARVANGIN VIKASH SANSTHA (All round Development Organisation), took the lead in the water campaign through the Mahi Jal Failao Manch (MJFM).

#### **Year 2008:**

In January 2008, the Chief Minister of Rajasthan, Smt. Vasundhara Raje visited Banswara district to visit a Temple but did not plan to visit the people of their constituency. The people of Mahi Jal Failao Manch thought this would be a good opportunity to put forward the case of Mahi Dam before the Chief Minister. When she was addressing a gathering in Banswara, a delegation went to her with a memorandum asking for the expansion of the water of the Mahi dam to the areas that were not supplied. She assured the people that it will be done soon. Though this can be considered as the kind of political promise delivered at a public event without serious intent, the campaign considers it as an achievement reaching the highest level of the state government. This helps build a case for the campaign to follow with further negotiations.

#### **Year 2008 -2010:**

In the State Assembly Elections of December 2008, the ruling party (BJP – Bharatiya Janata Party) in the State lost to the congress party and the later party came into power. In these two years, a number of follow up activities were carried out in terms of conscientising and creating awareness among the new leadership in the State. Recently CASA has been able to draw the attention of the new government to the campaign and plans to continue to update them on the process and progress hoping that the new leadership will help us achieve our goal soon.

## **9. What is the impact of the practice?**

### **Explanatory note: Impact**

Good practices – e.g. laws, policies, programmes, campaigns and/or subsidies - should demonstrate a positive and tangible impact. It is therefore relevant to examine the degree to which practices result in better enjoyment of human rights, empowerment of rights-holders and accountability of duty bearers. This criterion aims at capturing the impact of practices and the progress achieved in the fulfilment of human rights obligations related to sanitation and water.

### **Answer:**

#### **OUTCOME:**

The Outcome of the water campaign with regards to the Mahi Dam in Banswara can be analysed in three ways i.e., impact on the community, on the partner organisations and on the government.

#### **1. Impact on the Community:**

The **Mahi Jal Failao Manch** was formed to give a continuous boost and momentum to the struggle of the people to get access to water. People are now aware of their rights over water and other natural resources. The VDAs (Village Development Associations), SHGs (Self Help Groups), Youth Groups, etc have taken the ownership of the process of **Mahi Jal Failao Manch**. They continue to participate in the rallies, workshops, etc time to time.

The CASA Banswara Resource Centre has been formed and it has identified the Mahi dam issue as its key campaign intervention.

People who are displaced by the construction of the dam and are not yet compensated have also joined this campaign.

#### **2. Impact on Partner organizations:**

The Mahi water issue has brought all the like minded NGOs working in Banswara area under one umbrella and has thereby made them a force to reckon with. There is a common understanding regarding water issue across these organisations.

People have now realised that CASA is not a funding agency but a facilitating organization in this issue of Mahi water (Mahi Jal Failao Manch).

**Mahi Jal Failao Manch** continues to remain an open forum and more and more people's organisation are being encouraged to join.

#### **Impact on the Government:**

After the Mega Rally taken in year 2006 at Kushalgad, the issue of Mahi water was raised at the Rajasthan Legislative Assembly by the Local MLAs. It was hotly debated and an assurance was given to look into this matter. After 2-3 decades of the dam construction, for the first time this issue was debated in the assembly, which is an achievement. Local Members of the Legislative Assembly had a meeting with the local people to discuss expanding Mahi water to those areas where there was no supply. In January 2008 the Chief Minister assured the local people that there will be water for all areas of Banswara. However, more is to be done to convince the government to take this matter seriously and start acting soon on the solution.

## **10. Is the practice sustainable?**

### **Explanatory note: Sustainability**

The human rights obligations related to water and sanitation have to be met in a sustainable manner. This means good practices have to be economically, environmentally and socially sustainable. The achieved impact must be continuous and long-lasting. For instance, accessibility has to be ensured on a continuous basis by adequate maintenance of facilities. Likewise, financing has to be sustainable. In particular, when third parties such as NGOs or development agencies provide funding for initial investments, ongoing financing needs for operation and maintenance have to be met for instance by communities or local governments. Furthermore, it is important to take into account the impact of interventions on the enjoyment of other human rights. Moreover, water quality and availability have to be ensured in a sustainable manner by avoiding water contamination and over-abstraction of water resources. Adaptability may be key to ensure that policies, legislation and implementation withstand the impacts of climate change and changing water availability.

### **Answer:**

Campaigns for Human Rights are always very challenging. It is a particular challenge to sustain campaigns for a longer duration, as the results of most campaigns are not immediately tangible and often there are setbacks. The platforms and forum created by CASA are experiencing the same challenges today. For over seven years it has continuing this struggle. Although the campaign has elicited promises from the government heeding the demands of the people, no concrete steps have been taken to extend the water supply to non-supplied areas. After so many efforts, this is frustrating.

Another challenge the campaign has encountered is that there has been a change in political leadership after an assembly election in December 2008. . With the change of leadership as well as that of the ruling party in last election, the advocacy efforts of the campaign have suffered a serious setback, as the new leadership needs to be lobbied on all the developments with regards to the campaign. However, CASA and the forum are optimistic that their goal of convincing the political leadership to extend the water supply will be achieved. CASA and the forum have already developed a good rapport with the current government (the Congress Party to which the Prime Minister of India belong to) and are hopeful that the new government will do justice to the cause of the suffering communities.

## **Final remarks, challenges, lessons learnt**

### **Note:**

CASA believes in the criteria of “availability” and “accessibility” alone, and recognizes that equally important are issues of ‘ownership’ and ‘control’ of the water resources.

The local laws (PESA: Panchayat Extension of Scheduled Areas) give the right over the local natural resources, including that of forest and rivers, to the local village committee and the tribal communities of that region for their survival and livelihood. However, this right is not exercised by the local communities primarily due to their lack of knowledge and also due to the bureaucratic functioning of the government. Unless we talk about ownership and control of the resources, ‘availability’ and ‘accessibility’ alone is not going to help the poor in this region.

The journey of struggle in a people's movement is not easy. There is bound to be a lot of challenges. In the life of Mahi Jal Failao Manch there were also many challenges. Some of them are stated here:

- The mega rally that was organized in the year 2006 jointly by 14 NGOs under the banner of the Mahi Jal Failao Manch led to a leadership crisis. Every participating NGO wanted to take the leadership for “their” leg of the march. Also, the then Secretary of the Forum wanted to capitalise on the situation and to take control over the funds. He wanted that funds should come directly to him and he should as the secretary decide what to do with that. This kind of attitude polarised the forum until the Secretary was removed from the post and a new person was elected.

*Good Practice Contribution to the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation.*

*Submitted by the Ecumenical Water Network (EWN) and the ACT Alliance on behalf of CASA (Church's Auxiliary for Social Action), India*

- One local MP, in one of the workshop organised by the Mahi Jal Failao Manch refused to act on their demand of expanding the water of Mahi dam to the non-command areas due to his own political reasons. It was a great disappointment for the local people and was a set back to the movement.
- Many NGOs who were initially part of the Forum later withdrew from it as they were recipients of funds from the government for their different projects and afraid of raising their voices against this faulty plan of the government. From 14 NGOs at one point of time the Forum had reduced to 8. However, the key force behind this forum are not the NGOs alone but the communities and local movements. Also, with the formation of the State Platform of CASA (Rajasthan Vikash Manch), a meso level state platform with hundreds of partner organizations, there is a greater support to the campaign.

In a campaign's journey, ups and downs are bound to happen, due to various internal and external factors and dynamics. Despite these challenges, CASA along with the MJFM and MJSS continue to be consistently engaged with advocacy to take the matter further. An all stakeholders meeting is planned for May 2010 to review the process of the MJFM so far. Local Members of the Legislative Assembly (MLAs) and concerned government authorities will also be invited to meet the people from the affected communities face to face and to convince the new government to take the process forward. We are hopeful that this campaign for the Right to Water for all in Banswara district of Rajasthan will see success sooner than later.

**Compiled by Mr. Dinesh Suna, Policy Officer, CASA**

**Your contact details**

Name: Dr. Sushant Agrawal, Director / Mr. Dinesh Suna, Policy Officer, CASA  
Organisation: CASA (Church's Auxiliary for Social Action)  
Email: [sushant@casa-india.org](mailto:sushant@casa-india.org) ; [dinesh@casa-india.org](mailto:dinesh@casa-india.org)  
Telephone: +91-11-2573 0611/12  
Webpage: [www.casa-india.org](http://www.casa-india.org)