

# Arriving at Principles for Effective Water Management by the Panchayats in India

Sunderrajan Krishnan and Rajnarayan Indu  
INREM Foundation, Anand, Gujarat

## ABSTRACT

The Panchayats of India are institutions that are constitutionally mandated to perform various functions that facilitate local self-governance. Divided into three tiers, they have been empowered by the 72<sup>nd</sup>/73<sup>rd</sup> amendment to the Indian constitution and by various state-level Panchayat acts towards performing these functions. However, in order to bring about these to practice, the state governments further need to take the issue of devolution in all its dimensions seriously and take legal and administrative steps to ensure that the Panchayats can partake these functions. For natural resource management and water in particular, various sub-sectoral power centres already exist. Entangling these power centres and tying them up with the Panchayats is a process that is surely happening today, but very slowly and quite variably across the states. Also, water as a whole is further fragmented into sub-sectors depending on source (surface water, groundwater etc.), use (drinking water, irrigation, fisheries etc) and connections (watershed development, agriculture, etc). Consequently, today we have a cross-state heterogenous picture of devolution on water that within a state itself is partly devolved in differing levels across sub-sectors. Furthermore, there exists too another project of the decentralization process in water management (and other sectors too) that lays emphasis on apolitical local people's institutions, invariably bypassing the Panchayats in this process. As with the process of Panchayat empowerment, this too varies across states and within sub-sectors. Notwithstanding all these developments at the state level, there has been a parallel movement at the centre towards central acts and schemes which necessitate more responsibility to the Panchayats in terms of planning, implementation and monitoring of these schemes. These and other external pressures such as those from multi-lateral donor and policy institutions have been instrumental in influencing this process of Panchayat empowerment in water management. The example of *Pani Samitis* in Gujarat as sub-committees of the Panchayat responsible for drinking water supply and sanitation illustrates all these above concepts lucidly (central government *Swajaldhara* programme, state government's history of Panchayat empowerment, multi-lateral funder Netherland government requiring Panchayat involvement in its funded schemes, similar devolution absent in other sectors, therefore hampering complete devolution of water management). The process of forming user associations for irrigation water management and registered societies for watershed development are examples of parallel institutions to the Panchayats at the local level. The ability of the Panchayats, then, to actualize effective collective action by the community for decision making on water management, gets hampered due to this current atmosphere of partial and incomplete devolution. Moreover, getting into play local factors within communities of variegated political affiliations, allegiance to caste/community agglomerations and existing power inequities, further handicaps the functioning of the Panchayats. How then, still, do we find that lustrous Panchayat which has been able to overcome all the inertia of the country and

managed to find its own way of making use of whatever fund, power and legal strength it can hold on to and create path-defining local examples of self-governance in water management. These examples show us the way ahead and serve as models for others to follow.

## **1. Introduction**

Out of all natural resources, the relevance of water for the Panchayats cannot be over stressed. The need for local participation in management of water and attending to local needs makes the Panchayats ideally suited to tackle water problems. It is therefore, ideal to address first the important issue of “Panchayats and Water” within natural resources as a starting point towards our understanding of Resources within Panchayats.

Over the past two decades, several programmes, especially in the area of natural resources management (NRM), have been instrumental in empowering the Panchayats – notably the Swajaldhara programme for drinking water and sanitation, the Hariyali guidelines for watershed management and the NREGA programmes for employment guarantee. These programmes have been able to bring to life the Panchayat system, especially in states which were hitherto reluctant even to conduct the Panchayat elections. In this current context of growing importance of Panchayats as vehicles of program implementation and localized planning, it becomes useful to observe the performance of the Panchayats within the realm of water management in general.

The concept of localized management of water resources and utilizing people’s wisdom has fired on many civil society initiatives in the past several decades. The Pani Panchayats of Maharashtra, the water conservation movement of Saurashtra and Tarun Bharat Sangh in Rajasthan are shining examples. There has also been a growing acceptance of a past which was rich in local traditions of water conservation. The recognition of watershed development, people’s participation as a prime factor within this and move towards demand driven programs rather than target-oriented, are all indicators of a growing recognition of localized planning and execution.

Therefore, two parallel developments happening over the past two decades – namely the institutionalization of Panchayats and demand created for people’s involvement in water programs – have both converged into Panchayats now playing a growing role in different aspects of water management. This development is more so for some sectors such as drinking water, less for others such as irrigation – for which on one hand, large state bureaucracies pull the surface based irrigation systems towards larger level control, and on the other, the atomized system of groundwater irrigation pulls control towards much smaller levels. In the middle, the Panchayats find themselves with little role to play in managing irrigation systems (surface based or groundwater). This has also got to do with the fact that the major reform programs in the irrigation sector for transfer of power to farmers, has bypassed the Panchayat system and instead created a set of parallel institutions – the water user associations (WUAs) – for local management of surface irrigation systems.

The NREGS is also playing a major role now in the Panchayats becoming active in each of the water sectors. Many Panchayats have now been invigorated through NREGA and this is having spill-over impacts on other functions of the Panchayat too. Suddenly the Sarpanch's position is coveted and Panchayat elections are becoming important.

What needs to be seen now is that, now that the Panchayats are beginning to develop their true potential, how much are they able to achieve? Will they drive villages towards more equitable, sustainable use of water resources? Will they be able to perform better than generations of more centralized programs? Our main questions are to explore the range of functions, functionaries and funds available as responsibilities to the Panchayats. Are they able to carry out what has been written out in respective state Panchayat acts? We try to answer some of these questions in this study through field work in 10 states.

The objective of this study was to:

- (1) To identify in what ways Panchayats at different levels are involved in water management, that is (a) what is recommended by Gol, (b) what is there in State Acts/ notifications
- (2) To what extent has these been implemented – i.e., the activity listing in different States and to what extent are diff levels of Panchayats involved in various activities

We have conducted this study in partnership with civil society organizations in 10 states. The study was phased into 2 parts and followed by a discussion workshop. Individual state study reports were then combined into this final report. The methodology for the studies were through analysis of various relevant Acts, Orders and Resolutions of the Government, along with interviews with representatives at various levels of the Panchayats and different government agencies that deal with water management. Also, our interactions with different experts who are working on this subject proved to be highly beneficial. This report is into 2 parts – the first on a summary of each state report and the second on an analysis from all the reports.

## **2. Panchayats and Water Management**

### *2.1 Panchayats and Water in Gujarat*

*Devolution of Water Management to Panchayats in Gujarat:* The prime developments in Gujarat with regards to Decentralized water management are the amendments to the Bombay Irrigation Act (1879) in 1962; GR on devolution of drinking and sanitation planning to Pani Samitis in 1995 and 2002-05 (as a sub committee of the Panchayat) and GR on formation of WASMO – a statewide agency to facilitate this process; GR on formation of GSWMA a state wide agency for localized planning on watershed development in 2007; and recently in 2007 the Gujarat Water User Participatory Irrigation Management (GWUPIM) Act recognizing the water user associations (WUA) of farmers (instead of the Panchayats) as a statutory body for devolution of canal irrigation from the

State (though this particular Act also grants responsibility to the WUAs as different from the Panchayats).

*The Gujarat Panchayats Act, 1993 (and 1961) and Provisions for Water:* The Gujarat Panchayats Act, 1993 confers a range of responsibilities for all 3 tiers of the Panchayats with respect to different aspects of water. The Schedules 1, 2 and 3 confer responsibilities to the 3 tiers of the Panchayats. The Chapter IX of the Gujarat Panchayats Act, 1993 relates to Taxation. The Gram Panchayats, according to Section 200 can levy taxes on: a general water rate, a special water rate for water supply through pipes a fee for supply of water from wells and tanks and a drainage tax. Soon after the 1963 Gujarat Panchayats Act, the PWD department transferred several of its functions over to the Panchayats. Some of these related to water management. Another development during the 1961-1993 period is the government order No GHKH-172-81(A)CSA-4978-4229-D regarding delegation of powers under the Gujarat Co-operative societies Act 1961 to the District Panchayats which include lift irrigation and water supply cooperatives.

*Amendments to the Bombay Irrigation Act, 1879 (1962):* The Bombay Irrigation Act 1979 (BIA) has been applicable to Gujarat state even after state formation in 1960. Subsequent to the 1961 Gujarat Panchayats Act, there was an amendment to the BIA with changes especially with reference to the Panchayats. In Section 90 of this amended act, the word "State Government" was replaced by the word "District Panchayat" for certain functions (therefore, devolution from the State to Panchayats). The critical functionary of "Canal Officer" has been transferred over to the Panchayat by this statement: "References to the Canal-officer, shall be construed as references to the Officer authorized for the purpose by the controlling panchayat". Further, previous terms used in the Act were replaced eg. *Mamlatdar's* office by Taluka development office; *Mamlatdar* by District Panchayat; *Patel* by Gram Panchayat. These further lend recognition to the Panchayats for the subject of canal irrigation management following the Panchayats act.

*Drinking water reforms and devolution to the Panchayats:* The first attempt at a legislative recognition of Panchayats came with the 1995 Government resolution (GR) as to formation of *Pani Samitis* - or Water Committees – as a sub-committee of the Gram Panchayat. The Pani Samiti provided the institutional mechanism by way of which within-village drinking water management could be achieved. This was followed by a GR in 2002 for formation and composition of the Pani Samiti. The Government also created WASMO primarily to carry forward this direction of participatory planning of drinking water management through the Gram Panchayat. WASMO works with various NGOs who act as implementation support agencies for the Pani Samiti. The Pani Samiti has access to both state government funds as well as central government programmes such as the Swajaldhara. The Gujarat government has also taken care to ensure these new reforms are consistent with existing functioning of drinking water programs across the state. For example, GoG passed a GR for guidelines of implementation of Swajaldhara programs in the state making it clear that Pani Samitis as sub-committees of the Panchayat will act as the Village water and sanitation committees of the Swajaldhara programme. Also, this was followed by a GR for all drinking water programs of the GWSSB which are located within the village they it has to follow the Swajaldhara guidelines. Next, it also recommended with another GR, the continuation of the

previous sector reform programmes of 1999-2000 and designated WASMO to be the nodal agency for this program in the state.

*NGO led Participatory Irrigation Management and Devolution to WUAs, 2007:* Gujarat has enacted the PIM act in 2007 to designate WUAs of farmers for carrying out several activities that were previously assigned to the Canal officers. In light of the PIM Act, the following observation about the interactions between WUAs and Panchayats is relevant (Planning Commission, 2000): “very few cases in which some interaction between the two (*WUA and Panchayats*) had taken place”.

*The watershed movements and new Guidelines, 2008:* The 2008 Watershed guidelines create a parallel structure since the final watershed committee within the village is not a sub-committee of the Panchayat, but is to be registered under the Societies Registration Act, 1860. As different from the WASMO-led efforts in Gujarat wherein, “...*Full faith and trust was vested in the (Gram Panchayat) ...*”; these new watershed guidelines still do not extend to that spirit the hopes of the 1993 Panchayat Act.

*Power distribution for groundwater Irrigation:* The Indian Easement Act, 1882 in which “rights” to groundwater as an easement has been ambiguously mentioned for as “*natural underground stream*”. Primarily groundwater irrigation in Gujarat operates by electricity connections which are supplied by Gujarat Urja Vikas Nigam Ltd (formerly Gujarat Electricity Board). With new *Jyotirgram* reforms, the power supply to farms have been vastly improved and pre-decided 8 hour supply are provided to wells across the state. Therefore, the Panchayats have little, or no role to play in this picture of groundwater irrigation which is fully controlled by the power companies and state government.

*Some thoughts on the overall situations of Panchayat and Water in Gujarat:* The Gujarat Panchayats 1993 specifies various water related responsibilities to the Panchayats. Devolution is maximum for drinking water and least for major irrigation. Watershed lies in between these two. For drinking water, pioneering work has been done in Gujarat by WASMO in involving Gram Panchayats through the Pani Samitis. This has been enabled by a series of GRs which have amended the functioning of all major drinking water programs and line departments. For major irrigation though, the impetus has been very different. The decentralization agenda for major irrigation has been usurped by the PIM concept and very few champions to none for asserting the role of the Panchayats in PIM. Even though the Bombay Irrigation Act has been amended to include some role for Panchayats the PIM Act of 2007 has no intersect of the WUAs with the Gram Panchayats. A great opportunity has therefore been lost in partaking of the state experience in Pani Samities and transporting them to the major irrigation realm too. To some extent, the new Watershed guidelines strike a balance between those who argue for greater powers to the Panchayats and those who shy away from it. By assigning the Gram Panchayat a supervisory role of the village Watershed committee, there is some accountability of these institutions to the Panchayats.

**Table 1: Division of Responsibilities related to Water Management in Gujarat Panchayats Act, 1993**

Gram Panchayat	Taluka Panchayat	District Panchayat
<p>Sanitation and Health:</p> <ul style="list-style-type: none"> <li>- Supply of water for domestic use and for cattle</li> <li>- Construction and cleaning of public roads, drains, ponds, tanks and wells other than tanks and wells used for irrigation purposes and other public places</li> <li>- Sanitation, conservancy, prevention and abatement of nuisance</li> <li>- Obtaining a supply of an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost</li> </ul> <p>Agriculture, Preservation of forest and pasture lands</p> <ul style="list-style-type: none"> <li>- Minor irrigation, construction and maintenance of field channels and distribution of water</li> <li>- Planning and maintenance of water</li> </ul>	<p>Sanitation and Health</p> <ul style="list-style-type: none"> <li>- Providing facilities for pure drinking water</li> </ul> <p>Agriculture and Irrigation</p> <ul style="list-style-type: none"> <li>- Use of land and water resources and propagation of improved agricultural methods according to the latest researches</li> <li>- construction and maintenance of irrigation works in the Taluka</li> <li>- providing credit and other facilities for irrigation and agricultural development</li> <li>- increasing the area of land under irrigation by construction and repair of wells, digging and repair of private ponds by undertaking minor irrigation works and by supervision of field channels</li> <li>- increasing the use of sub-soil water by boring wells and giving assistance in regard to such wells</li> <li>- providing for the timely and equitable distribution and full use of water available under irrigation</li> </ul>	<p>Sanitation and Health</p> <ul style="list-style-type: none"> <li>- Provision and maintenance of drinking water supply</li> </ul> <p>Minor Irrigation Projects</p> <ul style="list-style-type: none"> <li>- Provision for irrigation by canals from tanks and bunds</li> <li>- Implementation of the schemes for tube-wells</li> <li>- Digging new wells and repairing old wells for irrigation</li> <li>- Giving assistance for purchase of pumping sets and machinery</li> <li>- Providing detonators and boring equipment for wells</li> <li>- Encouraging and assisting irrigation schemes on a co-operative basis</li> </ul>

bodies	schemes	
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**Table 2: Key Acts, Government Resolutions and Amendments related to Panchayat and Water in Gujarat**

<b>Title</b>	<b>Year</b>	<b>Description</b>
Amendment to Bombay Irrigation Act	1962	Devolution from State to Panchayats (maintenance); Canal officer to be authorized by Panchayat
GR on formation of Pani Samitis	1995	Pani Samiti as sub-committee of Gram Panchayat; Responsible for drinking water; But can be bypassed by Taluka Development Officer
GR on Composition of Pani Samitis	2002	1995 GR over-ruled; full power to Pani Samiti; Detailed description of composition and functions
GR on formation of WASMO	2002	State agency formed for facilitating Pani Samitis
GR on Implementation of Swajaldhara programma	2002	Pani Samitis as VWSCs in Swajaldhara schemes
GR on GWSSB to adhere to Swajaldhara guidelines for in-village schemes	2003	Within village drinking water supply of GWSSB schemes to be managed by the Pani Samiti
Gujarat water user Participatory Irrigation Management Act	2007	The PIM Act authorizes WUAs as body corporate supervised by a Competent authority. No reference to the Panchayats and interaction with WUAs
GR on formation of GSWMA	2007	State agency formed to facilitate decentralized planning and execution of Watershed programmes. Village Watershed Committee different from Gram Panchayat; some supervision role to the GP

## 2.2 Panchayats and Water in Himachal Pradesh

*Current water related institutions in Himachal Pradesh:* The following are the Acts/Policies/institutions/programme and schemes effective in the State in relation to drinking water, irrigation and watershed:

<b>Acts/Policies/institutions/programme</b>	<b>Responsible agency/department</b>
HP Water supply Act 1968 (amended in 1978 and 1983)	State Government
H.P State Water Policy	State Government
H.P Ground water Policy	State Government
HP Ground water (regulation and control of Development and Management) Act 2005	State Government
Irrigation and public Health (IPH) Department (full department headed by Minister since 1994, earlier was part of Public Works Department (PWD))	State Government
Swajaldhara - I (GP as lowest unit) and Swajaldhara - II (District as unit)	State Government through IPH department
Accelerated Rural Water Supply Scheme (ARWSP)	State Government through IPH department
Rajiv Gandhi National Drinking Water Mission	State Government through IPH department
Integrated Wastelands Development Programme (IWDP), Drought Prone Areas Programme (DPAP) Desert Development Programme (DDP) under common watershed development guideline called "Guideline for Haryali" *DPAP and DDP taken up in the blocks identified under the respective programme and projects under IWDP generally taken up in the remaining developmental blocks.	H.P Government Rural Development Department through District Rural Development Authority (DRDA)
H.P Mid Himalaya Watershed Development programme	Forest Department
Accelerated Irrigation Benefit Programme (AIBP)	State Government/ IPH department
Flood Protection Programme (FPP)	State Government/ IPH department
Command Area Development Programme (CADP)	State Government/ IPH department

Major Service delivery in relation to drinking water and irrigation are under Irrigation and Public Health department as given below.

*Swajaldhara in Himachal Pradesh:* The officials of the IPHD at the field locations and the district level disseminate information about the scheme to the people and facilitate Village Water & Sanitation committee (VWSC) formation, which in most of the cases are a registered body /NGO under the Societies Registration Act-1860. The involvement of Gram panchayats (especially getting the VWSC constituted in the gram sabha) has not been undertaken. There is practically no linkage with the gram panchayat except for the possibility that some of the members of GP are member of this committee. This has resulted in functioning of these VWSCs as parallel bodies to the gram panchayat.

Devolution with specific reference to water supply: The state government has vide *notification number PBW (PH) A (3)-9/96* dated 6<sup>th</sup> January, 2001 has devolved to the G.P, powers on physical attendance of grass root level functionaries of the I&PH department, such as pump operators, helpers, fitters, linemen, water distributors kohlies and beldars . Further the state government vide *notification no PBW (PH) A (3) 9/96* dated 28<sup>th</sup> February 2001 had transferred the hand pumps installed by the IPHD to the Panchayati Raj Institutions in February, 2001 and the minor repairs were to be carried out by the Panchayats after August, 2001. According to the *notification no (PCH-HA (1) 12/87)* issued on 31 July 1996,by the state government the specific functions of the Irrigation and Public Health Department have been devolved to the three tiers of the Panchayats.

*Functions of Panchayats in Irrigation & Public Health Department:*

<b>Zilla Parishad</b>	<b>Panchayat Samiti</b>	<b>Gram Panchayat</b>
1. Identification of potential schemes including water harvesting covering more than one block. 2. To bring to the notice of appropriate authority of the I.P.H.Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Departments, Contractors and Sub-Contractors while executing various schemes.	1. Prevention and control of water pollution. 2. Identification of potential schemes including water harvesting covering more than one Panchayat. 3. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Department, contractors and Sub-Contractors while executing various schemes.	1. Routine maintenance of hand pumps staff to be provided by the Department. 2. Routine maintenance of drinking water, and irrigation schemes which have been executed at a cost of one lakh and below. 3. Prevention and control of water pollution. 4. Identification of potential schemes within Gram Panchayat area. 5. Information regarding functioning and condition of water supply schemes will be

		<p>given by the Panchayat to the prescribed authority.</p> <p>6. To bring to the notice of appropriate authority of the I.P.H. Department the cases of gross misutilization of funds, corrupt practices etc. by the staff of the Department, contractors and Sub-Contractors while executing various schemes.</p>
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*Key findings:*

During the study, discussion with Elected Representatives (ER) as well as officials most of the ERs at all level said that only IPH department is involved in these programmes in term of planning, schemes formulation, and implementation and monitoring. Only few people replied that IPH departments sometimes approach Gram Panchayat representatives silently during planning & implementation so that they give them a resolution as per the need of the IPH department. As per the study findings, most of the work is being done by IPH department independently without involvement of Panchayats in planning, schemes formation, implementation & monitoring.

The State of Himachal Pradesh, through HP Panchayati Raj Act, 1994 Section 11(l) and schedule-I has defined the functions of the Gram Panchayats. As per the schedule-I construction, repair and maintenance of wells, ponds, tanks and supply of water for domestic use is a function to be performed by the Panchayats in their area of jurisdiction.

Key findings with respect to drinking water supply programme and Panchayats in the State:

- There is no communication between IPH department and Panchayats at ZP and PS level. At the GP level, this communication though negligible is observed at least rarely
- Lack of awareness amongst the ERs at all three levels about their authority and responsibility
- IPH department does not disclose the technical part of the schemes ever.
- Quality and Quantity of drinking water is very poor
- Lack of planning by IPH department during schemes formulation for one village or more than one village
- Absence of coordination between schemes undertaken earlier with current schemes in the same area. Each schemes works independent of the others in isolated and parallel manner.
- Lack of sustainability of ongoing IPH schemes due to shortage of water resources and no conservation and harvesting of rain water schemes being linked to water.

- Most of the traditional sources of drinking water are being revived under NREGA schemes through their repair, and maintenance. However, they too are not concerned about their sustainability

*Irrigation management in the State of Himachal Pradesh:* In irrigation, again IPH is playing a lead role in the State beside National Bank for Agriculture and Rural Development (NABARD) and Accelerated Irrigation Benefit Programme (AIBP).

Key findings with respect to irrigation water supply and Panchayats

- There is no communication between IPH department and Panchayats at ZP and PS level.
- Lack of awareness amongst the ERs at all three levels.
- IPH department does not disclose the details of the schemes such as the types of schemes, its planning, its distribution, manpower and budget involved etc. with the people. At the most they will mention that a specific scheme has been sanctioned in the area. If they need a resolution they just ask the Pradhan to give it to them without any active involvement.
- Agriculture has become a secondary source of income
- Lack of planning by IPH department during schemes formulation for one village or more than one village
- Lack of sustainability of ongoing IPH schemes due to shortage of water resources.
- Traditional system of irrigation still exists.
- Most of the traditional sources of irrigation water are revived under NREGA schemes.

*Watershed Development in Himachal Pradesh:*

Key findings in the state and district Kangra in relation to watershed development:

- These days Mid Himalaya project under Forest Department of Himachal Pradesh is working on the issue of watershed development.
- According to the people's experiences, there is no involvement of Panchayats in this project. Some time they discuss with the Panchayat ERs at their meeting.
- Community involvement in planning, implementation and monitoring is nil.
- The Pradhans are happy because the department asks them to involve the villagers as paid labour for the watershed programme in contrast to the earlier interventions by the government when a contractor brought his own labourers from outside.
- One Pradhan remarked that although they do not involve us in the planning and implementation, they sometimes gives us some money for little path or such interventions. However, since they had not involved us in the planning the path was only half done!
- Zilla Parishad chairmen and member and other people who are interviewed under this study, they said we have no idea about the selection criteria /procedure of GP by mid Himalaya project in the district.
- Document of the H.P Mid Himalaya programme appears very promising (as details given above) like role of community, involvement of groups in

planning and implementation, bottom up planning, role of Panchayat (GP, PS, ZP) as Project Implementation Agency (PIAO, empowerment of community, groups and Panchayat etc. but in reality at the GP and village level is quite the opposite. This programme is still practiced with top down approach. Actual community consultation, needs and requirements are neglected.

*Current status of devolution of water related 3Fs to the Panchayats:*

*Activity Mapping:*

Recently, on 19<sup>th</sup> October 2009, Panchayati Raj Department, Government of Himachal Pradesh has notified activity mapping through Notification No. PCH-HA(3)9/2006-18580-22180.

“Whereas the Eleventh Schedule of the Constitution of India provides the list of 29 such subject which are required to be entrusted to the appropriate level of Panchayati Raj Institutions for preparation of plans and implementation. Therefore, the Governor of Himachal Pradesh is pleased to notify the Activity Map proposing entrustment of these 29 subjects to Gram Panchayat or Panchayat Samiti or Zilla Parishad, as the case may be with immediate effect. (By Order: *Principal Secretary*)”. This detailed Activity Mapping has been provided in the overall report.

*Key findings:*

Devolution of functions, activities details and functionaries are given under the activity mapping but devolution of funds is still lying for consideration of Finance Department of Govt. of Himachal Pradesh. What we see today in Panchayat water issues is complete alienation of the people from water management. The whole authority and responsibility rests with the concerned departments of IPH and, who in turn are answerable and accountable to the concerned ministers only. Devolution of funds, functions and functionaries is largely on paper.

*Conclusion and the way forward:* Water is today perceived by the rural public as a social right (without the responsibility that rights entails) to be provided free by the Government, rather than as a scarce resource which must be managed locally as a socio-economic good in order to ensure its effective use. This perception has been grown out of the fact that the present rural water supply systems are designed and executed by the Department/Boards and, imposed on end-users. Demand preferences of the people are not taken into account while executing the schemes. In other words, rural water supply programme till now has been adopting a supply driven approach.

1. Create enabling environment for Panchayats to administer IPH work
2. VWSC as integral part of Gram Panchayats and not as parallel structure.
3. Capacity building of ERs of Panchayat and VWSC.
4. Effective Convergence of various schemes for water at ‘GP Level’
5. ‘Water Resource mapping’ at GP level
6. Actual involvement of Panchayat (GP, PS and ZP) should be there at ground level
7. Today both Panchayats as well as departments are not clear about each other’s authority and responsibility related to these issues. We think that,

one more study should be done after the recommendation of activity mapping by the state government.

### *2.3 Panchayats and water in Andhra Pradesh*

Andhra Pradesh has been a pioneering state in water sector reforms and especially so in the process of decentralization. Starting from 1990s, various policy reforms have taken shape in AP which have influenced thinking at the national level. Primarily the Participatory Irrigation Management (PIM) paradigm, participatory watershed management as well as demand based drinking water and sanitation reforms have all seen several years of experience in AP now.

However, not all these reforms give particular importance to the Panchayats as local institutions of water governance. In fact, there has been a trend in AP to create parallel institutional structure at all levels and especially so at the village level as user and beneficiary groups. Prime among this is the formation of the structure for rural water supply and sanitation (RWSS) from State Water and Sanitation Mission (SWSM) to District Water and Sanitation Mission (DWSM) to the Village/Habitation Water and Sanitation Committee (VWSC/HWSC), which is registered under the Societies Act. Also, the District Water Management Agency (DWMA) is now a district level nodal agency that handles all watershed management related activities as well as programs such as the NREGS, with the Watershed Committee at the village. Also the Water user Association (WUA) for PIM as answerable to the District Collector further creates a parallel entity in front of the Panchayats.

Significant AP Acts which do not find any mention of the Panchayats are AP Land and Water Act (2002), the AP Water Regulation Bill (2009), the AP Water Resources Development Corporation Act (1997), the AP Irrigation Utilization and Command Area Development Act (1984) and the AP Farmer's Management of Irrigation System's Act (1997).

Therefore, the devolution of water related functions to the Panchayats in fact now revolves at how these parallel institutions such as the DWSC and below and the DWMA and the WUAs, devolve or interact with the Panchayats. The question in AP is therefore two fold – one, the devolution from state line departments and convergence to the parallel institutions; two, the further devolution and interaction of the parallel institutions with the Panchayats.

#### *Institutional Picture for Drinking Water and Sanitation in Andhra Pradesh:*

At the state Level, several nodal agencies govern the drinking water and sanitation programs. Further, the Government of Andhra Pradesh (GoAP) has established a State Water & Sanitation Mission (SWSM) for policy formulation and planning, and District Water & Sanitation Missions (DWSMs) in all districts for implementing the centrally sponsored Sector Reform Project (SRP), Swajaldhara program and the Total Sanitation Campaign (TSC).

- Panchayat Raj and Rural Development: Responsible for overall state level policy in RWSS

- SWSM: Responsible for all project planning and management in line with new institutional reforms and interaction with the structure of DWSC/VWSC and Panchayats
- Panchayat Raj and Engineering Department (PRED): Mainly an engineering department that plans large level water supply schemes and provide technical assistance to the VWSCs and the Panchayats

At the District Level, the main body is the DWSM along with the District Panchayat,

- DWSM: Interactions with the SWSM and reporting, to review and implement the RWSS programs, to channel funds to VWSCs and Gram Panchayats, training of VWSCs and GPs

At the village level,

- *Gram Panchayat*: It is responsible for capacity building of VWSCs, approval of RWSS schemes, account management, account auditing, conflict resolution, O&M and cost recovery of RWSS schemes; M&E;
- *VWSCs*: It is responsible for planning of RWSS schemes and for the design of schemes; procurement of works, for construction and supervision with the assistance of engineering consultant or PRED under contract; O&M of Single Village Schemes, setting of user charges (capital and O&M) and for accounts management. The VWSCs are constituted & registered under Society Act headed by Sarpanch as Chairman and supported by Members, which range 7 to 11, in which 50% of the members are women.

*Existing Institutional Arrangements.* The Panchayati Raj Engineering Department (PRED) is currently responsible for planning, design and construction of Single Villages Schemes (SVS) and Multiple Village Schemes (MVS) and O&M of common facilities of MVS. A significant step recently taken by the GoAP is the devolution of O&M responsibility of SVS and intra-village facilities of MVS to the GPs, which can access PRED technical expertise. The Engineering wing of Panchayat Raj Department will work under the administrative Control of Zilla Parishad. In order to bring the feeling of ownership among the public and Panchayats in respect of water supply assets, the operation and maintenance of hand pumps and PWS schemes have transferred to Panchayat Raj Institutions(PRI) i.e., Mandal Prajaparishad and Gram Panchayats along with budget. As a first step, the responsibility for O&M of about 300,000 handpumps and 41,000 SVS has been transferred respectively to the block level (Mandal Parishad – MP) and the village level (Gram Panchayat – GP). In case of Comprehensive PWS schemes covering a group of villages, the PRI i.e., Zilla Parishad is responsible for its Operation & Maintenance. The Executive Engineer/Dy. Executive Engineer (RWS) is the technical controlling officer of the CPWS scheme.

The RWSS Sector Vision and Policy Note issued by GoAP in October 2006, mentions clearly as its objective of devolution of funds, functions and functionaries to the Panchayats and for operating the RWSS service to the Panchayats and VWSCs; and the evolution of the role of the PRED to that of a provider of technical assistance to the PRIs.

A Review Team of the central Swajaldhara scheme observed that the SWSM, which had been constituted by GoAP and registered under Society Act has been playing the important role in steering the Total Sanitation Programme (TSC) programme in the Andhra Pradesh. This SWSM chaired by Mission Director and Secretary to Govt., PR & RD Dept. and supported by Project Director, who is presently Superintending Engineer from the RWS, Panchayat Raj Department.

The GoAP has promoted a unique strategy through which sanitation has been successfully linked with livelihood issues as well as issues on survival. The idea was to take the best advantage of the availability of an important resource like rice and making it conditional to construction and usage of Individual House-hold Latrine (IHL). In that respect, a phenomenal demand has been created. It is a different question altogether as to what other strategy has to be thought of when this scarce resource is no more available. In fact, currently, this has become a problem when these subsidies have scarcity of funds. The interplay between distribution of rice, sanction of IHLs and the mandatory eligibility criterion (being a BPL Household) has resulted in devolution of power to the Panchayats.

The current status of Activity Mapping of Roles/Responsibilities to the Panchayats in Andhra Pradesh in Rural water supply is provided in Table 3.

**Table 3: Activity Mapping for Rural Water Supply in Andhra Pradesh**

Activity	Zilla Parishad	Mandal Parishad	Gram Panchayat
Development of water supply system	Participation in planning of CPWS scheme	Participation in planning of water supply schemes covering more than one Gram Panchayat.	Identify schemes and locations, through the involvement of Gram Sabhas and Gram Panchayat
	Maintenance of CPWS Schemes / Multi Village Schemes (MVS).	Review and monitor the maintenance of hand pumps, PWS schemes and distribution of grant as per planning	Operation and maintenance of single village schemes
	Arrange training programmes, seminars and IEC activities on health, hygiene and safe drinking water	Providing and entrustment of transportation and hiring of wells for drinking water	Regular chlorination of open wells and treat water and cleaning of OHSR
	Review the	Review the water testing reports and monitor the quality	Ensure proper distribution of water to all

activities of district of drinking water  
water and  
sanitation mission

locations of  
households in its  
villages

Monitoring and  
surveillance of  
quality of water

Take up the  
works relating to  
laying of pipelines  
for drinking water  
supply in the  
village

Formation of  
water and  
sanitation  
committee and  
levy and collect  
the user charges

(Source: Various Government Orders issued during September 2007 to January 2008 by Government of Andhra Pradesh)

*Institutional Picture for Irrigation in Andhra Pradesh:*

As for all states in India, the command area authority under the Irrigation department is responsible for irrigation management of major irrigation. These have very few to nil interaction with the Panchayats. The Andhra Pradesh Irrigation Utilization and Command Area Development Act, 1984, has no reference to the Panchayats, nor has it been amended after the 1994 AP Panchayats Act to devolve any irrigation related function to the Panchayats. Instead, as mentioned previously, AP, being a pioneer of PIM, has constituted the Andhra Pradesh Farmer's Management of Irrigation Systems Act, 1997. This Act also does not have any reference to the Panchayats. The Water User Associations's so constituted can collect an irrigation tax. A sum of 10% of water tax collected under this PIM is supposed to be released to the Gram Panchayats according to GoAP document on "Rural Local Bodies" by the Secretary, P & RD Department. Also, this same report mentions that the Gram Panchayat will get 20% of revenue accrued from the income by way of auctioning the fishery rights in the tanks under the control of Irrigation Department. However, the current activity mapping process for AP suggests the following division of irrigation related responsibilities to the Gram Panchayat and the Mandal Parishad. There is yet proper legislation and availability of funds to let the Panchayat perform these functions, however.

**Table 4: Activity Mapping to Panchayats suggested for Irrigation management related activities**

Minor irrigation, water management and watershed development.	Duty of gram Panchayat to provide for certain matters	the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water works, for the supply of water for washing and bathing purposes and of protected water for drinking purposes
Agriculture, including agricultural extension	Powers and function of the Mandal Parishad	bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining government minor irrigation sources and supply channels  utilizing more power for agricultural purposes  exploiting underground water sources by sinking wells, filter points and tube wells

(Source: Various Government Orders issued during September 2007 to January 2008 by Government of Andhra Pradesh)

*Institutional Picture for Watershed Management in Andhra Pradesh:*

The currently forming institutional picture of Watershed Management across the country has taken root from past two decades of developments from few states such as AP. Especially, the experience of the AP Rural livelihood Programme (APRLP) supported by DFID has been utilized in drafting new Watershed guidelines as were developed by the Hariyali and Parthasarathy Committee reports and now the new guidelines of 2008. Progressing from these developments, AP was the one of the first states to form an apex district level body called the District Water Management Agency (DWMA).

DWMA (District Water Management Agency) has been created as a separate establishment in 2001 by bifurcating from DRDA exclusively to look after development of human resources and Natural Resources on Watershed Basis. The Chairman of the Project is District Collector and the Project is looked after by Project Director who is assisted by a Multi Disciplinary Team having one Deputy Executive Engineer, Assistant Conservator of Forest, Assistant Director of Agriculture, Assistant Engineer and Agriculture Officer as members. The Agency is

also monitoring CLDP, NFFWP, APREGs under NREGA, Food for Work Programme, AP WALTA, Biodiesel, and APMIP in the District.

As a result, all watershed related programmes now are coordinated by the DWMA which now has come about to function as an overall water and natural resource planning unit at the district level.

The G.O.M.s No 571 of GoAP on date 26.12.2007 further mention the commitment of devolution of functions related to watershed management to the Panchayats. It states: The Government after careful consideration of recommendations of the Task Force hereby devolves the following functions to Panchayat Raj Institutions in respect of Rural Development Department .. implementation of Watershed programmes. The Panchayats shall be responsible for proper utilization, accountability, auditing and reconciliation of the funds transferred to them. The Panchayat shall issue utilization certificate to the Project Director, DWMA,

The current status of Activity Mapping of Roles/Responsibilities to the Panchayats in Andhra Pradesh in Rural water supply is provided in Table 5. Further an RTI Application filed for Ranga Reddi district details the functioning of the DWMA and the role of other institutions including the Panchayats. These are provided in

Table 6.

**Table 5: Activity Mapping for Watershed Management in Andhra Pradesh**

Activity	Zilla Parishad	Mandal Parishad	Gram Panchayat
Soil and Water Conservation Watershed Development	Sanction of works and allocation of budget	Execution of works and payment of amounts sanctioned by the Zilla Parishad	Selection of watershed of
Development of Inland Marine fisheries	Formulation of projects for fisheries development	Selection of beneficiaries for fishermen training	Development of village pond for fishery
	Arranging training of fishermen in	Suggestion for organising of Fishermen	Identification of beneficiaries for assistance under

	modern management techniques for fish production	Cooperatives Distribution of boats, nets and other equipment and give assistance to cooperatives and beneficiaries	various programmes Assisting Mandal Parishads in the distribution of boats, nets other equipment)
	Procurement and supply of fishing equipment for distribution among selected fishermen's cooperatives and beneficiaries	Monitoring and supervision and reporting progress	Execution of fish pond and tank improvement
	Monitoring and supervision of plan schemes implementation		Giving lease of village tanks / ponds (Gram Panchayat tanks only for fishing rights
Watershed Development Programmes (DPAP / DDP /IWDP)	Identify, select and approve watershed /projects	Prepare watershed projects at Micro Basin level / in inter-gram Panchayat watersheds	Participate in planning and implementation of watershed projects
	Promote watershed development approach in all areas for better management of natural resources and environment development	Form technical team to assist Gram Panchayat in the implementation of watershed projects	Approve land / water use plan for watershed development through Gram Sabhas
	Supervise, monitor and Review of the rprogress and quality of works	Integrate various beneficiary oriented and area development oriented schemes to harmonies with watershed projects	Assist in constituting user groups and self help groups / village organisations for their direct participation in the execution of the project
		Monitor, supervise and report progress of watershed projects	Maintain community assets created under watershed project
		Coordinate between various agencies and departments	Supervise and

implementing watershed projects      monitor quality of works

Provide capacity building inputs to watersheds through Mandal Velugu Training Center (MVTC), Cluster Livelihood Resource Center (CLRC)      Select beneficiaries and provide assistance to them for executing individual works under watershed

(Source: Various Government Orders issued during September 2007 to January 2008 by Government of Andhra Pradesh)

**Table 6: Activity Mapping of the District Water Management Agency (DWMA) in Andhra Pradesh (Source: An RTI filed for Ranga Reddi District)**

**Procedure followed in decision-making by DWMA**

Activity	Description	Decision-making process	Designation of final decision making authority
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Goal Setting	-Reduce rural poverty through natural resource management		
Planning	-Identification of Watersheds  -Planning of Watershed Activities	Through APSRAC, Studies and SC & ST Population  <b>Gram Sabha</b> will prepare an action plan	District Collector & Chairman, DWMA
Budgeting	-Preparation of Action Plans	<b>Gram Panchayats</b> Watershed Associations User Groups	Formal approval by District Collector & Chairman, DWMA
Formulation of Programmes, Schemes and Projects	-Watershed Development through DPAP, Haryali, IWDP  -'Indira Prabha' (CLDP) through NABARD	-Watershed Associations <b>-Gram Panchayats</b> -Village Organizations -User Groups -Labour Groups  CIGs and Village Organizations	Formal approval by District Collector & Chairman, DWMA  Formal approval by District Collector & Chairman,

	-NREGS-AP through GOI & GOAP	Identification by <b>Grama Sabha, Gram Panchayat Mandal Parishad</b> and <b>Zilla Parishad</b> will approve the plans.	Formal sanction by District Collector & Chairman, DWMA
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Recruitment and Hiring of Personnel	Human Resource Development for implementation of Schemes	PD, DWMA as per the sanctioned strength or as per the guidelines on outsourcing.	District Collector & Chairman, DWMA
Capacity Building	Planning and implementation of capacity building activities	- <b>Gram Panchayat</b> -Village Organizations -User Groups -GP will prepare village level action plans in consultations with VO, and UGs	Formal approval by District Collector & Chairman, DWMA
Release of funds	Release of funds as per allocation	PD, DWMA upto Rs. 1.00 lakh	District Collector above Rs. 1.00 lakh
-Implementation -Delivery of service/ Utilization of funds	Implementation of Programmes	- <b>Gram Panchayats/CIGs/</b> Village Organizations/PIA Project Director, DWMA through MDTs	District Collector & Chairman, DWMA
Monitoring and Evaluation	Progress reports, Review Meetings, Studies, Documentation and Software packages	-Mid-term and Final evaluation by external agency as approved by the APARD. -Concurrent evaluation through APD M&E O/o DWMA. -Monitoring by periodical visits and review meetings with field functionaries.	District Collector & Chairman, DWMA

Gather feedback from public	-Gram Sabhas, -Conventions, -- -Grama Sadassulu	-Field reports from MDT Members. -Based on the field visits and evaluation reports the PD, DWMA will take corrective measures.	District Collector & Chairman, DWMA
Undertaking improvements	Repairs to watershed structures	-Watershed Development Committees will assess the need and take necessary action. -User groups & <b>GP</b> will maintain the assets.	PD, DWMA under the overall guidance of District Collector & Chairman, DWMA

### Details of the norms / standards set by DWMA

SINo	Functions/services	Norms/Standard of performance set	Time frame	Reference document prescribing norms
1	Administrative approval of Action Plans	-Quarterly action plans prepared by <b>GP/VO</b>  -Annual action plans will be prepared by <b>GP/VO</b> for every watershed.	10 days	Hariyali guidelines issued by GOI
2	Release of Funds to GP/WSC/VO	-The GOI/GOAP releases the funds in installments -	5 days	Process guidelines issues by CRD
3	Administrative approval for NREGS-AP Action plan and Sanction	- <b>Gram sabha</b> identified the works. - <b>GP</b> gives approval - MPP approves - <b>ZP</b> approves -Admn sanction by Dist. Collector.	5 days  2 days 7 days 15days 3 days	NREGS-AP Operational guidelines.

### 3. Conclusion

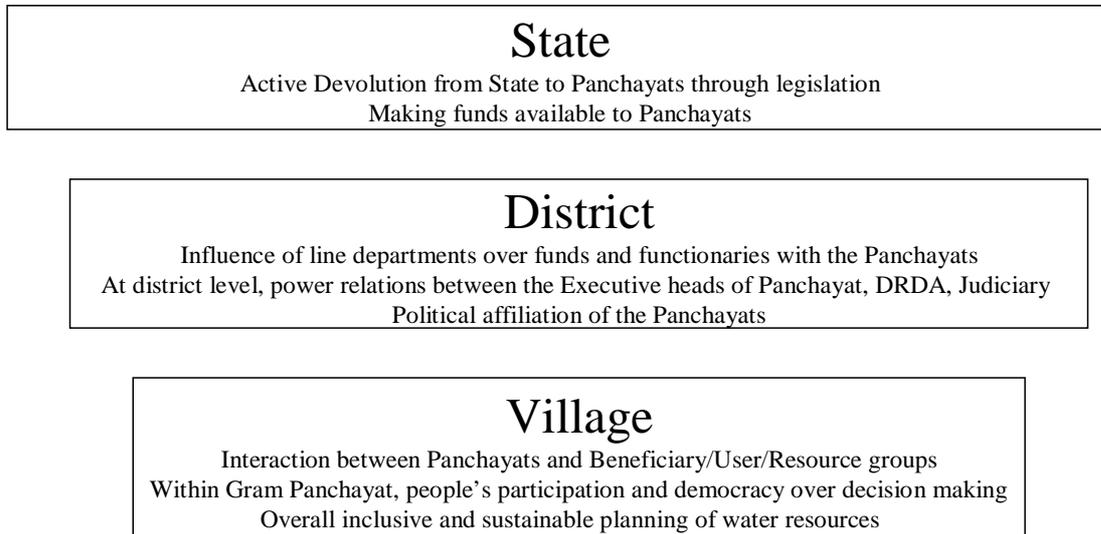
We summarize observations on the Panchayats and Water issue with the following points:

- a) Active Devolution from State to Panchayats through legislation by amending existing Acts, providing new orders and passing new Acts to carry forward the principles laid out in the Panchayat Acts.

The foremost and prime mover of activating the Panchayats for executing any function is for the State government to take initiative on utilizing legal instruments for this purpose. This can be done by passing new Acts, amending existing ones, through different government resolutions etc. On this front, there has been a slow progress across states and the examples are few and far between. The prime example for this has been the Drinking water reforms in Gujarat. The various resolutions passed for enabling formation of Pani Samitis, forming WASMO as the state agency to initiate this process and amending the functioning of various water supply agencies. This entire process has created the enabling external environment that is essential for the

Panchayats to carry out their responsibilities in relation to drinking water management in Gujarat. The NREGA is another example of a legal instrument which has empowered the Panchayats; this from the central government.

**Figure 1: Issues Relevant to Devolution of Water Management to the Panchayats**



b) Making funds available to Panchayats to carry out their responsibilities:

The next step in achieving functioning devolution is to make available funds which will take forward the administrative procedures set out by the earlier step. The Swajaldhara programme, the NREGS scheme are both such examples which have made available funds to Panchayats on a demand basis. It must be noted that a lot of water related assets are being created under the NREGS and this over time will prove to be significant investments. However, no such parallel schemes for creating irrigation facilities on the demand of Panchayats can be observed.

c) Influence of line departments over funds and functionaries, and responsibilities, if any of the Panchayats in relation to functioning of these line departments

The third step at a state level is to devolve the current functions of different line departments over to Panchayats, where required. We have examples from Himachal Pradesh where the IPH department has had a process of transfer of schemes to the Panchayats. In Gujarat, various amendments have been made to the Bombay Irrigation Act several times since 1962, but in practice the Canal officer, who is supposed to function under the Panchayats, is completely independent of the Panchayats. Most states have yet to pass such amendments. In case of the GWSSB – for water supply in Gujarat, the functioning has been amended to honour Swajaldhara guidelines for within village works i.e. for Pani Samitis to carry out such tasks. Such detailed amendments

are required to correct the current balance of power between Panchayats and the line departments.

d) At district level, power relations between the Executive head of District Panchayat, the District Collector/District Magistrate/District Development Officer Each state has its own balance of power between the District Collector, the District Development Office and the Elected Head of the Panchayats. Within our observations, different states have their own dynamics – in Gujarat, the DDO; in Andhra Pradesh, the District Collector and in West Bengal, the elected head of Panchayats – of power. Ideally, perhaps there should be an equal balance; but this hardly happens. If the head of the Panchayats is confident to carry out the elective demand of the representatives, surely more such demands would come up to satisfy local requirements. Especially, large level demands such as pipe line water to the district, flood control embankments, passing of major canal lines etc. can only be met by the elected head of the District Panchayat.

e) Political affiliation of the Panchayats at all 3 tiers and their influence of power to Panchayats over decision making

We come here to the question of political affiliation of Panchayats and their relevance to our subject. In states where the political affiliation of Panchayats are powerful and evident, different examples are cited where such affiliations have come to play a strong role in development decisions. An example of Teesta barrage irrigation system in West Bengal shows how “ ... overlapping of the Party and the Panchayat .. endows lot of power to the Panchayat. ... even if Panchayat representatives are not much accountable to the public at large, they are accountable to the Party” (Choudhury 2007). This “Party culture” of the Panchayats is seeping into most other states also as with growing funds and status to the Panchayats, the Parties see the Panchayats as a potential grass root presence. Such affiliations of the Panchayat representatives to political parties also play a strong role in decision making. We came across examples in Gujarat where, the Gram Panchayat approaches different parties for accessing central and state schemes. Such connections are resorted to for accelerating demands of the village, quite often. The role played by the MLAs, MPs along with the Panchayat representatives cannot therefore be ignored.

f) Interaction between Panchayats and Beneficiary/User/Resource groups such as Water user association, Watershed Committee and actual centrality of power

A parallel stream of thought for decentralization in water management has been on creation of apolitical people’s institutions at the village level – user groups/beneficiary groups etc. Especially the reforms in the major irrigation sector – those of PIM – and those for watershed in the new guidelines propose creation of such parallel institutions. In the case wherein such parallel local institutions have a legal sanction – WUA (irrigation), Watershed Committee – their relationship with the Panchayats and accountability becomes crucial. Our observations are that such bodies also turn political with passage of time thereby discounting the original claim for their creation. Also many

of these local bodies have project-lifespan. Sometimes, their members are unaware of these bodies themselves. The interaction with Panchayats is minimal, and they function with accountability only to a higher body such as a line department, district watershed unit etc (Raghupathy 2004). Therefore, these parallel bodies further accentuate the domination of such line department over the Panchayats, undermining the process of decentralized and participatory decision making.

g) Within Gram Panchayat, people's participation and democracy over decision making of the GP

The entire gamut of legal instruments being "ready funds" becoming available, and "political will" present – the final frontier is that of participatory democracy at the Gram Panchayat level. Collective action by people for the management of natural resources at the GP level has obstacles. The Panchayat act mentions processes such as the Gram Sabha, quorum etc to arrive at collective decisions, but our studies observed various constraints. To begin with, centrality of power with some individuals is the prime constraint. As Raghupathy mentions, the Panchayats are unable to re-vitalize community based organizations which were collectively managing local resources. In villages of Gujarat, our observation was that such collective decision making is also influenced by donations to the Panchayat which decide how government grants from specific programmes are used. Also, there is still a sub-community feeling within Panchayats i.e. over every turn of the Sarpanch, the particular community gets benefited. So there is an internal feeling of long term justice to all communities except those who are politically weak enough never to have power at the village level. Internal conscience also works within the village, and we have observed that such conscience results in a slow progress towards facilities such as water pipelines reaching the remotest parts of a village.

h) Overall inclusive and sustainable planning of water resources across different sources and uses by the Panchayats

Finally, compartmentalization persists in water management. For water as a resource and for sustainable use of the resource, observation and planning of the entire resource is necessary to ensure sustainability. But, there is no such overall planning of the resource by Panchayats. Some civil society initiatives exist, but the Panchayats by themselves have not partaken to this effort till now, consciously. Such resource planning is necessary before particular needs such as drinking, irrigation are articulated and aspects such as efficient allocation and equitable distribution are met. We emphasize that there is special need, especially for local water resources such as groundwater and local ponds for the Panchayats to act as not only a provider of services, but also as a concerned observer who monitors the resource and plans to maintain the quality and availability of water resource in the future.