

Government of Bihar
Public Health Engineering Department

Safe Drinking Water and Sanitation Policy
(Draft by Civil Society Organizations: 15th September 2011)

September 2011

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IV. Civil Society Report of Consultation on Draft Water and Sanitation Policy, Dated 29th August 2011

Background/Rational

Safe Drinking Water and Sanitation Facilities are basic human rights and essentials of human dignity. Water is life and sanitation is way of life. The Constitution of India upholds that the governments shall endeavor to ensure and protect human dignity. The Indian Constitution lists drinking water and sanitation as subjects of the state governments. Thus the states have constitutional responsibility to set proper guidelines for ensuring safe drinking water and sanitation through a well defined policy. Article 47 of the Indian Constitution underlines the duty of the states to providing safe drinking water and improving public health standards.

The United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, in its 29th session (General Comment No. 15) has explicitly declared right to water as a fundamental right under right to life and placed several obligations on State parties to ensure and enable citizens to realize the right. It is clearly stated that safe drinking water is fundamental for life and health and it 'is a precondition for the realization of all human rights'. A state drinking water and sanitation policy also assumes vitality with respect to the UN Convention on 26th July 2010 and also with respect to the declaration by Prime Minister Manmohan Singh during South Asian Conference on Sanitation (SACOSAN) III in November 2008.

During the course of 1989 to 2000 there have been many illustrious Judgments of the Supreme Court of India which have direct relation to states' responsibility of ensuring safe drinking water and sanitation. The Supreme Court has ruled that both water and sanitation are part of the constitutional right to life (Article 21). In Subhash Kumar v/s State of Bihar (1991), the Supreme Court upheld that the right to live 'includes the right of enjoyment of pollution free water and air for full enjoyment of life. In Narmada Bachao Andolan v/s Union of India (2000) it was held that 'water is the basic need for the survival of human beings and is art of the right to life and human rights'.

The Millennium Development Goal (MDG) VII, Target 7 C intends to reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation. It was admitted in the Fourth Plan (1969-74) that water related diseases constitute nearly 80% of the public health problems in India. Out of the 37 diseases identified as major causes of death in developing countries recently; 21 are related to water and sanitation.

The state of Bihar needs to have an integrated, multi-disciplinary approach to address the challenges of facilitating access of communities to safe drinking water and sanitation on a sustained basis. The current status demands that the state adopts an approach that covers not only the technological aspects but also incorporates elements of social, economic, legal and environmental concerns. It must recognize “WATER SECURITY” as an overarching objective both as an inseparable aspect of right to life but also by itself as an independent right.

In the changed scenario Bihar is assuming vital role in the development of the whole nation. A Healthy and Hygienic Bihar is a decisive factor on how far the people of this state would contribute towards and also derive benefits from the nation building processes as well as the economic and social development of the nation. Thus in the context of Bihar safe drinking water and sanitation becomes not only a basic right but also the first step towards humane and inclusive development.

The Bihar Government in the past four years has enacted various important policy decisions whereby the people of Bihar could participate and benefit from various development schemes. Bihar is moving ahead on the path of good governance and we are committed also to good governance in the sector of safe drinking water and sanitation. In this regard safe drinking water and sanitation to ‘every one and forever’ is the priority of the Bihar Government. To give it a tangible shape and to provide the people of the state with the benefits of sustainable safe drinking water and sanitation as envisioned within the federal system of the nation; the state is formulating an integrated safe drinking water and sanitation policy.

The Rural Context

There are many schemes operational in the state sponsored by the union government and the state government. In order that these schemes realize their developmental and social objectives; ensure uniformity in their implementation and ensure equality of benefits to all the classes of the society; it is necessary to have a people oriented state policy on safe drinking water and sanitation. The whole world has accepted that the benefits to the people could be sustained only when safe drinking water and sanitation are dealt with an integrated manner. PHED has resolved and taken the lead to have an integrated policy on drinking water and sanitation which facilitates access of communities to safe drinking water and sanitation facilities in the coming years.

Recently the union government has made amendments in the policy and guidelines with respect to rural drinking water and sanitation schemes. It is expected of the state governments too that they prepare their own policies and guidelines based on these amendments. Synergy and similarity between the state and union policies shall pave the basis for resource allocation and financial support in the future. This is an opportunity before the Bihar Government for ensuring sustained drinking water and sanitation to the people of Bihar.

Unequal distribution of water resources and availability of water throughout the state and throughout the year, sustainability of drinking water and sanitation facilities, community participation, effective monitoring and evaluation as well as adequate and timely utilization of the financial allocation are serious concerns in the implementation of drinking water and sanitation schemes in Bihar. These are the basic issues blocking the universal access to safe drinking water and sanitation in the state. Both availability and quality of water have posed serious concerns. The over extraction of ground water has affected both the sustainability of the water source and the quality of the water. A large part of Bihar is affected by arsenic, fluoride and other contaminants. There is serious lack of sanitation facilities. A large section of the population is still practicing open defecation, which is spreading diseases as well as contaminating the drinking water sources.

For realizing a permanent solution to these issues; a new safe drinking water and sanitation policy is necessary.

The Urban Context

It is important to recognize that the entire urban water scenario is linked not just to infrastructure, finance, and governance, but to urban developmental choices. In the context of increasing rate of urbanization the pressure in managing demand, supply and equity in distribution of water will be immense. The need to cater to industrial water need in addition to universal individual water security will further strain the water procurement cycle, and impose limits on the amount of water available to fulfill the needs of an urban environment. Unlike the rural areas the distribution and management of urban water and collection and disposal of wastewater function under a structured process and as a result there are more technical constraints and inter departmental as well as various intra institutional constraints to be addressed for ensuring safe drinking water and sanitation.

As per the 2011 Annual Report of the Ministry of Housing and Urban Development (GoI) 67% of the urban population in Bihar State access drinking water from tube wells/hand pumps, 29% from piped drinking water supply and 0.9% from bottled drinking water. The same report states that approximately 28% of the urban population in Bihar has no access to any type of latrines. Lack of proper and planned sewerage and lack of proper solid waste management system are the major issues in urban sanitation. Unlike the National Rural Drinking Water Guidelines or Total Sanitation Campaign Guidelines by the Ministry of Rural Development (MoRD), Government of India which forms the basis of funding of rural drinking water programmes; the urban water space do not have an operational framework to implement its water and sanitation programmes.

The approach adopted in this policy though being household based approach; in the special context of the urban areas it is necessary to go by habitation based approach as well ensuring adequate safe drinking water and sanitation facilities at the urban slums, market places, public roads and other common places.

An Overview of State's Water Resources

The average annual rainfall in the state is 1200mm. approximately. The intensity can be gauged by the fact that this yield is achieved only in 100 hours. There is regional imbalance in the rainfall ranging from approx. 1000 mm (Patna) to 1800 mm (Purnia).

River Ganga is the main course of rainwater which divides the state in two main regions, viz. North Bihar and south Bihar (earlier known as Central Bihar before the bifurcation of the state).

The origin of the all rivers of North Bihar is the Himalayas. The main Rivers of the north are Ghaghra, Gandak, Bagmati –Adhwara, Kamla-Balan, Kosi and Mahananda. Major rivers of South Bihar are Karamnasha, Sone, Punpun, Kiul-Haror, Badua, Chandan and Bilasi, mostly having their origins and linkages in the Vindhya Ranges.

Rainfall in large parts of the State is usually adequate but varies from year to year and place to place. The rainfall occurs only during two months of monsoon. The water balance available in the state is approximately 17% of the total national average of surface water. Groundwater availability is approximately 27 lakh hectare meter. The state is ravaged with recurring floods and drought. 71% of the states, mainly the northern part, are flood prone. With increasing dependence on ground water, the ground water resources are depleting at an alarming rate. Over exploitation of ground water has progressively deteriorated water quality affecting human health. High fluoride, arsenic and other chemical contamination is a cause of worry.

An Overview of State's Sanitation Status

The current status of sanitation is that roughly 31% of the people have access to toilets. More alarmingly the user rate is only 12-14% which calls for change in the objective of sanitation programme from merely 'construction of toilets' in a target mode rather to aim at behavior change which encourages 'use of toilets'. In the

80s and 90s the priority was merely on installation of hand pumps and creation of toilets whereas only 1-2% of the people had any sanitation access. In the absence of an integrated approach to address the challenges of water and sanitation till now there has been no analysis of the impact on health outcomes/indicators particularly pertaining to women and children. In the urban context the towns are devoid of sewerage systems and infrastructure for planned solid waste management.

The Policy Approach

The Government of Bihar commits to adopt a paradigm shift from predominantly engineering-based solutions to local community-based water and sanitation management solutions. This is, a shift towards recognizing community as the stakeholders and critical actors in decision making with regard to planning and commissioning of water and sanitation service delivery infrastructure and services. The policy aims to empower the community to undertake the roles and responsibilities of sustained realization of benefits as well as operation and maintenance. This approach involves a combination of 'bottoms-up' decision-making and 'top-down' technical support within a much more holistic conceptual framework. Government authorities will operate as multi-disciplinary 'technical service providers' and facilitator rather than central control organizations. The norms for coverage would shift from habitation to House Hold Level. Integrated Water and sanitation Management approach will be adopted and PRIs/ULBs will be adequately strengthened for this purpose. Towards the goal of realizing safe drinking water and sanitation as basic human rights special attention shall be given to women, children, minority groups, indigenous people, internally displaced persons, migrant workers etc. who have traditionally faced difficulties in exercising the right to water.

The Goals of the Policy

- To avail each resident of Bihar safe water for drinking and other domestic uses; ensured sustainably, in adequate quantity and with quality of acceptable standards
- To ensure the establishment of adequate sanitation facility/units in each house, habitat, schools, Anganwadis and other institutions of community use
- To ensure environmental sanitation through establishment of mechanisms of solid and liquid waste management and meticulously planned drainage/sewerage facilities
- To ensure redressal of public grievances pertaining to water, sanitation and hygiene service provisions within a stipulated time frame by service providers in the state

Objectives of the Policy

1. Adoption of an integrated and people oriented policy with emphasis on social equity and gender justice to ensure safe drinking Water, Sanitation and Hygiene provisions at the State level
2. Adoption of comprehensive guidelines ensuring the provision of sustained safe drinking water, sanitation and hygiene facilities to every household in Bihar and its implementation in a transparent and accountable manner
 - The challenging task of ensuring safe drinking Water, Sanitation and Hygiene facilities to every household could be dealt with in a phased manner beginning with ensuring habitation level coverage, with the aim of incremental coverage of each household in the next five years based on the principles of equality and cohesion
 - The objective of meeting the habitation based target shall be further phased and milestones for each shall be planned accordingly
3. To establish improved institutional mechanism so that the efforts by various institutions on safe Water, Sanitation and Hygiene could be made

participatory, sustainable and towards exploring permanent solution to the issues of safe drinking Water, Sanitation and Hygiene

4. To provide a supportive Policy and Legal framework for realization of Water, Sanitation and Hygiene services on sustained basis
5. To adopt a financial framework for safe drinking Water, Sanitation and Hygiene sector making the services cost effective along with ensuring free of cost services to the poor and the marginalized
6. To ensure effective participation and identified roles of the community especially the poor, the marginalized, women and children in the processes of planning, implementation, operation and maintenance
7. To ensure the effective participation of non-governmental institutions/civil society organizations in the processes of planning, implementation, capacity building and monitoring
8. To create a roadmap for permanent solution of issues related to quality of water and mapping of geographical areas affected by various contaminations
9. To provide within the next five years piped drinking water to every habitat affected by fluoride, arsenic, iron and other contaminants, with the aim of progressively realizing the objective of reaching every household in a time bound manner
10. A ground water recharge and management system shall evolve resulting in curbing the effects of over extraction of ground water
11. Capacity development of all the institutions active in the sector of safe drinking water, sanitation and hygiene

Guiding Principles

1. PHED, Government of Bihar recognizes safe drinking water, sanitation and hygiene as basic human rights and assures every citizen of the state of its access in all times and in all conditions and thereupon act in a responsible and accountable manner to protect, respect and promote right to water, sanitation and hygiene.
2. Safe drinking water shall be the first charge on the water resources of the state. The utilization of water resources in the state shall be in such manner that there is availability and access to safe drinking water, sanitation and hygiene in adequate quantity and quality 'to all and always'.
3. In order to execute the above responsibility the state shall assume roles of facilitator, catalyst, regulator and co financier and in that process ensure participation of communities in planning, implementation and maintenance
4. The panchayats in the rural areas and the relevant local bodies in the urban areas will have the ownership of every asset created. For facilitating the local bodies to execute their responsibilities in this regard adequate funds and functionaries shall be made available to them.
5. Women's participation shall be ensured in every scheme; the scheme wise guidelines and the technical alternatives shall have provisions to ensure the participation of women at the decision making process leading to realizing specific gender needs.
6. Community participation in decision making shall be ensured at every stage of planning, implementation, monitoring, operation and maintenance.
7. Community participation through financial resources for meeting the operational costs and maintenance shall be ensured whereas no one shall be excluded from access to safe drinking water and sanitation due to inability to afford financial participation
8. One of the guiding principles shall be to foster institutional mechanism which ensures participation of private sector, NGOs, CBOs and other academic and technical institutions

9. Water Security Plan shall be developed at the level of the panchayats and urban local bodies to ensure sustained safe drinking water security at household and habitation levels; conjunctive use of water resources shall be ensured.
10. Capacity development programmes shall be designed and implemented for developing the capacities for undertaking the tasks of planning, implementation, operation and maintenance of the created infrastructure.
11. Safe drinking water and sanitation monitoring committee shall be established at the panchayats and urban local bodies to ensure the quality of drinking water. Special task force shall be formed for undertaking testing and managing fluoride, arsenic, iron and other contaminants as well as disseminating the results thereof.
12. Over extraction of ground water shall be discouraged by promoting surface water based projects and schemes and thereby the ill effects of over extraction of ground water shall be curbed.
13. Panchayat and city level water supply and sanitation plans shall be developed based on meticulous planning using the latest and reliable data providing various suitable options to meet the desired needs.
14. Three tier monitoring committee with the participation of media, NGOs and subject matter specialists shall be established for attaining the targets set on safe drinking water, sanitation and hygiene.
15. The state shall promote the principle of 'reduce-recycle-reuse' in the management of waste water, solid and liquid waste. Adequate facilities for recycle and reuse of waste water, solid and liquid waste shall be established'
16. The marginalized and the excluded including but not limited to the dalits, maha dalits, the urban poor, disabled, widows, and the blind shall be ensured special provisions in the schemes of safe drinking water, sanitation and hygiene free of cost through suitable technology
17. The youth of the state shall have special avenues of participation in the implementation, operation and management of the schemes and programmes. The youth shall be encouraged to involve in awareness

- generation and monitoring processes at the panchayat/local bodies' level. The youth shall be trained to run production centres and sanitary marts
18. 70 liters of safe drinking water shall be made available to each person per day in the rural areas and 150 liters in the urban areas. All the drinking water schemes shall be planned based on the population in the habitats
 19. The state government shall assign special importance to hygiene promotion. As part of this the state shall promote behavioral change programmes at household, school, anganwadis and other community spaces and shall establish communication with every household through various media of IEC
 20. The facilities of safe drinking water and sanitation at schools shall be planned as per the number of students enrolled and shall use modern techniques like force lift pumps, merry-go-round pump etc. The sanitary units at the schools shall be constructed considering the special needs of the children.
 21. Sanitation shall be implemented in its wide concept going beyond toilets and including safe disposal of human excreta, waste management, solid waste management and liquid waste management
 22. School hygiene programmes and schemes shall specially include menstrual hygiene management for the enrolled girl children
 23. Legal provisions shall be created based on 'Polluter Pays Principle' for stopping drinking water contamination by levying fines and sanctions on the agents of contamination
 24. All industrial effluent shall be treated to conform to specification prescribed by Bureau of Indian Standards before discharging into natural streams or to groundwater recharge. Industrial solid waste, with potential for water contamination, will be disposed off in designated facilities, through 'Integrated Waste Management'. Discharge of contaminated effluent to either groundwater or surface drainage will be prevented immediately.
 25. To redress grievances on the safe drinking water, sanitation and hygiene, public information and public service kiosk shall be established at the appropriate levels of PRIs/ULBs. Through this kiosk the people shall be able

to register their complaints and monitor the status of their complaints. This kiosk shall also accept applications for services and depict the status of the application.

26. Adequate alternative facilities shall be promoted for flood and drought affected areas. The drinking water systems in the flood prone areas shall be so designed as to provide safe drinking water at the times of floods too. In both the drought prone and flood prone areas; rain water harvesting and other sustainable practices shall be promoted. Technologies like flood proof and ECOSAN shall be promoted in flood prone areas whereas low water consumption models of sanitary units shall be promoted in the drought prone areas
27. For facilitating full benefits of the safe drinking water, sanitation and hygiene policy in the urban areas; the Urban Development Ministry shall be approached to declare PHED as the implementing agency for safe drinking water, sanitation and hygiene schemes in the urban areas or establish effective convergence between relevant institutions/departments.
28. For ensuring the sustainability of drinking water systems and for promoting water security; traditional water sources shall be rejuvenated at every village. Encroachment and pollution of traditional water bodies shall be prevented immediately.
29. Industrial and domestic sewage contaminating the rivers shall be controlled. In accordance with the Ganga Action Plan; special importance shall be assigned to cleaning of the Ganga River. Treatment of industrial waste shall be made mandatory for industries having annual turnover above 20 crores
30. The state shall undertake consultation with the urban communities on all aspects of water and sanitation programmes and in the approach adopted to deliver water, sanitation and hygiene services
31. Water, sanitation and hygiene services to urban poor shall be delivered without demanding for various identities in both authorized and unauthorized slums. Service delivery shall be made available to the people who live in the communities irrespective of land tenure. Proof of residence could be used as adequate proof

32. Efforts to end manual scavenging shall mean not only eliminating dry toilets but also changing the living condition of the manual scavengers. The state shall identify alternatives for rehabilitating the scavenging community with alternative employment opportunities and not in the same field
33. The state shall promote establishing appropriate technology for connecting individual household toilets and community managed toilet to sewerages in the urban areas which will enable all citizens in the urban poor to be linked to sewerage and not to open drains. As a progression, municipalities shall promote community toilets with decentralized waste water treatment systems
34. The capacities of PRIs and Urban Local Bodies shall be enhanced in a phased manner so that these institutions can ensure, regulate and distribute the safe drinking water and sanitation facilities
35. Program to design and construct sewage treatment plants shall be implemented for all urban and high-priority rural areas in collaboration with local bodies. Treated effluent disposal will conform to established health standards. The standard of treatment will be determined by the beneficial re-use requirements of the wastewater

Legal enablement

The state shall ensure the following legal enablement with respect to realizing the objectives of the state safe drinking water and sanitation policy

1. A critical review of the laws related to water sector will be undertaken. Outdated laws will be repealed, and necessary enabling laws will be framed and the existing laws will be amended to suit efficient integrated water and sanitation management.
2. The role, responsibility and authority of local community structures (VWSC) will be legally specified to allow them to manage their own water resources. Within this legislation provision will be made for socially inclusive groups to have substantive voice in their local water-user group.
3. A legal framework will be developed for the regulation and management of groundwater extraction in general and in the 'Critical and over exploited'

zones in particular. Such legislation will also address the need for compensatory water conservation and recharge measures to be taken by the bulk water consumers.

4. A legal framework will be developed for dealing with conflict resolution within the water sector. This will start with community-based resolution, with subsequent appeal mechanisms at successively higher levels.
5. A legal framework will be developed to preserve existing water bodies from un-authorized construction, pollution and encroachment. In the event of significant pollution the local water-user group will be required to remedy the source of pollution, using technical and material assistance from the appropriate department.

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