



# A RIGHT IS A RIGHT BUT WHAT IS LEFT?

*Access to Right to Water in  
Mumbai Slums*



A Situational Analysis of the  
current water supply in the slum  
communities of Mumbai and its  
implication on men, women, and  
children living in the area.



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## INTRODUCTION

### **Water and Development: A Growing Crisis**

Water, like religion and ideology, has the power to move millions of people. Since the very birth of human civilization, people have moved to settle close to it. People move when there is too little of it. People move when there is too much of it. People journey down it. People write, sing, and dance about it. People fight over it. And all people, everywhere and every day, need it. It may come as a surprise to many that water - which after air is the most fundamental requirement for human survival - was not till now explicitly recognized as a fundamental human right. This is true of the UN system, and it is true of the Indian legal regime. In both, the recognition of water as a basic right has been indirect, flowing from other rights.

In contradiction to the UN Covenants on Human Rights & the Indian constitution which guarantees Right to Life, in March 1996, the Government of Maharashtra issued a circular directing that slums which had come into existence after 1 January 1995 should not be supplied with water. This was presumably so that they could not later claim eligibility for regularization and have to depend always on middlemen and buy water from illicit suppliers at exorbitant rates and be denied of their fundamental rights

For millions of others, the law does not deny water in an outright manner, but does not even explicitly direct that they are entitled to water. The result is the apathetic manner in which the Government is implementing its responsibility for water supply, almost as if it is doing a favour to the people. Consequently, even for something as fundamental as drinking water, there is little leverage to hold the Government accountable.

On 28 July 2010, the General Assembly of the United Nations passed a resolution recognising "the right to safe and clean drinking water and sanitation as a human right". This resolution is likely to have far reaching implications for the access to drinking water and sanitation for millions of people - the resolution itself notes with deep concern that world wide 884 million people lack access to safe drinking water and that more than 2.6 billion do not have access to basic sanitation, and that 1.5 million children under 5 years of age die each year as a result of water- and sanitation-related diseases.

### **Status of Water Supply in Mumbai:**

Everyday, Municipal Corporation supplies 3350 Mld of water to the population of 12 million people. According to BMC, per person water requirement is 135 liters a day, where while a slum dweller's consumption is 35- 60 liters and a rich people consume 300-400 liters a day. It is not just because the slum dwellers do not requires this much of water, it is because they can't afford that much of water and they do not have access to more than that, more so in the settlements which have been defined as 'illegal'. In absence of any such formal access to safe drinking water, people have to purchase water from the nexus (middle men) who procure the water unauthorized from the authorized Municipal system. For this slum women have to spend every day 2-3 hours standing in the queue and have to pay 30 times more than the prescribed rate. On an average a family residing in slum has to shell around 150 to 200 rupees every month, while others pay much less than that, even while consuming more water. While it is the responsibility



of the State to provide all basic amenities to its people, hence, water supply to any citizen cannot be delinked from the legal status of the structure; the corporation should provide safe drinking water to the concerned residents. On the government is trying to use water supply as another weapon to not acknowledge their existence by cutting their supplies first whenever there is water shortage or at every instance of non-payment of water bill.

While, the same Municipal Corporation is being patient enough to wait for the clearance of pending water bills in tune of Rs. 700 crores and has been supplying 8 Lakh liters of water everyday to Beverage plants who use this water for profiteering. While State Authorities, Builders, Police Authorities, Hotels, Shopping Malls have an outstanding bill of Rs 700 crores but no action is being taken against them and still they are getting uninterrupted water supply even after non payment of bill that runs in crores of rupees.

### **The right to water under the Right to Life**

For most countries, the lack of explicit reference to a right to water in the national legislation necessitates creativity in enforcing the right through the courts. In many such countries, cases have been brought under environmental or public health legislation or courts have interpreted the right to water under other constitutional rights, such as the right to life or a healthy environment.

In India, where the right to water is not enshrined as a fundamental right in the national Constitution, courts at both state and federal level have interpreted Article 21 of the Constitution, the right to life, as encompassing the right to safe and sufficient water and sanitation.

In 1990, for example, The Kerala High Court in *Attakoya Thangal v. Union of India* recognized the fundamental importance of the right to water. In this case, the petitioners claimed that a scheme for pumping up ground water for supplying potable water to the Laccadives (now known as the Lakshadweep Islands) in the Arabian Sea would upset the fresh water equilibrium, leading to salinity in the available water resources and causing more long-term harm than short-term benefits.

The Kerala High Court, in its judgment, requested deeper investigation and monitoring of the scheme and the judge clearly recognized the right of people to clean water as a right to life enshrined in Article 21, observing that:

“...the administrative agency cannot be permitted to function in such a manner as to make inroads into the fundamental right under Art 21. The right to life is much more than a right to animal existence and its attributes are manifold, as life itself. A prioritization of human needs and a new value system has been recognized in these areas. The right to sweet water and the right to free air are attributes of the right to life, for these are the basic elements which sustain life itself.”

Also the Supreme Court of India in reiterated that “the right to access to clean drinking water is fundamental to life and there is a duty on the state under Article 21 to provide clean drinking water to its citizens” in *A.P. Pollution Control Board II v Prof. M.V. Naidu and Others* (Civil Appeal Nos. 368-373 of 1999). In *M.C. Mehta v Kamamath* (1997) the Supreme Court



categorically ruled that the State is not only bound to regulate water supply, but should also help realize the right to healthy water and prevent health hazards. In *State of Karnataka v State of Andhra Pradesh* (2000) the Court held that the right to water is a right to life, and thus a fundamental right. In *Narmada Bachao Andolan v Union of India* (2000) it was held that 'water is the basic need for the survival of human beings and is part of the right to life and human rights'.

### **Differing Interests and Gendered Negotiations**

So far there has been little emphasis on gender perspectives in subsectors devoted to 'Water for Nature' although it is well known that men and women may have different interest in drought mitigation, flood protection, and mangrove, forest and fisheries management.

Women have long been focus in the domestic water subsector, their central place based primarily on the idea of their 'natural' role as house-hold managers. For many years women have been identified as the man drawers of water, the primary promoters of hygiene behavior among children and those most likely to benefit from their improved water supplied in terms of alleviation of burden of their domestic tasks. In relation to women's perceived role as the main bearers of water, there has been no focus on identifying ways in which time spent on water carrying can be reduced, by bringing water supplies closer to the home and increasing time for more productive or social developmental tasks

### **THE STUDY**

In context of the problems faced by the slum dwellers in exercising their right to water and the Water Supply Rules of BMC which ban water supply in slums which had come into existence after 1 January 1995, the study tries to explore its severe repercussions on men, women, children and the impact on the livelihood patterns of such communities.

### **OBJECTIVES**

- To understand the implication of the Maharashtra Government's & BMC's rule on not providing water supply in slum communities established post 1995.
- To study the socio-economic positioning of water in the slum communities of Mumbai
- To understand the impact of irregular and incomplete water supply on the women and girl children living in slums.

The Study was carried during the month of December 2010 as a part of field work in the 21 slum communities of Anna Bhau Sathe Nagar, Jai Ambe Nagar, Mandava, Mohite Patil Nagar (Mankhurd), Sanjay Nagar, Indira Nagar, Padma Nagar, Shanti Nagar (Shivaji Nagar), Netaji Nagar, Kamraj Nagar (Ghatkopar), Indira Nagar (Kurla), Tulsiwaadi (Bombay Central), Chitali Camp (Chembur), Gilbat Hill (Andheri), Channa Galli (Antop Hill), Vijay Nagar (Antop Hill), Malvaani (Malad West), Lalji Pada, Ekta Nagar, Ganesh Nagar (Kandhivili) and Kannamayar Nagar (Vikhroli). The data was collected by conducting FGDs in above mentioned squatter settlements. Approximately, 2 lakh people stay in these 19 communities.



## FINDINGS OF THE STUDY

S.NO	ISSUES	Percentage/Average
1	Communities settled after 1995	70%
2	Percentage of people who have access to tap water at home	19%
3	Percentage of people who carry water on their head	81%
4	Percentage of people who purchase water from outside	81%
5	Average daily water consumption	150liters
6	Average water cost per 35 liters	Rs 5
7	Average monthly water expenditure	Rs. 600
8	Average monthly income of the families	Rs 3500
9	Percentage of women in the communities who take responsibility for fetching water	87.5%
10	Percentage of girls in the communities who take responsibility for fetching water	6.5%
11	Percentage of men in the communities who take responsibility for fetching water	3%
12	Percentage of boys in the communities who take responsibility for fetching water	3%
13	Average time spent every day by women to fetch water	3 hours
14	Average time spent every day by girls to fetch water	3 hours
15	Average time spent by a family to fetch water	3 hours
16	Average distance a woman covers to fetch water	1.5 km
17	Average water timing in the communities	Between 8 am & 2 pm
18	Average number of times water comes in the communities	Once in a day
19	Percentage of people who have to skip work to fill water	35%
20	Percentage of slum s where cases of children who have to skip school to fill water	69%
21	Number of slums where people fall sick due to drinking dirty water	All of them
22	Percentage of people in the communities suffering from typhoid, jaundice, asthma and swelling of legs & hands	50%



1. **Communities Post 1995:** With more than 60% of the population in the metropolitan cities living in the slums and squatter settlements and with nearly 3/4<sup>th</sup> of them living below the poverty line, the right to live with dignity is certainly not being upheld. The experience of visiting Netaji Nagar, Mandala, Sanjay Nagar, Padma Nagar, Indira Nagar & S Nagar exposes one to the lack of the basic amenities of food, shelter, clothing, health, education in this area etc. **70% of the communities visited, have been established post 1995 and people live in a substandard physical environment with poor drinking water, electricity, and toilet- sewerage facility.** Their housing stock, which consists of semi permanent building material or in most cases thatched roofs over debris, can in no way be termed as an asset to be proud of. They are shunted anytime from the place they have built their shelter on as the land does not belong to them. They are fired from work without the prior notice as they are mostly engaged in as casual workers in the informal sector of the urban economy.
2. **Access to Tap Water at Home:** Only 19% of the people in the surveyed communities get access to water at home. **81% of the communities' members' have to purchase water from outside and have to carry it on their head to get it home.**

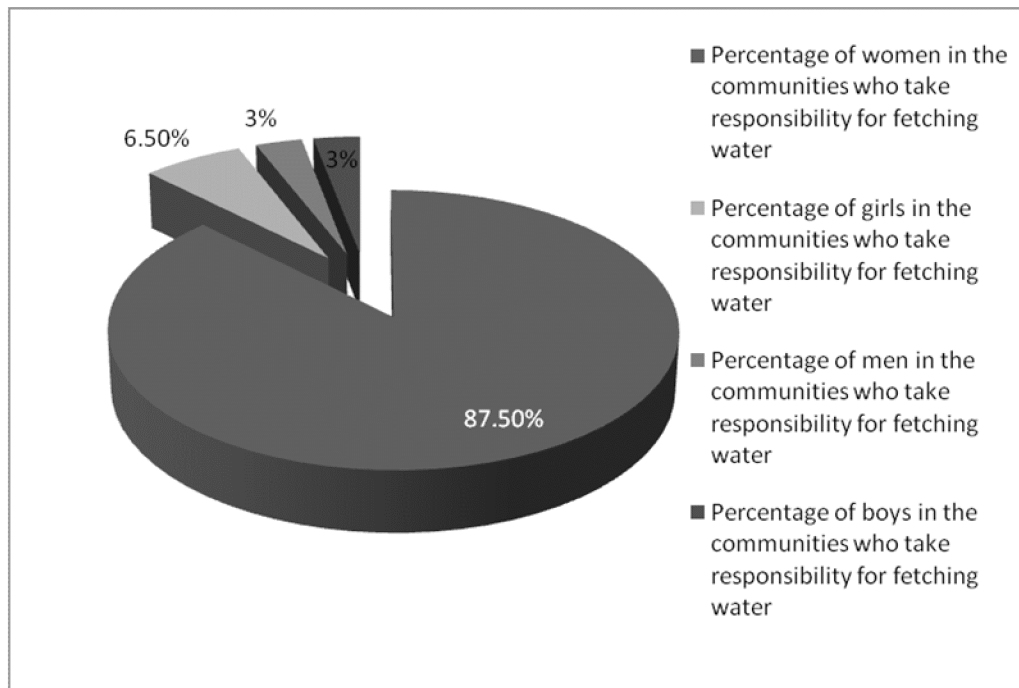
**Case Study:** For eleven year old Shabnam, morning starts with standing for long hours in water queues in Gilbat Hill squatter settlement. The real ordeal starts when she has to carry two cans of 15 liters each up the narrow staircase of her modest one room house in the community. There are many like Shabnam some much older ,who have spent most of their life balancing two cans on their waist and now suffer from severe spine and asthma problems. Apart from missing school, work just to stand in water queue, the community people frequently get looted by water mafia and pay a heavy price for getting access to sometimes even dirty water.

3. **Water Expenditure:** 150 liters is the average daily water consumption of each household of the surveyed communities (including water used for bathing, sanitation, washing, cleaning, cooking, and drinking). **The members pay an average of Rs. 5 for 35 liters and spend an average of Rs. 600 per month on water.**

**Case Study:** Shamim is a thirty year old house maid and stays in Antop Hill. She earns Rs. 1500 per month and supports a family of three. Her husband abandoned her long back and since then, she has been the sole bread earner of the family. With the monthly expenditure of water turning out to be Rs. 400, Shamim is barely able to make her two ends meet. To make things worse, Shamim's younger son recently broke his ankle and requires proper medication. Due to lack of finances, Shamim has stopped purchasing water and now depends on her neighbors to give her few liters every day

4. **Whose responsibility is it after all?** Water locations are often female spaces and water chores are the tasks of women, although these involvements most often do not translate into their participation in decision making. To engender water, one needs to put on a gender lens while looking at water, by which it will enable us to question how these ways affect gender and how gender affects views on water.





**87.5% women** from the survey communities take responsibility of fetching water with only 3% boys and men helping them out. **6.5% of the young girls fetch water** and skip their schools to stand in long water queues.

5. **Time Spent in Collecting Water:** Women and girls in the communities spent an average of 3 hrs daily to fetch water from the public water post or from neighborhood water taps. They travel a distance of 1.5 km daily (one way) to get water and sometimes this distance increases or decreases depending upon the availability of water in areas. **69% of slums reported cases where children dropped out of school in order to fill water** and similarly 35% of people have to skip work every month so that they can stand in water queues.

**Case Study:** Shekh Salima B. Mohammad is an Aaganwaadi teacher and has been residing in Gilbat Hill cluster for the past 25 years. She states numerous instances where her students come late to class stating the long water queues as one of the many reasons. She says, most of the students who skip classes comprise of girl students and it is a common pattern in the basti (squatter) which can easily be observed.

6. **Health Status:** In the slum communities visited for the survey, all most all of them have numerous cases of people falling sick due to drinking dirty water. 50% of the people in the surveyed communities suffered from typhoid, jaundice, asthma and swelling of legs and hands. There are clear benefits to be gained from improved access to water and sanitation including reductions in water related mortality and morbidity and positive impacts on productivity, child development, and quality of life. Women's care responsibilities are often increased by water



related diseases, thus intensifying their labour, reducing the amount of water they can collect, and limiting the time they can spend working for engaging in community action. Another gender specific disadvantage is the health impact of water work on women. Where girls and women head-load water, this has very negative health effects on them. It is common to hear rural people say that men do 'heavy work' such as clearing the fields with the implication being that women do comparatively light work. However, buckets of water carried on the head can weigh up to 40 kgs and the ergonomics of water carrying has shown to have detrimental effects on the development and the health of spine, leading to deformities, arthritic diseases and injury. The energy consumption involved in water collection has a negative impact on people with poor nutritional intake.

**Case Study:** Sushila Mata Prashad Patel is a 35 year old resident of Anna Bhai Sathe Nagar. She has been consistently unwell for the past three months and has been admitted in the hospital twice. Her illness began with the attack of jaundice leading to severe bout of pneumonia and typhoid. Sushila has already spent Rs18, 000/- on her medication with each injection costing Rs. 200 per day and X-ray cost going up to Rs. 800 per month. Her husband is the sole earning member in the family with the monthly income of Rs. 3000. Sushila has undertaken a loan of Rs. 10,000 from her relatives and doesn't know how she would be able to pay it back.

**Case Study:** Mithilesh Keshav Prasad Yadav is a mother of three children and her husband is a paani puri vendor. Their monthly income barely goes up to Rs. 2,500. Mithilesh suffered from jaundice, followed by typhoid and now, Chicken Gunia. She has been keeping severely ill and has spent approximately Rs. 4000 on her medication. Currently, she has stopped purchasing medicine as the family is going through severe financial crunch.

\*The day I visited the Anna Bhai Sathe Nagar community, two infants ailing with malaria succumbed to death.

## OBSERVATIONS & REFLECTIONS

During the data collection and interaction with the community workers, in addition to the findings we have the following observations to make:

- People in all the communities complained of absolutely no availability of livelihood options and gave suggestions that some programme should be started for women where they can work from home as one member was needed at home at all given time to collect and store water for the family
- In communities where there is severe water shortage ( like Ekta Nagar, Kandhivili and Jai Ambe Nagar ) , men have to go to fill water as women are unable to carry huge water cans for a long a distance
- Women (especially old) suffer from severe asthma due to carrying heavy water cans for long distance. Many have suffered bone injuries as often cases are reported where they fall off the stairs while carrying the water to their rooms on the first floor in the basti
- Within the slum settlements, there are some squatter settlements which exist in a dismal living condition. Jai Ambe Nagar is the best example reiterating the above mentioned statement with the community living literally on the road. The monthly income of the community members doesn't



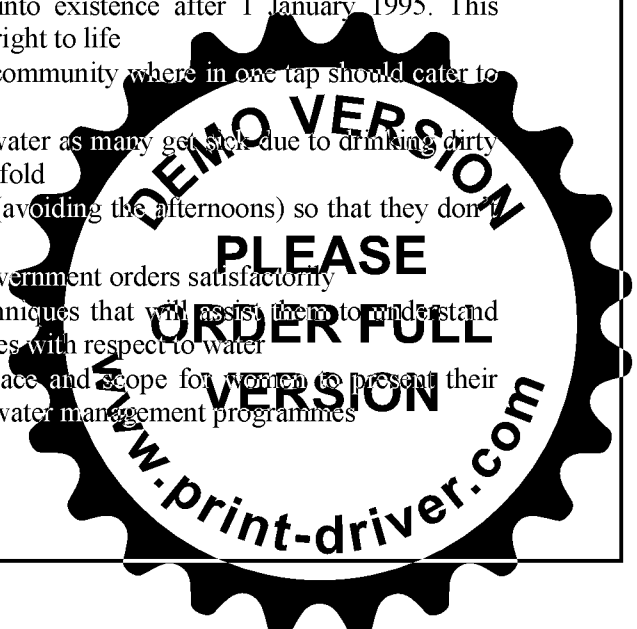


go up to Rs.1500 (as it comprises of beggars, poor laborers) and they spend monthly Rs. 500 on purchasing water

- In some communities like Saathe Nagar and Mohete Patil Nagar, people have dug wells inside their one room house and the water is used mainly for washing clothes and for sanitation purposes. The quality of ground water is very poor in most of these areas and many people get skin allergy after using this water
- Very poor health status in the communities in and around the Govandi dumping ground (Sanjay Nagar, Indira Nagar, Padma Nagar, and Shanti Nagar). Because of the garbage dump, the ground water is severely contaminated and the leads to rampant health problems
- The women belonging to lower caste face severe ill-treatment from the higher caste women while standing in queue for water. Caste dynamics play a vital role in the equitable distribution of water
- Chittah Camp requires a special mention with the fact that even though water taps are available but the water which is supplied is extremely salty and hard water. The community members have to still purchase water and can't use the BMC water for even washing clothes
- A common pattern which was seen across most of the communities was members getting exploited by the people who sell water. Because the community people pay in advance to the water mafia gang, they face heavy money loses in the days when there is no water supplied by the mafia due to shortage in the BMC supply
- There are many children across the communities who have got a final warning from their school regarding low attendance. It is a common sight to see many children standing in their school uniform in the water queue
- Even though in some communities like Tulsiwaadi (Bombay Central) or Indira Nagar (Kurla), people pay just Rs 300 per month for water, yet there are numerous communities where community members have to shell out Around Rs 1500 per month due to severe shortage of water in the area
- The water timings also play a crucial role as most of the communities get water during the afternoon from 12 pm – 3 pm (Sathe Nagar, Jai Ambe Nagar, Mandala, Sanjay Nagar, Indira Nagar, Padma Nagar, Shanti Nagar, Netaji Nagar, Kamraj Nagar and Indira Nagar) which is the peak working hours. It was also observed that it was in these communities that maximum children bunked school because of the water timings and stood in water queues. In some communities water timings are further weird – from 12 am in the night till 4 am in the morning (Antop Hill). People in these communities hardly sleep during the night with the fear of missing out on daily water supply

#### **SUGGESTIONS** (As conveyed by the members of the different communities visited)

- People across all communities demand removal of the Maharashtra Government's rule of not providing water supply in slums which had come into existence after 1 January 1995. This judgment denies the individual his basic fundamental right to life
- Members demand for public taps by the BMC in the community where in one tap should cater to the water requirements of at least five households
- The communities want BMC to ensure good quality water as many get sick due to drinking dirty water which increases their monthly expenditure multifold
- Certain communities demanded better water timings (avoiding the afternoons) so that they don't have to skip work
- Encourage the irrigation bureaucracy to implement government orders satisfactorily
- The government should develop public relations techniques that will assist them to understand and appreciate women's perception, needs and priorities with respect to water
- The government should strive to create sufficient space and scope for women to present their special requirements and contribute their strengths in water management programmes



- Water resource planning should be undertaken by multi- community groups so that the interest of all the communities within the water basin can be properly looked into

## **CONCLUSION**

The tragedy of India's water scarcity is that the crisis could have been largely avoided with better water management practices. There has been a distinct lack of attention to water legislation, water conservation, efficiency in water use, water recycling, and infrastructure. Historically water has been viewed as an unlimited resource that did not need to be managed as a scarce commodity or provided as a basic human right. These attitudes are changing in India; there is a growing desire for decentralized management developing, which would allow local municipalities to control water as best needed for their particular region.

### **Rights, Access and Social Structure**

In terms of water use, it is not helpful to see women's interests, nor to see the household as having uncontested unitary interests. Rather differing priorities of men and women are negotiated, and compromises reaches to ensure that the household meets its main water needs. Such negotiations take place both within the household and in public, at the water point and in community meetings.

There is a need for increased scope for negotiating women's interest within households and in community level resource use. The strength of women's negotiating positions may depend crucially on social and legal structure of rights within which these negotiations take place. Women's access to water cannot be seen in vacuum, but are shaped by other social relations and structures – relationships of family and marriage, caste and class.

