

Revised Rural Water Supply Programme,
Concept of Community Participation and
Guidelines for Programme Implementation.

**GOVERNMENT OF MAHARASHTRA
WATER SUPPLY & SANITATION DEPARTMENT
Government Resolution No. RWS-1001/CR-190/WS-07,
Mantralaya, Mumbai-400043.**

(English Version)

Dated the 3rd September, 2001.

- READ : (1) Government Resolution, Water Supply & Sanitation
Department, No. RWS—1099/CR-328/WS-07, dated 27.7.2000.
(2) Government Resolution, Water Supply & Sanitation
Department, No. RWS-1000/CR-196/WS-07, dated 22.12.2000.

PREAMBLE:

A policy decision to make revised guidelines issued by the Government of India applicable to Accelerated Rural Water Supply Programme of Central Government and Minimum Needs Programme of State Government has been taken by the State Government vide Government Resolution dated 27th July, 2000 mentioned above. According to the Resolution, the Rural Water Supply Programme will be implemented on "Demand driven and community participative principles." Accordingly, choice, design, planning, implementation, operation and maintenance of the scheme are required to be done by the beneficiaries. However, this new policy has been misconstrued as simply "Recovery of 10% capital expenditure from rural people while powers of decision making and implementation responsibility will continue to vest in the Government machinery as usual."

After the 73rd amendment to the Constitution, the subject of drinking water has completely been brought under the authority of Panchayat Raj Institutions in accordance with the 11th Schedule of the Constitution. Government formulated the revised policy as an important step towards implementation of the progressive spirit of this constitutional amendment. Not only this, Government has gone further ahead and decided to delegate as much power and authority as possible to be lowest tier of Panchayat Raj Institutions, i.e., Gram Panchayat or other similar institutional entities functioning at the village level, so that the concept of peoples' authority and peoples' decision making shall become more elaborate and broad based. Even at the village level, attempts are being made to ensure that decisions taken will not be of representative nature but will get a wider community oriented interface. Accordingly, powers of decision making, wherever

practicable, have been given to the Gram Sabha. It helps incorporate the principle of direct democracy in the water supply policy of the State.

However, on reviewing the working at the field level, it has been observed that this public oriented, community participative and broad based policy has been misconstrued as just depositing 10% public contribution with the Government but all the authority and rights of decision making still continuing either with Government or Zilla Parishad machinery. The issue of removing this misconception and explaining the concept of people's participation in the revised Water Supply Policy has been under consideration of the Government.

RESOLUTION:

Considering all the issues mentioned in the preamble, the following guidelines are issued for the implementation of the policy enunciated under Government Resolution, Water Supply & Sanitation Department, No. RWS-1099/CR-328/WS-07, dated 27th July, 2000:

- (1) A demand for water supply scheme from a village/wadi should be made by the Gram Panchayat of the area in which such village/wadi falls. This demand should be made by Gram Panchayat through a Resolution passed in Gram Sabha.
- (2) Before holding the Gram Sabha, views of the beneficiary voters in the concerned wards/wadis/habitations where water scheme is to be taken up or even otherwise should be ascertained in separate meetings organized for the purpose. Similarly, a separate meeting of beneficiary women voters to deliberate in detail upon the scheme should also be held with the help of the Mahila Mandal or Gram Panchayat. The gist of the deliberations and relevant information regarding the demand generated through such meetings should also be presented in the Gram Sabha held subsequently and then only Resolution as appropriate should be passed in the Gram Sabha.

- (3) Resolution so passed in Gram Sabha should be sent by the Gram Panchayat to the Zilla Parishad. The type of scheme village/wadi expects to take up (e.g. simple dug-well, bore-well, mini-water supply scheme, piped water supply scheme, rainwater harvesting etc.) should be mentioned in the Resolution of Gram Sabha to facilitate further action. Gram Sabha should discuss about all the water sources in the village, measures for optimising the present use of water, measures for reserving water for drinking purposes etc. For this purpose, the concerned Officers, viz. Talathi, concerned officer of the zilla parishad Agriculture Department, Technical Officer of the Groundwater Survey & Development Agency & Drinking Water Supply Department of Zilla Parishad should remain present in the Gram Sabha to provide necessary information and guidance. If these Officers are unable to attend the Gram Sabha because of very unavoidable circumstances, they should communicate their

inability, in advance, to the Gram Sabha and should arrange to provide necessary advice/information to the Gram Sabha through alternate means. However, if these Officers remain absent in spite of prior notice to them by a Gram Sabha or fail to make alternative arrangements, the competent supervisory officer should take due cognizance of these lapses on the part of these officials on receipt of Resolution to the effect passed by the Gram Sabha by majority vote and take appropriate disciplinary action against the concerned Officer and communicate the same to the Gram Sabha. He will also ensure that the Officer remains present in the subsequent Gram Sabha if again called for the same purpose. Gram Sabha may take assistance of NGOs, experts or professionals for getting preliminary information about water presently available in the village, the proportion of water to be set apart for drinking purposes, probable/ potential water sources and other technical aspects.

(4) If Gram Sabha Resolution received from Gram Panchayat does not contain a demand for a specific water supply scheme, then the concerned engineer of Water Supply Department of Zilla Parishad should suggest technically feasible and operationally and financially viable alternatives for water supply scheme. The concerned engineer should present the information in the Gram Sabha in a manner that it will be understood by the villagers. If necessary, such Gram Sabha may again be called by the **Chief Executive Officer** himself or by giving direction to the **Block Development Officer**.

(5) While submitting proposal for the purpose mentioned in (1) to (4) above, the Gram Sabha should also take decisions and make appropriate resolutions on the following matters:-

(a) **A Village Water & Sanitation Committee (VWSC)** should be duly constituted for the implementation of the Scheme.

(b) While electing VWSC, it should be ensured that it has at least 50% women members and also adequate member of backward class representatives. Efforts must be made to give adequate representation to each wadi/habitation in the jurisdiction of the Gram Panchayat. There is no bar to include all the members of Gram Panchayat Committee in the VWSC. Similarly, decision to appoint Sarpanch or any other person as the Chairman of the VWSC should also be taken lay the Gram Sabha only. **In short, these decisions are totally within the competence and discretion of the Gram Sabha.**

(c) All the activities pertaining to implementation viz, preparation of tender documents, publishing tender notice in the newspapers, scrutiny of tenders received and taking final decision thereon, issuing work orders to the contractor selected, supervision over the work of the contractor, procurement of goods and services in accordance with the procedure laid down by the State Government or according to the rate contract, payment of the bills according to the stages of work of the scheme after countersignature of the Engineer appointed by the

Zilla Parishad shall be done by the VWSC appointed by the Gram Sabha. Gram Sabha should clearly lay down in its resolution the stages and activities the authority for which is completely delegated to VWSC and those in which preliminary action is to be completed by the Committee and then to be brought before the Gram Sabha for final decision. (Draft of model resolution is enclosed at Annexure-I with this Govt. Resolution).

(d) Gram Sabha must open a separate bank account in the name of VWSC and also authorise at least two office-bearers to jointly operate the account for the implementation of the scheme. Similarly, authority or responsibility to collect amounts towards people's contributions from the beneficiaries and to deposit the same as and when recovered in the bank account will have to be given to the VWSC for which endorsement by the Committee of Gram Panchayat will be essential. VWSC will have the status and authority of a Sub-Committee of Gram Panchayat for all the actions. However, review of the functioning of this Sub-Committee shall be taken only by the Gram Sabha.

(e) Bank account may be opened in the nearest nationalised bank or cooperative bank.

(6) The Gram Sabha should also authorise the VWSC, after completion of the scheme, for recovery of 100% charges towards operation and maintenance from the beneficiaries. Gram Sabha should suitably increase water charges for the purpose and also authorise VWSC to take appropriate action against the defaulters.

(7) The above mentioned resolutions should be submitted by VWSC to the Chief Executive Officer, Zilla Parishad (CEO, ZP). However, if VWSC does not include the Sanparch, then the resolutions should be submitted to the CEO duly countersigned by the Sarpanch. The CEO, in his discretion, may examine the veracity of resolutions so passed, either himself or through Block Development Officer (BDO) or any other mode. However, it is not obligatory for the CEO to undertake such verification in each and every case. It is left to the discretion of the CEO as the circumstances warrant.

(8) Zilla Parishad must maintain a register of all the proposals received from the VWSCS. This register should be open for inspection to Gram Panchayats and general public. The schemes should be taken up after assessing the availability of funds and in accordance with the priorities and norms prescribed by the Govt. These priorities and norms shall not be relaxed under any circumstances. If such relaxation or deviation is imperative in an extreme emergency, the proposal should be referred to the Govt. for decision after passing an alternate resolution in the general Body of the ZP.

(9) The single village drinking water supply scheme proposals having capital cost of Rs. 75 lakh received from VWSC should be examined by the appropriate authorities in the ZP vested with the respective powers. The technical and administrative approval to the scheme should be given by the respective authorities in ZP according to the powers delegated to them.

(10) Powers of according administrative approval to a single village scheme with capital cost of upto Rs. 75 lakh under the Minimum Needs Programme (MNP) are vested in different authorities under ZP. Powers to give technical sanction to schemes with capital cost of upto Rs. 25 lakh are vested with the Executive Engineer of Water Supply Department in ZP. The schemes costing more than Rs. 25 lakh should be sent for technical approval according to the powers delegated to the Superintendenting Engineer, Chief Engineer or to the Head Office of the Maharashtra Jeevan Pradhikaran (MJP). Similarly, schemes with capital cost above Rs. 75 lakhs should be sent for administrative approval to MJP or Govt. as the case may be.

(11) All the schemes proposed under Accelerated Rural Water Supply Project (ARWSP) of the Govt. of India by VWSC should be sent to the State Govt. through ZP for approval.

(12) The competent authority vested with powers to accord administrative and technical approval should take decision within a maximum period of 60 days from the date of receipt of the proposal by him. However, if it is not possible to take decision within 60 days, the concerned officer should communicate reasons for delay to the concerned VWSC. However, if no reasons for delay are communicated, then the VWSC may proceed further with prior approval of the CEO by presuming that the scheme has been given administrative and technical approval. If the CEO himself is responsible for the delay, then above action (deeming of approval) should be taken with the approval of the President of ZP. Officials/Non-officials responsible for failure to take decision within the stipulated time and for keeping the same pending should be held responsible and appropriate action should be taken against them.

(13) If a village desires water supply beyond the norm of 40 lpcd prescribed in the Government Resolution dated 27.7.2000 or desires to opt for individual or community water connections instead of public stand-posts, the expenditure required for such additional facilities beyond the standard norms should be fully borne by the concerned beneficiaries. If such beneficiary individual groups or the village resolves to bear the extra expenditure and deposit the additional amount in a bank account, and the technical officer in ZP or GSDA gives written opinion and advice that sufficient water, after fulfilling the need @ 40 lpcd will be available for such additional facilities on sustained basis, then water supply schemes with such additional facilities may also be approved.

(14) VWSC must submit, by resolution passed in Gram Sabha, an undertaking that the villages shall abide by the provisions of the **Maharashtra Groundwater Act, 1993** and should also submit alongwith the "scheme demanding letter" a plan as to how the water will be allocated and distributed in the village.

(15) After approval of the scheme and receipt of letter to that effect, VWSC should collect **public contribution** according to the stages specified and should deposit the same in the bank account opened for the purpose and should communicate the same to the ZP. The ZP should deposit the Govt. share in the same bank account according to the stages mentioned in the approved plans and estimates.

(16) A **tripartite agreement** should be signed after approval to the scheme and **appointment of the contractor**, amongst the **VWSC, ZP and contractor**. The agreement should be signed as a witness by a representative duly authorised by the Gram Panchayat Committee (He should be a representative of Gram Panchayat who is not included as a Member of VWSC). Representative of the **Mahila Mandal** of the village should also sign the agreement as a witness.

(17) VWSC shall be responsible for **preparation of tender documents** according to the approved plans and estimates, **giving advertisement in newspapers and publicity through other approved modes**, and also the **scrutiny of the tenders received**. For this purpose, technical assistance/support shall be provided by the officers of the **Water Supply Divison/Sub-Divisions** of ZP.

(18) The responsibility for day to day technical supervision of the scheme during implementation may be assigned to a Technical Officer of ZP or MJP by a resolution passed by the Gram Sabha. However, the same Technical Officer appointed by the ZP on its behalf for the technical inspection and supervision and for countersignature should not be appointed for the technical supervision on behalf of the village. Expenditure for such technical supervision shall form part of the plans and estimates of the scheme approved and shall be paid by the village to ZP/MJP. For this purpose, a separate agreement shall be entered among VWSC & ZP or MJP as the case may be. In due course, Govt. may allow villages to engage services of NGO/Experts on the panel to be prepared by the Govt. However, the above arrangement shall remain in place till this exercise is completed.

(19) Only those contractors who are empanelled by ZP/MJP or the concerned department of State Govt. shall be eligible to participate in the tenders floated by a VWSC. However, if Gram Sabha decides to get the work done departmentally through Gram Panchayat, prior approval of the CEO shall be necessary.

(20) As the State Govt. is providing 90% of the amount through ZP for the scheme approved by Gram Sabha, Technical Officer of ZP, CEO and other officers duly

authorised by ZP by a resolution shall have powers and authority to take up technical inspection and to ensure proper implementation and completion of the scheme.

(21) The authority and powers to pay the bills of the contractor according to the stages of the construction schedule shall be with the VWSC. However, the amount shall be paid by cheque and after verification and countersignature by the Technical Officer of ZP appointed for the purpose. ZP must intimate this arrangement to the bank in advance.

(22) The VWSC shall adopt the laid down procedure for the procurement of goods and services for the construction of the project and for supplying the same to the contractor. Policy decision as to whether to procure such goods and services by the VWSC itself or to allow such purchase by the contractor should be taken by the Gram Sabha while according final approval to the tender. However, further action will be taken by the VWSC in accordance with the powers given to it by the Gram Sabha.

(23) The goods and services of the requisite quality should be purchased according to the rate contracts prepared by the MJP or ZP. If the VWSC is confident that goods and services of higher quality can be made available at a lesser cost than what is provided in the rate contract, then it is free to procure the same after due process or calling for tenders or quotations but with the consent of Technical Officer of ZP and prior approval of C.E.O.

(24) The work order shall be signed by Office-bearers of VWSC nominated by the Gram Sabha and shall be countersigned by the Technical Officer of ZP.

(25) The VWSC should submit progress report on the implementation of the project to the Gram Sabha called from time to time. If 25% voters in the village desire to take review of the progress of the scheme, they may requisition special Gram Sabha by an application to the Gram Panchayat or the CEO. Similarly, all the authorities empowered to requisition/ call Gram Sabha under the provisions of the Zilla Parishads and Panchayat Samities Act may also call the Gram Sabha for taking review of the implementation of the water supply scheme.

(26) For day to day supervision over the project during implementation, members of the VWSC may appoint one permanent sub-group from amongst themselves. Similarly, Mahila Mandal in the village is also empowered to supervise the work. VWSC may also engage an NGO (having the capacity for providing technical services) or an Expert for the supervision. However, final responsibility for such supervision shall rest with the VWSC.

(27) The technical officers of ZPs and State Govt. shall have full powers to inspect the project and to verify the quality of the goods and services procured/purchased. On the

basis of such inspection, the ZP and State Govt. shall also have powers to give appropriate directives to the Gram Panchayat or Gram Sabha.

(28) **Completion certificate** of the scheme shall be given only after the consent of Mahila Mandal of the village and the final bill of the contractor shall be paid only after the approval of the Gram Sabha and countersignature on the bill by the concerned Technical Officer of the ZP.

(29) The power to decide salary and other terms and conditions on the employees to be appointed for the operation and maintenance of the project shall be vested in the Gram Sabha.

(30) Powers to take action against defaulters of water charges shall be vested in the VWSC.

(31) The representatives of VWSC & Mahila Mandal will have to undergo a short duration training as specified by the Govt. to acquire primary knowledge of technical, administrative and financial matters pertaining to water supply schemes before finalization of the contract. The training shall be imparted by MJP or NGOs or such other training institute(s) as decided by the Government and it will be obligatory for the representatives to attend the training, without which they will not be entitled to function as the representatives.

(32) An **accounting manual** for maintenance of the accounts at the village level for the expenditure of the scheme shall be prepared. Accounts will have to be maintained in accordance with the manual and the State Govt. and ZP will have the powers to audit the accounts. The accounts shall also be submitted to Gram Sabha from time to time, and State Govt. and ZP Officers shall have the authority to inspect the accounts.

(33) The powers to remove any difficulty in the implementation of these guidelines shall be with the Govt.

(34) This Resolution is issued under powers vested in the State Government under section 8 (3) and 153-A of the Mumbai Gram Panchayat Act, 1958 and with the concurrence of the Rural Development and Water Conservation Department. The above mentioned responsibilities are accordingly entrusted to Gram Sabha/Gram Panchayat and the Committee of Gram Panchayat.

By order and in the name of the Governor of Maharashtra,

Ratnakar Gaikwad
Secretary to Government.

To

- The Secretary to the Governor.
The Secretary to the Chief Minister.
The Secretary to the Deputy Chief Minister.
The Private Secretary to the Cabinet Minister (ALL).
The Private Secretary to the Minister of State (ALL).
The President of Zilla Parishad (ALL).
The Chief Secretary to Govt. of Maharashtra.
The Divisional Commissioner (ALL).
The Member-Secretary (Administration), MJP, Mumbai.
The Member-Secretary (Technical), MJP, Mumbai.
The Director, Groundwater Survey & Development Agency, Pune.
The Collector (ALL).
The Chief Executive Officer, Zilla Parishad (ALL).
The Chief Accounts & Finance Officer, Zilla Parishad (ALL).
The Chief Engineer, Maharashtra Jeevan Pradhikaran (ALL).
The District Water Supply Officer & Superintending Engineer,
Maharashtra Jeevan Pradhikar (ALL).
The Tahasildar (ALL).
The Executive Engineer, Maharashtra Jeevan Pradhikaran (ALL).
The Executive Engineer, Rural Water Supply Department,
Zilla Parishad (ALL).
The Deputy Engineer, Rural Water Supply Sub-Division,
Zilla Parishad (ALL).
The Group Development Officer, Panchayat Samiti (ALL).
The Accountant General, Maharashtra-I, Mumbai.
The Accountant General, Maharashtra-I (Accounts & Treasuries), Mumbai.
The Accountant General, Maharashtra-II, Nagpur.
The Accountant General, Maharashtra-II (Accounts & Treasuries, Nagpur).
The Chief Auditor of Accounts, Local Fund Accounts, New Mumbai.
The Chief Auditor of Accounts, Local Fund Accounts,
Nashik/Pune/Aurangabad/Amravati/Nagpur.
The Planning Department, Mantralaya, Mumbai.
The Finance Department, Mantralaya, Mumbai.
The Rural Development & Water Conservation Department, Mantralaya, Mumbai.
All Departments of Mantraiaaya.
All Controlling Officers & Desk Officers, Water Supply & Sanitation Department.
The Select File (WS-07), Water Supply & Sanitation Department.

ANNEXURE - I.

Standard draft of the Resolutions to be passed by the Gram Sabha for demanding a Drinking Water Supply Scheme in the Village/Wadi.

The General Body meeting of the Gram Sabha of ----- Gram Panchayat/Village has been held at ----- (place), on ----- (Date) under the Chairmanship of Sarpanch/ Upa-Sarpanch, Shri ----- (name). The list of office-bearers, officials and the villagers present for the Gram Sabha is enclosed.

Following Resolutions have been passed in the Gram Sabha.

Item No.1: To consider taking up of Drinking Water Supply Scheme for ----- Village/ Wadi.
Resolution No.-----

(1) There is a scarcity of drinking water in ----- village/wadi because of lesser supply of water than what is specified under Government Resolution, Water Supply & Sanitation Department, No.GRAPAPU-1099/CR-328/WS-07, dated 27th July, 2000. Therefore, the views of the beneficiaries of the scheme in those wards/wadis/ habitations in the village have been first ascertained through discussions in separate meetings or the beneficiaries thereof. Similarly, a separate meeting of the beneficiary women voters in the village has also been held with the help of the Mahila Mandal/Gram Panchayat and thorough discussion on the issue has taken place. The gist of the discussions in all the above meetings is placed before Gram Sabha. Various technically, operationally and financially viable options available to tackle the scarcity of drinking water of ----- village/wadi have been put forth before the Gram Sabha by the Technical Officer of the Zilla Parishad present in the meeting. After considering views expressed and deliberations made in the Gram Sabha, it is hereby resolved to take up the Water Supply Scheme ----- (Please mention the type of scheme like dug-well, borewell, Mini-piped water supply scheme, piped water supply scheme, etc. as found viable and feasible and desired by the villagers) for ----- village/wadi.

(2) The gross estimated cost of the proposed scheme is around Rs.----- (in figures) (Rupees) ----- only) (in words). The Gram Sabha hereby approves this estimate. The Gram Sabha also hereby resolves that it is ready to bear 10% cost of the capital expenditure on the proposed project through public contribution and is also ready to bear 100% expenditure towards Operation & Maintenance and management of the scheme on completion.

(3) With a view to making the water supply scheme self-sufficient, the Gram Sabha hereby further resolves to levy appropriate water charges and also to increase them from time to time as necessary.

(4) The Gram Sabha further resolves to constitute and hereby constitutes a Village Water and Sanitation Committee for the implementation of the proposed scheme consisting of the following members and office bearers :-

<u>Name</u>	<u>Designation</u>
(i)	Chairman
(ii)	Secretary
(iii)	Treasurer
(iv)	Member

etc.

5. It is also hereby resolved that the Village Water and Sanitation Committee is vested with full authority for the implementation of the Water Supply Schemes which inter-alia includes preparation of tender documents, issue of and advertisement for tender in News Papers, scrutiny of the tenders received and final decision thereon, giving work order to the contractor chosen, supervision of the work of the contractor, purchase procurement of goods and services according to the procedure laid down by the State Govt. or the rate contract in force, as the case may be, make payments according to completion of stages of construction of the scheme after getting counter signature of the concerned Jr. Engineer appointed by the Zilla Parishad.

OR

It is hereby resolved that the Village Water and Sanitation Committee is authorized to implement the scheme which inter-alia means preliminary action for preparation of tender documents, scrutiny of tenders received, selection of contractor for giving work order, supervision of the work of the contractor, procurement of goods and services, scrutiny of bills of the contractor for payment, however subject to the condition that, after scrutiny, such preliminary work by the VWSC, it shall submit the same to the Gram Sabha for final decision on acceptance of tender, giving work order to contractor chosen, purchase of goods and services as required according to the procedure laid down by the State Govt. or rate contract if any, payment of bills according to the stages of completion of construction of scheme after taking counter signature of the concerned supervisory Engineers of the Zilla Parishad (which of these activities is to be finalised by the VWSC itself or should be submitted for the final decision to the Gram Sabha should be specified by the Gram Sabha and the same should be mentioned in the resolution accordingly)

6. The Gram Sabha hereby authorizes Shri -----and Shri----- the office bearers of VWSC to sign the agreement and the necessary papers for giving work order.

7. It is also resolved to authorize Shri----- and Shri-----, the office bearers of the VWSC to open a separate account for the implementation of the scheme and to operate the same. These two office bearers are further authorized to operate the account under their joint signature and make payment of the bills to the contractor by "crossed A/C payee cheque" after getting them verified from the Technical Officer of the ZP and after taking his counter signature thereupon.

8. It is also resolved to authorize the VWSC to arrange to collect community contribution from the beneficiaries and to deposit the same as and when it is recovered, in the bank account opened in the name of VWSC.

9. The consent of the Committee of the Gram Panchayat should be separately taken for issues mentioned in the Resolution Nos. 7 and 8 herein above.

10. The VWSC is hereby authorized to take action as appropriate against the defaulters of water charges.

11. The Gram Sabha hereby resolves that the Village/Wadi desires to avail of water at a norm higher than specified in the Govt. Resolution dated 27.07.2000, i.e., beyond 40 lpcd and also desires to provide individual/group domestic connections in addition to the public stand-posts. The Technical Officer of ZP/GSDA have given written advice that extra water on sustainable basis, will be available for this purpose after fulfilling the minimum need. It is also resolved that the extra expenditure required to be incurred for the additional facilities beyond the minimum norms specified by the Govt. shall be fully borne by the beneficiaries. (Only if relevant)

12. It is hereby further resolved that Village/Gram Panchayat shall abide by the provisions of the Maharashtra Groundwater Act, 1993.

Proposer Shri

Seconder Shri

Resolution No.

Passed unanimously

By votes

In favour and against

dated

Village Development Officer/Gramsevak

Sarpanch, Grampanchayat