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To cite this article: Ashok Kumar, Nitin Singh, Anna Mdee, Shivani Singhal & Jaime Amezaga (16 Sep 2024): Opposition windows in Delhi's water utility privatization: going beyond the multiple streams framework, Policy Studies, DOI: [10.1080/01442872.2024.2393665](https://doi.org/10.1080/01442872.2024.2393665)

To link to this article: <https://doi.org/10.1080/01442872.2024.2393665>



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Published online: 16 Sep 2024.



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# Opposition windows in Delhi's water utility privatization: going beyond the multiple streams framework

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## ABSTRACT

John Kingdon's Multi-Stream Framework sheds light on the foundational conditions under which public policies get formulated and implemented. The coupling of the Problem, Policy, and Politics streams along with efforts by Policy Entrepreneurs opens the Opportunity Window for policy realization. Interpreting Kingdon's MSF, a rich scholarship exists, which found evidence in support of this framework. Some instances of the opening up of multiple windows are found in MSF. However, two aspects remain unclear. First, what happens when multiple windows open, some of them could be opened by the opposing side simultaneously to the policy window? Second, no literature exists that discusses the application of multiple windows of the MSF. In this context, this paper takes the idea of multiple windows seriously along with illustrations from Delhi, India where we find that although a window of opportunity existed for the Government of National Capital Territory of Delhi, it could not privatize water supply. Our argument is that multiple windows opened up, some by the opposition that thwarted water privatization attempts of the state government.

## ARTICLE HISTORY

Received 20 November 2023  
Accepted 13 August 2024



## KEYWORDS

Opposition window; Multi-Stream Framework; policy entrepreneur; deepening democracy; water privatization; Delhi Jal Board

## 1. Introduction

Kingdon's Multi-Stream Framework (MSF) is widely accredited across the globe for effectively describing ground conditions for policy formulation and implementation processes. The coupling of the Problem, Policy, and Politics streams with the efforts of policy entrepreneurs opens the opportunity window for policy realization. However, we believe that an ephemeral opportunity window period could also activate actors who are on the opposition side. Therefore, we do not know *a priori* whether a policy would get framed successfully even when there is a convergence of the three streams.

Therefore, the first reason for writing this paper is that there is very little literature available which talks about the opening of windows by the opposing parties. Second, limited literature exists that provides a critique of the application of opening multiple

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windows in the MSF, with sympathetic exceptions being Cairney (2018). We suggest that attempts to privatize Delhi's water utility are a unique case where we find a failed story of the forced public sector participation (PSP) led by the government involving globally influential stakeholders such as the World Bank (WB) and PricewaterhouseCoopers (PwC). By citing the examples of such failures, we attempt to explain the significance of simultaneous opposition windows opened by the opposition actors who became more effective and influential than policy entrepreneurs who tried to open opportunity windows with the central government's full support.

India witnessed a wave of privatization after the July 1991 economic reforms. This national-level policy decisions cleared the way for Indian and foreign private corporations to venture into the Indian market by making huge investments and trained labour power. As a result, various sectors, including water, witnessed investment from global and Indian private firms.

Right after July 1991 economic reforms, most PSP-based water and sanitation projects were developed in southern India due to their market openness. The report titled "Water and Sanitation Program" notes that

most of the water and sanitation projects which were planned and developed during 1990s were concentrated in the southern states of India, this tally got extended during 2000–04 when central and northern states also got included i.e. Maharashtra and Delhi and from 2005 onwards new states such as Madhya Pradesh and West Bengal enlisted their name in this list. (Water and Sanitation Program 2011)

In line with the general policy environment, the National Water Policy, 2002 emphasized that PSP should be encouraged in the planning, development, and management of water projects for diverse uses (Ministry of Water Resources, Government of India 2002). To conform to the national water policy, the Delhi Government also started looking at private-sector interventions in the water sector.

In early 2000, the Government of the National Capital Territory of Delhi (GNCTD) started privatizing different utilities in the state. For example, power distribution was privatized in 2002. During this period, the Indian National Congress (INC) party was in power in Delhi under the leadership of Sheila Dixit who held a high position among the national leaders of the INC. It was the central government which initiated economic reforms in July 1991. In line with the central government's thinking, the principles of neoliberalism were apparent in the GNCTD's policies including water and sanitation. The state government firmly believed that privatization was a panacea for all challenges being faced by the Delhi Jal Board (DJB), ignoring the fact that under-investment, staff inefficiencies and rent-seeking provided fertile ground for mis-governance (Centre for Science and Environment 2003; Mittal 2014).

Several attempts were made to privatize water supply in Delhi, some attempts succeeded but the idea of private water supply in Delhi did not kick in. DJB, a statutory organization entrusted with the responsibility of water supply, sewerage, and drainage in the National Capital Territory (NCT) of Delhi was established in 1998 under the Delhi Jal Board Act, 1998 passed by the Delhi Legislative Assembly. Within a few months of the DJB's establishment, the state government approached the WB for a loan and technical guidance to reform and revamp Delhi's water sector with the involvement of the private sector.

In Delhi State provided services including water and sanitation were held to be inefficient due to lethargy and self-serving goals of government employees. Public criticism of the state-funded water boards encouraged the state government to seek privatization of water and sanitation services. The idea of PSP in the water sector synced well with state policy to alleviate the persisting and increasing water problems in Delhi. The city's water supply was plagued with issues of demand-supply gap, inequitable water distribution, a high percentage of non-revenue water, poor and insufficient infrastructure networks, etc. In such circumstances, the GNCTD and central government started working on the PSP model in Delhi's water and sewerage sector (name deleted to maintain the integrity of the review process).

Furthermore, in 1991, the Government of India was bailed out of the financial crisis by the WB and the International Monetary Fund. The Water Policy of 2002, the central government's support to the state government, help rendered by international financial institutions, and the increasing water problems of Delhi showed the inevitability of the privatization of water provisioning in Delhi.

Delhi's early 2000 political and economic environment was a perfect ground for the private sector to overtake Delhi's water utility system as per John Kingdon's MSF. It seemed plausible that the Problem, Policy, and Politics streams with the assistance of the Policy Entrepreneurs were ready to open the Opportunity Window for policy framing and actualization.

According to Kingdon's MSF, during the early 2000 privatization drive of water supply in Delhi, all streams were ready to couple as the opportunity window was opened. However, despite all favourable conditions, the GNCTD and DJB failed to privatize water provisioning in Delhi. This paper seeks to answer the critical question of the failure of water privatization in Delhi at the city scale. Before we do so, MSF must be critically examined.

## 2. Kingdon's Multi-Stream Framework

Policy-making is a complex, conflictual, and uncertain process involving different actors operating at the same time. Governmental goals and actions are decided through policy decisions at multiple scales (Boswell and Rodrigues 2016; Jenkins 1978). To realize a policy on the ground involves a delicate balance among multiple actors, activities, definitions, objectives, tools, and venues.

This paper uses Kingdon's Multiple Streams Framework to study the nature of the policy process. The framework is used to examine policy adoption, implementation, and termination (Fowler 2019, 403). Overall, there are five elements in Kingdon's model. These include three independent streams i.e. problem stream, policy stream, and politics stream. The "policy entrepreneurs" assist in policy adoption and implementation when a "policy window" opens at an opportune moment. This would happen only when at some critical juncture they couple and produce policy changes (Kingdon 1995).

**Problem Stream:** In this stream, socioeconomic and political concerns that do not meet desired situations are addressed (Howlett, McConnell, and Perl 2013, 6). Attention is brought to them by highlighting general conditions, specific events, or feedback (Fowler 2019, 404). When these concerns are identified as big and urgent, they become problems. Raising a problem in public might not imply a solution (Baumgartner

and Jones 1993). Moreover, problems are separate from solutions. However, preferred solutions can be attached to a policy problem once the window opens. Solutions that become policy are the ones that interest political leaders (Geva-May 2004).

**Politics Stream:** The political environment, the national mood, and the pressure groups' campaigns define the politics stream (Zahariadis 2007, 73). This highlights which problem is important and how interests are balanced. This is done by forming coalitions and shaping public discourses by governmental actors and interest groups (Fowler 2019, 404).

**Policy Stream:** At any given point in time, numerous ideas float around in the policy environment. Similarly, multiple experts and analysts are at play at a point in time. However, only some solutions are seriously considered based on technical feasibility, value acceptability, and resource adequacy (Zahariadis 2007, 72). However, this consideration might also be driven by matching values, having little to do with the actual policy problem (Howlett, McConnell, and Perl 2013, 7).

The three streams, while independent, do interact with each other. For example, the policy stream might construct a target that the policy addresses by changing the problem definition, hence interacting with the problem stream (Schneider and Ingram 1993). Additionally, these streams could be mutually constitutive (Hawkins and McCambridge 2020). However, even when interacting with each other, they maintain their fundamental independence.

The three streams do not weigh equally in the policy-setting environment. When a window is opened by the problem stream, solutions are developed in response to the problem. However, if a window is opened by the politics stream, the solutions are thought of even before defining the problem. This is when ideologies are pushed instead of problems are solved (Zahariadis 2007, 73–74). As Liu and Jayakar (2012) find in the Indian political context, policy adoption is usually triggered by the problem stream. As we will see, the privatization of the water sector in Delhi can be identified as being pushed through via the politics and problem stream.

The other two elements of Kingdon's MSF are "Policy Entrepreneurs" and "Policy Windows".

**Policy Entrepreneurs:** These are actors who have the expertise and speak for a group of people (Geva-May 2004, 329). We must also remember that policymaking is a collective process (Zahariadis 2007, 66). Moreover, policy entrepreneurs do not act in isolation; they act within a certain policy context (Ackrill, Kay, and Zahariadis 2013). They build legitimacy in the community by playing the role of mediating agents who call for institutional change (Partzsch and Ziegler 2011). These actors strategically manipulate political interests. They coordinate among participants, promote new dimensions, prompt feedback via statistics, letters, and complaints, and are ready for the coupling of streams when policy windows open (Geva-May 2004).

**Policy Windows:** These are opportunities that come forth where advocates can push their solutions to resolve problems. While policy proposals might lie dormant in networks for years, a shift in ideology, the national mood, or a crisis can make space for these proposals to come to the fore and get discussed as the public agenda (Geva-May 2004, 320). Advocates, such as politicians, experts, and policy entrepreneurs are catalysts ready with a solution and attach it to a problem when a policy window opens. Moreover, A policy change would take place when policy a window opens, and all streams converge.

Media is a powerful tool used to induce a policy window. It sets the ball rolling for an iterative process of articulating claims and approving or disapproving claims. This also involves emotive arousal which leads to confrontations (Zahariadis 2007, 76). Resulting multiplication and amplification might reach a tipping point for policy creation or termination.

To enrich this framework, we add another radical dimension of looking at a policy window. We argue that multiple policy windows could open at a time with unforeseen consequences.

**Opposition Windows:** Policy windows represent windows of opportunity when favourable circumstances allow policy adoption and implementation after the coupling of three policy streams. In a similar vein, “Opposition Windows” operated by actors located outside government could provide opportunities to rival political parties to oppose state policy despite the opportunity window being about to open. The opposition window is strengthened by adopting the issue expansion approach to enrich and broaden the proposed policy resistance movement by forming temporary coalitions with different actors (Fagan et al. 2019). We argue that wrestling between “Policy Window” and “Opposition Window” is a dynamic, conflictual, and uncertain process where the decisive factor for policy victory or defeat is the perceived public pressure on the electoral fortunes of political players in the political market. In this direction, Hawkins and McCambridge (2020) argue “while convergence of these streams is a necessary condition for policy change, it is not sufficient”. Also, Policy windows open for a short time and are unpredictable.

The relevant question is why policy does not change even when the three streams converge. Our answer is (as we shall also show through the case study below) that opening the opposition window could be a factor in thwarting policy change. In Kingdon’s Multiple Streams Framework, the nature of the policy window is discussed only in passing. What if the opposition window is simultaneously opened along with the policy window? Is the opposition window overpowered by the policy window and becomes nullified. What if the opposition window is effectively deployed to displace policy change and implementation? Would this lead to “policy termination” or “policy replacement”? These questions need serious consideration. Now we turn to these questions.

### 3. Opposition windows in the NCT of Delhi’s water utility privatization attempts

Delhi’s water utility privatization drive (2001–05) got tangled in controversies and faced opposition from actors located within and outside its administrative boundaries. As the news of the privatization of Delhi’s water utility started making headlines, the anti-PSP entrepreneurs, and actors opposing the PSP projects emerged from various domains with different motivations and means of opposition. For example, environmentalists and religious organizations fighting for the cause of Ganges river’s pristine and uninterrupted flow of water to honour the religious sentiments of people, opposed the construction of Tehri Dam from where raw water for Sonia Vihar Water Treatment Plant (SV-WTP) in Delhi was to be procured. They started protesting by organizing public rallies to reach out to the masses (Pathak 2005; Sharma 2001, 2009; Shiva 2003). Water advocates and social activists also extended their support and joined the

movement to fight for the water rights of farmers outside of Delhi. They claimed that since the Tehri Dam project was in the hilly regions of Uttarakhand, it could cause environmental damage to that state and have the potential to threaten the local population by way of displacements of people and livelihoods (Asthana 2012; Economic and Political Weekly 1995; Economic and Political Weekly 2004; Sharma 2009).

Within the boundaries of Delhi, various civil society organizations (CSOs), Non-governmental Organizations (NGOs), resident welfare associations (RWAs), and the DJB employee unions opposed the PSP drive, fearing tariff hikes for water and sanitation services which will further deepen water inequality among Delhi's residents, and threaten employment status of the DJB's low ranking employees, who will be forced to work under private regime. Two ideologically opposing political parties – the Communist Party of India (Marxists) and the Bhartiya Janta Party – also became active in opposing the PSP drive. Both political parties criticized the privatization of water in Delhi from their respective ideological standpoints to garner public support (Asthana 2009; Tribune 2004). Major opposition, however, came from an NGO named *Parivartan* led by Arvind Kejriwal, the current Chief Minister of Delhi, Kejriwal consistently exposed the Congress-led state government of various malpractices and political arm-twisting of higher officers of the DJB by the global pro-PSP organizations like the WB and PwC. The *Parivartan* argued that the state government was insisting on water distribution privatization on terms and conditions set out by the WB and PwC, which was claimed as anti-public interest. These claims were true because the WB as a financial lending agency and the PwC as the DJB's technical consultancy arm were deeply involved in drawing up the roadmap for the privatization of water distribution in Delhi.

In the next sub-sections, we will investigate the above-mentioned protestations against Delhi's water utility privatization attempts in detail and see how an opposition window was opened to thwart the whole process of privatization of water policy by the DJB, GNCTD, and global players.

Why water policy in Delhi could not be changed although there was a perfect convergence between the three streams? First, in terms of problem stream, central government, GNCTD, the WB and the PwC all believed that state inefficiency is the primary reason for all water ills and privatization would act as a panacea. Second, in terms of the politics stream, national and state governments were deeply engaged in neoliberal policy framing and its realization, privatization of electricity in Delhi was just one example (Asthana 2009). Third, in terms of policy stream, all that was left was to design a policy based on “technical feasibility, value acceptability and resource adequacy” as shown by Zahariadis (2007, 72). From the discussion below it would become clear that the “value acceptability” (neoliberalism) played the most important role in initiating a policy change. Also, we will comprehensively explore what went wrong?

### **3.1. The first opposition window: opposing the PSP in the construction of Sonia Vihar WTP**

The first major case of PSP in Delhi's water supply management was that of SV-WTP. In 2000, French global water giant, Ondo Degremont bagged the contract for the construction and operations and management of the SV-WTP for 10 years. This was the first ever Design-Build-Operate mechanism-based arrangement in the history of Delhi's water



supply management, where a foreign private player was awarded the WTP construction contract.

The agreement between the GNCTD-led DJB and ONDEO Degremont invoked several influential stakeholders because of its lopsided terms and conditions. The Delhi Government gave more than it gained from this arrangement. First, the contract document kept a low-performance benchmark for Ondeo Degremont so that it could avail performance incentives and bonuses for water production and energy savings during SV-WTP's operations. For instance, Clause 4.2.1 of the agreement held that the DJB was obliged to supply free electricity to Degremont for 10 years to operate the SV-WTP. According to Virendra Gaur, General Secretary of the Municipal Workers Lal Jhanda Union, the SV-WTP was consuming 232 kwhr of power to produce one million litres of treated water. On the contrary, the DJB's other WTPs of nearly the same capacity were only consuming 170–180 kwhr to produce one million litres of treated water (*Frontline* 2005). This meant that the SV-WTP used more electricity than other WTPs being run by the DJB to produce the same amount of treated water, clearly showing that Degremont-led SV-WTP was less effective. Yet the Delhi Government continued to pay Degremont as per agreed rates of water supplied in the agreement.

Second, it was agreed between the parties that raw water shall be procured by GNCTD from Tehri Dam built on the river Ganga (Planning Department, GNCTD 2000; Tehri Hydro Development Corporation 2022). Astonishingly Clause 3.6 of the agreement provided that DJB shall provide raw water to the SV-WTP free of cost. It was also provided that if DJB failed to provide raw water, it shall be liable to pay “base service charge” and “inventory charges” for consumables and chemicals to Degremont ranging INR 50,000–80,000 per day (*Frontline* 2005). Degremont was only accountable for the development, operations, and management of the SV-WTP. The French giant took the least responsibility and was granted huge financial benefits.

Consequently, the GNCTD and Degremont faced sustained opposition from groups like the Water Workers Alliance (WWA), an anti-privatization group formed by lower ranks of the DJB employees (Asthana 2009). Simultaneously, Opposition to the project also came from stakeholders located across Delhi's administrative borders. The SV-WTP was completely dependent on 162 MGD raw water at Tehri Dam, a national project which faced a lot of heat since its inception in 1978 (Asthana 2012; Economic and Political Weekly 1995). It appears that the anti-Tehri dam movement and the SV-WTP protests drew energy from each other as the latter was an issue expansion which broadened the scope of the former. The anti-Tehri dam movement contended that building dams without bothering about the displacement of people and submergence of villages and agricultural lands was against the Indian ethos. On similar lines, the SV-WTP protestors were against privatization and held that they were agitating to defend the social, cultural, religious, and environmental values of water. They vehemently opposed its economic logic reflected in the agreement between the Government of the NCT of Delhi and ONDEO Degremont.

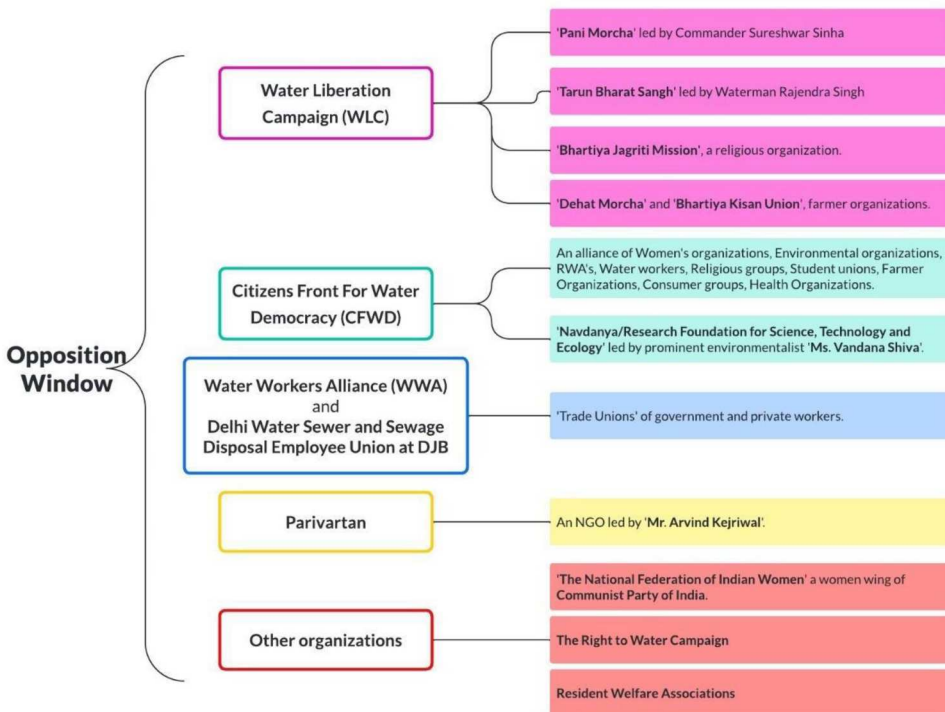
The opposition window of SV-WTP has been simultaneous to its pro-privatization policy window since 2000. Large scale protest against the WTP came on 9 August 2002 when more than 5000 farmers living next to Delhi in the state of Uttar Pradesh gathered in a rally at Bhanera village to protest against the laying of a 3.25-meter diameter pipeline meant to carry the river Ganges water to SV-WTP Right after the foundation



stone of the WTP was laid on 21 June 2002 by Delhi’s Chief Minister. On the eve of the 60th anniversary of the “Quit India Movement” against colonial rule, the Haridwar declaration was announced with its slogan as “Mother Ganga is not for sale”. The excerpt of the declaration read “We will fight any multinational company trying to take away our rights to life by privatizing Ganges waters. The Water Liberation Movement will continue till we liberate the sacred waters of Ganges from clutches of corporations, like Suez-Ondeo Degremont” (Research Foundation for Science Technology and Ecology 2005).

Water right advocates and, activists, like Vandana Shiva, Sundarlal Bahuguna led Water Liberation Campaign, Waterman Rajendra Singh led Tarun Bharat Sangh, Commander Sureshwar Sinha led Pani Morcha (Water Front) opened the first opposition window against the SV-WTP. Religious organizations, such as Bhartiya Jagriti Mission and Ashok Singh-led Vishwa Hindu Parishad also joined the opposition window in the name of protecting the sanctity of river Ganges and avoiding the commodification of its water. Lastly, regional farmer organizations like Dehat Morcha and Bhartiya Kisan Union also joined the opposition window as they were against the diversion of their irrigation water to Delhi’s municipal use (see Figure 1).

The tussle between the opposition window and the policy window under the SV-WTP project lasted for 6 years. Despite the initial success of the policy window in June 2002 when the plant was inaugurated, its construction was immediately halted till 2003 due



**Figure 1.** Opposition actors in Delhi’s water utility privatization. Source: Compiled from various sources (2023).

to huge resistance from the opposition window (Asthana 2009). However, in December 2004 its construction was completed after a delay of 1 year. The opposition window became powerful once again in early 2005 when farmers of western Uttar Pradesh started protesting the allocation of water to Delhi and succeeded in pressurizing the Government of Uttar Pradesh (U.P.) to withdraw from the water allocation pact (Manthan Adhyayan Kendra 2013). It is important to highlight that the Government of the U.P. was led by the Samajwadi Party, its ally Rashtriya Lok Dal was a farmer-based regional party with a prominent vote share lying in the region. Finally, after rounds of negotiation between both state governments the SV-WTP became fully operational in September 2008 (Centre for Science and Environment 2020).

The opposition window and policy window overpower each other from time to time depending upon the efforts of actors. During this fight, the opposition made their window strong and wide by expanding the issue which resulted in the formation of new alliances with new actors. The Tehri-antidam protest which started in 1978 revived in 2002 as an anti-privatization protest in the form of an opposition window against the SV-WTP (Piper 2014). In the case of SV-WTP, the policy window succeeded by overcoming opposition after a long battle. However, it led to the formation of new opposition alliances for upcoming water privatization projects in Delhi's water sector.

The crucial point here is that Kingdon's "window of opportunity" may or may not result in complete policy actualization in all instances; similarly opening of the "opposition window", with whatever strength, may or may not always result in replacing the government's policy agenda. This is quite clearly demonstrated in the SV-WTP illustration. However, the opposition window does leave its latent impact, which becomes legible in future (see illustration 2).

### **3.2. The second opposition window: Delhi Water Supply and Sewerage Project, 2004**

Delhi Water Supply and Sanitation Project (DWSSP) was the blueprint of the water utility privatization process in Delhi. The DWSSP, 2004, an ambitious project formulated by the PwC-led consortium, was hailed to be the solution for Delhi's water supply and sanitation sector. The DWSSP, 2004 project aimed to achieve the vision of the GNCTD: "Provision of universal 24/7 safe water supply and sewerage services in an equitable, efficient and sustainable manner by a customer oriented and accountable service provider" by 2015 through phased programme implementation. To strengthen the financial stability of the DJB, revision and hike in water and sewer tariffs were stressed citing the DJB's deficit budget in the past and its burgeoning outstanding debt of more than Rs. 6000 crores in 2005 (PwC, DHV Consultants and TCE Limited. 2005).

Despite a series of unprecedented reform initiatives as part of the DWSSP, 2004 project to revamp Delhi's water supply and sanitation sector to achieve 24/7 service delivery for all citizens, the project failed to see the light of day. The DWSSP, 2004 was vehemently opposed by the water advocates, NGOs, the DJB workers' unions, civil society organizations, political parties, and citizens of Delhi due to its pro-privatization nature. The project was also opposed because it bypassed the water governance process during the project planning phase by avoiding transparency and participation of stakeholders and citizens.

As per the videographic evidence of the “Delhi Water Privatization Plan” available on the Independent People’s Tribunal website,<sup>1</sup> Kejriwal explained in detail the pro-privatization nature of DWSSP, 2004. The proposal involved the division of Delhi into 21 zones where water management and distribution for each zone was proposed to be handed over to a multinational water company. Moving a step further on this trajectory, four global water companies, the Suez, SAUR, Bechtel, and Veolia were shortlisted under a bid invited by the DJB on 12 February 2005 to award management contracts for water supply and sanitation operations in South II and III zones (Manthan Adhyan Kendra 2013). The fee of the private water company for rendering its service was huge because of the large remunerations promised to the high-ranking staff. The company would deploy a team of four experts and every expert would get a hefty sum of \$25,000 or INR 11,00,000 per month as salary. This would have resulted in a total expenditure of Rs. 109 crores or US\$ 36 million as the annual salary of the foreign experts. Comparing this with the overall expenditure of the DJB, from 2003 to 2004, the annual water distribution cost to the DJB was Rs. 163 crore or nearly \$ 38 million. This means the total expenditure on the salary of foreign experts alone would have cost 63 per cent of the total water distribution budget of the DJB (Independent People’s Tribunal on the WB in India 2007). Neoliberal policy may potentially promote financial efficiency at the cost of equity, but in this case, the project does not even appear to be efficient at all.

Another major issue highlighted by Arvind Kejriwal in the DWSSP, 2004 was the terms of loan offered by the WB to the DJB. During 2005, India’s financial credibility in the global economy and foreign exchange reserves was in good shape. The obvious question raised by Kejriwal was why the Delhi Government was compelled to take a loan from the WB on commercial rates to implement the project. DJB was borrowing money at a 12 per cent per annum effective rate of interest from the WB whereas, during the same period, Indian capital markets were offering loans at a 6–7 percent rate of interest (Independent People’s Tribunal on the WB in India 2007). Therefore, borrowing at a high rate of interest, a loan of US\$ 140 million from the IBRD whose functioning involves borrowing money from the capital markets of developed countries and lending it to developing countries made no sense in financing the implementation of the water reform project (Independent People’s Tribunal on the World Bank in India 2007). The DWSSP, 2004 project was the main PSP facilitation attempt in Delhi’s water sector. The project was conceived in the form of a “management contract” for the whole of Delhi in the name of improving service provision and 24/7 water supply. Borrowing expensive capital would certainly increase water tariffs.

A significant feature of the DWSSP, 2004 which attracted opposition from within and outside DJB was the provision to set up the “Regulatory Commission” without any public representatives and public sector professionals on it. This was clearly an attempt at corporatization of the DJB by transforming it from a statutory body to a corporation. The move was intended for the commercialization of water in the name of administrative reforms (PwC, DHV Consultants and TCE Limited 2005). However, in the public sphere, this move was seen as “unethical” (Independent People’s Tribunal on the WB in India 2007).

The DWSSP, 2004 was the cornerstone of PSP in Delhi’s water utility sector, an effort jointly led by DJB, GNCTD, the WB and PwC. Naturally, these powerful -state entities

with the extraordinary support of global players were expected to create a *window of opportunity* paving the way for water privatization policy in Delhi, which is perfectly in line with Kingdon's MSF. However, strong resistance from the opposition window via its actors was poised to derail the pro-PSP movement in Delhi's water sector. The opposition window actors of SV-WTP were active in their respective spheres opposing the project in the name of the commodification of water and its ill effects. Vandana Shiva formed "Citizens Front for Water Democracy" (CFWD) in March 2003 to stop water privatization in Delhi by sensitizing and involving residents of Delhi. Similarly, in March 2004, WLC organized the Jal Swaraj Yatra (Water Democracy Journey) against Delhi's water privatization incidents. In these circumstances, the publication of the DWSSP 2004 project report around late 2004 gave them an opportunity to revive and forge their joint alliance once again, to open the second round of the opposition window.

Two major recommendations of the DWSSP, 2004 project which led to the expansion of the opposition window at the mass level were the need for DJB's "staff rationalization" claiming that the organization was "bottom heavy" and its "regressive" pro-poor water subsidies which intensified the financial burden (Piper 2014). The situation became further aggravated for the GNCTD and DJB when they announced seven to tenfold hikes for water and sewerage services. This resulted in large-scale reactionary protests led by CFWD and WWA in Delhi. Delhi, being the national capital, instantly got negative media attention due to the large-scale protests and agitations against the government. The list of actors opposing DWSSP in 2004 grew larger as activists such as Madhu Bhaduri, Aruna Roy, and Arundhati Roy got involved. Organizations like the National Federation of Indian Women' wing of the Communist Party of India, Alumni Associations of IIT Delhi and IIT Kharagpur, and several Resident Welfare Associations also opposed the project.

This whole episode entered the realm of mass politics as it provided a contentious electoral issue to the then opposition party in Delhi, Bhartiya Janta Party, which joined the opposition window against the DWSSP, 2004 project. But the incumbent government of Sheila Dixit suffered a major blow from within the party when senior leaders like Ajay Makan opposed the project. Consequently, the opposition window became so strong that the then Congress Party President Sonia Gandhi had to intervene. As a result of consistent criticism and resistance from the opposition actors towards the project, the GNCTD put an end to the DWSSP, 2004 project in September 2005. On 23 November 2005, the GNCTD wrote to the Government of India to withdraw the WB loan application for the project (Asthana 2009).

So, why DJB failed to frame the water privatization policy in Delhi? As we have demonstrated above, the MSF does not adequately consider the important role played by the opposition parties who could effectively open opposition windows. While the MSF elaborates on how and under what circumstances public policies get framed and implemented (see Table 1), it does not fully explore the complexity of public policy-making in case the opposing stakeholders are also able to the open opposition window. This makes the MSF vulnerable to criticism for partial explanation and inadequate consideration of the opposition windows.

Stakeholders opposing the state government's attempts to frame public policies need to be viewed as a part of the deepening democratic process. When the opposition window

**Table 1.** MSF: a summary of two illustrations.

Case Illustrations	Policy Entrepreneurs	Problem Stream	Politics Stream	Policy Proposals
Sonia Vihar Water Treatment Plant, 2002	Ondeo Degremont, Government of the National Capital Territory of Delhi (GNCTD).	Efficient water provisioning through a neoliberal policy regime (including commoditization of water) intended to replace inefficient state provisioning	A national government inspired by a coalition of the state government, DJB, and a French private company	Private Sector Participation model for the construction, operations and management of the SV-WTP.
Delhi Water Supply and Sewerage Project, 2004	PwC as an aide to the WB and GNCTD fully supported by the central government, the primary proponent of the neoliberal project	Privatization of Delhi's entire water and sanitation services through the dissolution of the DJB by constituting a Regulatory Commission and transferring the role of service delivery to private companies	The WB loan application for the DWSSP, 2004 project acted as a lubricant for neoliberal reforms of water provisioning in the backdrop of successful economic recovery since 1991 economic reforms	The failed attempt at privatization of Delhi's entire water and sanitation services through the abolition of the DJB, and placing the state under debt with a high interest rate

is successfully used to thwart the framing of public policy, it could be also viewed as an effective form of public participation. In addition to the opposition window, our intention is to enrich the MSF, which is already popular on a global scale (see Table 2). Individuals, CBOs, NGOs and even selected sections of the state could potentially oppose the government's attempts to frame and implement public policies. Policy contestations are the norm and consensus is rare. However, this does not imply that state government would always fail in framing and implementing a new policy.

If nothing else, the opening of the opposition window delays state policy-making and prepares the ground for future framing and implementation of policies desired by the

**Table 2.** The opposition window: a summary of two illustrations.

The Case Illustrations	Policy Entrepreneurs	Problem Stream	Politics Stream	Policy Proposal
Sonia Vihar Water Treatment Plant, 2002	Vandana Shiva, S. Bahuguna, Naqvi and several other prominent stakeholders	Efficient and equitable water provisioning without commoditization; Equity being more important than efficiency	Benefitting the public, particularly the urban poor; Protecting religious and cultural values associated with the river Ganga	Recognizing the public as citizens without making them a consumer: State water provisioning is held to be the preferred mode.
Delhi Water Supply and Sewerage Project, 2004	Arvind Kejriwal, Vandana Shiva, Madhu Bhaduri, Sureshwar Sinha, Alumni Association of IIT Delhi and Kharagpur, Professors of IITs and IIMs, political parties like CPI (M), and BJP and others	Dissolution of state institutions like the DJB with private companies overseen by the Regulatory Commission	Recognition of high interest rate potential loan by the WB to dictate inequitable water provisioning and demolition of state institutions	Privatization of water and sanitation services halted; State government should continue to provide these critical services equitably and efficiently

opposition stakeholders. Two illustrations in this paper amply inform that a new set of policy entrepreneurs could delay the state policy-making process as well as create opportunities for future policy making which is fundamentally different from the current state policy. This means opposition windows open opportunities for the opposition parties to displace state policy agenda, replace it with their own agenda, and postpone the government's agenda for the foreseeable future. Here an appropriate example could clarify the argument.

If the goal of Arvind Kejriwal (present Chief Minister of Delhi since 2013) led Parivartan NGO, was to provide potable water to all residents without its commoditization, the Parivartan has achieved this goal. First, water privatization at the scale of Delhi could not take place. Second, when Arvind Kejriwal became the Chief Minister of Delhi, he was able to introduce a new policy of free 20-kiloliter water for all citizens. Apparently, this policy seeks an equitable supply of potable water to all citizens irrespective of their income and affordability.

#### 4. Discussion

The pro-privatization water policy proposals, propagated by the nexus of GNCTD, DJB, the WB and PwC, were poised to succeed from the policy window opened by the very same actors. However, the opposition window led by a range of state and non-state actors transcending the administrative boundaries of Delhi delayed and foiled the opportunity window. The opening of multiple windows i.e. opportunity window and opposition window in Delhi's PSP-based water utility reform episodes during the first decade of 2000 presents a deep insight and the nature of both windows and their tussle.

The SV-WTP was the first attempt in Delhi's water utility privatization starting in early 2000. It was a part of the larger ambitious project of 24X7 water supplies in Delhi in the upcoming years through DWSSP, 2004. However, the SV-WTP project faced opposition from local as well as regional actors who successfully challenged the economic benefits of water provisioning by a foreign private company at the cost of ecological, cultural, and religious values of river Ganga and its holy waters. Within Delhi, Vandana Shiva led the "Citizens Front for Water Democracy" a CSO, situated at the epicentre of the anti-PSP movement against the SV-WTP. Shiva along with Naqvi, a DJB engineer and the leader of the "Water Workers Alliance" trade union came up with the policy proposal of "Public-Public Partnership", a cooperative initiative to run the SV-WTP. In their joint report titled "Delhi Jal Board Financial Sustainability is Possible through Public Private Partnership" they presented their counter-policy proposal against the Public Private Partnership-Based SV-WTP project to the GNCTD in September 2004.

The opposition window which would have been limited to the boundaries of Delhi as an anti-privatization drive became a regional movement through issue expansion. The opposition actors who came from different religious, social and economic backgrounds formed a temporary coalition and created a large base of supporters to vehemently protest the SV-WTP project. The Tehri anti-dam movement has already active since 1978, it was led by prominent national environmentalists like the protagonist of the "Chipko Movement" Sunderlal Bahuguna, and "Waterman of India" Rajendra Singh. In early 2002, this movement was renewed and re-framed as SV-WTP anti-privatization



protest because the raw water for the WTP was coming from Tehri Dam. Another set of the opposition who joined the opposition window was the national farmer unions like “Bhartiya Kisan Union” and “Dehat Morcha”, which had their stronghold in Western Uttar Pradesh. To protect the interests of local farmers during the lean season, these farmer unions along with local villagers opposed the then-state government’s move to divert water to Delhi (*Frontline* 2003). As a result, the whole event soon turned political when a farmers-based regional political party, Rashtriya Lok Dal, an ally of the incumbent coalition government ruling the state of Uttar Pradesh opposed the diversion of water to SV-WTP. The opposition actors succeeded in forcing the Government of the U.P. to withdraw its decision to supply raw water from Tehri dam to the WTP, thus delaying the project by 3.5 years and started functioning in June 2007 (Comptroller and Auditor General of India 2008).

Despite the persistent and collaborated efforts of opposition actors in opposing the SV-WTP, they could not force the GNCTD and DJB to revoke the construction contract of SV-WTP awarded to Ondeo-Degremont. After a delay of 1 year due to resistance from the opposition window, the WTP’s construction was completed in December 2004. The major factor which led to the opposition window getting overpowered by the policy window was the location of the opposition window. The major battleground of the opposition window was located beyond the administrative boundaries of Delhi as it was mostly led by regional actors compared to local actors. This phenomenon led to less participation of the local public and politics in the SV-WTP opposition window. However, the opposition window of SV-WTP laid down the foundation for future “opposition window” in Delhi’s upcoming water utility privatization project, DWSSP, 2004.

The DWSSP, 2004 project presented the blueprint of a comprehensive water privatization in the NCT of Delhi. The legal, financial, managerial, and spatial aspects of the project were aimed at the complete dissolution of the DJB by forming various companies to perform its duties. So, the consulting services provided by the PwC acted as bedrock for the privatization of water and sanitation in the NCT of Delhi. As in the case of SV-WTP illustration, the DWSSP, 2004 project was also contested. The concerted efforts of several groups and individuals resulted in an anti-PSP coalition, causing the formation of an opposition window by new anti-privatization actors along with the ones who had already participated in the opposition window of SV-WTP. Arvind Kejriwal-led Parivartan NGO played a pivotal role in creating the opposition window by making public the classified official documents related to the project. This act of Parivartan was further spearheaded and supported by old opposition actors like Vandana Shiva led CFWD, Madhu Bhaduri, Aruna Roy, Arundhati Roy and DJB’s engineer Naqvi led WWA.

Unlike the opposition window of SV-WTP, this second phase of the opposition window was much stronger and Delhi-centric which eventually resulted in its success over the policy window of DWSSP, 2004. As mentioned earlier, the opposition window of the DWSSP, 2004 project benefitted from the existing latent resistance of the SV-WTP. The project’s pro-privatization proposals such as DJB’s lower workforce rationalization and abolishment of water subsidies for the urban poor backfired and led to the participation of local masses in the opposition window. CFWD coordinated with Delhi’s Resident Welfare Associations and mobilized the common people against the DWSSP, 2004 project. Following the same trajectory, the lower-rank employee unions of DJB also participated in the opposition window under the aegis of WWA.

Sensing the dissent among the residents of Delhi against the incumbent government, the opposition political party, Bhartiya Janta Party also joined the opposition window to strengthen its future electoral prospects. These events led to the formation of a part-time alliance against the GNCTD for its DWSSP, 2004. Sensing the mass opposition and massive strength of the opposition window along with schism within the ruling party, the DWSSP, 2004 project was scrapped. As a result, the opposition window overpowered the policy window in this decisive pro-privatization policy reform episode of Delhi's water sector.

Unlike the SV-WTP opposition window, the opposition player succeeded in creating mass opposition within the administrative boundaries of Delhi which had direct implications for the politics of the capital city. The opposition window also derived its rapid momentum and energy against the policy window from the previously unsuccessful opposition window of SV-WTP. Overall, the perseverance of lead opposition actors and their critical skill of issue linkage kept the opposition window alive and expanding during both events.

## 5. Conclusions

Two illustrations on the privatization of potable water in the NCT of Delhi add a new dimension to John Kingdon's MSF. Even when the coupling of three policy streams takes place, the policy window opens, and the policy entrepreneurs sustain concerted efforts, policy framing, adoption, and implementation by the state government remains incomplete or stalled. In a highly contested social environment, new water policy simply may not be framed as we have seen in the case of Delhi.

The major contribution of this paper is that it hopes to enrich the MSF by extending its foundational idea of policy window by introducing the idea of multiple windows which constitute an opposition window. The *opposition window*, which is simultaneous rather than sequential, is a concerted opposition to public policy from within and outside the state. If made a part of the MSF, we believe that the opposition window could produce four distinct results. First, the opposition window could result in "policy framing and implementation delay" as the SV-WTP illustration clearly demonstrates. Second, the opposition window could "pave the way for future changes in the public policy" if sustained opposition to policy is maintained as we have shown in both illustrations. Third, public policy-making is a dynamic process, when facilitated by the opposition window, it would result in "profound policy changes" as we see in the form of the 20-kilo-liter free water provisioning for all citizens in Delhi. Fourth, the opposition window deepens the democratic process by enhancing effective citizen participation.

Failings of the state government in the form of delays even in the favourable political and economic climate are attributed to the simultaneous opening of the opposition window as demonstrated through the two illustrations. Furthermore, opposition windows involve different sets of policy entrepreneurs from the opposing stakeholders who pursue distinct policy agendas underpinned by their own distinct policy politics creating possibilities for different policies.

The opposition window in the case of Delhi displaced the agenda of water privatization of the state even when the most influential financial organizations like WB as well as a strong neoliberal state in a buoyant economic environment were involved.

Simultaneous consideration of the policy windows and opposition windows thus makes the MSF pragmatic for policy-makers. However, once Arvind Kejriwal became the Chief Minister of Delhi, he also initiated neoliberal water reforms (One Zone One Vendor Policy), further adding complexity to the highly valuable MSF.

## Note

1. Please refer the following link to access Arvind Kejriwal speech given at the Independent People's Tribunal <https://youtu.be/8XwiyWgZHMA>.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Funding

This work was supported by UK Research and Innovation [grant number ES/S008179/1].

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