



## Clean Water and Availability of Water Resource in India

**Abhinav Panwar**

Uttaranchal University, Law College Dehradun, India  
 panwarabhinav02@gmail.com

### ABSTRACT

Although much progress has been made in the development of India's water resources, problems in problem management remain despite the increase in funding, a large base of resources (without significant local and temporary variability) and an important global resource. The large population and growing demand poses challenges to water resources workers, and means that India continues to struggle to meet its water needs. A comprehensive review of the water sector continues to provide more details. Based on a comprehensive review of the second documents and five regional discussions with major stakeholders, pressures and drivers in the sector were assessed. These include changing access to and access to water, and the role of Government and water systems, the community, the market and the community in providing access to and management of water for the people. Recommendations are made and compared to two other important sector updates at national and regional levels. There is broad consensus emerging from these three major changes, in terms of focusing on the key actions proposed; these are located in the areas of water resources, drinking water and sanitation for health, data and information, policy and resources, and energy and disaster management.

### INTRODUCTION

Fundamental rights are a set of rights guaranteed to all citizens of the nation by the Constitution of India under Part III. These rights apply universally to all citizens living in a nation, regardless of race, place of birth, religion, nationality or gender. These rights are recognized by law as rights that require the highest level of protection from the state and may not be violated by anyone. The responsibility for protecting these rights rests with the government or the state. Most of the basic rights are granted to citizens who have the right to the State and its resources and not to the private sector.<sup>1</sup> Water is a vital natural resource for human survival and other life forms. There is plenty of water in the world, about 70% of the earth is covered. But the problem arises when we talk about access to and access to clean water. Clean water is a small resource and as people grow older, it is important to manage and distribute it properly. In the midst of this crisis, the question arises as to whether people have a right to water and if so, what kind of right. Needless to say, the right to water is a right that requires the use of infrastructure. If people have a right to water, water needs to be stored that way, in order to conserve water, water bodies, glaciers, etc. Nations need such institutions as laws governing its use, the availability of chemicals, water treatment, and waste disposal systems in place to control such use. If there is a right to water, then who has the right, how is the right used, what are the solutions if the right is violated and this right can be made available to everyone?

### JURISPRUDENTIAL BACKGROUND

A corpus juris or legal entity that complies with water law does not mean that the basic right to water rights is a basic water requirement for everyone. Nor does it mean that giving everyone the right to the same resources or giving everyone equally what nature has given them because of a healthy lifestyle is a fundamental reason for the existence of such rights. In contrast, the principles of common law and Roman law are being altered by the opinions of Indian courts and other courts.

The doctrine of adoption was provided by Blackburn. *Milirrup v Nabalco Pty Ltd* (1971) Case 17 FLR 141 reviewing the nature of water rights. It was argued that the foundations of ownership over water could be determined by deciding who acquired it. This is based on the same principle that, whoever acquires and owns a particular land, has a right to it, and to any building (such as water) to which it is connected.<sup>2</sup>

In addition, the Riparian Water Rights doctrine states that those who are close to water and who do not have water, have a right to it. This is primarily a way of conveying the idea that people come first in anything and because of *Coffin v. Left Hand Ditch Co.*, it was argued that those who put water first, have a right to it.

This doctrine is, in a sense, a socialist attempt to distribute water equally to all according to their need. Here, 'community' is the whole nation, which owns the source that is, in this case, water. The state has no ownership in the water and ownership resides with all citizens of the country. It is the

<sup>1</sup> M C Feller and J P Kimmlns, *Water Resource Research* 1984, 20, 29-40.

<sup>2</sup> S Ramamoorthy, S Spring - Thorpe and D J Kushner, *Bull. Environ. Contam. Toxicol.* 1977, 17, 505-511.

Government's responsibility to maintain and maintain this service and to be the custodian and custodian of the community. Extending the concept to a distributed justice system, which uses a manager or country with the power to legally make this resource available to its rightful owners.

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## **RIGHT TO WATER V. RIGHT TO CLEAN WATER-A FUNDAMENTAL RIGHT**

As mentioned above, the 'right to water' falls as a right granted to persons who acquire such a right by owning property or in certain circumstances approved by the state. Wide water is owned by all people and the community has a right to it, but clean or safe drinking water and other domestic purposes also have certain rights claims. And while there is a common right in all the resources of the country, the availability of water depends on its distribution by the government.

It should also be noted that water can have a private property. In cases where a person digs a well in his or her area or buys water or in any other way that causes water to be kept confidential, it is no longer useful to the public, but its trade and digging wells and boreholes to control water. The right to water rights that require infrastructure is difficult to provide for all citizens. Therefore, if a basic right is exercised, everyone has the right to it and can go to court to get a remedy if that right is not granted. As a result, for a long time, the right to clean water was not included as a fundamental right, but recent court decisions changed that expression.

The right to life includes creating a safe environment for people and a place where people grow up and live a fulfilling life. This means that they must grow to maturity and must be provided with nutrients, fresh air, clean water, education, etc. in order to survive and eat. Article 21 of the Constitution of India states that 'no one shall be deprived of his life or liberty. This has been interpreted by the court to include the right of citizens to have access to clean drinking water (clean water in *Bandhua Mukti Morcha* compared to the Indian Union case where the Plaintiff was 'an organization determined to secure the release of imprisoned workers'<sup>3</sup>.

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### **Hohfeldian Analysis**

According to Wesley Newcomb Hohfeld, there are eight basic programs of legal justice, employment, insecurity, disability, rights, rights, power and debt. These sectors are governed by their interactions with each other, which can be confusing, contradictory and contradictory.

On the right, comes the corresponding function. This means that if person A has a right, then person B must deal with person A to ensure that he or she is able to exercise his or her right. In the case of water supply, a concerted effort is required. As can be seen in Public Trust Doctrine, the right resides in the community and therefore the job resides with the government.

The state, therefore, must ensure that the public is able to exercise their right, which means that the community has access to water and its access to water. In *Subhash Kumar v State of Bihar* (1991), the Supreme Court held that 'the right to life includes the right to enjoy clean water and air in order to enjoy life to the fullest. If anything endangers or disrupts that standard of living in violation of the law, a citizen has the right to seek help from Article 32 of the Constitution to remove water or air pollution that may be harmful to the standard of living'. With this and many other decisions, the court has given the government the responsibility to ensure that citizens' rights are protected.

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### **ENACTMENTS**

On 28 July 2010, in accordance with Article 64/292, the General Assembly of the United Nations explicitly adopted the human rights to water and sanitation and recognized that clean drinking water and sanitation were essential to the realization of all human rights.

Water resources and resources have been expanded in India, with regard to the provision of drinking water, irrigation, and rehabilitation of survivors affected by the implementation of water resource management systems. However, none of these laws are open to the explicit 'Right to Water'. Instead, some of the laws explicitly abolished organized property (use rights) and cultural rights. Some of these rules are; Water Act (Pollution Control and Pollution Control), 1974, the Environmental Protection Act (1986) and the Indian Easements Act, 1882.

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### **LAWS EXISTING IN INDIA TO PREVENT AND CONTROL WATER POLLUTION**

The availability of a healthy environment is considered a fundamental concern of the state. Water is considered to be the world's most valuable resource. Water pollution is one of the major problems facing the world today. Various laws and policies are being developed to control water pollution in various ways. Here is a discussion of some of India's laws passed by the country's parliament to monitor water pollution in the country.

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#### **WATER PREVENTION AND CONTROL ACT, 1974**

The main purpose of the Act is to provide for the prevention of water pollution and to provide for the maintenance of water bodies and to carry out activities to promote water restoration. For the purpose of implementing this Act, [1] the Air Pollution Control Board and the State Pollution Control Board have been established by central and public authorities. different areas of the state. The Central Pollution Control Board has the power to advise the central government on various matters, relating to the prevention and control of water pollution. Under the above-mentioned Act, the board has the power to promote and conduct research and investigations for the purpose of promoting, preventing water pollution in a significant manner.<sup>4</sup>

<sup>3</sup> A M Gower, in *Water Quality in Catchment Ecosystems* (A M Gower ed., John Wiley and Sons, New York), 1980, pp. 147-153.

<sup>4</sup> Metcalf and Eddy, in *Wastewater Engineering : Treatment, Disposal, Reuse* (McGraw Hill, New York), 1979, p. 66.

## APPLICATION OF SECTION 24 OF THE ACT

To promote the proper implementation of the Act, Section 24 [2] of the Act places an obligation on a person to refrain from permitting any toxic or dangerous matter, as determined by the standards set by the Central Pollution Control Board, for any sewage or sewage or land. Another duty imposed by this Act on a person is that no person, unknowingly, enters any stream in a manner that will interfere with the flow of water or in any other manner causing water pollution. According to this Article, any person who contravenes or violates the provisions of this Section shall be liable to imprisonment for a period not exceeding one year and to six months not exceeding six years.

### DRAWBACKS OF THIS ACT

The Water Pollution Prevention Act is plagued by various obstacles even though it was one of the first steps taken by the Indian Parliament to control water pollution. One of the major problems with the Act is that this Act does not apply to groundwater management policies [3]. Another disadvantage of the Act is the fact that it does not apply to groundwater strikes indiscriminately, rainwater harvesting, etc.

#### The Shore Nuisance Bombay and Kolaba Act

The purpose, when this action was taken, was not to facilitate the removal of problems under the high water mark on the islands of Bombay and Kolaba. The move is aimed at circling the port of Bombay with the aim of making public interest more important. The law empowers a Bombay sponsor to issue a notice to remove any obstructions or barriers under a high water sign. The procedure for giving such notice is to install the same attachment in a visible area or near an obstacle or harbor under high water. Under this Act, the state is empowered by the relevant authority to remove the obstacle if the notice is not complied with within one month of the issuance of the notice. Implementation can be controlled or judged by the fact that, a penalty was imposed by this act in contravention of water pollution.

### ORISSA RIVER POLLUTION ACT, 1953

Improper dumping of waste has been one of the leading causes of water pollution in India. Industry, industrial waste, the dumping of various toxic and toxic substances in the river have been found to be a major cause of rising water pollution in the country. The Act is designed to regulate the dumping of waste in the industry and to allow for the maintenance of streams and water. In an effort to make this law work, Orissa had established a board to regulate the provisions of the above Act. The law gives the board the power to represent residents of a particular area.

### THE WATER PREVENTION AND CONTROL OF POLLUTION CESS ACT, 2003

Industrial waste is one of the causes of water pollution. Often industrial waste is dumped into the river that pollutes the river on a large scale. In terms of section 2 of the Act, industries include any operation or process or waste or treatment of waste disposal of any industrial urine. Section 3 of the Act provides for industry exemptions from taxation on those industries, which consume less water than the prescribed limit. Water is contaminated with toxic or non-hazardous substances when processing these products is done in any industry, and such industries are required to pay a fee under this law.

### THE INDIAN PENAL CODE AND POLLUTION

Under India's criminal law, arrangements have been made to explicitly punish a person who commits a crime against the Code. Section 277 of the Act provides that a fine imposed on a person committing an offense for the theft of a public dam or public spring will be imposed for a period of three months or a fine of Rs 500 or Both. A description of this situation can be given in an illustration. A resident of Chandigarh, is going to the dam to voluntarily inject a toxic substance with the intention of harming the environment and deliberately polluting the water. The dam was originally designed for public use, but after Act A, the dam was not suitable for public use. Therefore, A was charged under Section 277 of the IPC, and was sentenced to six months' imprisonment on a fine of Rupees 500.

### THE RIVER BOARDS ACT, 1956

This action is aimed at establishing rivers and managing water disputes around the world. The public interest is considered a major concern of the Act. The Act empowers the State Government to establish Boards by issuing special notice. The purpose of this Act is to resolve and regulate international disputes between countries. Section 262 of the Constitution of India empowers the Union to establish and adjudicate foreign disputes in the country. Through this Act, awards and courts for international dispute resolution were awarded. 5

### DAMODAR VALLEY CORPORATION PREVENTION OF WATER POLLUTION ACT, 1948

Damodar Valley is one of the world's most prosperous river lakes ever seen. With a final view on the operation of this valley, Damodar Valley Corporation was established. During the rainy season, 80 percent of the waste, including debris from mines and industry, is dumped into the river. With the emergence of this Partnership, the agricultural sector has undergone a change. The agricultural area declined from [6] 59 per cent in 1925 to only 10 per cent in 1984. The mining industry needed an hour at the time. Garbage removal from these mines is done on the river. This causes water pollution.

### RIGHT TO CLEAN WATER: A FUNDAMENTAL RIGHT

Indian authorities have taken drastic measures to control water pollution. Under the Constitution of India, the judiciary provided free interpretation of Article 21 of the Constitution of India and included the right to clean and purify natural water under section 21, Section 48, Section 51 (g) of the Indian Constitution. Various judicial decisions throughout the history of fundamental rights have paved the way for the broader concept of the Right to Life. Authorities point out that access to clean water is in short supply and that is why Article 21, Article 48 and Article 51 (g) may include the right to clean water. In the case of Narmada Bachao Andolan Vs. The Union of India, the Supreme Court, ruled that the right to clean water was a fundamental right

<sup>5</sup> R J B Peters, EWB Deleer and L D Galan, Water Research, 1990, 24, 797-800.

under Article 21 of the Constitution of India. The court reported that the right to clean water is part of the basic human need for the right to life. The state is responsible for preventing water pollution. In the lead case of MC Mehta and the Union of India, the court ruled that preventing pollution of the Ganga River lasted one hour.

Although many steps have been taken by Parliament to control water pollution, there is an urgent need to prevent our streams, dams, rivers and lakes from being polluted. Government must monitor the performance of lakes, streams, lakes and a framework must be established to monitor government performance.

In any case, India needs solutions now. One hundred million children worldwide are undernourished, and 1 out of every 2 children is malnourished. Environmental justice needs to be returned to India so that families can raise their children with dignity, and providing communities with water is one way to ensure that opportunity.

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## CONCLUSION

Recent water projects that include public benefit cases filed by concerned citizens of the country. PIL is often used when major social rights are violated by government action or inaction. The purpose of justice to strengthen the right to clean water is clear to M.C. The case of Mehta (1988) in which the Ganga River rehabilitation industry is said to have polluted the river. The Court issued guidelines to establish plant pollution six months from the date the order was received.

There was also the establishment of the Central Water Commission. The mission of the commission is to initiate, coordinate and advance consultation with the relevant Government, control, conservation and water use across the country and to promote integrated development and sustainability and management of India's water resources.

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