

Environmental justice through water resource management in India: A critical study

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Abstract

Water being most precious resource is not managed by the consumers and suppliers of water in an efficient method. Water and economic life cannot be separated. It is required for production of food as well as the production of raw material for our shelter, and for so many daily use items we are dependent on including clothes. This year agriculture is feeling the pain of less than normal rains. It is a significant reason for concern as water resource is depleting and getting polluted. This paper deals with the present water situation in India, prevalent water stress in the country and privatization of water debate.

The paper attempts to look at the legal structure in the water sector in India, from the first draft laws in quite a while to ensuing laws of corrections and augmentations. There is a need to build up an option socio-legal talk and practice where concerned specialists genuinely utilize logical resources just as natural information on water resources management and individuals' battles for water resources management as basic freedoms investigation to consider.

Keywords: water resource management; water governance; water law; water policy; water administration; sustainable development

Introduction

Water is inevitable resource for food, hydro-electricity and industrial production. Directly and indirectly it is integrated to our daily requirements such as baths, cooking and washing, availability of food grains, green vegetables, fruits, milk, and all the packaged edible or non-edible items, we find in a general store. The vehicle that transports us daily to our workplace could not have been created without water either. Water supports creation and usage of air conditioners and refrigerators too.

In this sophisticated world the population easily emasculates the importance of water and never consider of conserving it. Every summer water crisis looms large in India, and year 2014 was also no different. In the recent past, the years 2002 2004 and 2009 were drought ones for this reason.

Water Resource Management is essential since water is integrated to development, like no other resource. This paper introduces the water situation in India, investigates the water crisis along with water privatization scenario.

Environmental justice in core implies the reasonable distribution of weights and expenses during the time spent security of the environment released through the procedural and critical adjustment of the rights and duties of people and states. It is not limited to the circulation and division of resources among the current population, but is related to intergenerational equity, that is, the emerging belief that we people have a unique commitment to the future as the planet's custodian or trustee To come is to safeguard our earth and to maintain the integrity of the planet and to ensure the endurance of mankind.

Nature is not anyone's property, it is one area of human life where everyone is equal and has equal rights, land, air, and water belongs to the whole community as it is not for an individual to own or sell and earn a profit, it for the whole society to share. Environmental justice will not be a success without appropriate law and governance behind it to provide it with the strong foundation and support it needs to stand its

ground and help in creating a sustainable future. Development and environment are intertwined with one Another and are not fundamentally unrelated as one can't be achieved without the progress of others.

Environmental law and justice are not limited to a particular society, but it considers and reflects a wider field i.e. our whole world. It is a mixed concept that encompasses various forms of national, supernatural, international and international law. Environmental justice is goal-oriented and works towards achieving goals such as sustainable development while working towards core priorities, conflicts, various conflict of interest and most importantly justice and fairness.

Water Accessibility in India

India has approximately 4% of the globe's water resources, supporting 18% of the world's population. India's limited and delicate water resources are pushed and draining, while sectorial requests (counting drinking water, industry, horticulture, and others) are filling quickly in accordance with urbanization, populace builds, rising wages and mechanical development. In any event 85 per cent of India's towns and half of its urban areas depend on wells for water. Cultivating represents around 90 per cent of water withdrawals in India, with inundated land nearly tripling since 1950.

In India 37 million people are made ill by water-borne diseases each year, some fatally, is courting corporate aid to finance and build water pipelines. Increase piped supplies to 55 percent of rural households by 2017 from 35 percent now is governments priority, according to Ministry of Drinking Water and Sanitation joint secretary Satyabrata Sahu. The nation of 1.24 billion people is trying to cut dependence on groundwater sources.

Water quality issues incorporate fluoride (66 million individuals are assessed to be in danger in 17 states), excess arsenic in groundwater (about 13.8 million people in 75

blocks are at risk), iron levels, nitrates and heavy metals, Presence, bacteriologic contamination and salinity. Water conservation is a major area in urban areas since the Tenth Plan, and several measures are proposed, including tariffs at the appropriate level to prevent overuse, mandatory water-efficient systems for flushing, reducing leakage and water unacceptable for, reuse and recycling sewage, rainwater harvesting, etc.

It is assessed that about 50 billion litres of municipal water is required every day based on the population figures of urban India which is about 360 million. The urban population may exceed over 800 million by the year 2050 and the resultant municipal water requirement will be of the magnitude of over 110 billion litres per day.

India's Environmental Performance Index ranking for "water & human health" being 104 and performance score being 24.7 presents a poor picture for a precious resource. While the 122nd rank among 132 countries for "water resource & ecosystem effects are alarming and give a signal for local governments to increase conservation measures.

Water is fast becoming a scarce resource in India. Water has entered centre stage in South Delhi, and states of Madhya Pradesh, Mizoram etc. and not to say of the drought prone areas, so much so that it has become an election issue. Lack of government regulations are leading to pollution and death of water bodies in various parts of India including the capital. Over pumping of water in Agra, has led to underground water quality. Citizen protests in water scarce summer months are on the rise. Due to neglect lakes, which were once a water body for faunal wealth to flourish and a source of water supply have shrunk. Yamuna which fed the capital Delhi, has been declared a dead river. Similarly other cities which were built near water sources are now sourcing water from far away.

Severity of the water stress in India can be highlighted with two vastly different examples. In April of 2013 the state of Maharashtra lamented its greatest draught in 40 years, despair grew as more than 7000 villages were scarcity hit, close to half a million cattle became dependent on cattle camps distress cattle sale took briskly. Water in many reservoirs came below 15% and in some close to dead storage levels. But far more than the searing draught of 1972, this is a man made one. Urban luxury apartments and industrialization are the major cause of the water diversion and guzzling. The other example relates to persistent draught in the wet state of Meghalaya, Sohra and Mawsynram, villages within 70 kilometers of Meghalayan capital Shillong, which alternate in chronicle the heaviest precipitation on earth. The water crises in Meghalaya had become an election issue for the elections.

Right to Grow in Healthy Environment

Due to the devastating effects of war and militarism, environmental justice has gained importance in our society, on the human environment that includes high-tech warfare directed at destroying infrastructure and affecting the civilian population, hence creating a huge constraint on the right to thrive in a healthy environment. The right to flourish in a healthy and holistic environment is our fundamental human right and has also been recognized by the Rio Declaration of 1992 where it draws on notions of human rights. The law further stipulates that:

"Environmental issues are best handled with the participation of all concerned citizens at the respective level.

At the national level, everyone will have reasonable access to information regarding the environment by open specialists, remembering data for risky materials and exercises in their networks and the occasion to take an interest in dynamic cycles. States will encourage a lot of open mindfulness and support by making data broadly accessible. Effective access to judicial and administrative proceedings, including redress and remedy shall be provided."

To claim the Right to a Decent Environment there must be public investment, where they can guarantee that their rights have been encroached the set up method of network interest in India is to carry a case to court with a case of an infringement of a sacred right or Fundamental right, for example the Right to life, alongside different arrangements or environmental regulations. The growing influence of the Indian courts in the Environmental justice field is due to the introduction of the *Public trust doctrine*, which makes it possible for members of the public or citizens of the country to question the ineffective management of natural resources. In India, the state has an obligation to ensure and save the environment. This is part of the Directive Principle of State Policy but does not imply a Fundamental right, because the right to life is a fundamental constitutional right but the right to a healthy environment, on the other hand, is not an express constitutional right. The Supreme Court of India under its interpretation declared the Right to life guaranteed by Article 21 of the Constitution to include the Right to a wholesome environment.

One of the biggest concern and discourse we face in our country is that our constitution does not provide a right to promote, encourage and include public participation in the protection and preservation of the environment and neither does it provide a proper mechanism for maintenance and balanced misuse of characteristic resources nor does it set out that the state owns the natural resources.

Right to Healthy and Clean Environment: Indian Context

Indian efforts on environmental protection and the right to a clean environment began only after the 1972 Stockholm Conference. The COI adopted earlier in 1950 did not explicitly deal with environmental protection or environmental justice, nor did it contain any special provisions that addressed the issue. But after forty-second amendments to our constitution in 1976, there was an established responsibility towards the insurance and protection of the environment. The DPSP which addresses the mandates to the state were altered to implement an obligation to protect and improve the environment in the state and to protect forests and wildlife in the country, while for the citizens it has protected the natural environment and had introduced a duty to reform. These steps highlighted how important it is to care for the environment with increasing environmental concerns and also attracted the attention of the judiciary towards this situation and brought more justice-driven and judicial-administered environmental jurisprudence. These laws are fundamental to bringing environmental justice and strengthening environmental laws. The state is obliged to form the socio-economic policies by keeping the bigger environmental perspectives in mind.

Under the case of *A.P Pollution Control Board V Prof. M.V Nayudu*, Justice Jagannath Rao stated that the government

must ensure that there is neither danger to the environment nor to ecology, so as to ensure proper human survival and their right to a clean environment and simultaneously ensuring sustainable development.

Right to Hygienic Environment: Constitutional Perspective

Since to date there is no constitutional provision that addresses the right to environment, The only thing that is close to its nature and can help citizens to protect their rights is the right to life under the A-21 of COI 1950, which guarantees life and personal liberty, the top court said in public interest. Petitions were encouraged so that the people are deprived of them constitutional rights can lead to justice. The right to a healthy environment, the right to quality life, the right to a pollution-free environment is all integral parts of A-21 and derivative of the right to life, which has been held by the Supreme Court and the High Courts in many cases.

In this case, the Supreme Court held that the limestone mining activities taking place in the Mussoorie-Dehradun region created ecological disturbances and violated the right of life of the people of that region and clearly declared that the right to clean environment is a part of the right to life.

In *Charan Lal Sahu v. Union of India*, Justice K.N Singh, for this situation, held that inside the components of basic liberties one should likewise incorporate the right to life, freedom, contamination-free air and water which is ensured by our constitution under Article-21, 48A and 51A (g) and State have an obligation to shield these rights and its execution.

In the case of *Goa Foundation, Goa v. Diksha Holding (Pvt.) Ltd.*, it was that society will prosper, yet not at the expense of the environment and the basic freedom to a perfect environment, henceforth an equilibrium should be accomplished so that there will be both turn of events and proper, clean environment.

Let's take a look at a few cases that have tested the legitimacy of huge dams, such as the dispute over the construction of Sardar Sarovar Dam. The push of the PIL was on the alleviation and restoration of the landless network living around the territory Sardar Sarovar Dam and their right to thrive in a healthy environment which was affected due to heavy environmental damage. The Supreme Court decided in its judgment that people displaced by reservoir construction should be properly inhabited before their homes or lands are submerged, as they have the right to a full environment. This was a very important decision related to the advocacy of human rights and is a major milestone in international human rights norms related to environmental justice.

Conclusion

Despite the fact that water involves central and indispensable jobs in all components of supportable turn of events - social, financial and environmental - have gotten continuously perceived, management of water resources and the arrangement of water-related administrations stays very low on the sizes of public perception and of governmental needs. In this manner water regularly turns into a restricting component, instead of an empowering agent, to social welfare, monetary turn of events and solid environments.

In India, aside from the emergency of water accessibility and falling water quality and expanding profundity of

underground water, water is additionally colossally policy centred issue because of the idea of the resource. This resource interfaces with an exceptionally unjust society set apart with class, standing and sex separation. Techno administrative changes in the water sector have been not able to handle the central issues of imbalance in the water supply. Improvement in the management of water resources will majorly affect India's social and beneficial advancement. Better management of water resources will likewise assist with guaranteeing reasonable food security.

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