

POLICY FRAMEWORK ON DEGRADATION OF WATER - AN ANALYSIS

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1. ABSTRACT

This article analyses and discusses basically the discharge of inadequately treated water into the water bodies. It also discusses about different schemes and plans of the Indian government in order to control and manage the water pollution. our seas, rivers, lakes, reservoirs are drowning in chemicals.

Article also mentions the various provisions of law prevailing in India that lays down norms and rules to control and stop the pollution causing agent to get dispose in the various water bodies.

The root cause of a number of diseases is the polluted water. There are a number of causes responsible for polluting the water. Polluted water doesn't come from a single source. Article 47 imposes duty on the state to raise the level of nutrition and the standard of living including improvement of public health. It is the duty of the state to provide pure water to the public. It is also the duty of every citizen under article 51 (A) g to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

There is mentioned below the various plans of the Indian government which government has planned and implemented to control water pollution in different water bodies and main rivers of the country.

Article mentions the views of the Eighth report of public accounts committee (2014-2015) Ministry of environment and forest, GOVERNMENT OF INDIA.

2. KEY WORDS- Water pollution, Human right, Wild life, Environment, DAC, Maas media, Agriculture.

3. INTRODUCTION

“Thousands have lived without love, not one without water.”

-W.H. Auden

Global water is unequally distributed and it is a major problem. Otherwise approximately 70% of the earth's surface is covered with water mainly in the form of oceans. So the real problem is that water is not available at the right place at the right time in the right form.

The discharge of inadequately treated wastewater is increasing rapidly and further contributing to the degradation of water quality in surface and groundwater. It has impacts on inland fisheries, food security and notably livelihoods of poor rural communities. On average, high-income countries treat about 70% of the wastewater they generate, while that ratio drops to 38% in upper middle-income countries and to 28% in lower middle-income countries. “In low-income countries, only 8% of industrial and municipal wastewater undergoes treatment of any kind. This exasperates the situation for the poor, particularly in slums, who are often directly exposed to untreated wastewater due to a lack of water and sanitation services. Over 80% of wastewater is released to the environment without adequate treatment.”³

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NitinGadkari wrote in his article 'Steps Towards Clean India' that the 97 cities situated on the banks of river Ganga, directly discharge around 2 Arab 95 crore litres of sewage daily directly into the river without adequate treatment. These cities lack the proper sewage system for the management of the water pollution.

Lack of water of required quality is a barrier to development. A community with a limited water supply is a community with a limited growth- because the overall food production and large-scale generation of electricity still very much depend on the availability of water and also there is an increasing demand of water by industries.

4. ROLE OF UNITED NATIONS ORGANISATION

The United Resolution emphasised the importance of purity of water in the Resolution of 1977 during the *United Nations Water Conference* and in the *International Drinking Water Supply and Sanitation Decade*. India is a signatory to both of these resolutions. The *United Nations Conference on Human Environment* of 1972 at Stockholm, was an inspiration for the Indian Parliament, resulting in the enactment of the Water (Prevention and Control of Pollution) Act, 1974.

Some other rules and acts enacted by the government of India are Water (Prevention and Control of Pollution) Rules, 1975, Central Board for the Prevention and Control of Water Pollution (Procedure for Transaction of Business) Rules, 1975, The Water (Prevention and Control of Pollution) Cess Act, 1977, Water (Prevention and Control of Pollution) Cess Rules, 1978.

5. CONSTITUTIONAL PROVISIONS AND JUDICIAL ASPECT

In a developing country like India, the problem of water pollution assumes special significance because environmental protection is a major issue, which affects the wellbeing of people and economic development. The question before us at present is not whether countries can afford measures for the control of water pollution but is whether they can afford to neglect them.⁴

The Part IV-A⁵ of the Indian Constitution contains Article 51A mentioning the Fundamental duties. The Article 51-A(g) provides that it shall be the duty of every citizen of India, to protect and improve the natural environment including forest, lakes, rivers, and wildlife and to have compassion for living creature.⁶

The Entry 18 of the List II *i.e.* State List of the Indian Constitution includes water stating that, "Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of Entry 56 of List I."⁷

Also, in the case of *State of Orissa v. Government of India*, Katju, J., said that the right to get water is a part of right to life guaranteed under Article 21 of the India Constitution. It is a gift of nature.⁸

In *Narmada Bachao Andolan v. Union of India*⁹, the Supreme Court said, "Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the

³The United Nations World Water Development Report 2017 "Wastewater- The Untapped Resource", pg. 2.

⁴ See *M.C. Mehta v. Union of India*, AIR 1988 SC 1115 at 1125.

⁵ Added by Constitution (Forty-Second Amendment) Act, 1976, Sec. 11 (w.e.f. 3-1-1977)

⁶ Article 51A(g) of Part IV-A of the Indian Constitution

⁷ Entry 17 of List II of Indian Constitution

⁸ *Delhi Water Supply & Sewage Disposal Undertaking v. State of Haryana*, (1996) 2 SCC 572 at 573.

⁹ AIR 2000 SC 3751

Constitution of India ...and the right to healthy environment and to sustainable development are fundamental human rights implicit in the right to life.”

In *A.P. Pollution Control Board v. Prof. M.V. Nayadu*¹⁰, the Court held that “the right to access to drinking water is fundamental to life, and that the state has a duty under Article 21 to provide clean drinking water to its citizens.” In the case of *M.C. Mehta v. Union of India*, the Supreme Court of India recognized that groundwater is a public asset and that citizens have the right to the use of air, water and earth as protected under Article 21 of the Constitution.

With all these mentioned provisions and cases, one can understand the importance of water as mentioned in the Indian legal system.

6. STEPS BY THE INDIAN GOVERNMENT

On fourteenth January 1946, the then Head administrator of India, Shri Rajeev Gandhi propelled The Ganga Activity Plan. The principle goal of this arrangement was to improve the water quality by Interference, Redirection and treatment of residential sewage and present dangerous and modern concoction squanders from recognized horribly dirtying units entering in to the waterway. As indicated by the site of Madhya Pradesh Contamination Control Board, a definitive target of the Hole is to have a methodology of coordinated waterway bowl the executives considering the different dynamic between activities among abiotic and biotic eco-framework. The Legislature of India proposed to broaden this model with reasonable changes to the national dimension through a National Stream Activity Plan (NRAP). The NRAP for the most part draws upon the exercises took in and the experience picked up from the Hole other than looking for the perspectives on the State Governments and the other concerned Divisions/Offices.

This was partitioned into 2 stages, in particular the Ganga Activity Plan Stage I and Ganga Activity Plan II. The Primary Stage secured the conditions of Uttar Pradesh, Bihar and West Bengal and its principle objective was to the water nature of Ganga and to keep its contamination. The Second Stage secured the conditions of Uttar Pradesh, West Bengal, Bihar, Uttarakhand, Jharkhand, Delhi, Haryana. This stage concentrated on other real streams of the country. The Yamuna and Gomati Activity Plans were likewise begun under the stage in 1993.

- A. In 1987, the *National Water Policy* was adopted by the government of India and was updated by the Ministry of Water Resources in 2002. The main objective of the policy was to meet the challenges that have emerged in the development and management of water resources including water pollution. Under this Policy, improvements were made in the existing strategies and new techniques were innovated to eliminate the water pollution.
- B. In 1995, the *National River Conservation Plan (NRCP)* was launched by the central government which aimed at preventing the pollution of rivers. It also focussed on the construction of STP, river front development, low cost sanitation, afforestation etc. The details of number of schemes sanctioned and total expenditure for each state is provided.
- C. On 20th February 2009, the *National Ganga River Basin Authority* was set up by the Central Government through notification, as the authority for planning, financing, monitoring and coordinating for the conservation of the river Ganges and protecting it from pollution. It covers the states through which Ganga flows including Uttarakhand, Uttar Pradesh, Bihar, Jharkhand, West Bengal and others. The main aim and objective of this the establishment of this Authority was to plan and then execute the programmes to prevent pollution and conserve the river Ganga.

¹⁰ (2001) 2 SCC 62

- D. The Head administrator of India Mr.NarendraModi, has the fantasy of 'New India' and henceforth, the legislature has made up different strides in such manner since most recent 4 years. In 2014, the BJP government started the NamamiGange Undertaking on tenth July 2014 with a financial plan of Rs 20,000 crores, which concentrated on the incorporation of the endeavors for cleaning and securing Ganga Stream. Under this Program, 187 undertakings worth around Rs 16566 were endorsed in the nation for the improvement of sewage framework, ghats, stream fronts and furthermore for waterway surface cleaning, preservation of biodiversity etc. The responsibilities of this program was given to the National Clean Ganga Mission. It had two overlay destinations, the first being the aversion of the contamination and the second was revive Ganga stream. Its primary columns are Sewage Treatment Framework, Stream Front Advancement, cleaning the waterway surface, ensuring biodiversity, afforestation, open mindfulness, and the modern emanating checking.
- E. The prime minister of India Mr.Narendra modi on 22nd may 2017 inaugurated a project in Madhya Pradesh for river conservation for controlling the pollution in Narmada river and ensuring the Narmada river to be a pollution free river. Prime Minister NarendraModi launched *The Narmada seva mission* while attending the concluding programme of Narmada sevayatra. This river conservation yatra was inaugurated and started on 11th December 2016 projecting it as the world's biggest river conservation campaign with public participation¹¹.
- F. The *Central Pollution Control Board and State Pollution Control Board* always is working together and keep their eye on the water bodies like rivers, ponds, lakes, man-made canals, and any other water bodies in india. These departments of state and central pollution control boards are situated at 2500 places all over India.
- G. The *Central Pollution Control Board* noted down the total volume of local wastewater generation in the India at about 61,948 MLD where there was a STP installed by the government holding the maximum capacity of 23,277 MLD.

Few other steps taken by the government are:-

- Proper implementation of environment regulations & statutes
- Emphasising on more purified production methods
- Amendments to various waste management rules including local solid waste, plastic waste, hazardous waste, Bio-medical waste, etc.
- Notification of construction and demolition waste management rules
- Ban on burning of leaves, biomass, municipal solid waste,
- Regular co-ordination meetings at official and ministerial level with the state governments
- Installing on-line continuous monitoring devices by major industries
- Making of Action plans for sewage management and restoration of water quality in water resources by state government,
- Many other steps are being taken.

7. PUBLIC AWARENESS, COMMUNITY INVOLVEMENT AND PARTICIPATION¹²

Survey raised that programs for decrease of defilement of water is generally transitory specialist driven with discoursed being compelled all around to state governments and neighborhood bodies with no essential relationship of the overall public and the system. Contemplating the enormity of the issue of water pollution in India and its troublesome implications for the nation and the overriding necessity for inspiring open care,

¹¹ Newspaper *Hindustan time*, Delhi edition dated:21st may 2017

¹² CHAPTER XIV of Eighth report of public accounts committee (2014-2015) Ministry of environment and forest, GOVERNMENT OF INDIA.

Service was drawn nearer to include their action mean to make mass care and guidance on this issue to all zones of the people with excellent emphasis on understudies, farmers, etc.

The MoEF immediately expressed that the National Ganga Stream Bowl Expert (NGRBA) Structure has a Correspondence and Open Effort Program (CPOP) including each partner including Understudies and Youth. The Correspondence and Open Effort Plans are in promotion of the destinations of the NGRBA Program to guarantee powerful reduction of contamination and preservation of waterway Ganga through vital correspondence and upgraded open investment and effort.

The communication plan has a three tier approach- First tier at the National level, i.e., at NMCG level; Second tier at the State level, i.e., at SPMGs level and Third tier at the Executing Agencies level (including the work site). Keeping in view the wide range of opinions, concerns, and sensitivities with regard to Ganga and importance of public participation, the NGRBA framework concentrates on the following core areas of communications and public outreach:

- a) **Mass correspondence battles:** These crusades will concentrate on contamination control messages, (particularly 'Dos and Don'ts' of human communications with the waterway) and sharpening of the overall population. This should take in customary material (TV films, radio spots, print materials, and so forth) just as imaginative data scattering media like the utilization of nearby people media, as - 135- well as influence/outreach/exercises through NGOs, schools and universities, sanctuaries and fairs and so on.
- b) **Support for voluntary public participation:** The special space the Ganga occupies in the cultural and religious psyche of the people in India provides a tremendous opportunity for tapping this reverence and harnessing it into a people's movement. Mobilising the masses will not only generate a continuing demand for clean-up and conservation activities but will also enhance wide participation in the planning, design, implementation and, especially, monitoring of activities proposed under the Program. Community mobilisation will thus form an essential part of the Communication Strategy.
- c) **Proactive Disclosure, such as:**
 - i. Right to Information (RTI) compliance.
 - ii. Websites at NMCG and SPMGs levels.
 - iii. Public Information Cells at the Executive Agencies level.
 - iv. Information Boards/Walls at the level of the individual works at site.
- d) **Community participation, such as:**
 - i. Provisions for conferences, workshops, seminars at the national, state and ULB's level to bring stakeholders together for discussion, dialogue and information dissemination.
 - ii. Participation of community and citizens groups via ULB-level Citizens' Monitoring Committees for monitoring, feedback and social audits. Since the World Bank assisted NGRBA Project does not cover the rural areas as of now, the rural and farmers issues are being taken care of in the Ganga River Basin Management Plan which has a communications component and is being prepared by the IIT Consortium.

The Board of trustees were educated that Open Mindfulness and Interest is an absolute necessity for making social activity for the waterway cleaning and beautification program. It is proposed to include the current volunteers of Nehru Yuva Kendra Sangthan (NYKS) under the Service of Youth Issues and Sports for different exercises identifying with this. In this specific circumstance, the Advisory group looked to know concerning why the Service was not concentrating on focused mindfulness battles on unique gatherings, for example, 'ranchers' - 136-whose dynamic co-activity may go far in lessening contamination from horticultural sources, for example, pesticides and manures which add to contamination of water to a substantial degree.

The MoEF promptly communicated that under Bureau of Agribusiness and Collaboration (DAC's) Focal Segment Plan "Wide correspondences Backing to Farming Expansion", Doordarshan and All India Radio are being utilized to make the farmers careful about present day farm developments and investigates related to

agriculture and joined forces locales. A 30 minute program was being communicated 5-6 days seven days through National, 18 Local Kendras and 180 High Power/Low Power Transmitters of Doordarshan. Correspondingly, 96 Rustic FM Radio Stations of All India Radio are being utilized to convey 30 minutes of program for farmers 6 days seven days. For broadcasting instances of conquering difficulty, improvements and for progression change-setting development and developing practices through the Saturday space of Doordarshan's National Channel, DAC is conveying films, which purposefully adventure between alia positive perspectives in cultivating in India.

An "Engaged Commercial Crusade" was propelled through print just as electronic media to make mindfulness about the help accessible under different plans of the Branch of Agribusiness and Participation. The notices were discharged through national just as territorial papers. The sound video spots are being communicated/broadcast through AIR, Doordarshan and Private Channels working at national and territorial Dimension. Under this battle, one of the Sound Video spots delivered was on "Wise Utilization of Composts" and the equivalent is being broadcast through Doordarshan and private channels working at national dimension amid the news, and famous stimulation programs on prime time groups to make mindfulness among the ranchers about the advantage of utilizing manures sensibly, development just as contamination.

Promotion was distributed in all driving national and local papers on "Utilization of Pesticides" to make mindfulness among the ranchers. What's more, Service of Agribusiness is conferring attention to the cultivating networks for reasonable utilization of rural synthetic compounds in their yields through different human asset improvement programs (2 days, 5 days, 30 days Season Long Preparing Project (SLTP) and Ranchers Field Schools (FFSs) – 14 weeks – when daily in one town) under Incorporated Vermin The board (IPM).

The Plan is being executed nation - 137-wide through 31 Focal Coordinated Irritation The executives Focuses (CIPMs) situated in 28 States and 1 Association Domain. Since 1994, up till Walk 2012, the Directorate of Plant Security, Isolate and Capacity (PPQ&S), under DAC, has composed 13991 FFSs wherein 57962 Agribusiness/Cultivation Expansion Officers and 4,20,720 ranchers have been prepared on most recent IPM innovation in different yields.

In excess of 232 lakh ha. has been verified under bug watching and 43,543 million bio-control administrators have been released for control of different bugs and diseases. Up until this point, 1871 ace mentors have been set up in 51 SLTPs in different harvests like Rice, Cotton, Vegetables, Groundnut, Mustard, Soybean, Gram/Tur, Chillies and Sugarcane. Also IPM heap of practices for aggravations/sicknesses the administrators in 77 significant harvests have been made as a group with State Divisions of Agribusiness/Cultivation/Indian Chamber of Horticultural Exploration (ICAR) Organizations/State Farming Colleges (SAUs) which have been hovered to all States/UTs and have been posted on Directorate of PPQ&S's Site www.dacnet.nic.in/ppin for use by the extension functionaries and the farmers. At present, there are 351 bio-control explore focuses working in India for production of bio-control administrators and bio-pesticides.

These labs have been set up by different agencies viz. Central Government, State Governments, ICAR, SAUs, Department of Bio-Technology (DBT), NGOs and Private entrepreneurs. Grant in aid of ` 1772 lakh and ` 64.15 lakhs was provided to States and Non-Governmental Organizations (NGOs), respectively for setting up of bio-control laboratories in different States and UTs. Besides, ` 353.73 lakhs has been granted for rodent pest management in North Eastern States.

Indian government took various steps and measures to control the water pollution in different natural water resources which were effective and also resulted positively. Many water resources like rivers and lakes got pollutant free.

8. CONCLUSION

The present investigation finds that the privilege to get to clean water isn't explicitly ensured either by the constitution of India or by some other Acts. Obligation is forced on the state to give clean water and anticipate and control the water contamination. The present examination uncovers that Water contamination is a noteworthy issue in India. The intensity of the Supreme Court under Article 32 isn't just injunctive in ambit that is keeping the encroachment of principal rights, yet it is additionally healing in degree and gives help against a rupture of the major rights as of now committed.³⁹ This paper unwind that the waste water treatment plants in India are not sufficient. Endeavors are being made. To spare amphibian life in the Ganga and to viably treat squander water, two pilot ventures have been started by WWF in the city.⁴⁰ The investigation worries to build up sewage treatment plant in each urban settlement. Ideally the assent to the urban settlement ought to be given simply after the foundation of the sewage plant. In India there is absence of clean drinking water and sanitation. Dimension of ground water is lessening. There is need of a successful water strategy.

The principal approach was embraced by National Water Resources Council in 1987. This was amended and refreshed in April 2002. Government, NGO's and instructed individuals ought to have done endeavors to mindful the general population about the water contamination and its belongings. The NGO Green Earth sorted out rivalries Program, notice making, trademark composing and a situation test for making mindfulness about the earth, wellbeing and sanitation at Brahm Sarovar of Kurukshetra.⁴² Such kind of exercises ought to be done on war balance. The investigation worries to set up the different natural courts in each state to lessen the weight of the legal executive and to actualize the suggestions of the 186th Report of India's Law Commission.

