

WATER: A RIGHT AND RESPONSIBILITY

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Abstract: Right to water is very much connected to Right to life. Water is essential for man to realise all other rights. Without access to clean and safe water and sanitation facilities, man cannot lead a dignified life. This study shows the intensity of the problem of water scarcity in the world and its terrible effects on human life. The present study also illustrates the water crisis in India and the efforts of the government to overcome the issues of water scarcity and unhygienic condition. It is the duty of every citizen to protect the environment and thereby enjoy the right to environment.

Key Words: Environmental Rights, Water Crisis, Health and Hygiene, Sanitation

INTRODUCTION

Man has some natural rights like right to life and liberty. As a member of the human species man has some human rights like the right to life with dignity and health. Most of the modern states have their own constitutions which guaranteed fundamental rights to their citizens like right to life, liberty, equality and dignity. In addition to this there are numerous international conventions and human rights instruments which are aimed to ensure man's rights like right to life, liberty, dignity, equality, health, livelihood etc. All the rights guaranteed to the human beings by the nature, national constitutions, and international instruments can be enjoyed only in an environment with sufficient natural resources.

Water is a natural resource and a public good; but, it is a limited natural resource. This natural resource is fundamental for man for their existence and a pre-requisite for getting all the other rights enjoyed. Minimum access to clean water is essential for survival of human beings and all other living species. Water is a right which is indispensable for human beings for leading a life with dignity and health. Water is necessary for making food, for hygiene, for securing livelihood and also for enjoying some cultural practices. That means it is needed to enjoy the right to food, right to health, right to livelihood, right to faith and worship and as a whole the right to an adequate standard of living. However, water especially, safe drinking water is slowly diminishing. Water scarcity and climate change is reported as the most serious environmental problem which adversely affects humanity in the 21st century (UNEP's GEO-2000 Report).

The United Nations Environment Programme carries out a survey and it was conducted by 200 eminent scientists from fifty nations around the world. They documented that one of the most serious problems facing the humanity is the shortage of safe drinking water. World Health Organization reported that in this world some 3,900 children die every day because of unsafe, polluted water and poor sanitation. It also points out that the diseases spread through water and human excrement are the second important reason for the death of children worldwide after respiratory diseases. The United Nations Department of Economic and Social Affairs noticed that nearly two of every ten people in this world have no supply of safe drinking water and four of every ten have not even a single pit latrine (International Decade for Action 'Water for Life'). Every year, millions of people lost their life due to unclean water and poor hygiene. Death of children due to diseases associated with inadequate water, and sanitation is often reported. It is observed that every eight seconds a child dies due to Diarrhea (Elliot Curry) and 88% of diarrheal disease is caused by unsafe water and sanitation (World Health Organization).

RIGHT TO WATER

"All people, whatever their stage of development and social and economic condition, have the right to have access to drinking water in quantities and of a quality equal to their basic needs." (UN Conference at Mar del Plata, 1977)

Right to water means the right to adequate and safe water for personal and domestic uses. It should be easily reachable and inexpensive, because water is nobody's private property, it is a common property provided by the nature for a secure life for all. The necessary conditions to enjoy right to life are;

- Availability
- Quality
- Accessibility

The water which each person is using should be sufficient for them. It must be always available and enough for personal and domestic uses. The water using for personal and domestic purposes must be clean and free from all kinds of pollution that destroys personal health. Water and water facilities must be accessible to each and every one without any kind of discrimination within the authority of the state policy.

The United Nations General Assembly established water rights by stating that, 'the right to safe and clean drinking water and sanitation is a human right that is essential for the full enjoyment of life and all human rights' (UN General Assembly Resolution 64/292). According to the Human Rights Council, "the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and is very much related to the highest attainable standard of physical and mental health and the right to life and human dignity"(The Right to Water and Sanitation Toolkit).

Despite of these rights water shortage increases and number of people lack access to minimum safe water and adequate sanitation. Access to water for the vital purposes of drinking, sanitation and food and for the means of living is denied to billions of people around the world. By accepting the importance of protecting water and to ensure safe and adequate drinking water for the full enjoyment of life, the UN declared 2003 as the International Year of Fresh Water and the decade 2005- 2015 as the International Decade for action, Water for Life.

Worldwide about 1200 million people lost their good health and 15 million children under five years die every year due to contaminated water. According to the World Meteorological Organization, two out of three people will live in water-stressed conditions by the year 2025. United Nations World Water Development Report 2019, stated that the global use of water has been increasing by about 1% per year and also noticed that more than 2 billion people live in countries where high water stress is occurring and on 4 billion people experience severe water shortage at least one month of the year (UN Water). More than 40% of the world population are currently affected poorly by the problem of water scarcity (Global Water Crisis: The Facts).

Water is a plentiful resource as it covers 70% of the earth is a false belief because only 2.5% of all water is freshwater (Global Water Crisis: The Facts). This 2.5% is expected to satisfy the needs of the large population. With the increase in population the demand for water also increases. Thus the availability of water decreases and it will lead to competitions and conflicts for water. Safe drinking water is a right, but due to several reasons this right, which is essential for the full enjoyment of life is denied to people across the world.

REASONS FOR WATER CRISIS

There are so many reasons for water scarcity and most of the reasons are man-made. Some of the reasons for water crisis are the following;

- **Pollution**
Chemical substances, human excrement, Radiological hazards, etc. in the water constitute a danger to human life. Man has no fear to dump waste materials in water bodies. Contaminated water is unfit for human consumption and it leads to scarcity of water.
- **Over Use of Water**
People are not conscious about the value of water. For irrigation, industry, and also for bathing, people use plenty of water. Those who are available and accessible to water use it without care and those who are unavailable and inaccessible to water doesn't get a single drop to their thirst.
- **Destruction of Water Catchment Areas**
Water catchment areas like forest are destroyed for human settlement. It will result in a shortage of rain fall and thereby shortage of water. Population growth is the major reason behind deforestation.
- **Depletion of ground water**
Ground water wells and other aquifers are in a critical condition because water is used faster than its replenishment.

Studies revealed that by 2050 an additional 2.3 billion people can be expected to be living in areas with severe water stress (Global Water Crisis; The Facts). That means the available water in the world will not be enough to quench the thirst of the human population.

PROBLEMS OF WATER CRISIS

An adequate quantity of safe water is fundamental for life with dignity and health. Lack of it create many problems like

- **Social Inequality**

There are so many discriminatory areas which are connected to the 'right to safe drinking water'. One such area is sex and gender. People in the rural areas suffer more than people living in the urban areas in water accessibility and availability. The women and children utilize much of their time to fetch water which is very distant from their place.

In the case of rich people they can buy water for their purposes and they can sink boreholes to the necessary depths to dig up water, but the poor people especially the poor farmers cannot afford it. According to the UN Human Rights Report, 'the world is fast approaching *Climate apartheid* where only the wealthy can afford basic human resources in the face of fatal droughts, famine and heat waves'(UN News).

- **Unsustainable Environment**

A healthy environment is essential for a healthy life. Water scarcity is a giant problem which damages the health of the environment and it disrupt the ecological balance.

- **Political Tensions**

With the decrease in the availability of water, competition for its access also increases. It is observed that 60% of all surface fresh water comes from internationally shared river basins. Water management is an urgent matter which needs special policy making; otherwise it will result in conflicts and war for water among nations.

WATER CRISIS IN INDIA

Water crisis in India is getting worse. Life and means of life of millions of people are under danger. A study report states that at present 600 million people in India face high to extreme water stress and it gave a horrifying report that about two lakh people in India die every year due to water insufficiency and contaminated water. It is reported that about three fourth of the Indian households do not have easy access to safe drinking water (National Commission for Integrated Water resource Development) they want to go for long distance to get water for their basic needs. Increase in population will increase the demand for water and it is noticed that by 2030, India's demand for water will be twice the available supply (Composite Water Management Index). It implies that hundreds of millions of people will be the victims of severe water scarcity.

In the use of ground water India is ahead of the USA and China. About 25% of all ground water extracted globally is used by India. However a study report of NITI Aayog in 2018 states that 21 major cities in India including Delhi, Bengaluru, Chennai and Hyderabad are in a chase to reach Zero ground water level by the year 2020. They will get success in their race and it will affect access to water of 100 million people of India and their right to life will also be in danger. Another report states that more than 21% of the diseases reported in India are water related diseases (Shannyn Snyder). In India, it is reported that Children in 100 million homes live without water in their home (CYR). NITI Aayog stated that 2, 00,000 people die each year in India due to insufficient or insecure water supplies. According to the UN, within a decade, India overtake China as the world's most populous country and as a result, demand for water will increase twice the available supply by 2030.

To reduce the problems of water scarcity and underground water depletion Prime Minister Narendra Modi introduced a campaign named Jal Shakti Abhiyan from 1st July to 30th November. Its aim is to take steps for water conservation and water resource management. Ministry of Jal shakti was formed by merging the Ministry of Water Resources, River Development and Ganga Rejuvenation and the Ministry of Drinking Water and Sanitation in May 2019 under the second Modi Ministry for working sincerely for a secured India free from water pollution and unhygienic conditions. The People of India should work together to find a better solution for water problems otherwise the number of deaths due to thirst will increase and our children will lose their lives. It is also necessary to work together for protecting our rivers, especially the Holy Rivers.

CONSTITUTIONAL RIGHT TO WATER

In the Constitution of India, Water is a matter incorporated in Entry 17 of the State List (List II) and this matter is subject to the provision of Entry 56 of the Union List (List I). Article 21 of the Indian constitution guaranteed Right to Life and Personal liberty. The constitution through this article ensures a dignified and free life to all people. Dignified and free life is possible only in a healthy environment. Through various judgements the Judiciary has given a wide scope for Article 21. Its ambit includes a number of environmental rights like;

Right to clean Environment

Right to safe water

Right to pollution free air

Rights against noise pollution etc,

Right to water is a fundamental right under Article 21. In *Subhash Kumar v State of Bihar* the Supreme Court ruled that the right to life includes the right to pollution free water and air. In the *Narmada Bachao Andolan v Union of India* case the judiciary held that, water is a part of the right to life and human rights and is the basic need for survival. The Supreme Court of India restates that the right to life includes right to water and it is the duty of the state to provide safe drinking water to its citizens. The constitution also note down the duty of the citizens to protect the environment. According to article 59g “it shall be the duty of the citizens to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures”.

There are a number of Acts passed by the legislature to protect environment and to ensure safe drinking water like

- The Water (Prevention and Control of Pollution) Act, 1974
- Ganga Action Plan
- Environmental (Protection) Act 1986
- Indian Easement Act, 1882

Despite of these constitutional rights and legislations the Water and Sanitation rank of India is 145 as per the Environmental Performance Index Report 2018. Among the 180 countries surveyed India's rank in drinking water quality is 148 and sanitation is 144.

Table1: Current Rank in Water and Sanitation of India and her Neighbours

Country	Current Rank Water and Sanitation	Current Rank Drinking Water	Current Rank Sanitation
Bangladesh	128	129	127
Bhutan	120	118	124
China	47	7	56
India	145	148	144
Nepal	135	136	134
Myanmar	122	122	122
Pakistan	140	142	137
Sri Lanka	87	83	89
Maldives	77	78	66

Source: Environmental Performance Index 2018

This report shows the rank of India and her neighbours based on the Environmental Performance Index Report. In this report the rank of India is below when compared to all her neighbours.

India has made much improvement in access to safe drinking water and sanitation. Access to water and sanitation facilities increases in recent days. Through the Mission of Swachh Bharath more than 9 crores of toilets have been constructed across the country. Thus, the sanitation coverage in rural India has increased to 98% in 2019 which was 38.7% in 2014. The Scheme of 'Nal Se Jal' which is a component of Modi governments 'Jal Jivan Mission' aimed to provide piped drinking water to every household in rural India by 2024.

CONCLUSION

Safe drinking water is a human right. To ensure this right constitutions and governments can do a lot. But people can perform the most important role to protect the right to water. Each and every citizen should be aware of their rights and should perform their duties. It is the personal responsibility to take the first step of change that makes an improvement in access to water and sanitation. Every single drop of water is valuable, it will save human life.

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