

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 6 | Issue 1

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2023

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# Water Policy and Action Plan for India by 2030

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## ABSTRACT

*Right to access safe drinking water is an intrinsic part and parcel of Right to Life and Personal Liberty guaranteed by the Indian Constitution. The present paper briefly outlines the Pre-Colonial and Post Colonial Water Policies in India and the strategies implemented to overcome the water crisis. The water crisis plays a dominant role which leads to extreme weather events, such as droughts, famines etc., that affects the country's development. The Central Government has the power only to deal with Inter-States River Water Disputes since the subject "Water" falls under the State List whereby the states have been given the power to enact laws and policies to deal with water crises which ultimately limits the powers and role played by Central Government in improving water management. 'Water' is a subject of the State List; there is no uniform Water Management Policy throughout India. The Niti Aayog's report reveals that the country is facing a serious water crisis and assesses that major cities will reach zero groundwater levels by 2020. It also assessed that more than 600 million people are facing water shortage, and the country's water demand will be twice the available supply by 2030. The current paper analyses the previous National Water Policies and provides suggestions for Action Plan for 2030 for better achievement of water management.*

**Keywords:** *Niti Aayog, National Water Policies, Action Plan, Water management.*

## I. INTRODUCTION

Water is one of the natural resources that made existence of life on earth. It is essential for survival of animals and humans. Water is mainly used for drinking purposes and other day-to-day activities such as agriculture, industry, domestic household purposes etc. The importance of clean water can be emphasized that an adult human body consists of 60% of water and a daily consumption of 2 to 3 litres of water is essential to maintain a good health. Water does not have any taste, colour and odour. India is one among the countries which is abundant with natural water resources such as rivers, lakes, ponds etc. However, India consists of 4% of world's fresh water resources and around 16 percent of global population. At present India is facing serious water crisis which is evident through the report released by Niti Aayog in the year 2018.

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According to the Composite Water Management Index (CWMI) report, almost 21 major cities such as Delhi, Bengaluru, Chennai, Hyderabad etc. are about to reach zero ground water levels by 2020 which affects drinking water access for around 40% of India's population.

India has its National Water Policy, 1987 aiming to increase the efficiency of use of water through awareness programmes and other measures. The policy was reviewed in the year 2002 and 2012 which recognizes the importance of water with an aim to regulate the use of ground water level and to recharge possibilities of ground water level. These are the integral components of India's water management. The results of the policies were unsatisfactory as it couldn't reach its goals and the startling reports of Niti Aayog emphasizing that there would be a serious water crisis by 2020. In the month of May, 2019 the Union Government of India has formed a new ministry named Ministry of Jal Shakti by merging two ministries i.e. 1) Ministry of Water Resources, River Development & Ganga Rejuvenation; 2) Ministry of Drinking Water and Sanitation with an aim to clean the Ganges River for providing clean drinking water. The Ministry has also announced various plans and one among them is to provide piped water connections to every household in India by 2024.

## **II. WATER POLICIES IN INDIA**

The water policies in India existed way back from the British Raj rule to till today so as to overcome the problem of water crisis. India's water policies were classified into Pre-Independence and Post-Independence Water Policies so as to overcome the water crisis in the country and in a way the policies were successful to certain extent in the pre-colonial stage whereas coming to the post-independence period there are many priority subjects such as Agriculture, Industries and Economical Stability etc.

### **(A) Pre-independence water policies**

At the time of British Raj, the central government enacts and implements the water policies for all the states. It classified agricultural works as commercial and non-commercial and collected different taxes from these classifications. However, the policies of the British Raj period were focused more on commercial aspect rather than welfare perspective. At the time of British Raj, the states were demanded for monopoly claim over certain subjects such as agriculture, irrigation etc. The Government of India Act, 1935 transferred the subjects of irrigation and other subjects from the control of Center to the States. This had a major implication as the center can be intervened only in cases where there were Inter-State Water Disputes between the neighboring provinces.

**(B) Post independence water policies**

During the World War-II, India had to face a serious famine which was hit to West Bengal State due to various reasons such as war policies, land grabbing, bonded labour etc. West Bengal's staple food is rice which affected during the famine. This made food security as a major concern. Water development was given priority in view of food security which ultimately focused on irrigation. The Governments placed priority to build huge infrastructure projects for water storage and development in the first place. Over the span of 40 years after attaining independence, no serious attempt was made to formulate comprehensive water policy guidelines except certain guidelines on flood control existed. There were no proper guidelines on water Policy till 1987.

In 1983, the Ministry of Water Resources constituted National Water Resource Council (NWRC) for the water management in the country. The National Water Resource Council (NWRC) under the chairmanship of the Prime Minister of India. Finally in the month of September, 1987, the council had adopted the National Water Policy, 1987. This policy was a comprehensive statement of various water issues considering the opinion of the states. The National Water Resource Council (NWRC) consists of States representation as well as the Central Government as such the state Governments also supported the National Water Policy. Accordingly, the policies were prioritized on Drinking water, Industrial, Hydro-Power, Irrigation etc. were finalized by the council.

In 2002, the National Water Resources Council adopted the revised National Water Policy and passed a resolution under the Chairmanship of Hon'ble Prime Minister. The National Water Policy, 2002 incorporated the Integrated Water Resource Management (IWRM) and mainly focused on River Basin Management. The National Water Policy, 2002 focuses on the adverse environmental impacts of the excess extraction of ground water which has to be taken care by the Central and the State Governments. Thereafter, the National Water Board considered the further revised draft of National Water Policy 2012, as recommended by the Drafting Committee and the same was again circulated amongst all the States and Central Ministries for modifications. The final draft of National Water Policy, 2012 was released on 8th April, 2013. The focus of the National Water Policy, 2012 is to achieve safe drinking water and sanitation, ecosystem etc. However, there are certain criticisms of the National Water Policy, 2012 that it did not follow Polluter Pay Principle (PPP), No objective on reduction of water pollution, No objective for commercial use of ground water.

### **(C) Action plan for 2030**

The Action Plan for 2030 focuses on Centralised and distant decision-making. It mainly focuses to improve water quality and to step up the recycling and re-use of water, water capacity, reduce droughts, urgent policy objective, to be guided by the principles of conservation, protection of water quality, sustainability and equitable access. It also focuses on maintaining the life of river systems and other water bodies. It also provides transparency in the Environmental Impact Assessment (EIA), the Social Impact Assessment (SIA) and Cost Benefit Analysis open for public scrutiny and examines alternate options. In India, many states have their own Water Policies. These policies are replica of the National Water Policy, in many cases converting National Water Policy into a strategy relevant to the state. States like Tamil Nadu and Himachal Pradesh have Water Policies that are more inclined towards principle of equity and do take into account the participatory role of the people's organizations or community-based control over water resources.

## **III. LEGAL FRAMEWORK ON WATER POLICIES**

The International Organizations aims at preventing pollution of freshwater resources, safe drinking water and sanitation. Some of the organizations are United Nations Environment Programme (UNEP), UNECE-WHO/Europe Protocol on Water and Health, International Union for Conservation of Nature (IUCN) and International Law Commission (ILC) on ground water and surface waters which constituted a full-fledged body of rules that aims at preventing pollution of freshwater resources. In 1997, the United Nations, through the draft articles of the ILC, developed a global framework convention for a global protection of freshwater resources : the Convention on the Law of Non-Navigational Uses of International Watercourses. This convention is recognized to codify customary law relating to water.

### **(A) International legal framework**

The international instruments such as various international treaties and conventions promote sustainable development and India has to ratify the conventions which are consistent with the national policies. Some of the International conventions are dealt under as follows :

#### **a. United Nations Environment Programme**

The **United Nations Environment Programme** (UNEP) was founded in June, 1972 as a result of the United Nations Conference on the Human Environment (Stockholm Conference). It coordinates environmental activities and assists developing countries in implementing environmental policies. UNEP focuses on covers a wide range of environmental issues with

regard to atmosphere, marine and ecosystems, environmental governance and green economy. The UNEP played a significant role in developing international environmental conventions and to promote sustainable development through the co-ordination of Non-Governmental Organizations (NGOs). It plays pro-active in funding and implementing environment related development projects and formulated guidelines on various measures on trans-boundary air pollution, contamination of international waterways.

#### **b. UNECE-WHO/ Europe Protocol on Water and Health**

The UNECE-WHO/Europe Protocol on Water and Health aims to protect human health by better water management and by reducing water-related diseases. The Protocol provides a framework to provide human rights to water and sanitation. The Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes (Water Convention) aims to ensure the sustainable use of trans-boundary water resources by facilitating cooperation.

#### **c. International Union for Conservation of Nature (IUCN)**

International Union for Conservation of Nature (IUCN) follows a systemic approach to water management. It aims to maintain sustainable management of natural resources in the region as well as to strengthen water resource management. IUCN promotes participation of local communities in the planning and decision-making processes. At the same time all the other stakeholders are involved in the decision-making process.

### **(B) Indian legal framework**

The existing legal frame work for water law in India is embodied both at the National and state level. The laws that primarily deal with water are as follows.

1. Constitution of India, 1950
2. Water (Prevention and Control of Pollution) Act, 1974
3. Environment Protection Act, 1986
4. Indian Easements Act, 1882
5. Forest Conservation Act, 1980

#### **1. Constitution of India, 1950**

“Life means not only physical existence. It means the use of every limb or faculty through which life is enjoyed. Right to life includes right to live dignity, right to access healthy environment” as stated by Justice P. N. Bhagwati. Right to access safe drinking water is part and parcel of A. 21 of constitution of India. The Schedule VIII of Indian Constitutional distributes

responsibilities between the State and Centre. The Schedule VII consists of the Union List (List-I), the State List (List-II) and the Concurrent List (List-III). Article 246 of the Constitution deals with subject matter of laws to be made by the Parliament and by Legislature of the States. As most of the rivers in the country are inter-State, the regulation and development of waters of these rivers, is a source of inter-State differences and disputes. In the Constitution, water is dealt under Entry 17 of List-II (State List) which is subject to the provision of Entry 56 of List-I (Union List) which deals with regard to Inter-State River Water Disputes.

## **2. Water (Prevention & Control of Pollution) Act, 1974**

The Water (Prevention & Control of Pollution) Act, 1974 was enacted with an aim to prevent and control Water Pollution in India. Under this act sewage or pollutants cannot be discharged into waters such as lakes, rivers etc. The act established Centre Board and State Board in order to have a check on water pollution. The State Board empowered to plan a comprehensive program for the prevention, control or abatement of pollution of streams and wells, collect and disseminate information relating to water pollution and encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention.

## **3. Environment Protection Act, 1986**

The Environment Protection Act, 1986 was enacted under Article 253 of the Constitution. India had ratified the United Nations Conference on the Human Environment and enacted Environment Protection Act, 1986. The act aims to protect the human environment and the prevention of hazards to human beings, other living creatures, plants and property.

## **4. Indian Easements Act, 1882**

The Indian Easements Act, 1882 enacted during the period of British Raj based on the common law. According to common law, land includes ground water as part and parcel of the land. The legal consequence of the common law rule is that the owner of the land could dig well in his land and extract as much groundwater requires. The land owner was not legally held liable for any damage caused to water resources of his neighbor as a result of his over extraction. It was not a matter even if he has over-exploited groundwater with an intention to cause injury to neighbours' wells. However, present the Polluter Pay Principle (PPP) has been followed which means the one who pollutes air, water etc. is held responsible to pay the costs damage caused to environment or human loss.

## **Recent trends in Madhya Pradesh to implement Right to Water Act**

The Madhya Pradesh Government is planning to implement a Right to Water Act. As per the

guidelines of the act, 55 litres of water per day will be provided to each individual in the state. The act will also have stringent provisions for preventing wastage of water. If implemented, Madhya Pradesh will be the first state in the country to enact a Right to Water legislation.

#### **IV. JUDICIAL RESPONSE TOWARDS WATER CRISIS**

The Judiciary plays a vital role in upholding the Environment through various judgements such as Bhopal Gas Tragedy, Ganga River Pollution cases and other various cases. The cases are dealt only with regard to water crisis as follows.

In the matter of *National Institute of Medical Science University Rajasthan & Others v. State of Rajasthan & Others* dt. 09/11/2017, the Hon'ble Supreme Court of India heard petitions with regard to water shortage in Jaipur city and the drying up of Ramgarh Lake. The case dealt with the massive encroachments in the catchment areas of Ramgarh Dam especially by the National Institute of Medical Sciences University. The Hon'ble Supreme Court expressed dismay that despite orders passed by the Rajasthan High Court and plan of action having been prepared by the State Government, nothing substantive appears to have been achieved on the ground over the past 15 years. The Court dismisses the petition directing to demolish unauthorized construction by or on behalf of NIMS along with costs of Rs. 10 lakhs for the encroachment by NIMS. The demolition shall be carried out by the Jaipur Development Authority with the assistance of the State Government.

In *Perumatty Grama Panchayat vs. State of Kerala*, the Panchayat disagreed to renew the contract due to lowering of ground water level and decreasing water quality. The panchayat also ordered for the closure of the plant on the ground that over-exploitation of water by the Company had resulted in acute shortage of drinking water. The company challenged the authority of the Panchayat before the High Court of Kerala. The major legal issue was the right of a landowner to extract groundwater from his land and the power of the Panchayat (or local bodies in general) to regulate the use of groundwater by private individuals. The Single Judge observed that even without groundwater regulation, the existing legal position was that groundwater is a public trust and the state has a duty to protect it against excessive exploitation.

#### **V. CONCLUSION**

The water scarcity is mostly man-made due to excess population growth and mismanagement of water resources. Some of the major reasons for water scarcity are inefficient use of water for agriculture, Sewage and wastewater drainage into traditional water bodies, release of chemicals and effluents into rivers, streams and ponds, Lack of efficient water management and

distribution of water between urban consumers, the agriculture sector and industry. All the above issues can be resolved through awareness campaigns, stringent laws which impose huge penalties for excess use of ground water, planting trees, rain water harvesting, compulsory rain pits in every house.

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