

WATER POLLUTION IN INDIA: ISSUES AND CHALLENGES

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INTRODUCTION

Today in India the people are suffering from various water born disease like kidney failure, stomach infection, cholera, jaundice and most of the poor people do not have sufficient money to pay cost of medical treatment. As we have seen in 1983, in India labourer were drinking dirty water from nullah and the government fail to provide them safe drinking water, so these issues are of public importance and needs detailed investigation.

In India there are number of sources of drinking water but India is still facing water crisis, in this article I will investigate who is responsible for water pollution, role of government in prevention of water pollution, effectiveness of penalties for water pollution, judicial responses to the environment pollution, and role of NGT regarding water pollution.

WATER POLLUTION IN INDIA

Water pollution means damaging actual properties of water by contamination or alteration of water physical, chemical biological properties. The sources of water pollution in India includes industrial wastes, domestic wastes, insecticides, pesticides, radioactive wastes, thermal pollution.

Nearly 72 % of urban wastewater in India flows into waterbodies, as India grows and urbanizes, its water bodies are getting toxic. It's estimated that around 70% of surface water in India is unfit for consumption. Every day, almost 40 million litres of wastewater enters rivers and other water bodies with only a tiny fraction adequately treated.¹

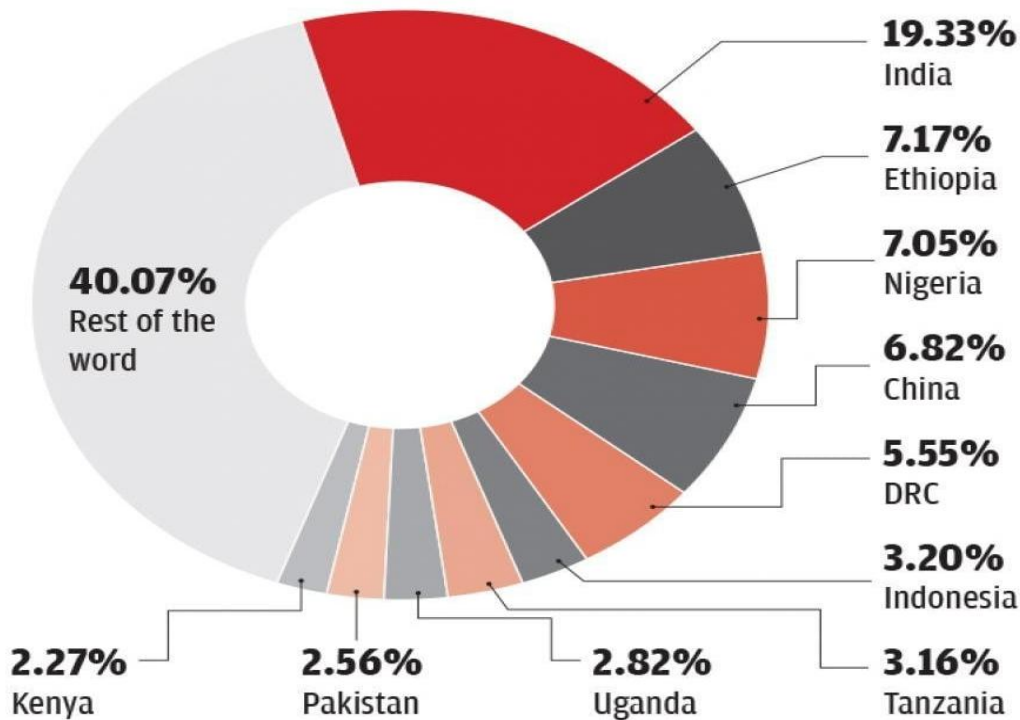
A recent World Bank report suggests that such a release of pollution upstream lowers economic growth in downstream areas, reducing GDP growth in these regions by up to a third. To make it worse, in middle-income countries like India where water pollution is a bigger problem, the impact increases to a loss of almost half of GDP growth. Another study estimates that being downstream of polluted stretches in India is associated with a 9% reduction in agricultural revenues and a 16% drop in downstream agricultural yields. An estimated 163 million people out of India's population of 1.3

¹ World Economic Forum, "Water pollution is killing millions of Indians" Oct. 2019.

billion - or more than one in 10 - lack access to clean water close to their home.² The problem of water in India can be seen through this data:³

Waterless countries

Just 10 countries account for 60% of the world population without access to clean water



Source: The water gap—The State of the World's Water 2018 report by WaterAid

WATER PROTECTION LAW IN INDIA

A. Water (Prevention and Control of Pollution) Act 1974

In India to protect water, the Water (Prevention And Control Of Pollution) Act 1974, provides provisions for the establishment of central pollution control board, state pollution control board and prohibit the use of streams or well for disposal of polluting matter ⁴ and restricts new outlets and new discharges⁵ and empower the board to take emergency measures in case of pollution of streams or well and also empower the board to give directions of closer and regulation of industry and managing the supply of electricity and water services .

² World Economic Forum, "India is suffering the 'worst water crisis in its history'" 2018

³ Supra.

⁴ Section 25, Water (Prevention and Control of Pollution) Act 1974.

⁵ Section 26, Water (Prevention and Control of Pollution) Act 1974.

- Non-compliance of directions of board, fine 5000/-and imprisonment extend upto seven years or both.
- Non-compliance of section 25,26 may extend to six years.

B. ENVIRONMENT (PROTECTION) ACT,1986

Environment protection Act empower central government to issue directions prohibit, regulate activities effecting environment, and also empower the central government and its officers to take samples of water, and also provides penalties for contravention of the provisions of the Act. Central government may also make rules for environment protection.

C. NATIONAL GREEN TRIBUNAL ACT 2010

The act provides for effective and expeditious disposal of cases, conservation of forest and other natural resources and giving relief and compensation for damages.

JUDICIARY ROLE IN PROTECTION OF ENVIRONMENT

Article 48-A mandates the state that state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country and sate include courts⁶ So some important cases are list below:

- Rural Litigation and Entitlement Kendra & Ors. v. State of Uttar Pradesh & Ors SC
- Municipal Council, Ratlam v. Shri Vardhichand & Ors. SC
- M.C. Mehta v. Union of India (Gas Leak) SC
- M.C. Mehta v. Union of India- Ganga Pollution SC
- Vellore Citizens Welfare Forum v. Union of India SC
- A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.) & Ors SC
- M. C. Mehta v. Kamal Nath & Ors SC
- M.C. Mehta v. Union of India- Vehicular Pollution Case, SC
- Subhash Kumar v. State of Bihar & Ors SC
- Samit Mehta v. Union of India & Ors NGT
- Ms. Betty C. Alvares v. The State of Goa and Ors NGT
- Art of Living Case on Yamuna Flood Plain NGT
- Save Mon Region Federation and Ors. v. Union of India and Ors NGT
- Almitra H. Patel & Ors. v. Union of India and Ors. NGT
- K.M. Chinnappa, T.N. Godavarnam v. Union of India & ors SC

⁶ T. Damodhar Rao v S. O Municipal Co Hyderabad AIR 1987 A.P.

These cases framed the basic law for protection of environment, but after scrutinizing these judgements we can come to conclusion that public and government official both are equally responsible for environment degradation, as we have seen in T. Damodhar case 1987⁷ that under Article 48-A and 51(g) not only the citizen but also the state including Courts is responsible for environment protection.

CONCLUSION

In conclusion we can say that environment protection is the responsibility of every citizen, state, courts. Without safe drinking water we cannot live a better life as we have seen in 1983, in Haryana, Faridabad, labourer were drinking dirty water from nullah and the government fail to provide them safe drinking water. So government need to take strict action to save drinking water in India.

⁷ Supra.