

## **Water: A Human Rights Perspective**

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## WATER: A HUMAN RIGHTS PERSPECTIVE

***Abstract:** The paper briefly describes the importance and significance of water to human life. The paper traces the genesis of the water being regarded as a human right. In this perspective, an attempt is made to trace the various International Conferences, Declarations, etc. The paper analyses the National water policy and the State water policy of Orissa. Water in the perspective of globalization, liberalization and privatization is also discussed vis-à-vis the poor and the tribal peoples. While examining water as a human right, the paper also briefly touches the Constitutional provisions and the interpretations of the Supreme Court of India. The paper examines the various aspects of the water issue in India, more particularly to the State of Orissa, illustrating it with suitable case studies. The paper concludes that water is also a threat to the multi-national corporations selling soft-drinks. In the human rights perspective, the paper strongly advocates that water qualifies in the category of human right and not a human need.*

Water is the single most essential condition for the survival of mankind in the world. The very existence of mankind depends on the availability of potable water. Man is constantly in the lookout for water sources in other planets of the Universe also. The absence of living creatures in other planets is attributed due to the absence of water. Hence, water, forms the very basis for life. Water is also required for all other allied activities of mankind. Water, for this reason forms one of the vital elements of natural resources and it also is required for production of other sources of energy.

From the pages of history, it is observed that civilizations were established on the banks of the river system. Wherever there was a river system flowing, people inhabited the area and gradually they established there. Proximity to the river valley area was the first choice of any civilization, and for this reason all the major cities of the world are located near a river system. This indicates the importance of water to mankind from time immemorial. In any case, water is the first priority of mankind and this continues even today in spite of much advancement in the field of science and technology. As water is the primary requirement for sustenance of human life, and without which the right to life cannot be attained, it is hence implied to be a human right.

The United Nation's *Centre for Human Rights* defines human rights as "those rights that are inherent in our nature and without which we cannot live as human

beings". Maurice Cranston defines a human right as "a universal moral right, something which all men everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is owing to every human being simply because he is human" (1973;36). Supporting the concept of human rights very strongly, Wiseberg (1996) writes, "human rights are entitlements due to every man, woman, and child because they are human..... They are non-derogable rights: Their violation can never be justified, even by a State of national emergency..... The premise of current international law is that these rights are inherent in the human person: They are not given to people by the State, and the State cannot deprive people of their rights". These are some of the various interpretations of human right and from this one can well imagine its deeper meanings and wider ramifications.

It is also an irony that the State even though guarantees the human rights, also plays a major role to scuttle the same human rights, either manifestly or latently. This happens prominently when the sovereignty of the State plays a determining role. Violations of human rights are often marked in the newer directions, particularly relating to its global implications. "Moreover, the slow but steady growth in the global recognition of human rights and their relevance to an ever-increasing number of areas that were hitherto considered unrelated to human rights, should encourage a belief that the adherence to human rights standards, and the increase in their substantive implementation, will also grow. The work and commitment of the United Nations agencies to fulfill their mandates under the various human rights instruments must be lauded for giving increased visibility and legitimacy to the human rights they cover, and ultimately, to furthering their realisation " (Salman & McInerney, 2004;3). The issue of water as a human right aptly finds an expression in this regard, as water is required for right to life, and is an emerging subject in the contemporary human rights debate.

Recognition by the world community of the seriousness of the problems facing the water resources sector, and the attempts to address them, including the issue of the right to water, started in earnest in the 1970s, and have continued ever since (Salman & McInerney, 2005; 7). The United Nations Conference on the Human Environment in 1972 in Stockholm while identifying water as a natural resources, stated in Principle 2, "The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural eco-systems must be

safeguarded for the benefit of the present and future generations through careful planning or management, as appropriate". The underlying contention for deriving a human right to water from the emerging principles of environmental law is that there exists some form of individual human right to environment, as well as a general right of the environment, where by states must acknowledge the importance of preserving nature for nature's sake (Salman & McInerney, 2005;57-58). In 1977, the United Nations Mar del Plata Water Conference was held in Argentina with a specific focus on the water resources problems. In this conference, the Mar Del Plata Action Plan was adopted which included various recommendations and conclusions on water issues. It was decided to observe the decade of 1981-90 as the *International Drinking Water Supply and Sanitation Decade*, "during which Member states will assume a commitment to bring about a substantial improvement in the standards and levels of services in drinking water supply and sanitation by the year 1990".

The United Nations Water Conference of 1977 is regarded as the first step in the direction to right to water. The Resolution II of the Conference on *Community Water Supply* declared for the first time that "all peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs" (UNWC, 1977;66). The Resolution emphasized that availability of safe drinking water and the disposal of waste water properly, "are essential both for life and the full development of man, as an individual and as an integral part of society" (Salman & McInerney, 2005;8). To make this feasible, the Resolution appealed cooperation of all global players, "so that water is attainable and is justly and equitably distributed among the people within the respective countries". Commenting on the Resolution of the United Nations Water Conference, Salman & McInerney (2005;9) are of the opinion:

The Resolution unquestionably represented a milestone, particularly considering the time at which it was issued, a quarter of a century before the United Nations Committee on Economic, Social and Cultural Rights declared safe drinking water a human right. Referring simply to a "right" rather than a "human right", the Resolution clearly addressed the issues related to the right of access to safe drinking water. As such, the Mar del Plata Water Conference can be considered the starting point for the debate on the right to water, and it has indeed provided the basis for the current discussion on the issue of the human right to water.

In 1992, in two International Conferences, the availability of fresh water and its right to humanity was unanimously supported. The first was the International Conference on Water and the Environment held in Dublin in January 1992, where the *Dublin*

*Statement on Water and Sustainable Development* was issued. Among other things, the Statement stated, "it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price". However, the Dublin Principles do not explain the concept of "affordability", nor do they suggest means through which its content and meaning could be determined (Salman & McInerney, 2005;9). The other Conference was the United Nations Conference on Environment & Development held in Rio de Janeiro in June 1992, popularly called 'Rio Summit'. In its *Programme of Action for Sustainable Development*, a separate chapter was included on freshwater resources. On the water rights issue, it contained, "water resources have to be protected, taking into account the functioning of aquatic ecosystems and the perennality for the resources, in order to satisfy and reconcile needs for water in human activities. In developing and using water resources, priority has to be given to the satisfaction of basic needs and the safeguarding of the eco-systems". Moreover, the chapter endorsed the Resolution of the Mar del Plata Water Conference that all peoples have the right to have access to drinking water, and called this 'the commonly agreed premise' (*ibid*;10).

In keeping pace with these sustained developments on water rights issue and water resources, in 1996 the World Water Council (WWC) and the Global Water Partnership (GWP) was established. The WWC is supposed to act as a think-tank on water resources matters, while the GWP was established as a working partnership among all entities involved in water to support countries in integrated water resources management (*ibid*). Due to the efforts of these two organizations, the World Water Forum was organized in Marrakesh (Morocco) in 1997, the Hague (Netherlands) in 2000 and in Kyoto (Japan) in 2003. The Marrakesh Declaration recommended, "action to recognize the basic human needs to have access to clean water and sanitation". The Hague Declaration stated, "that access to safe and sufficient water and Sanitation are basic human needs" and the Kyoto Declaration stated, "we will enhance poor people's access to safe drinking water and sanitation". The fourth World Water Forum held in Mexico (2006), failed to declare water as a basic human right, thereby depriving near about one billion people who are without a source of clean water. It is worth mentioning that the *UN World Water Development Report*, released at the 4<sup>th</sup> Forum, stated that nearly 6,000 people, mostly children, die of water-related causes every day.

Provision for clean water as a human right was strengthened by the Resolution on the *Right to Development* issued by the General Assembly of the United Nations in 1999. Among other things towards facilitation of the right to development, the Resolution stated, "the rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community". The statement, no doubt, is the strongest and most unambiguous in declaring a human right to water, and linking this right to the overall right to development (Salman & McInerney, 2005; 11-12).

These resolutions, declarations, action plans, etc, however, do not have a legal status and hence are not binding but nonetheless are sufficient to influence policy decisions at later stage. In this direction, the treaty of the United Nations *Convention on the Law of the Non-Navigational uses of International Watercourses*, adopted by the United Nations General Assembly on May 21, 1997, does have a legal meaning and recognizes the issue of water as a human need. Article 10 (2) of the treaty states,

In determining "vital human needs", special attention is to be paid to providing sufficient water to sustain human life, including both drinking water and water required for production of food in order to prevent starvation.

Salman & McInerney (2005; 14) are of the view that, "The United Nations Watercourses Convention does not directly address the issue of the human right to water. Rather, it confined its concerns to the issue of 'vital human needs', the meaning and practical implications of which are still difficult to articulate". Whatever may be the implications, it is certain that water is a 'vital human need' and that to sustain life, from which the basic human right of right to life follows, water is essential.

Another major international instrument towards the human right to water is the United Nations Millennium Development Goals (MDGs) issued in September 2000; 147 heads of States have signed the eight goals that are to be achieved by the year 2015. Among the eight MDGs, six are directly or indirectly related to the water issue. These six goals are (1) eradication of extreme poverty and hunger, (2) reducing child mortality, (3) improving material health, (4) combating HIV/AIDS, malaria and other diseases, (5) ensuring environmental sustainability and (6) developing global partnership for development. The achievement of all these goals, require safe drinking water for mankind. Those goals include reducing by half the proportion of people without sustainable access to safe drinking water (*ibid*; 14). As sanitation was somehow absent in these goals, the United Nations Summit on Sustainable

Development in Johannesburg in September 2002 included the goal with regard to basic sanitation.

The Committee on Economic, Social and Cultural Rights, in November, 2002, in its General Comment No.15 also discussed on the issue of water as a human right. Among other things, the General Comment No.15, stated:

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related diseases and to provide for consumption, cooking, personal and domestic hygienic requirements.

The Committee, in the General Comment, stressed upon three essential factors with regard to the issue of water. These are availability of water, quality of water and accessibility of water. Accessibility includes physical accessibility, economic accessibility, information accessibility and non-discrimination. The Committee also relied upon various other international instruments of human rights so as to derive and infer rights relating to water. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), states, "The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". Similarly, Article 12 of the ICESCR states, "The State parties to the present covenant recognize the right of everyone to the enjoyment of the highest attainable standards of physical and mental health". Again, Article 1 (2) of ICESCR states, "In no case may a people be deprived of its own means of subsistence". It also tied the right to water to the other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity (Salman & McInerney, 2005; 57).

In addition to what has been written above, "The Committee also based a significant part of its argument on the right to water on the existence of other international legal instruments that recognize the right to water" (*ibid*;60). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in Article 14 (2) contained, "enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply". The Convention on the Rights of the Child, in Article 24 (2) guarantees that States parties shall combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking water. In a similar manner, the Committee addressed other conventions to derive the right to water. As such, in line with the ICESCR, the General Comment

defines the States parties' obligations under the Comment as "constant and continuing"- meaning that the States parties have a constant and continuing duty to move expeditiously and effectively toward the full realisation of the right to water (*ibid*; 65-66).

The Constitution of India in Article 21 guarantees, "Protection of life and personal liberty" as a fundamental right. This right does not differentiate between a citizen and non-citizen and is guaranteed to every person within its jurisdiction. This particular right, by its implied meaning gives rise to a number of supplementary and ancillary rights and "has received the widest possible interpretation" (Bakshi, 2001; 47). The Supreme Court of India in *B.L. Wadhera vrs. Union of India* has opined that "right to life under Article 21 includes the right to enjoyment of pollution-free water". It is pertinent to mention that the Supreme Court not only regards 'water' as fundamental right but that it also should be 'pollution-free', indicating that a person maintains a healthy life and dignified existence. The Supreme Court in *Francis Coralie* (AIR 1981 SC746 at 753: (1981) I SCC 608), was of the opinion that, "we think that the right to life includes the right to live with human dignity and all that goes with it". The Supreme Court in *Pathumma vrs. State of Kerala* (AIR 1978 SC 771: (1978) 2 SCC1) stated, "The judicial approach should be dynamic rather than static, pragmatic and not pedantic, and elastic rather than rigid". The Supreme Court has on several times given stress on the implicative and applicative aspect of a particular fundamental right without restraining it to its narrow meaning. "The Court has asserted that in order to treat a right as fundamental right, it is not necessary that it should be expressly stated in the Constitution as a fundamental right. Political, social and economic changes occurring in the country may entail the recognition of new rights and the law in its eternal youth grows to meet social demands". (Godbole, 2004; 1106).

Considering the significance of water, the Constitution of India in Article 262 enumerates provisions with regard to disputes relating to waters. The said article states, "Adjudication of disputes relating to waters of inter-State rivers or river valleys: (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley; (2) Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other Court shall exercise jurisdiction in respect of any such dispute or complaint as in referred to



in clause(1)". This provision of the Constitution of India indicates the utmost priority given to the disputes relating to water by the framers of the Constitution. By virtue of this article, the Parliament enacted the *Inter State Water Disputes Act, 1956*. Section 11 of the Act excludes the jurisdiction of the Supreme Court in respect of a water dispute referred to the Tribunal. But the Supreme Court can direct the Central Government to fulfill its statutory obligation under Section 4 of the Act, which is mandatory.

The National Water Policy 2002 of the Government of India, in the very first line states, "Water is a prime natural resource, a basic human need and a precious national asset". Under the heading, 'Drinking Water', it states, "Adequate safe drinking water facilities should be provided to the entire population both in urban and in rural areas..... Drinking water needs of human beings and animals should be the first charge on any available water". In conclusion, it is stated, "In view of the vital importance of water for human and animal life, for maintaining ecological balance and for economic and developmental activities of all kinds, and considering its increasing scarcity, the planning and management of this resource and its optimal, economical and equitable use has become a matter of the utmost urgency". From this it is inferred that the Government of India identifies water both as a natural resource and a national asset and also a basic human need. It is aware of the fact that provision for safe drinking water is a must both for human and animal life and also to maintain the ecological balance and for 'economic and developmental activities'. It is certainly interesting to observe that the Government treats water as a natural resource and national asset and hence integrates it for economic activities. This becomes more astounding as the Government also considers the 'increasing scarcity' of water. In this perspective, water is more regarded as a 'commodity' which is to be traded for economic gains. The National policy nowhere regards water to be a human right but only a human need? The term 'need' implies some sense of charity, and represents the recipients as passive beneficiaries, whereas 'right' conveys a sense of legal entitlement, which should, in turn, result in a corresponding duty (Salman & McInerney, 2005;16). Again, in Para 1.3 of the policy, it is stated, "water is part of a larger ecological system. Realising the importance and scarcity attached to the fresh water, it has to be treated as an essential environment for sustaining all life times". Hence, the impending threat of 'scarcity' of water is an admitted fact and this has to be dealt with all seriousness *vis-à-vis* the human rights approach to water as observed by

the Supreme Court of India in their various interpretations of the implicative aspects of the Fundamental Rights.

The State Government of Orissa is yet to have a new State Water Policy, eventhough the National Water Policy 2002 stated, "State Water Policy backed with an operational action plan shall be formulated in a time bound manner say in two years". The State Government has drafted a State Water Policy in the year 2003, but the same has not yet been adopted and implemented. It is said that as water has varied users, the different Government Departments like Agriculture Department, Water Resources Department, Urban Development Department, Rural Development Department, etc, are yet to reach at a unanimity decision to accept the draft State Water Policy. The State Government has a State Water Policy 1994 that stated, "The Department of Water Resources apart from being the sole owner of the water resources is also a principal user in the agriculture sector". However, the Draft State Water Policy 2003 has not mentioned that the Government is the owner of water resources, but has mentioned that water is a precious asset of the State. The very first line of the Draft policy 2003 states, "Water is an essential resources, a basic need for the survival of the mankind and a precious asset of the State". The State Water Policy 1994 stated that the beneficiaries would pay the charges for maintenance and management of water resources, while the Draft Policy 2003 states in addition to this the beneficiaries will also have to pay for infrastructural development. In this perspective, it may be mentioned that 80% of the water is used in agriculture sector and as in the Draft Policy, State Government is no more the owner of water resources, the burden will fall on the poor peasants directly as they are the users. The poor peasants do not have any opportunity to devise the infrastructure and the cost involved as it is done at the Government level, but they have to pay accordingly of the entire work for using water resources.

Another significant factor which needs to be discussed is about privatization and more involvement of private sector participation. Privatisation means exploitation of the poor and deriving profits and their cost. The private party which will make investment would certainly not do for charity but with profit-motive. The State may not make the investment for the water projects and will be able to save finance, but in the long run it will be detrimental to the public. Both the National Water Policy 2002, at para 13, and the Draft State Water Policy 2003, at para 16, have stated about Private Sector participation as follows:

Private sector participation should be encouraged in planning, development and management of water resources projects for diverse uses, wherever, feasible. Private sector participation may help in introducing innovative ideas, generating financial resources and introducing corporate management and improving service efficiency and accountability to users. Depending upon the specific situations, various combinations of private sector participation, in building, owning, operating, leasing and transferring of water resources facilities, may be considered.

The entry of private sector in the water privatization has gained momentum all over the world as the multi-national corporations are aware that the water business has huge profit potency. As per an estimate of the World Bank, the water privatization business in the world has the potential of 800 billion dollars and this has made a tremendous impact on the MNCs. There are a number of such MNCs like Vivendi, Suez Company, Enron, R.W.E. Group, Thames Water, United Utilities, etc., which are in the water business and are earning a total of annually 10 billion dollars as profit. If these become a reality in India, one can well imagine what will be the condition of the poor Indian peasants and farmers. Due to scarcity of financial resources, many peasants are committing suicide. They do not even get a square meal a day and if water privatization is done, then they will not be in a position to purchase water for their agricultural requirement and cattle, more particularly drinking water. Privatisation is stressed upon due to the reliance on globalization and liberalization. "Calling globalization as the central challenge to be faced today, world leaders attending the United Nations Millennium Summit on 8 September 2000, state that while globalization offers great opportunities, at present its benefits are unevenly distributed. With globalization and emergence of powerful multi-national corporations, the role of governments is diminishing and they are relinquishing their responsibility of serving the needs of citizens who are unable to protect themselves" (Sen, 2006). The daily Hindu, in an editorial dated 29<sup>th</sup> March 2006, stated, "In the last few years, it has also become clear that privatized water supply attempted by some countries, notably Latin America, is no panacea. The private sector can never lose sight of financial returns on investment and has, not surprisingly, met with more opposition than commendation. If governments have failed, the hefty price for their poor performance is invariably paid by those mired in poverty".

The State Water Policy of Orissa, 1994, in its Preamble mentions about the United Nations Water Conference at Mar del Plata in 1977. It states, "The Conference laid down stress on sustainable development of all sectors, which conserves land, water, plant and animal genetic resources, and is environmentally non-degrading,

technically appropriate, economically viable and socially acceptable". Among the stated specific objectives of the State Water Policy, 1994, two objectives are worth mentioning in the context of water and human rights. The third objective states, "Judicious allocation of water resources to different sectors with drinking water occupying top priority in order to satisfy the basic need of the people". This indicates that even though drinking-water is to be given top priority simultaneously there will also be judicious allocation to different other sectors. It might also mean that in case there is shortage of water resources, and which is a recurrent feature in Orissa still now, supply of drinking water may be hampered. This again is strengthened by the fifth objective, which states, "Provision of adequate water for drinking and industrial use". From this, it may be inferred that water required both for drinking and industrial use is treated at par which will definitely have dangerous consequences. This objective when interpreted with the previous objective clearly reflects the status of drinking water to other uses and *vis-à-vis* the human rights approach.

With regard to the environment, the State Policy states that the preservation and enhancement of the quality of environment as well as maintenance of ecological balance should be a prime consideration. The policy admits that lack of environmental consideration may lead to severe adverse impacts resulting in ecological damage and degradation and hence makes provision for environmental management plans as an integral part of the master plan of the river basin planning of the State. It also stated to create an Environmental Cell with a view to integrating various environmental aspects with river basin planning. This cell would also play a coordinating role between various Government bodies connected with environmental issues.

Water along with land and forest constitute the three basic needs of humankind viz. food, clothing and shelter. Even in the twenty-first century, there are some primitive tribe communities who do not use clothes to cover their body and instead use leaves and barks of tree for this purpose. Their survival solely depends on land, forests and water and by any means they will not spare it. They do not exploit these natural resources and neither do they use it for any profit. On the other hand they try to preserve it in a natural way so as to maintain the ecological balance and in turn depend on it for their very survival. They will also not tolerate any outside authority/force interfering with their land, forest and water. They do not have any Governmental records to show ownership over the land, forest and water they use but their claim over it have continued for generations. Tensions are bound to erupt when

the Governments claim their land, forest and water. The tribals have many times agitated against this and have demonstrated by various means before the Governmental authorities. Due to the economic liberalization and privatization, the Governments are encouraged to allow private participation in the name of socio-economic development. Whether socio-economic development really takes place or not is a debatable question, but it can be said with certainty that the private investors definitely benefit at the cost of the poor and innocent. During the last two years, the Government of Orissa have signed more than forty Memorandum-of-Understandings (MoU) with private business houses in the mining and steel sector, including the POSCO MoU which is said to be highest foreign-direct investment in India till now. All these companies would require land, forest and water to run their establishment and in the process would cause irreparable damage to the local and indigenous people. The indigenous peoples' claim over their land, forest and water will come under grave threat and this is also regarded as an onslaught to their livelihood and survival. The State of Orissa has witnessed a number of violent protests by the indigenous and tribal people and many innocent lives have been lost, the most recent being the Kalinganagar incident in Jajpur district, in January 2006, where thirteen tribals were killed by the police force. These tribals were protesting against the construction of the boundary wall to the campus of the TATA company. The agitation and protest was over TATA company acquiring land without initiating the resettlement and rehabilitation schemes to the displaced families.

Resettlement and rehabilitation is another serious problem in the context of large water reservoirs and dams. The displaced persons are not provided with proper rehabilitation and resettlement programmes even though decades have passed. An example to this is the Hirakud Dam Project, Rengali Dam Project and Indravati River Dam Project etc. in Orissa. The displaced persons have lost their land and their natural environment, and supplementing to this, they are left in the lurch with a meager compensation. Even if, they are relocated in the resettlement colonies and clusters, basic amenities and public services are not provided on priority basis. Displacement followed by resettlement and rehabilitation, being a major problem in Orissa, the State Government in May 2006 formulated and implemented a uniform Resettlement and Rehabilitation Policy for the project affected families of different projects, including water projects.

Drinking water facilities are not optimum in the State of Orissa, particularly in the Western and Southern Orissa. Many tube-wells are lying in defunct condition and many also dry up in the summer season. Women in rural area have to walk several kilometers to fetch drinking water for their consumption. This becomes a tedious work for the women and they also lose precious time which could have been utilized productively. In situations like this, the case of the *dalit* women worsens much higher as they are not entitled to fetch water where higher castes collect it. Another interesting thing observed in the villages of Orissa is that separate tube-wells are specified for *dalits* and non-*dalits*, and *dalits* are not allowed to touch the non-*dalit* tube-wells. This also is observed in case of river-banks, ponds and other sources of water. Artificial barriers and discriminations are imposed even though water is one of the basic elements required for survival of all life. Ground water pollution is another major constraint in Orissa. The pollutant elements found here are fluoride, sulphide, iron, manganese and salinity. Even the ground-water of the capital city, Bhubaneswar, contains these pollutants. There is every possibility of increase in levels of pollution in the coming years as a number of companies are planning to set-up their industries in Orissa, particularly in the Mining and Steel sector. These industries will also require gallons of water for production and other allied purposes, and thereby will increase the chances of water scarcity in the summer season. It is apt to mention here that Orissa is a drought-prone State and its agriculture is still dependent on rains.

In March 2006, the Orissa State Pollution Control Board in a report stated that in the capital city of Bhubaneswar, 640 lakh litres of water is supplied to the people by the Bhubaneswar Municipal Corporation without treatment. The city of Bhubaneswar requires a total of 218.72 million litres of treated water, out of which 212.32 million litres of water are disinfected and the rest 640 lakh litres are supplied without treatment. Due to this, there is every possibility of spread of hepatitis and other skin related diseases among the people. The Bhubaneswar Municipal Corporation, however, shifts the responsibility to the Public Health Department, as water supply is the responsibility of the latter.

As per a news-report published in April/May 2002, out of the total 2,02,364 tube-wells, the State Government admitted that 8,155 tube-wells are totally defunct in the entire State and cannot be repaired. The State Government does not have the district break-up of the defunct tube-wells. However, private sources revealed that a total of 85,000 tube-wells are totally defunct. The district of Balasore tops the list and

the other affected districts were Bolangir, Kalahandi, Phulbani, Sundargarh, Khurda, Ganjam, Nayagarh, Angul, Dhenkanal, Keonjhar and Mayurbhanj. It is pertinent to mention that the Chief Minister of Orissa had directed to repair the defunct tube-wells within 48 hours of complaint, but it is not being implemented. In Bhubaneswar city alone, there were 458 defunct tube-wells which had not been repaired inspite of the Chief Minister's directive.

The ground-water utilization, which is 14%, is low in Orissa considering its vast water resources of both ground and surface water. According to the Central Ground Water Board (CGWB), the parameters utilization of 65%-85% is called 'grey' zone, while 85%-100% is a 'dark' zone and above 100% is 'over-exploitation'. Only two places in Orissa, i.e. Bhogarai and Baliapal in Balasore district fall in the grey zone. The then Regional Director of CGWB, B. N. Jha, stated, "In most places ground-water table is mistaken for the water level where tube-wells fail to pump water. A tube-well can fail due to a host of technical reasons such as, fracture in the rock, water aquifers and a permanently sustaining source. But if a tube-well, which is sunk 30 metres below the ground level fails in an area then it is confused for the fact that water table has gone down by 30 metres which is not true" (*The New Indian Express*, Bhubaneswar, dtd. 24<sup>th</sup> April 2002).

In the summer season, due to the rise in temperature and consequent drying up, drinking water possesses a serious threat. The town of Titlagarh in Bolangir district (Western Orissa) is an apt example to this. The temperature in the summer season touches 49 degree Celsius and hence is one of the hottest places in India. And it is in summer, that water becomes a precious commodity for the inhabitants. There are no perennial water sources close to the town and the ponds run dry long before the on set of summer. The inhabitants are largely dependant on tube-wells for their water supply. But with the ground water level going down alarmingly in the last few years, the tube-wells have also become useless. In the years 2000 and 2001, the situation became so bad that water had to be supplied by train and road tankers to the inhabitants. In order to mitigate the drinking water problem, the Chief Minister of Orissa laid a foundation for a multi-crore (Rs.13.60 crores) pipe-water supply project at Titalagarh in Bolangir district in the year 2001. If completed, the project would ensure supply of 125 litres of water per day per head in place of the prevailing 18 litres. In a related news-report, published in *The Times of India* dtd. 6<sup>th</sup> May 2002, it was reported, "According to a resident Ghanshyam Sahu, this is the third time a Chief

Minister has laid the foundation stone for a pipe-water supply project in the town in the last 11 years. Prior to him, both the earlier Chief Ministers viz: J. B. Patnaik (1995-2000) and late Biju Patnaik (1990-95) had laid similar foundation stones during their respective regimes, but nothing happened to mitigate the water crisis. Interestingly, all the foundation stone laying ceremony happened when the legislator of Titalagarh was the same person". The project scheduled to be completed in March 2003, however finally was completed in April 2005.

The State Government had also launched the *Operation Trishna* in 2001 to solve the drinking water problem. The objective of the programme was to facilitate provision of more drinking water by renovating and restoring the defunct tube-wells. *The New Indian Express* (11<sup>th</sup> May 2002) reported, "But the programme is still to achieve any substantial progress. Several other projects were launched to provide water supply to the scarcity area but are stranded mid-way due to non-release of funds. An example to this is the Titlagarh pipe-water project that has come to a stand-still due to non-availability of funds".

The callous and apathetic attitude on the part of the Government was well reflected in the Comptroller & Auditor General's (CAG) Report of 2005. The report had criticized the State Government's half-hearted manner in which the *Accelerated Urban Water Supply Programme* (AUWSP) was implemented. The Central Government scheme was launched in the State in selected 24 towns for supply of safe drinking water. Though Rs.76.36 crores was spent from 1999 to 2004, only two water supply schemes were completed. CAG maintained that the water supply schemes would not be completed in 22 towns due to improper planning, finalization of water sources without pre-construction survey, delay in land acquisition, diversion of funds and purchase of materials in excess of requirement. Due to non-completion of these schemes, people were compelled to use polluted water and thereby were affected with water-borne diseases. *The New Indian Express*, dated 18<sup>th</sup> April 2005, reported, "More than 4 lakh suffered from severe diarrhea and 29,000 from hepatitis, while 2169 succumbed to the two diseases". It again reported, "A case in point is the water supply scheme of Umerkote town in Nabarangpur district. River Vaskei was identified as the water source but was subsequently found to be non-feasible. Material worth Rs.1.71 crores purchased for the scheme remains unutilized". In Malkangiri town, it was decided that supply of water would be done through an intake well from the Satiguda reservoir, but the intake well was found unsuitable. Scheme for Panposh



in Sundargarh district on which Rs.1.01 crores was spent, remained incomplete due to delay in acquisition of land. Water supply schemes in Kamakshyanagar, Junagarh and Balimela towns in Dhenkanal, Kalahandi and Malkangiri districts respectively were started without any pre-construction survey. Water supply schemes in Nayagarh, Boudh, Deogarh, Barpalli, Chandbali, Baligaon, Khandapada, and Kantabanji towns remained unfinished because of improper planning.

Water is the most precious gift of nature to humankind and hence should be used in a more responsive manner. Innovative methods are being devised to save and protect water as it is being increasingly felt that the future generations may face a water-crisis. Of all the natural resources, water is the most priceless and valuable and its increasing relevance is well understood by all the international, national, regional and local players. In this context, one is tempted to recollect what the owner of Parle Drinks, Mr. Ramesh Chawan had said when he was questioned about the threat perception regarding the entry of MNCs like Coco-Cola and Pepsi. He simply answered, "My biggest competitor is a glass of water". Hence, there is no substitute to water and it is the sole factor responsible for supporting all life systems. All means should be adopted to ensure availability of safe water.

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