

Right to Water and the Role of the Civil Society in India

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Abstract

Water is a natural resource without which human existence is not possible. Hence any development is meaningless without the access to water. As far as India is concerned, acute scarcity of water in different parts has become an important concern for people. Therefore right to water has become a prominent agenda in India before discussing any development strategies. From the environmentalists to the politicians water has assumed utmost significance in the world today. In India, 170 million people do not get fresh water in sufficient quantity. Almost two third part of India suffers from water scarcity. Therefore Right to Water becomes an important concern around the world and United Nations have paid serious attention to this issue through its various conferences. Though, in India, the Right to water is not directly stated in the constitution but, right to food, right to development, right to adequate livelihood, right to environment and most importantly the Right to Life etc. have indirectly safeguarded right to water and the Supreme Court of India in several cases have protected these rights of the people of India. Apart from these, various civil society organizations have fought for the right to water in different parts of the country stating various water related issues.

Key words: Right to Water, Civil Society, Water Scarcity, Privatization, India.

Purpose of the Study:

The basic aim of this paper is to study the role of the civil society organizations in providing right to water to the people of India. The paper also aims to study, how privatization of water sectors in India become an important challenge for Right to Water of the people and how civil society organizations have addressed to this issue.

Methodology:

The proposed study will be based on Analytical method. Data for the study will be collected both from primary and secondary sources. The primary data will be collected from various government sources such as reports of Ministry of Water Resources of Government of India,

Planning Commission of India, and Ministry of Finance of Government of India, Supreme Court Judgments etc. The secondary data will be collected from various books, journals, reports of international organizations, newspapers, seminar, research papers, working papers etc. The data collected from the sources will be analyzed on the basis of qualitative analysis for the purpose of arriving at the findings of the study.

Introduction

Water is a natural resource which is very important for human existence and survival, without which existence of any living being is not possible. Since the inception of humankind, Water happens to be the mainspring of civilization. Though two third of earth's surface is covered with water, but only 2.5% of this is usable for human beings.¹ Therefore Right to water becomes a need of the time. United Nation Report states more than 2 billion people are affected by water shortage in over 40 countries and about 12 crore populations of developing countries of the world does not have access to fresh and potable water. Therefore Right to Water becomes an important concern around the world and United Nations have paid serious attention to this issue through its various conferences. India is also suffering from water scarcity and therefore the Government has a very important role to play in this regard. In India many civil society organizations are working for the right to water of the people in different parts of the country. The role of civil society organizations is very crucial because when Government failed to address the problem of people, civil society work as a link between the Government and the society and thereby influence government in the process of policy making and help people to get their rights. In this light, the paper aims at bringing why civil society is important to avail Right to Water in India.

Right to Water: Meaning

“Rights are just claims or entitlements that derive from moral and/or legal rules” said by Freeman.² Right is a claim of an individual, accepted by the society and protected by the state. Right to access to water is also a right which is prerequisite to enjoy all other rights specially human rights. A sufficient amount of safe water is needed to prevent death from dehydration, to reduce the risk of water-related diseases and to provide for consumption, cooking, personal and domestic hygienic requirements.³ Right to Water includes- a) Physical access to clean and safe water, b) Access to water within safe physical reach for all section of people, c) Availability of sufficient safe and clean water, for personal, hygiene and health needs and livelihood resources. United Nations Committee on Economic, Social and Cultural Rights in 2002, has defined Right to Water as the “*right of everyone to sufficient, safe, acceptable, physically accessible and*

¹ Tara Prasad Sapkota, “A Right Based Approach from South Asian Perspective,” Economic Cultural and Social Rights, Vol. 2, Subhram Rajkhowa and Stuti Deka (ed.), Guwahati: EBH Publication, 2013, p. 50.

² Michael Freeman, *Human Rights: An Interdisciplinary Approach*, UK: Polity Press, 2002.

³ “Right to Water,” General Comment No. 15, *Committee on Economic Social and Cultural Rights*, United Nations, Geneva, 2002, p. 2, <http://www.ielrc.org/content/e0221.pdf>, Accessed on 12th Aug, 2016.

affordable water for personal and domestic uses.”⁴ The UNs General Comment No. 15 in its Article 11 and 12 has explicitly declared Right to Water as a fundamental right under right to life and placed several obligations for state parties to ensure and enable the citizens to realize the right.⁵ Article 11, paragraph 1, of the Covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing”.⁶ The use of the word “including” indicates that this catalogue of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.⁷ The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, foremost amongst them the right to life and human dignity. The Document states Right to Water is an important right for an adequate standard of living and declared that-

*“Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights”.*⁸

The following factors, as per as the United Nations General Comment No. 15 are applied in all circumstances to ensure the right to water:⁹

(a) *Availability*. The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. The quantity of water available for each person should correspond to World Health Organization (WHO) guidelines. Some individuals and groups may also require additional water due to health, climate, and work conditions

(b) *Quality*. The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological *hazards* that constitute a threat to a person’s health.¹⁵ Furthermore, water should be of an acceptable colour, odour and taste for each personal or domestic use;

(c) *Accessibility*. Water and water facilities and services have to be accessible to *everyone* without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

⁴ “Right to Water,” General Comment No. 15, *Committee on Economic Social and Cultural Rights*, *ibid*.

⁵ C. Ramachandraiah, Right To Drinking Water, Working Paper No- 56, May 2004, Centre For Economic and Social studies, Hyderabad,

http://www.eaber.org/sites/default/files/documents/CESS_Ramachandraiah_2004_1.pdf

⁶ “Right to Water,” General Comment No. 15, *Op.cite*.

⁷ “Right to Water,” *ibid*.

⁸ Sharmila L. Murthy, “The Human Right(s) to Water and Sanitation: History, Meaning, and the Controversy Over Privatization,” JD, MPA, *Berkeley Journal of International Law*, Vol. 31, Issue. 1, 2013.

⁹ General Comment No. 15: Arts 11 and 12 of the Convent, *Office of the High Commissioner for Human Rights*, <http://www.refworld.org/pdfid/43f31365c.pdf>, Accessed on 12th Aug, 2016.

- (i) *Physical accessibility*: Water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace. All water facilities and services must be of sufficient quality, culturally appropriate and sensitive to gender, life-cycle and privacy requirements. Physical security should not be threatened during access to water facilities and services;
- (ii) *Economic accessibility*: Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights;
- (iii) *Non-discrimination*: Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds; and
- (iv) *Information accessibility*: Accessibility includes the right to seek, receive and impart information concerning water issues.

Human rights, in the world today, have received maximum importance. 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."¹⁰ 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."¹¹ Weisberg also writes, "human rights are entitlements due to every man, woman, and child because they are human..... They are non derogatory 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".¹² The concept of Human Rights received universal recognition in 1948 with the United Nations Universal Declaration of Human Rights (UDHR). According to Ramaswamy Iyer the concept of Right to Water as a Human Right can be realized only in relation to water as a life supporting component i.e. drinking water; but it cannot apply to water for irrigation or industrial use or for the generation of hydroelectric power.¹³ Drinking water or potable water is water of sufficient high quality that it can be consumed or used without risk of immediate or long term

¹⁰ Satya Prakash Das, "Water: A Human Right Perspective," Paper presented in Conference organised by International Environmental Law Research Centre, 2006, p.1, http://www.ielrc.org/activities/workshop_0612/content/d0604.pdf, Accessed on 12th Aug 2016.

¹¹ Maurice Cranston, *What are Human Rights*, New York: Taplinger Publishing Co., 1973, also see Jack Donnelly, *The Concept of Human Rights*, London: Croom Helm, 1985.

¹² Laurie S. Weisberg, "Introductory Essay", *Encyclopedia of Human Rights*, Taylor & Francis, 1996.

¹³ Ramaswamy Iyer, *Water: Perspective, Issues, Concerns*, New Delhi: Sage Publications, 2003.

harm.¹⁴ Therefore from the above definitions it can be asserted that being a human we have certain universal rights without which human existence is not possible and no one can deny those rights. Right to water is also a human right as without water no one can live. Therefore United Nations through its conferences have declared water as human rights and acknowledged the important role of the state governments. Water is everywhere, but the importance of water as a separate right was felt only with the growing scarcity of it. Therefore UN declared that right to water is a prerequisite for the realization of other human rights.¹⁵ Human right to water is indispensable for leading a life in human dignity and for realization of other human rights like the right to life, right to an adequate standard of living, housing, food and health. Access to water and sanitation is a sine qua non for the fulfillment of these rights. Almost 900 million people lack access to safe drinking water and failing to ensure access to water and sanitation has immense human costs both in social and economic terms.¹⁶

Right to Water: Development of the Concept

Internationally the movement to recognize Right to Water as a 'right' gathered momentum with the United Nations (UN) and the World Health Organization (WHO). Here we will be discussing how the concept originated in the international affairs and how it receives support and recognition at various points of time from various perspectives as an indispensable part of human life.

The importance of Water came into discussion at the international spheres only after the Stockholm Conference on 'Environment and Development' in 1972.¹⁷ The debate over right to water began with the United Nations Water Conference in Mar del Plata, Argentina in 1977, which has also initiated a series of global activities in water and has passed a resolution that:¹⁸

"All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs."

But, the International Conference on Water and Environment' held in Dublin in 1992 marked a shift in the concept of water from a common basic need to a commodity.¹⁹ The UN Conference on "Environment and Development" in Rio de Janeiro, also known as the Earth Summit calls for

¹⁴ Sutopa Chacraborty, "A Study on Quality of Drinking Water in Kamrup District, Assam, India and Defluoridation of Water Using Bioadsorbents," Thesis submitted to the University of Guwahati, Department of Environmental Science, 2010.

¹⁵ General Comment no 15, United Nations, Economic and social council, 2002.

¹⁶ "Outcome of the International Experts Meeting on Right to Water," UNESCO, Paris, 2009, <http://unesdoc.unesco.org/images/0018/001854/185432e.pdf>, Accessed on 12th Aug, 2016.

¹⁷ "UN Conference on Human Environment", Stockholm Declaration, Sweden, June 1972. (It stated in its second principle, "the natural resources of the earth including the air, water, flora and fauna and especially representative samples of the natural ecosystems must be safeguarded for the benefit of the present and future generations through careful planning or management as appropriate.")

¹⁸ Mar del Plata Conference, United Nations, Argentina, 1977, http://www.who.int/water_sanitation_health/unconfwater.pdf, Accessed on 5th May, 2016.

¹⁹ Sharmila Murthy, "The Human Right(s) to Water and Sanitation: History, Meaning, and the Controversy Over Privatization," *Berkeley Journal of International Law*, Vol. 31, Iss. 1, 2013, Art. 3, p. 89.

international cooperation so that water can be justly and equitably distributed among the people within the respective countries.”²⁰ Along with these developments, the concept of right to water gets a very important place in the Millennium Development Goals.²¹ In 2002, the Johannesburg Declaration on Sustainable Development, the access to basic requirements such as clean water was given a top priority.²² World Water Forum, held in Hague in 2002 and in Mexico in 2006 also reaffirmed that governments had a primary role in improved access to safe drinking water as a basic need of human beings.²³ World Water Day is an annual event celebrated on March 22 with the focus of sustainable management of freshwater resources for developing countries.²⁴ For instance in 2001, the World Water Day participants defined the right to water as ‘*a right to access to water of sufficient cleanliness and in sufficient quantities to meet individual’s needs.*’²⁵ Apart from these, in 2007, the UN High Commissioner for Human Rights concluded “that it is now time to consider access to safe drinking water and sanitation as a human right necessary to sustain life and health.”²⁶ In 2010, the UN General Assembly passed a resolution “the right to safe and clean drinking water is a human right that is essential for the full enjoyment of life and all human rights.”²⁷ In 2010, the UN General Assembly and the UN Human Rights Council explicitly recognized Right to Water as a basic human right, confirming that “the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and is inextricably related to the highest attainable standard of physical and mental health, as well as the right to life and human dignity.”²⁸ The recognition by the United Nations General Assembly and the U.N. Human Rights Council in 2010 of a human right to safe drinking water has propelled awareness of the global water crisis to new heights raising it as a challenging issue.²⁹ From all these efforts, the United Nations earns to be called as the founding figure of the concept of Right to Water. Right to Water get maximum support as a human right all over the world.

²⁰ Ibid.

²¹ (Under goal 7, target 10 with an aim to *halve, by the year 2015... the proportion of people who are unable to reach or to afford safe drinking water.*)

²² “Water for Life, Water for People,” World Water Assessment Programme, <http://unesdoc.unesco.org/images/0012/001295/129556e.pdf>, Accessed on 4th Aug, 2016.

²³ “Ministerial Declaration of the Hague on Water Security in the 21st century,” 2002, “World Water Forum,” Mexico, 2006.

²⁴ World water Day, https://en.wikipedia.org/wiki/World_Water_Day.

²⁵ Abhishek Tripathi and Prajna R. Mohapatra, “Tight to Water: Debating the Human Rights Perspective,” NUJS Law Review, 2009, pp. 303-313.

²⁶ David R. Boyd, “The Right to water: A brief Note,” Inter Action Council, Canada, 2011.

²⁷ David R, Boyd, *ibid.*, (UN General Assembly. 2010. The Human Right to Water and Sanitation. July 26, 2010. A/64/L.63/Rev.1.)

²⁸ David R. Boyd, *ibid.* also see Alex Gordon, Christopher Akinrele and Reed Smith, “Right to Water,” Advocates for International Development, 2012.

²⁹ Sharmila L. Murthy, *Op.cite.*

The concept of Right to Water is gaining importance not only at the international level but also at the national spheres. The UN High Commissioner for Human Rights in 2007 observed in this regard that “an increasing number of states are recognizing safe drinking water as a human right in their constitutions, as well as national legislation, while national courts are enforcing it as a justifiable right.” Several countries have adopted provisions regarding right to water in their constitutions.³⁰

Apart from these, in various countries their national jurists safeguard the right to water of the people for example in India. Along with this strong civil society initiatives, greater involvement of people in the making of water laws, greater aware among people and governments willingness to provide right to water as a basic human right is the need of the time. There are numbers of civil society organizations across the world, working on right to water to meet the basic minimum needs like access to clean drinking water and sanitation in different parts of the world. These organizations have basically helped the poor people.³¹

Importance of Right to Water

United Nation has pointed out that scarcity of water need serious attention because various other issues are related to non availability of pure and safe water such as: the subsurface water table level is shrinking in all the continents of the world, agricultural lands are becoming saline, increasing pollution of surface and sub-surface waters.³² There are several ways of defining water scarcity though there is no consensus. Water scarcity broadly means the lack of access to

³⁰ Robert V. Percival, “Human Rights and the Evolution of Global Environmental Law,” also see David R. Boyd, Op.cite, (Bolivia (Art. 16(I)) Colombia (Art. 366), the Democratic Republic of Congo (Art. 48), Dominican Republic (Arts 15 and 61), Ecuador (Art. 12), Ethiopia (Art. 90(1)), Gambia (Art. 216(4)), Kenya (Art. 43(1)(d)), the Maldives (Art. 23), Panama (Arts. 110 and 118), South Africa (Art. 27), Swaziland (Art. 215), Switzerland (Art. 76), Uganda (Arts. XIV(b) and XXI), Uruguay (Art. 47), Venezuela (Arts. 127 and 304), and Zambia (Art. 112(d)). See R. Wolfrum and R. Grote, eds. G.H. Flanz, Ed. Emeritus. 2011. *Constitutions of the Countries of the World*. New York: Oceana Law.) also see David R. Boyd, Op.cite, also see H. Smets. “The Right to Water in National Legislation,” *Agence Française de Développement*, Paris, 2006. pp. 47-49, and M. Langford, A. Khalfan, C. Fairstein and H. Jones, “Legal Resources for the Right to Water: International and National Standards,” *Centre on Housing Rights and Evictions*, Geneva, 2004.(Algeria, Angola, Argentina, Bangladesh, Belarus, Belgium, Brazil, Burkina Faso, Cameroon, Central African Republic, Colombia, Costa Rica, Dominican Republic, Finland, France, Germany, Ghana, Guatemala, Guinea, Honduras, Indonesia, Latvia, Luxembourg, Madagascar, Mauritania, Namibia, the Netherlands, Nicaragua, Norway, Paraguay, Peru, Portugal, Romania, United Kingdom, New Zealand, Austria, Russia, Senegal, South Africa, Spain, Sri Lanka, Tanzania, Ukraine and Venezuela)

³¹ Water for the Ages, <https://waterfortheages.org/international-water-organizations/>, Accessed on 12th May, 2016.(Global Water Challenges, European Water Partnership, The Water Trust, Healing Water International, CARE, , CAWST, Building Partnership for Development in Water and Sanitation, AMMAN IMMAN, Clean Water Initiative

³²P.G. Shinde, “Water Management Scenario 2025: Problems, Issues and Challenges”, National Level Conference e Department of Geography, University of Mumbai, 2005, <http://vpmthane.org/publication-wms/WMSscenario%202025.pdf>, accessed on 13rd April, 2015.

adequate quantities of water for human and environmental uses.³³ In general, water scarcity is defined as a point at which the aggregate impact of all users impinges on the supply or quality of water under prevailing institutional arrangements to the extent that the demand by all sectors including the environment cannot be satisfied fully.³⁴ In brief, water scarcity assumes to be the imbalances between availability and demands. United Nation has taken a serious note of scarcity of water faced by people in different parts of the world and UN has these given a top priority to the issue.³⁵ Most of the countries in Latin America, Africa, Asia and Middle East suffer from acute water scarcity. An average American uses 90 gallons a day, a European 53 gallons a day, and a Sub-Saharan African only 5 gallons a day.³⁶ According to UN Development Programme report, “one part of the world sustains a designer bottled water market that generates no tangible health; another part suffers acute public health risks because people have to drink water from drains or from lakes and rivers.”³⁷ The 2006 Human Development report (HDR) concluded that “the scarcity at the heart of the global water crisis is rooted in power, poverty and inequality, not in physical availability.”³⁸

Thus we see that scarcity of water has become a concern for the survival of the people and in that context Right to Water that is people’s right to have access to quantum and quality of water assume utmost significance and the government has a role to play in this regard.

Challenges of Right to Water

Earlier, there were ample sources of water which was available in the nature and were easily accessible for people. There was hardly any question of commercialization of water. As population increases and development calls for increased allocation of groundwater and surface water for domestic, agriculture and industrial sectors, the pressure on water resources intensified leading to tension, conflicts among users and excessive pressure on the environment, rapid commercialization has been started.³⁹ Now people are buying water in different parts of the world particularly in the third world countries in Asia, Africa and Latin America etc. In Africa, almost 85% of urban people are buying water at market cost and in Asia and Latin America

³³Chris White, “Understanding Water Scarcity: definition s and measurements”, *Global Water Forum*, Australian National University, Australia, 2012, <http://www.globalwaterforum.org/2012/05/07/understanding-water-scarcity-definition-and-measurement>, accessed on 26.04. 2015.

³⁴“Coping with water scarcity challenges of the twenty first century”, World Water Day 2007, *UN Water*, FAO, <http://www.worldwaterday07.org>, accessed on 26.04.2015.

³⁵ World Water Day 2007.

³⁶ Salman A. Salman, Op.cite..

³⁷ Mathias Risse, “The Human Right to Water and Common Ownership of the Earth,” *Harvard Kennedy School*, 2013.

³⁸ UNDP, Human Development Report, 2006, <http://hdr.undp.org/en/reports/global/hdr2006>, Accessed on 14th Aug, 2015

³⁹Coping with water scarcity challenges of the twenty first century,” World Water Day 2007, *UN Water*, FAO, Available at-<http://www.worldwaterday07.org>.accessed on 26th April, 2015.

almost 93% of urban people are buying water at market cost.⁴⁰ Vrinda Narain therefore, rightly observes that World Water Crisis has become an important concern for social, economic and environmental aspects.

Along with water scarcity issues like inequities in access to water resources, privatization of water in the context of neo-liberal policies and a continued resistance to the recognition of economic and social rights also come up.⁴¹ Water was a natural right and importance of claiming water rights can't be felt till it becomes a scarce resource. Though water is a finite resource, earlier it was assumed as an infinite recourse.

The entry of private sectors 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 potentiality.⁴² 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 MNC's.⁴³ The Water privatization agenda has been found its place in many recent national and international water policies. For instance a World Bank Policy paper of the mid '90s on water recommended the creation of 'water market to tradable water rights.'⁴⁴ The international conferences on water from Dublin to Kyoto were steps in developing the privatization agenda. National governments influenced by the World Bank, regional development banks and multinational water companies are promoting privatization of water.⁴⁵ Dublin Conference on Water and Environment in 1992 declared that water has an economic value and must be treated as an economic good.⁴⁶

The World Bank and the International Monetary Fund (IMF) have started become very players in initiating water deregulation in several countries as part of their lending condition.⁴⁷ For instance Government of India, following the Structural Adjustment Policy, parroted this principle in its National Water Policy 2002 and its Art 13 reads, "private sector participation should be encouraged in planning, development and management of water resources for diverse use, wherever possible."⁴⁸ However experiences of Structural Adjustment Policies of Latin America reveal that water prices have increased considerably along with a decline in quality of services. About 40 million poor people in cities do not have access to safe water either because 'they

⁴⁰ PAANI (Xanskriti, Xankat, Xanghat, Adhikar aru Banijyar Rajniti), Dinesh Baishya, Guwahati, Manikut Prakashan, , 2013.

⁴¹ Vrinda Narain, "Water as a Fundamental Right: A Perspective From India", *Verment Law Review*, Vol-34:917, 2010, pp. 917-925.

⁴² Satya Prakash Dash, "Water: A Human Rights Perspective," *International Environmental Law Research Centre*, Delhi, 2006. (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.)

⁴³ *ibid*

⁴⁴ Rose Mary, 'Right to Water: Theoretical Concerns and Practical Issues,' *Indian Journal of Political Sciences*, Vol. IXVII, No. 4, 2006.

⁴⁵ *Ibid*.

⁴⁶ Dublin Conference, 1992.

⁴⁷ C. Ramachandraiah, "Right to Drinking Water in India," *Centre for Economic and Social Sciences*, working Paper, 2004.

⁴⁸ Rose Marry, *Op.cite*.

cannot afford the cost of connection or their service has been disconnected because of lack of payment.’⁴⁹

Opponents of privatization, therefore argues that commercialization and privatization of water resources have ultimately increased the gap of water availability by giving the rich access to cheap, clean water, yet making usable water financially inaccessible for the poor. On the other hands proponents of privatization claim it has led to improvements in efficient distribution of water.⁵⁰ The visible threats from corporatization of drinking water would be many, such as water price hikes, water mining and bulk exports, monopolistic water markets, sub standard water quality, threatened community ownership of water resource, corruption, and lack of transparency. As a case study, if we look into the Shivanath river project (Chhattisgarh), the first case of river privatization in India with total expected cost of Rs 256 crore had terrible outcomes such as supplying water at the rate of Rs.12.60/liter to industries and to railways; and denied access to people for fishing and bathing etc. News reported case of this privatized river, slowly drying up. A monopoly on the water supply in the radius of 18 km, government announced the scheme is constitutionally illegal and later they revoked the contract.⁵¹

Water supply for each person that is regular and sufficient for personal and domestic uses, which normally include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. The quantity of water available to each person should correspond to World Health Organization (WHO) guidelines, which provide for 50-100 liters daily day per person and an absolute minimum of 20 liters. These standards can be helpful in designing legally enforceable rights and developing indicators for the right to water. In the Menores Comunidad Paynemil case from Argentina, a court ordered the State to provide 250 liters of water daily for each inhabitant of an indigenous community whose water source had been polluted by an oil company.⁵²

Water and sanitation services must be affordable to all. The direct and indirect costs of securing water and sanitation should not reduce a person’s capacity to acquire other essential goods, such as food, housing, education and health care. This normally means that water and sanitation

⁴⁹ C. Ramachandraiah, Op.cite, also see Danilo J. Anton, “Thirsty Cities: Urban Environments and Water Supply in Latin America,” International Development Research Centre, Ottawa, 1993.

⁵⁰ Monterey Starkey, “The Water Crisis in Third world Countries,” A Senior Thesis submitted in partial fulfillment of the requirements for graduation in the Honors Programme, Liberty University, Spring, 2012, also see S. Giliani, “Water for Life: The Impact of the Privatisation of Water Services on Child Mortality,” The Journal of Political Economy, 2005.

⁵¹ Hannah Johns, “Privatization and its Impact on Water Resources,” <http://ncdhr.org.in/keyactivities/Privatization%20and%20Its%20impact%20on%20Access%20to%20Water%20Resources.pdf>, Accessed on 21st May, 2016, cited from (<http://www.aidindia.org/main>).

⁵² “Legal Resources for Right to Water and Sanitation,” Right to Water Programme, Centre on Housing Rights and Eviction, Geneva, 2008, http://www.worldwatercouncil.org/fileadmin/wwc/Programs/Right_to_Water/Pdf_doct/RWP-Legal_Res_1st_Draft_web.pdf, Accessed on 14th Aug, 2016.

services need to be subsidized for poor communities. In cases of people or communities living in extreme poverty, affordability can mean that services must be provided free of charge.⁵³

Another issue of business of bottled water can be referred here, while the bottled water business is conducted by the private sector, supply of raw water is made by the State through agreements for allowing the private companies to extract groundwater in large quantities, leasing of certain stretches of rivers or some reservoirs, and directly providing water from the municipal supplies.⁵⁴ There have been attempts in India in recent years to enter into water agreements with the MNCs that have a monopoly in water business. For example, the Kerala High Court ordered on 16 December 2003 that the Coca Cola bottling plant at Plachimada village in Palakkad district should stop extracting groundwater and find out alternative sources of water. It was held that the groundwater belongs to the people and government has no right to allow a private party to extract such huge quantity.⁵⁵

The most prevalent challenges for Right to Water are from privatization of water resources. Historical evidences show that those states adopted privatization of water supply faced major problem such as hike in water prices.⁵⁶ Bolivia is one of one among many poor and highly indebted countries subjected to water privatization as a condition for borrowing money from the World Bank and IMF. Privatization of water services resulted in an increase in the cost of water by 200-300 percent and people witnessed that their bills had tripled or even quadrupled which led thousands of families to pay half of their monthly income on water. In Feb-March 2000 protests broke out in response to the skyrocketing price of water as people were unable to survive under these condition they demanded termination of these water contracts. After suffering civil rights abuses, injuries and even death at the hands of the police and military, the protesters were heard and their water rights were restored. People in countries like Bolivia set an example by restoring their water rights which is expected from all other countries with the policy of privatisation of water resources.

Right to Water in India

India is a third world country, facing water scarcity in different parts besides the fact that it has plenty of water resources. India has been a party to all the major international human rights treaties which have accorded a human rights' status to the right to water. At the International

⁵³ *ibid*

⁵⁴ C. Ramachandraiah, *Op.cite*.

⁵⁵ *Ibid*.

⁵⁶ The first state to convert water supply from Government to private sector is England during Margaret Thatcher from which undoubtedly water market and water industry came up and for the first time water business entered into international stalk market. Consequently water prices rose up and surprisingly from 1989 to 1995 water prices hiked six times more. Countries which adopted neo liberalisation have started opening up their market for privatisation and commercialisation of water resources and the process increased in the 20th century. State governments have shifted their water resources to private companies and new water policies have been taken by the concerned states to cope up with water privatisation. In 2003 Michael Camdessus, director of International Monetary fund stated that supplying water has become the largest business industry in present time. In developing countries several private companies got responsibility of managing water supply system between 1990- 1997.

level, India is a part of many treaties where water availability is a prime issue. India is also a signatory to UN conference of Mar del Plata which states –“All people, whatever their stage of development and their social and economic conditions, have the right to access to drinking water in quantum and of a quality equal to their basic needs.”⁵⁷ Further India is committed to provide safe and clean water to its citizens as one of the goals of the MDG’s.⁵⁸ India has been a party to all the major international human rights treaties which have accorded a human rights’ status to the right to water.⁵⁹ For example, India has ratified the following treaties: the International Covenant on Civil and Political Rights (1979); the International Covenant on Economic, Social and Cultural Rights (1979); the Convention on the Rights of Children (1993); the Convention on the Elimination of Discrimination Against Women (1993); the Convention Against Torture and other Inhumane or Degrading Treatment or Punishment (1997); the International Convention on the Elimination of All Forms of Racial Discrimination (1969). An analysis of these conventions arguably leads us to the premise that ‘right to water’ should be treated as a basic, fundamental and human right even if it is not expressly mentioned in the human rights conventions.

At the national level the Government of India did not insert Right to Water directly in the Constitution. But, Right to Life under Art 21 provides the ground under which right to water can be secured. The Supreme Court and Several High Courts in its various judgments declared right to water as a human right under article 21. For example, in *A.P. Pollution Control Board vs. Prof. M. V. Nayadu*, 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.⁶⁰ *Hamid Khan v. State of Madhya Pradesh*: The state “is also covered by Article 21 of the Constitution of India and it is the right of the citizens of India to have protection of life, to have pollution free air and pure water...Therefore, it was the duty of the state towards every citizen of India to provide pure drinking water.”⁶¹ It shows that Judiciary in India also protects right to water. The Supreme Court ruled that clean drinking water is a fundamental right of all citizens in *Surana Oils Vs Derivatives (India) Limited* case. The apex Court said that Article 21 of the constitution guarantee right to life and it also includes the Right to Clean Drinking Water'. The court also quoted the 1977 resolution of the UN Water Conference that pledges access to clean drinking water for everybody, to which India is signatory.⁶² In *Narmada Bachao Andolan Vs Union of India* the Supreme Court held that right to water is a fundamental right under Art 21 of

⁵⁷ “Report of the United Nations Water Conference,” Mar del Plata, *United Nations*, 1977.

⁵⁸ “Millennium Development Goals India Country Report 2011,” *Ministry of Statistics and Program Implementation*, Government of India, New Delhi, p. 23.

⁵⁹ Pant, Ruchi, “From Communities Hands to MNC’s BOOTS: A Case Study from India on Right to Water,” *Policy Analyst Ecoserve Majkhali*, Uttaranchal, 2003, pp. 16-17.

⁶⁰ *A.P. Pollution Control Board II v. Prof. M.V. Nayudu* (2000)

⁶¹ *Hamid Khan vs. State Of M.P. And Ors.* on 30 October, 1996 AIR 1997 MP 191, 1997 (1) MPLJ 587, <https://indiankanoon.org/doc/1955514/>

⁶² Rose Mary, “Right to Water: Theoretical Concerns and Practical Issues,” *The Indian Journal of Political Science*, Vol. 67, No. 4, 2006, pp. 759-766.

the Constitution.⁶³ Therefore, every government, which has its priorities right, should give foremost importance to providing safe drinking water even at the cost of other development programmes.” The National Commission that reviewed the Constitutional recommendations in its report in 2002 that a new Article 30D has been inserted in the Constitution which states: ‘Every person shall have the right- (a) to safe drinking water.....’.⁶⁴

In the above judgments Supreme Court of India being the highest justifiable authority supported right to water as a important right as a part of Right to water and with this Right to Water can be regarded as an justifiable right and it is a basic human right in India guaranteed by the Constitution and protected by the Supreme Court and High Courts of India.

Apart from these, Indian Government has taken two water policies keeping in view to meet the drinking water needs of all sections of the people of India. National Water Policy 1987 states that the water is a prime natural resource, a basic human need and a precious national asset with a primacy to drinking water for both humans and animals. The policy calls for control on the exploitation of groundwater through regulation and or integrated and coordinated development of surface and groundwater. National Water Policy 2002, was taken under the Chairmanship of the then Prime Minister, is a revised version of the earlier policy of 1987. The National Water Policy, 2002 and most State water policies include a priority list in which drinking water comes first and irrigation second, followed by other sectors such as industrial use or navigation. Issue of privatisation is as relevant in this study as the government of India has created a “welcoming atmosphere” in the drinking water sector for the private investors with the adoption of National Water Policy 2002 which is a clear threat to the enjoyment right to water. In India, in its 10th economic plan, after National Water Policy of 2002, it has been stressed that water needs to be managed as an economic asset rather than a free commodity and it has been recommended that particularly the Urban Water Supply and Sanitation will operate on commercial line’s either by private parties or through Public Private Partnership. In the 10th plan it has also been mentioned that water tariff’s and connection charges will gradually be increased and metering of water supply will be promoted. Commercialization of water sector was promoted on the plea that it will improve the services and quality of water supply. However this bid to privatization of water supply has been questioned by various sections of society. Thus we see that Right to Water has assumed utmost importance in the era of privatization of water resources and governments are required to take steps to provide access to clean and safe water. This chapter shows why realizing Right to Water as an independent human right becomes so important.

Right to Water: Role of Civil Society in India

Apart from the state machineries, the role of Civil Society Organizations in securing right to water is very important as CSOs are generally better equipped to undertake the task of

⁶³ “Environmental Justice: Right to Water,” *ibid*.

⁶⁴ Videh Upadhyay, “Water Rights and the New Water Laws in India: Emerging Issues and Concerns in a Right Based Perspective,” *India Infrastructure Report 2011*, Oxford University Press: London, p. 57.

awareness, social mobilization and capacity building. Civil society is a sphere of social interaction between the household (family) and the state which is manifested in the norms of community cooperative, structures of voluntary association and networks of public communication ... norms are values of trust, reciprocity, tolerance and inclusion, which are critical to cooperation and community problem solving, structure of association refers to the full range of informal and formal organization through which citizens pursue common interests.⁶⁵ Civil society is a social organization separate from both the state and market which is accepted as a non state non-profit voluntary organization formed by people in the social sphere.⁶⁶ Civil society tend to encourage change and progress toward a more just and equitable society. There is a budding concurrence that civil society, civil culture and social capital are all important for strengthening democracy.⁶⁷ The modern idea of civil society emerged in the 18th Century, influenced by political theorists from Thomas Paine to George Hegel, who developed the notion of civil society as a domain parallel to but separate from the states. The 90s brought about renewed interest in civil society, as the trend towards democracy opened up space for civil society and the need to cover increasing gaps in social services created by structural adjustment and other reforms in developing countries. "Civil society is composed of autonomous associations which develop a dense, diverse and pluralistic network. As it develops, civil society will consist of a range of local groups, specialized organizations and linkages between them to amplify the corrective voices of civil society as a partner in governance and the market."⁶⁸

Civil Society Organisation in India has had a long and significant legacy in implementing programs and projects related to natural resources management. Basically the role of the NGO's has been seen as an implementation agency of the policies of the state whereas with few exceptions which adopt right based approaches which deals with legal provisions also. Such organizations are WOTR in Maharashtra, Sadguru Foundation in Gujarat, Tarun Bharat Sangh in Rajasthan, MYRADA and Arghayam in Karnataka, CSE in Delhi.⁶⁹ WOTR founded in 1993 is operating in five 6 Indian states – Maharashtra, Andhra Pradesh, Madhya Pradesh, Rajasthan, Jharkhand, and Orissa. It is widely recognised as a premier institution in the field of participatory Watershed Development and Climate Change Adaptation. WOTRs approach to water security was through the implementation of large-scale watersheds. Established in 1974, N M Sadguru Water and Development Foundation is a non-government, non-political, not for profit, secular organization, registered under the Public Charitable Trust Act and the Societies Registration Act

⁶⁵ Aisha Ghosh Pasha, "Role of Civil Society Organisations in Governance," 6th Global Forum on Reinventing Government Towards Participatory and Transparent Governance, 2004, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan019594.pdf>, Accessed on 11th Aug 2016.

⁶⁶ "Civil Society," WHO, <http://www.who.int/trade/glossary/story006/en/>, Accessed on 3rd June, 2016.

⁶⁷ Charles Hauss, "Civil Society," 2003, <http://www.beyondintractability.org/essay/civil-society>, accessed on 4th June, 2016.

⁶⁸ Aisha Ghosh Pasha, "Role of Civil Society Organisations in Governance," 6th Global Forum on Reinventing Government Towards Participatory and Transparent Governance, Republic of Korea, 2004.

⁶⁹ M.S. Vani, "Community Engagement in Water Governance," Ramaswamy R. Iyer, *Water and the Laws in India*, SAGE Publication, New Delhi, 2009, p.206.

(1860) and the Foreign Contribution (Regulation) Act. It is recognized by the departments of Rural Development of the Government of three states of Rajasthan, Gujarat and Madhya Pradesh. The organization is receiving funds from the states and central government, national and international funding agencies for its rural / tribal poverty reduction programmes centered around Natural Resources Management. Its main objectives are to improve the living conditions of rural and tribal people by developing environmentally sound land and water resources programmes ; improve the environment and eco-system ; arrest the distress migration ; improve the socio-economic status of rural people and strive for their overall development. This is promoted by facilitating the growth of community based institutions that support and sustain the Natural Resources Management programmes. Myrada was started in 1968 and at present it is managing projects in 20 backward and drought prone districts of Karnataka, Tamil Nadu and Andhra Pradesh. Arghyam, a public charitable foundation working in the drinking water and sanitation sector since 2005, funded two NGOs to secure drinking water in six villages of Maharashtra during the drought. The natural resources sector in India has witnessed the emergence of organised and unorganised movements which have been directed at protecting or defending the rights to natural resources and seeking a legitimate role in the governance of natural resources including water. Chipko Movement, Narmada Bachao Andolan are some of the major examples of it. Role of NGOs in securing right to water is very important as NGOs are generally better equipped to undertake the task of awareness, social mobilisation and capacity building.⁷⁰

Several groups in different parts of the country have initiated public consultations, and campaigns. Navdanya, a group based in Uttaranchal, has compiled a good database and it has analysed the implications of this. Uttaranchal has launched a Campaign for Water Liberation (Jal Swaraj) as a part of the Living Democracy movement which is involved with various movements on associated issues such as Save the Seed Movement and Save Biodiversity Movement. Perceiving severe threats to their water conservation work, Magsaysay award winner, Rajendra Singh from Tarun Bharat Sangh, an NGO working on the issue of reviving traditional water harvesting systems in Rajasthan state, felt the need to start a nationwide campaign to raise awareness on the issue of privatisation. He was actively involved in providing inputs to the new National Water Policy. Most of the recommendations made by his team were accepted with the exception of two additions that were not acceptable to his team. The first of these was calling the natural resource a national asset. The second point of disagreement was the participation of the private sector in the water resources management. The initiator of the Jal Biradari, the NGO Tarun Bharat Sangh is on the verge of launching a Water University. The objective of this University is, "to bring together new energies under the guidance and training of experts to build a team of water engineers to fuel or launch a Water Literacy Movement to sensitize a larger public to respect this sacred common resource – water."⁷¹

⁷⁰ M.S. Vani, *ibid.*

⁷¹ Ruchi Pant, *Op.cite.*

The threats to right to water are not new. There is plenty of evidence in the form of past movements who acted against the infringement of the right to water. There are also examples of effective and successful community managed water resources systems. The basis for the success of these efforts lies in the fact that people had full control over the resource and had formulated their own practices and norms for the management thereof. The reason for the failure of most government driven water management programmes is the alienation of people by these programmes. Government schemes do not include public participation at the planning, designing and implementation stages, for example. Planners and administrators have imposed their own pre-conceived ideas of development without attempting to understand the peoples' needs and their patterns of life and thinking. This has given birth to several peoples' movements in the past few decades to rectify the problems of access to, use and pollution of water. These movements could be classified in the following ways:

- (a) Movement for access to water for survival. Some of the important movements that come to mind are *Pani Chetna, Pani Panchayat and Mukti Sangharsh*
- (b) Anti-pollution movements (which include the movement of the fishing communities along the coast line of India against the ecological destruction caused by mechanized fishing which has affected their livelihoods)
- (c) Anti-dam movements such as the Anti-Narmada, anti-Tehri and movements against several other large dams and irrigation projects
- (d) Anti-caste movement: the mahad movement was started on the grounds that caste disabilities had denied them their basic right of access to water

Some of the movements that have suggested and shown constructed alternative strategies are: Pani Panchayats during the drought of 1971-72 in Purandhar district of Maharashtra in which people managed 50 irrigation schemes (120 hectares of land were irrigated for 1500 beneficiaries in 20 villages); the Ralegan Siddhi movement beginning in 1976 to build self-reliance and self-sustaining village communities capable of using the local resources optimally (this led to benefits in five watershed areas); and Tarun Bharat Sangh,⁷² together with community mobilization revived the traditional water harvesting systems in Rajasthan and succeeded in revitalization of six rivers which had gone dry. There is no new law at present which is hampering the rights of people to water. But some of the earlier laws have acted as barriers. For instance the Irrigation Acts assert state control over the river waters. These Acts are not supportive of community or peoples' efforts in water management. The suppressive potential of these laws is witnessed in case of the check dams, *johads* constructed in Rajasthan by the community with support from Tarun Bharat Sangh. This movement came up to tackle the drought situation in Alwar district of Rajasthan, with the permission of the Block Development Officer and the District Magistrate. The concerned officers went back from their earlier decision and the Government of Rajasthan ordered removal of these *johads* although they made the area

⁷² Water Man of India: Rajendra Singh," <http://www.naturalbuildingblog.com/water-man-of-india-rajendra-singh/>, Accessed on 14th Aug, 2016.

green and brought prosperity. The Government served a notice on 13th March, 1987 to Tarun Bharat Sangh mentioning that action would be taken against them under section 42 of the Rajasthan Irrigation and Drainage Act, 1954, which empowers the State Government to prohibit obstructions causing injury to any land or public health or public convenience. Fifty-two tanks constructed in one of the watersheds were declared to be illegal since they may cause harm to farmers of the area because in their construction the prescribed techniques were not adopted and therefore they may collapse at any time. Interestingly, the legally valid and technically sound structures of the Irrigation Department have been washed away during subsequent rainfall whereas the *johads* constructed by people are still fulfilling the needs of the people of the region.⁷³

All India meet at Nagpur on 30th June and 1st July, 2013 was held to form National Platform on Right to Water which was sponsored by “Focus on the Global South India” and organised by ‘Nagpur Municipal Corporation Employee Union’ and ‘Citizens Front for Water Democracy.’ The meeting was attended by representatives involved in fighting against Water Privatisation, from the state of Maharashtra, Madhya Pradesh, Karnataka, Delhi and Assam.⁷⁴

Guwahati is a major city in Assam which is highly water stressed area though the fact that mighty Brahmaputra River is in the middle of the city. The present Government water supply institutions have failed to meet the basic minimum water supply needs of the people of Guwahati due to many issues and as it is discussed in the earlier chapter that all these Government institutions have together provide only nearly 48 percent of the population of the city which brings attention of the Assam Government. "For close to 20 years, contesting candidates from the city are making the same promise but nothing fruitful has happened. Inadequate water supply has left me and my family at the mercy of alternative sources. I had to shell out Rs 1 lakh on boring for consistent water supply," said Trishna Das, a housewife from the Bharalumukh locality - one of the worst-hit areas in terms of errant water supply. Such a situation has led to the growth of water mafias in the city. This water syndicate charges anything between Rs 300 and 400 for filling up water tanks in middle-class households. As per the 2011 census, Kamrup (Metro) district has only 56% households equipped with an improved source of drinking water facility. But in Jorhat district, 72% of households have an improved source of drinking water facility. Dibrugarh has a even better coverage of 93% households.⁷⁵ Civil Society like- Guwahati Sanmilita Nagarik Adhikar Suraksha Mancha (GSNASM) played important role in Guwahati to ensure Right to Water of the people of Guwahati. Though the Government of Assam has imitated new water supply projects to address the issue of water scarcity in the city but, GSNASM has made some resistance programmes against these initiatives and creating awareness programmes among the people regarding Right to Water. GSNASM was formed on 30th March, 2013 to

⁷³ ‘Hamara Paryavaran’, kakch, Gandhi Peace Foundation, Delhi 42 (1988). See Ruchi Pant

⁷⁴ S. Chakraborty, “Att India Meet at nagpur,” 4th July, 2013.

⁷⁵ “Guwahati Still Yearns for Clean Drinking Water,” The Times of India, 9th April, 2016, <http://timesofindia.indiatimes.com/city/guwahati/Guwahati-still-yearns-for-clean-drinking-water/articleshow/51750760.cms>, Accessed on 24th June, 2016.

oppose irrational hike in urban property tax and steps towards privatization and commercialization of water supply. the Mancha under the leadership of its Chairman Prof. Hiren Gohain met the Chairman of GMDA on 9th May, 2013 and 10th June 2013; the Commissioner of GMC on 22nd may 2013; Honorable Chief Minister of Assam Sjt. Tarun Gogoi on 17th June 2013; the PWD, Urban Development Department, Guwahati Development Department Minister Ajanta Neog on 15th July 2013 and the newly elected Mayor of GMC Sjt. Abir Patra on 26th August to convey the demands of the Mancha.⁷⁶ The major issues raised by the Manch-

- The Government has quietly created by law a ‘Guwahati Metropolitan Drinking Water and Sewerage Board which is also called as Jal Board bypassing the Guwahati Municipal Corporation. The Board has been constituted with 7 Government officials as member out of its 8ⁱ members. The Act clearly states: that the entire cost of installing and running the Water Supply will be recovered from the public water tax; that function of the Board like billing and bill collecting may be handed over to private companies.⁷⁷ The Mancha rejects these two provisions of the Act unconditionally.
- The Mancha also pointed out in its meeting with the Ministers that too many authorities (PWD, GMC, GMDA) are involved in the project of extending the water supply and that they shall either be put under one authority or there shall be proper co-ordination. The Manch did not receive any assurance from the Government on this point.

This clearly demonstrates that water will definitely become a costly commodity in compared to the earlier water supply services provided by GMC. Dr. Hiren Gohain, the President of Guwahati Sanmilita Nagarik Adhikar Suroksha Mancha, wrote a petition to the Assam Human Rights Commission Scope for violation of Human Rights under the Guwahati Drinking Water and Sewerage Board Act, 2009.” Referring to the WHO fact Sheet no 35 of UN Commission of Human Rights which held right to water for drinking and domestic purposes as a basic human right, Hiren Gohain, the Government of India’s decision to introduce food security bill also supports the idea of right to water. But the “GMDW&SBA, 2009” passed by the Assam Government somehow eluding the notice of the media and the general public and violated the basic human right in many of its sections.⁷⁸ He also stated that UN Commission has categorically stated that there is no question of recovering from public people the cost of water supply. But Section 12 (a) – (f) of the said Act lays down that all charges including the expenses of installing water pumps, trench-digging and pipe laying, as well as their maintenance and even the salary-

⁷⁶ Guwahati sanmilita Nagarik Adhikar Suraksha Manch, Press release, 12th September, 2013.

⁷⁷ “at any time the Board (Jal board) with prior approval of the state government, entrust any of the tasks and functions referred to in this section to a local authority, limited company, registered society, research institution or government undertaking, including provision for private investment in any works thereof including ownership of the facility for operation and maintenance on such terms and conditions as may be approved by the Board.”

⁷⁸ Hiren Gohain, Petition to the Assam Human rights Commission, 24th June 2013.

bill of the staff of the proposed board will have to be covered by water tariff.⁷⁹ Water is thus becoming a commodity instead of a public good to which citizens are entitled as a human right.

The Mancha also reaffirms that Water supply is the responsibility of the concerned Municipality of the area. Hence, water supply should remain under GMC only. When the Mancha met the Chief Minister and the Guwahati Development minister, they assured them that this objections will be taken into account and will be solved soon. But in later period the officials are not taking any actions and tried to pass the work to one another and the Minister of the concerned department couldn't provide any document regarding the discussion which was taken place between Government and the Mancha.⁸⁰ The irresponsibility and ignorance of the Assam Government towards the common people is vehemently criticized by the Mancha.⁸¹

Akhil Gogoi, the President of Krishak Mukti Sangram Samiti, a civil society organization in Assam, attended in the "All India Meet at Nagpur which was held in 30th June and 1st July 2013 and stated that as a representative of the state of Assam under the banner of Guwahati Sanmilita Nagarik Adhikar Suraksha Mancha, the Mancha is against Privatisation of water supply by elaborating the activities that have been taken by the Mancha throughout the short span of time to aware people and so on.⁸²

Conclusion

The above discussions it is clear right to water, in the era of water scarcity, assumes utmost significance. For that the Government of India has to play a very important role so that people can enjoy have right to water. United Nations have played a crucial role to give a concrete shape to this concept. At present context the concept of Right to Water is the most debated and discussed topic not only in the international spheres but also in national and local spheres. Besides, various civil society organizations have also paid serious attention to the issue of water scarcity. In contrary to that issues of commercialization and privatization of water sector have become a threat to the enjoyment of these rights of the people. Therefore it is the need of the time that domestic legal frameworks must guarantee access to the right water and sanitation as a fundamental human right.

⁷⁹ According to the Act, water bills include—"for carrying on its operations under this Act the Board shall levy rates, fees, charges as water and sewerage tariffs and may vary from time to time as may be approved by Regulatory Authority in order to provide sufficient revenues to cover operating expenses, including costs of electricity, chemicals etc. taxes and interest payments and to provide for adequate maintenance and depreciation; to meet repayments of loans and other borrowings, if any; to finance normal year to year improvements; to provide for the salaries, allowances and remuneration of the staff and all other administrative and personal expenditure of the Board; to provide for the cost of such other purposes beneficial for the extension of water supply and construction of sewerage and sewage treatment works in the Guwahati Metropolitan area as the Board may determine from time to time."

⁸⁰ Hiren Gohain, Akhil ranjan Dutta, GSNASM, Press release.

⁸¹ Press Release 20 the April 2014.

⁸² S. Chakraborty, "All India Meet at Nagpur," 4th July, 2013.

In India constitution has several provisions under which of Right to Water is protected but it is not directly stated as a fundamental right in the constitutions. Indian government has also introduced two water policies in 1987 and in 2002 to fulfill the drinking water needs of the people. But if we look at the execution part the Government of India is still far away from their goal as many people are still suffering from the problem of water scarcity. The preamble to the Constitution of India envisages the creation of a welfare state. Therefore, it is the necessity that the state Government should take some welfare policies which will provide Right to Water to the people. The study shows how civil society organisations played a very important role in ensuring Right to Water of the people in India. The study would have been incomplete if we can't take the names of Medha Patkar, Arundhoti Roy and Vandana Shiva who fought for anti dam movements and established right to water of the people.⁸³

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⁸³ Moude Barlow, p 113.

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