

National Human Rights Commission

Research Unit-II (PRP&P Division)

Minutes of the Meeting on Right to Water held on 27th July, 2021

A meeting on **Right to Water** was organized on **27th July, 2021** from 11.30 A.M. to 1.30 P.M. on accessibility and availability of clean and safe drinking water under the chairpersonship of Justice Shri Arun Kumar Mishra, Hon'ble Chairperson, NHRC. A list of participants is given below:

Participant from Government Ministry

1. Shri Bharat Lal, Additional Secretary (JJM), Department of Drinking Water and Sanitation, Ministry of Jal Shakti

Special Invitee

2. Mr. V.K. Madhavan, CEO, WaterAid India
3. Mr. Manish Wasuja, WASH Specialist, UNICEF

NHRC Team

4. Justice Shri Arun Kumar Mishra, Hon'ble Chairperson, NHRC
5. Justice Shri Mahesh Mittal Kumar, Hon'ble Member, NHRC
6. Shri Rajiv Jain, Hon'ble Member, NHRC
7. Shri Bimbadhar Pradhan, Secretary General, NHRC
8. Shri Surajit Dey, Registrar (Law), NHRC
9. Smt. Anita Sinha, Joint Secretary, NHRC
10. Dr. M.D.S Tyagi, Joint Director (Research)
11. Dr. Seemi Azam, Research Officer, NHRC
12. Ms. Sakshi Thapar, Junior Research Consultant, NHRC
13. Ms. Nihal Kaur, Junior Research Consultant, NHRC

In the welcome address, **Shri Bimbadhar Pradhan**, Secretary General, NHRC quoted, this year's theme of World Water day "*Leaving no one behind with the motto whoever you are, wherever you are, water is your human right*". Shri Pradhan then outlined the recognition of water as a human right as adopted by UNGA in 2010 and emphasized on Sustainable Development Goals under *Target 6.1* that aims for universal and equitable access to safe and affordable drinking water for all by 2030. He then recalled the initiatives taken so far by UN on water issues. He also highlighted two major issues that the whole world is encountering today- *one*, water scarcity and *other*, water potability. He then underlined other issues such as over-exploitation and contamination of water resources, inefficiency in collection and distribution of water, drying of lakes, rivers, reservoirs riparian issues related to water resources etc.. Shri Pradhan also apprised government schemes and initiatives taken so far to meet the ends meet. At the end, Shri Pradhan advocated for big bang reforms in water sector such as decentralization, river basin management, cropping patterns, reviving traditional water bodies, are needed to achieve sustainable development by 2030.

Dr. M. D. S. Tyagi, Joint Director (Research), NHRC welcomed all participants to share their suggestions and inputs.

Justice Shri Mahesh Mittal Kumar, Hon'ble Member, NHRC in his opening remarks also acknowledged the importance of water as a life sustaining resource by asserting water as a human right. He further apprised the plethora of international water laws and conventions which India had ratified. He then stated various principles that had been developed in various judgments and legislations on 'Right to Water' such as *precautionary principle, polluter-pays principle, principle of trust, and principle of sustainable development*. He further briefed about the constitutional, legislative and statutory safeguards available that defined water as a fundamental right and empowered the States to formulate policies on water and regulate its management by quoting instances from various judgments. At the end, he apprised that it's not the lack of law rather lack of enforcement of law which has led to water conflicts, inter-state water disputes, inter-linkage of rivers across borders. Hence, there is need of optimal enforcement of law to solve the issue of water crisis.

In his opening remarks, **Shri Rajiv Jain**, Hon'ble Member, NHRC, expressed his pleasure to be part of this meeting and shared his thought of resonating right to water with right to food. He then reiterated the Secretary General's suggestion of bringing water reforms and further suggested two things, *firstly*, reviewing cropping patterns and choice of crops due to indiscriminate use of water in agricultural sector and *secondly*, codification of laws as in case of food. He also suggested for equal access and distribution of water among all sections of society.

Justice Shri Arun Kumar Mishra, Hon'ble Chairperson, NHRC, in his inaugural remarks highlighted disputes over distribution of water among nations, states and even at local level. He stressed upon the problem of bio-waste and industrial waste that leads to contamination of water. He also raised the issue of filthy condition of Ganga River, despite expenditure of huge amount of money on cleaning the river. He reiterated that water is a fundamental right and everyone must have access to potable water and it is the State's responsibility to provide potable water to all by quoting instances from Kamal Nath's judgments (1997). He pointed that since water issue is worldwide and it is our duty to conserve it. He also raised his concern over divergence of data on water issues. He apprised the presence of fluoride and arsenic in water bodies impacting lives of many people. He suggested for active steps needed to be taken with regard to water conservation and preservation of vanishing water bodies by building resilient infrastructure, involving community participation and ensuring that potable water is supplied to all people. He also emphasized on the successful implementation of various schemes.

Shri Surajit Dey, Registrar (Law), NHRC explained the evolution of right to water as a human right by quoting instances from International and national legislative literature on right to water. He also highlighted steps taken by Commission in the past on issues of water quality being reported in many districts of states of West Bengal, Andhra Pradesh, Telangana, Utta Pradesh etc.

Ms. Sakshi Thapar, JRC made a brief presentation before the Commission highlighting two major issues- Water Scarcity and Water Quality. The presentation also drew attention towards National Water Framework Bill, 2016 and recommendations made by UN Special Rapporteur Leo Heller, to Government of India in 2018.

Shri Bharat Lal, Additional Secretary, Ministry of Jal Shakti gave an insight into the efforts of the Union Government towards ensuring potable water taps for every household by 2024. He also said that the focus of the Government is not just on addressing the issue of chemical contamination of water bodies including underground and surface but also on the geogenic contamination. He made the following submissions:

- Water is a complex subject in Indian context as 85 percent of water is used for agricultural activities while remaining 15 percent is used for domestic use.

- There is competing demand for water in water-stressed areas in parts of Bundelkhand, West Bengal, North Karnataka, parts of Andhra Pradesh, Tamil Nadu.
- There is need to separate polluted drinking water habitations from other habitations. Government of India is constantly checking the quality of water in contaminated zones or districts.
- In 2017, a programme called “National Water Quality Submission” was launched in 500 districts affected with arsenic and fluoride. Out of which, in 460 districts work is in progress while 64 habitations are still left to be covered to provide clean water.
- The present approach focuses on water management from both resources, supply and demand side.
- Under Jal Shakti Abhiyan, awareness is being spread to use water through ground water management of water and also on excess use of water by agriculture activities in rural areas.
- Jal Jeevan Mission flagship scheme launched by Hon’ble Prime Minister on 15th August, 2019 aims to provide every household clean drinking water irrespective of class, caste, religion, region, race without discrimination by 2024.
- Efforts have been made to provide tap connections in remote areas (tribal regions).
- JJM also provided tap connections at schools and Anganwadi centers. Approx. 68% of schools across country have piped water supply.
- Apart from water harvesting techniques, JJM also aimed for provision of grey water reuse.
- Village Action Plan for 5 years is being prepared with total outlay of Rs.1.42 crore lakh for water and sanitation management activities.
- In every village, Village Water and Sanitation Committees like Pani Samiti in 2002 in Gujarat has been set up to promote community participation in conserving water resources. The members are trained, skilled, sensitised, empowered and educated to test the water quality and upload the data.
- In every village, 30-50 water, sanitation and hygiene persons are trained and skilled.
- In hilly areas, gravity based system is promoted so that each hamlet gets access to water.
- In villages, using sensor-based IOT technology, villages are identified which are covered under JJM.
- JJM also aims at changing roles of service providers to utility managers by training and skilling them.
- Active laboratories have been built up to test water quality. So far, more than 2000 labs have been constructed in the country.
- Public Grievance system has also been set up at all levels.

He in his concluding remarks stated that Government of India is clear that water needs to be taken carefully and seriously. He also suggested for building partnerships with NGO, academicians and key resource centres which would bring massive community participation.

Mr. V.K. Madhavan, CEO, WaterAid India, applauded NHRC for taking this initiative and also the Government of India for its sincere efforts. He stressed upon over dependence of ground water in many parts of the country. He stated that the inefficiencies in resource accessibility are because of socio-economic factors and also due to ownership of resources. He further stated that climate change is an important factor in addressing the inefficiency. He suggested that NHRC should consider the issue not only in rural context but also should look at this issue from an urban context. He also added that planning needs to be done for next 30 years addressing climate change and water shed services. He further suggested for bringing a comprehensive legal framework to assure water not only for current generation but also for future generations.

Mr. Manish Wasuja, WASH Specialist, UNICEF India reiterated SDG 2030 wherein target 6.1 aims at ensuring universal coverage by primarily focussing on providing safe drinking water. He stressed upon micro-biological contamination of water which leads to diarrheal deaths. He also highlighted on risk mitigation management tools that needs to be considered as a part of liquid waste management. He stated that UNICEF is working in 14 states and in partnership with Government of India, aimed at capacity building and building partnership between services providers and community participation. He reiterated Shri Bharat Lal, Additional Secretary's words of aiming to bring a change in role of service providers to utility managers. He apprised that UNICEF is bringing behavioural change by spreading awareness about WASH. He suggested that women play key role in community partnership thus women-centric programmes should be made.

Smt. Anita Sinha, Joint Secretary, NHRC in her concluding remarks thanked all the participants for discussing and highlighting the key water issues and suggesting solutions to address the issue in the country.

The meeting ended with a formal vote of thanks by **Dr. Seemi Azam**, Research Officer, NHRC.

Key recommendations emanated from the meeting are as following:

- In the wake of scarcity of drinking water, it's judicious use and de-contamination needs to be promoted. Sewage flow in the rivers should be stopped.
- Besides the chemical contamination, microbiological contamination also needs to be checked.
- Decentralisation of management of water resources at local level should be encouraged.
- Steps for revival of traditional water bodies should be taken. Also, traditional water conserving practices at local level should be encouraged.
- Attention needs to be paid towards the preservation of dying watershed services like springs, which have been a perennial source of water supply to the rivers and not just the rain and glacier melted water;
- Cropping patterns and choice of crops should be reviewed to discourage excessive use of ground water resources for irrigation purposes.
- Micro-irrigation technologies should be promoted.
- Codification of laws is needed in case of water as reinstated in case of food. Besides recognizing the need for right to water, a legislation is also required on ground water use.
- Definition of right to water with reference to groundwater and surface water usage should be clearly defined in Indian legislation.
- States must ensure current laws and legislations for protection and conservation of water should be enforced at its optimal level.
- States must ensure that resilient infrastructure and investment should be made to provide access to water by all.
- States must ensure proper implementation of various central and state government schemes.
- Role of women should be encouraged in water management at all levels. Women-centric programmes should be made to ensure more participation of women in managing and conserving the water resources.
- Future plans should be made on water-shed services and climate change.
- Partnerships with NGOs, key resource persons like academicians should be build through community participation and capacity building programmes.
- Steps to conserve and preserve water in a sustainable manner should be taken up to ensure accessibility and availability of clean drinking water to all.

- Water reforms at all levels are required to achieve Sustainable Development Goal by 2030.
