

Water Pollution in India: Its Impact on the Human Health: Causes and Remedies

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Abstract

Water pollution in India is a major problem. In recent years due to industrialization and urbanization in India, this problem has become gigantic. Right to access water is a basic human right. Indian constitution does not make this right a specific right. Article 21 of the constitution of India provides that every person has the right to life. This Article embodied in it, the right to pure water for drinking. Life of a human cannot be sustained with polluted water. Pollution free water is the only hope for the healthy life. The root cause of a number of diseases is the polluted water. There are a number of causes responsible for polluting the water. Polluted water doesn't come from a single source. Article 47 imposes duty on the state to raise the level of nutrition and the standard of living including improvement of public health. It is the duty of the state to provide pure water to the public. It is also the duty of every citizen under article 51 (A) g to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

1. INTRODUCTION

Polluted water is the main cause of a number of diseases. Polluted water not only affects the life of present generation but it also affects the life of upcoming generations because its effect remains for long. Bhopal gas tragedy case can be named as an example. Bhopal Gas tragedy is the world's worst industrial disaster. Study by official scientific agencies shows that ground water contamination has spread 40 meters deep and upto 3.5 km from the abandoned factory. Nearly 40000 persons have consumed this contaminated water over the past 14 to 20 years and cancers, birth defects and diseases related to skin, lungs, brain, kidneys and liver are several times more prevalent in that community than anywhere else in the country.¹ The use of water is multifold. The survival of human being is not possible without the water. Human being cannot live without the water. For a healthy life pure and pollution free water is indispensable. If in any area the water is polluted then people or the other living creatures are forced to drink that polluted water because they have no other option nor can they live without it. In recent years, water pollution has become a serious problem across the country, mostly due to the presence of untreated effluents, chemicals and pesticides in it.² There are many causes of water pollution. These causes can be removed or at least controlled with the awareness amongst the people and by the strong implementation of the legislative measures. But because of the activism of judiciary in India this right to clean and sufficient water is embodied in Article 21 of the Constitution of India. If the water is not clean or is polluted then Constitution of India also provides remedy which can be claimed under the law of torts and under Article 226 of the Constitution in the form of filing writ in the High Court of the respective State and under Article 32 writ can be filed in the Supreme Court.

2. RIGHT TO ACCESS TO CLEAN WATER

Clean water is the basic need of the human being. It is one of the main substances of the survival of human being. Water has multifunctional role in daily life. It is used for drinking, bathing, cleaning and irrigation etc. The main water bodies from where water can be accessed are lakes, rivers, oceans, ponds and groundwater. State also provides water to the people. Right to access clean water is the basic human right of a person. On July 28, 2010 UN General Assembly passed a resolution to make water and sanitation as right. Mr. Pablo Solon the Bolivian Representative to the UN, while tabling the Resolution said that "Drinking water and sanitation are not only elements or principal components of other rights such as "the right to an adequate standard of living. The right to drinking water and sanitation are independent rights that should be recognized as such.³ In India, Government is the trustee of all natural resources which are meant for public use and enjoyment by nature and water is one of these natural

resources. Constitution of India provides that water is accessible for all irrespective of cast and religion. Article 15 (2)(b).

3. CAUSE AND EFFECTS OF WATER POLLUTION

Pollution of water means rendering the water unfit for human consumption by bringing changes in its natural quality. Water pollution can be defined in many ways. Usually, it means one or more substances have built up in water to such an extent that they cause problems for animals or people.¹⁴ Pollutants in water include a wide spectrum of chemicals, pathogens and physical chemistry or sensory changes. Many of the chemical substances are toxic. Pathogens can produce waterborne diseases. Alteration of water's physical chemistry includes acidity, electrical conductivity, temperature and eutrophication. Human infectious diseases are among the most serious effects of water pollution.¹⁵ In India, every year, approximately 50,000 million liters of wastewater, both industrial and domestic, is generated in urban areas. If the data of rural areas is also taken into account, the overall figure will be much higher.¹⁶ According to a United Nations report released on March 22, 2010 on World Water Day, 80 percent of urban waste in India ends up in the country's rivers, and unchecked urban growth across the country combined with poor government oversight means the problem is only getting worse. A growing number of bodies of water in India are unfit for human use and in the River Ganga holy to the country's 82 percent Hindu majority, is dying slowly due to unchecked pollution.¹⁷ Water pollution is a major problem in India. Only about 10% of the waste water generated is treated; the rest is discharged as it is into our water bodies. Due to this, pollutants enter into groundwater, rivers and other water bodies.¹⁸ Contaminated water puts serious effect on human body. We can divide the causes of water pollution into two parts one is direct and the second is indirect.

Direct Cause:

In this category we can include those pollutants which directly enter into the water recourse and pollute it. In the industrial areas, industrial effluents are the main source of water pollution either surface water or ground water. There, industrial wastes are directly discharged into the waterways. Industries discharge a variety of pollutants in their wastewater including heavy metals, resin pellets, organic toxins, oils, nutrients, and solids. Discharges can also have thermal effects, especially those from power stations and these reduce the available oxygen. ²⁰ City sewage is also the main cause of water pollution. Sewage is also known as wastewater which usually contains laundry waste, dishwashing waste, urine and faeces. Disposing these wastes is a big problem in the country today that is why the rivers and the lakes are the ones that suffer. Sewage water pollution can cause diarrhoea and such.²¹ In Punjab about 70 per cent of the water pollution is caused by sewage which not only pollutes drains and river water but also affects the ground water in towns and cities. The pollution of

Ghaggar is also causing damage to the subsoil water and in the process causing skin diseases and other ailments to the human population using it. A large number of fish and other creatures living under water have been dying due to the highly polluted water leading to an all pervading stink in the vicinity of the Ghaggar. After the testing of its water it was found that against the normal bio-chemical oxygen demand (BOD) level of 3 mg per litre, it had 25 to 30 mg per litre.

Indirect cause:

The pollutants, when carried from a place to the water resources, can be called indirect causes. Rainfall or snowmelt picks up pollutants as it moves over land or through the ground and then deposits them in water sources.²⁵ It is common for farmers to use fertilizers and other chemicals on their crops to help them grow. However, these chemicals and nutrients added to the soil can soak into the underground water supplies.

4. REMEDIES IN CASE OF WATER POLLUTION

In case of water pollution the best remedy is to approach the court. It is a nuisance to pollute a pond, well or any water resource. Nuisance may be private or public. If the use or enjoyment of person's property or of some right over or in connection with it, is interfered by the unreasonable water pollution done by another then a suit for private nuisance can be claimed. In the public nuisance violator may be punished by a criminal sentence, a fine or both.²⁹ Section 268 of the Indian Penal Code, 1860 provides that a person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes injury, danger or annoyance to the public. Sections 133 to 144 of the Criminal Procedure Code provide the remedy in case public nuisance. Section 133 empowers the magistrate to pass an order for removal of a public nuisance within a fixed period of time. The measures to control the water pollution can be sought from the court by public interest litigation (PIL). The expression public interest litigation means a legal action initiated in a court for enforcement of public interest.³⁰ A Public Interest Litigation (PIL) or social interest litigation can be filed in any High Court or in the Supreme Court under Article 226 and 32 respectively. Public interest litigation can be filed in the Supreme Court only if a question concerning the enforcement of a fundamental right is involved and in the High Courts it can be filed whether or not a fundamental right is involved. It can be filed by any public spirit citizen for the enforcement of the constitutional and legal right of any person or group of persons who because of their socially or economically disadvantaged position are unable to approach court for relief.³¹ Article 32 of the Constitution of India is a great safeguard to provide shield to the fundamental rights provided under Part IV of the constitution. It is a weapon to protect the right to access clean water. Although right to water is not explicitly a fundamental right under the constitution of India but according to the judicial approach this right is embodied in Article 21 of the constitution of India. The Kerala High Court in *Attakoya Thangal v. Union of India*,

1990 KLT 580, attributed right to clean water as a right to life in Article 21. In *S. K. Garg vs State of U.P.*, AIR 1999 All 41, the ambit of Article 21 was enlarged to include the „Right to Water“. Court said that in our opinion the right to get water is part of the right to life guaranteed by Article 21 of the Constitutions but a large section of citizens of Allahabad are being deprived of this right. Without water the citizens of Allahabad are going through terrible agony and distress particularly in this hot season when the temperature goes up to 46 or 47 degree Celsius.

5. CONCLUSION AND SUGGESTIONS

The present study finds that the right to access clean water is not specifically guaranteed either by the constitution of India or by any other Acts. Duty is imposed on the state to provide clean water and prevent and control the water pollution. The present study reveals that Water pollution is a major issue in India. The power of the Supreme Court under Article 32 is not only injunctive in ambit that is preventing the infringement of fundamental rights, but it is also remedial in scope and provides relief against a breach of the fundamental rights already committed.³⁹ This paper unravel that the waste water treatment plants in India are not adequate. Efforts are being made. To save aquatic life in the Ganga and to effectively treat waste water, two pilot projects have been initiated by WWF in the city.⁴⁰ The study stresses to establish sewage treatment plant in every urban settlement. Preferably the sanction to the urban settlement should be given only after the establishment of the sewage plant. In India there is lack of clean drinking water and sanitation. Level of ground water is reducing. There is need of an effective water policy. The first policy was adopted by National Water Resources Council in 1987. This was revised and updated in April 2002. Government, NGO's and educated people should have done efforts to aware the people about the water pollution and its effects. The NGO Green Earth organized competitions Programme, poster making, slogan writing and an environment quiz for creating awareness about the environment, health and sanitation at Brahm Sarovar of Kurukshetra.⁴² Such type of activities should be done on war footing. The study stresses to establish the separate environmental courts in each state to reduce the burden of the judiciary and to implement the recommendations of the 186th Report of India's Law Commission.

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