

RIGHT TO ACCESS TO CLEAN WATER IN RURAL INDIA THROUGH THE LENS OF HUMAN RIGHTS JURISPRUDENCE

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Today, access to clean drinking water has become very scarce due to human attempts to control water rights. India, which has already accepted the Right to access water as a fundamental Right as covered in Article 21 of the Indian Constitution, despite several judicial pronouncements and various Governmental schemes, rural areas are still deprived of this basic accessibility. In this review article, we will explore the different aspects derived from research scholars, and we will also emphasize the additional related issues that led to numerous challenges at the grassroots level.

Introduction

As global awareness grows over the many challenges related to the use and availability of water resources, the increased disparity between supply and demand continues to be a major area of focus. Many of India's rural populations do not enjoy access to acceptable sources of clean, potable water, which creates significant adverse health impacts, primarily for women who disproportionately bear the burden of providing their families' needs for drinking water¹. The effects of this disparity are exacerbated by the increasing urgency of the need for water—both now and in the future—by a rapidly growing world population and their anticipated future water consumption. It is important to consider how land and water use will change and how the overall quantity of water available to support all human activity will remain unchanged at a certain point in time, due to limited availability at Earth's surface. Furthermore, while freshwater represents the most priceless and valuable resource for all of humanity, there has been a continual degradation of this resource per capita on Earth. Therefore, over time, as

human populations and their water demands continue to increase, there will be increasing competition to obtain freshwater resources, which will create the need for innovative solutions to support future, more sustainable and increasing water demands.

Around the world, there is no access to water for a large portion of the rural population, that is a significant contributor to many deaths. Therefore, due to the challenging lives of those significantly impacted by the lack of water, it is necessary to take action in support of rural communities and to implement effective policies that will help alleviate the issues. One way to do this is through recognition that water is a fundamental human right, which provides a basis for creating a system of legal obligation resulting from the recognition of this right². In order to create change, these are two of the main ways that we can create effective action. Water pollution, lack of water purification and sanitation, and the inability of the urban poor to obtain clean drinking water are examples of violation of this right.

Discussion

Many rural communities do not have sufficient financial resources, ineffective regulatory frameworks, and limited access to potable water. These challenges will increase with agricultural and industrial pollution, combined with excessive groundwater extraction. Furthermore, there

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have been vast variations in rainfall amounts and frequencies in India that will lead to changes in the quantity of pollutants that eventually contaminate our groundwater supply. Currently, the identified and unknown pollutant types and sources include a variety of pollutants from municipal and agriculture-related discharges, as well as wastewater treatment plants. Finally, flooding and drought conditions will only serve to exacerbate consumers' inability to determine the sources of pollution³.

To maintain water quality, all users who will benefit from the improvements need to be involved with good hygiene practices and proper disposal of waste, as well as be exposed to safe water for a longer period before consuming it.

Rural Indians face numerous barriers to sending their children to school, but one of the biggest obstacles is how much money they spend on treating those who have become ill from water and sanitation-related illnesses instead of sending their children to school. There are many poverty-related factors that contribute to differences in child mortality rates, such as limited nutritionally adequate food intake and insufficient access to affordable health services; however, high levels of exposure to waterborne illness are among the most important factors. Children who are malnourished tend to have a higher incidence and greater duration of diarrheal illness compared to healthy children. Children who experience repeated bouts of diarrhea will tend to lose weight, stop growing, and not consume adequate amounts of vitamins. All of these factors are important in relation to whether or not children drop out of school and, therefore, whether they can find work, thus perpetuating the cycle of poverty⁴.

The absence of sufficient toilet facilities and water in schools for girls significantly impacts the way young girls feel about their periods because young girls see menstruation as an embarrassing, inconvenient or disgusting experience. The absence of education about puberty and the lack of access to toiletries for menstruation hygiene management (MHM) make menstruation an obstacle to attending school because adolescent girls fear blood leakage and body odour. Cultural taboos and constraints created by society prevent young girls from seeking health services, eating foods that aid digestion, and cause them social isolation during their menstruation period⁵.

Water by itself, in its simplest form, will not stop health issues. To assist this issue, we must develop a dynamic solution that will help improve the quality of our water supply and make our water supply more accessible to the public, as well as enhance the effectiveness of hygiene education and sanitation awareness programs. The health of the individual is dependent upon a clean environment; therefore, countries with the healthiest populations usually provide sound sanitary practices. Countries with a strong public health system enhance their economies by eliminating the economic burden that healthcare costs create, thereby creating opportunities for building wealth and investing in other areas of their economy⁶. The Indian judiciary has included sanitation and access to clean water as part of the inviolable fundamental rights protected by the Indian Constitution.

Conclusion

Although Water is the most Important Resource for Humanity, it is also continually affected by many Factors that contribute to the Inability of People to Have Access to Clean, Safe Drinking Water. Some of these Factors Include: Lack of Awareness About Water Shortages; Lack of Willingness or Ability to Use Alternative Types of Water (i.e., Rain Water, Urban Runoff) Because of Lack of Resources or Access to Information; Lack of Knowledge on How to Maintain Safe Drinking Water for Homes and Communities; Inability to Implement Solutions to Improve Water Quality due to Inadequate Financial and Technical Support. Therefore, Sanitary Inspections are a Critical Resource to Verify and Support the Implementation of Community-Driven Monitoring Programs and Provide a Framework for Implementing Corrective Action at the Local Level. Now, More Than Ever, it is Crucial for Communities to Establish Legal and Formal Recognition of the Right to Water and Access to Safe Drinking Water as a Basic Human Right. □

References

1. P. Cullet, *The Human Right to Water Theory, Practice and Prospects*, edited by Malcolm Langford and Anna F. S. Russell (Cambridge University Press, 2017) pp. 644-677
2. R. Clarke, *OECD Observer*: Fact Sheet no.35,8-9 (2010)
3. A. T. Meetei, *Discov. W* 4, 80 (2024).
4. P. Cullet, *IJHR*, 17, 56-78 (2013).
5. P. Nandi, *IJFANS*, 28-36 (2022).
6. R. Juyal and K. Srivastava, *BJPA* XIX, 35-46 (2022).