Preface

Water is the most precious gift of nature and vital for human survival. Water has been traditionally treated as a natural right, a right arising out of human nature- historic conditions, basic needs and notions of justice. It is a basic need for all living creatures and it is the right of every person to have access to safe drinking water. The right to safe drinking water is a part of right to life and therefore surely a natural right. Yet, thousands of people across the world lack access to safe drinking water. Now, water problems are the most pressing issue and we are faced with the critical question of how to provide a stable supply of safe drinking water to the majority of population. Even though it is considered as a basic human right and a fundamental right, it is reaching only few people while majority of them are denied of this right.

The main thrust of the study is to analyze the problem faced in the availability of safe drinking water. In recent years issues surrounding water has become increasingly contentious, as claim on this finite resource is increasing day by day. The National Water Policies 1987, 2002 and the Draft National Water Policy, 2012 and state policies threw a light on the importance and the preservation of this finite resource. The National Water policy 2002 and 2012 treats water as an economic good and gives priority to water privatization.

India depends more on ground water to meet the water needs of the people. Even though there are various laws which deal with ground water rights in India, it is found that there is large scale exploitation of the ground water resources. In Kerala, about 65-70% of the population depends on ground water to meet their basic needs. Kerala enacted the Kerala
Ground water Control and Regulation Act 2002, to control the ground water rights but it is found that there is large scale exploitation of ground water affecting its quality and quantity. Water pollution is another area which needs much concern and the water quality standards are not followed in the proper manner in curtailing the water pollution.

Through the research study, it is found that there are various lacunae in the laws and policies which results in the water shortage and its conservation and maintenance. The laws and polices are not implemented in the proper manner for the preservation of safe drinking water. There should be proper understanding between people and the Government for the preservation and maintenance of this finite resource. The drawbacks in these laws should be minimized and strict penalties should be imposed on those who pollute water resources. As per the data availed during the research study it is able to find that about 55-60% of the population in Kerala is deprived of safe drinking water and the authorities and agencies are able to play only minimal role in providing these resource due to the lacunae in laws which deals with the provision of safe drinking water. It is necessary that laws dealing with right to safe drinking water is to be strengthened and methods like ‘rain water harvesting ‘ is to be given priority to meet the need of the people in case of droughts and hardships.

Through the research study it is able to reach the conclusion that water laws are made of number of formal and informal laws, rules and regulations. It has evolved over time in a relatively uncoordinated and adhoc manner. Ongoing water law reforms constitute in fostering better water management but they are incapable of addressing the human right, social, environmental and health aspects of water. It is to be kept in mind that any water law which is not based on Constitutional right to water and the principle of public trust is bound to fail as a legal tool and its implementation over majority of people’s human right to water is
affected through such failure. There is a need of a comprehensive Water legislation which ensures safe drinking water addressing the social, human right and environmental goals.

The attempt of reviewing the role played in the realization of right to safe drinking water was a process with various phases. For the analysis of the issues raised in the research study, the study is divided into six parts. Part A contains two chapters – Chapter II deals with Right to Safe Drinking Water as a basic Human Right and Chapter III deals with Right to Safe Drinking Water under the Constitution of India. Part B focuses on two chapters – Chapter IV deals with Legislative measures implemented by the Central Government in providing safe drinking water and Chapter V deals with Legislative measures implemented by the Government in Kerala in providing safe drinking water. Part C focuses on two issues – Chapter VI deals with the Role of Ground water in providing safe drinking water with special reference to State of Kerala and Chapter VII deals with the Rain water harvesting. Part D contains Chapter VIII which deals with Privatization of Safe Drinking Water and its impact. Part E contains Chapter IX which deals with Water Pollution and Water Quality Maintenance. Part F deals with Conclusion and Suggestions.

The main thrust of the study is to focus on the process of establishing the right to safe drinking water as a basic human right and fundamental right through reviewing the policies and Acts which deals with the safe drinking water. The basic justification for establishing this right can be viewed at the Constitutional, legal, social, economic and human right issue. The thesis adopts analytical and descriptive methods.