

WATER POLLUTION IN INDIA: 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. To control the pollution of water the Prevention and Control of Water Pollution Act, 1974 was enacted. People are not much aware about the causes and remedies of the water pollution. They do not know, how to check the water supplied to them and what type of water is suitable. The punitive measures are also not strong enough to control the water pollution. The purpose of this research paper is to point these problems and the solution.

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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. It is the right of a person to get pollution free water. It is also the duty of the state to provide clean water to its people. Right to clean water is not explicitly mentioned in the Chapter-III of Fundamental Rights in the constitution of India. 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 for preventing the causes of water pollution and providing compensation to the victims. Shortage of clean water in the country, the uncontrollable causes of water pollution, lack of awareness about the right to clean water and lack of strict implementation of the preventive measures are the main reasons for choosing this topic for research purpose. For completing this research work I have used the doctrinal method of research. I have studied various reports, newspapers and consulted

¹ The Tribune, Bathinda, December 3, 2011 p. 2.

² <http://www.lawisgreek.com/environment-law-and-groundwater-pollution-in-india>

various websites. The first part of this research work deals with the introduction. Second part of the paper provides that clean water is the right of a person and this part also deals with the Indian constitutional provisions regarding right to clean water. Third part of the paper deals with the causes and effects of the water pollution. It covers the different type of causes of water pollution and their effect. Fourth part of the paper is related to the remedies provided in case of water pollution and the judicial activism regarding water pollution. Fifth part of the paper provides the conclusion and suggestions.

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) explicitly provides that the use of well, tanks, bathing ghats maintained wholly or partly out of State funds or dedicated to the use of the general public shall not be discriminated against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Part IV of the Constitution of India provides the Directive Principles of State Policy. It reflects a unique mixture of humanitarian, socialist percepts and democratic socialism. Though the directive principles are non-justifiable, they constitute the fundamental principles of

³ <http://water pollution/Analysis of the UN General Assembly's Resolution on Right to Water and Sanitation India Water Portal.htm>

governance of the state. These directives are in nature of directions to the legislative and executive wings of government to be observed while formulating laws and policies.⁴ Article 47 of the constitution provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. For raising the level of nutrition and standard of living it is compulsory to provide clean water. The state shall make policy for providing clean water. It is necessary to incorporate the right to water in the constitution of India. For this purpose Right to Access Clean Water Act can be passed.

In 1976, under the leadership of the then Prime Minister, Smt. Indira Gandhi, the Constitution (Forty Second Amendment) Act was passed and the provisions relating to the protection of environment for the first time incorporated by adding a new provision Article 48-A in the Chapter, Directive Principles of State Policy. According to Article 48-A “the State shall Endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country”.

In *M.C. Mehta vs UOI*⁵ Supreme Court said that Articles 47 and 48 cast a duty on the state to secure and improve the health of the people and to protect and improve the environment. Thus interpretation of these articles proves that states shall not only provide clean water to the people but also prevent the pollution of the water.

In the case of *M.C Mehta V. Union of India*⁶ the intention of the judiciary to reinforce the right to pollution free water is implicit where the tanning industries located on the banks of the river Ganga were alleged to be polluting the river. The Court issued directions to them to set up effluent plants within six months from the date of the order.

Constitution of India also imposes duty on the citizens not to pollute water. Article 51-A in the form of “Fundamental Duties” was incorporated in the constitution footnote 42nd Amendment Act 1976. According to the sub-clause (g) of Article 51-A, “it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”.⁷

⁴http://twocircles.net/legal_circle/directive_principles_establishment_welfare_state_kamaluddin_khan.html

⁵ JT 2002(3) SC 527.

⁶ (1988) 1 SCC 471

⁷ <http://twocircles.net/book/export/html/135417>

No doubt it is the duty of the citizen not to pollute water but he has also right to ask for hygienic and clean city. In *L.K. Koolwal v State of Rajasthan*⁸ the High Court gave directions to clean the city of Jaipur and save it from its unhygienic conditions. The Rajasthan Court in this case invoked Art 51 A (g) of the Constitution and was of the view that though this provision is a Fundamental Duty, it gives citizens a right to approach the Court for a direction to the municipal authorities to clean the city and that maintenance of health, sanitation and environment.

In the case *Delhi water supply and sewage disposal undertaking vs State of Haryana*⁹ the Supreme Court observed that Water is a gift of nature. Human hand cannot be permitted to convert this bounty into a curse, an oppression. The primary use to which water is put being drinking, it would be mocking nature to force the people who live on the bank of a river to remain thirsty." The Supreme Court further observed that "drinking is the most beneficial use of water and this need is so paramount that it cannot be made, subservient to any other use of water, like irrigation. So the right to use of water for domestic purpose would prevail over other needs." In *Chameli Singh vs State of U.P.*¹⁰ the Supreme Court while dealing with Article 21 of the Constitution has held that the need for a decent and civilized life includes the right to food, water and a decent environment.

Need of water makes it important and without giving right to access it, the concept of welfare state cannot be fulfilled. Water must be pollution free. Water pollution is an enormous problem in the country. Water is a State subject but with the growing incidents of water pollution in the country, a need was felt for a comprehensive central legislation. Consequently, the water prevention and control act 1974 was passed under Article 252 (1) of the Constitution, which empowers the Union Government to legislate in a field reserved for the states, where two or more state legislatures consent to a central law. It was passed with a view to restore wholesomeness of water, and to ensure that domestic and industrial effluents are not discharged into watercourses without adequate treatment. Under this Act pollution control boards were established at Centre level and in the States.

A new section 33 A¹¹ was inserted in the Water (Prevention and Control of Pollution) Act, 1974 to empower the state boards to issue directions to any person, officer or authority,

⁸ High AIR 1988 Raj 2

⁹ AIR 1996 SC 2992

¹⁰ AIR 1996 SC 1051

¹¹ The Water (Prevention and Control of Pollution) Amendment Act, 1988

including orders to close, prohibit or regulate any industry, operation or process and to stop or regulate the supply of water, electricity or any other service. Under section 33, the state boards can apply to courts for injunctions to prevent water pollution. Failure to comply with orders under sections 33 or 33A are punishable by fines and imprisonment.

Subsequently, Parliament passed the Water (Prevention and Control of Pollution) Cess Act, 1977 under which cess is levied on water consumed by certain industries and local authorities for collecting a fund for state pollution control boards and a rebate of 70 per cent of the cess is given for the installation of a water treatment plant in any industry and local authority. The main objective of passing these Acts is to provide pollution free water to the people.

The National Green Tribunal Act 2010¹² passed which provides the constitution of a National Level Tribunal and circuit benches but this Act does not provide a Tribunal for the states. The National Green Tribunal has been constituted on 18.10.2010¹³ for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. The constitutional provisions and the legislations in India do not make the right to access clean water as a specific right.

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

¹² Got the assent of the president on June 2, 2010

¹³ under the National Green Tribunal Act 2010

¹⁴ <http://www.explainthatstuff.com/waterpollution.html>.

¹⁵ <http://in.answers.yahoo.com/question/index?qid=20071218213531AAZGV8F>

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. Accumulation of heavy metals and some organic metals have been linked to cancer, reproductive abnormalities and other serious effects.¹⁹ One cause cannot be held responsible for polluting the water. There are many causes responsible for polluting it. Uncontrolled population, industrialization and urbanization are the main factors of water pollution which include in it a number of sub-factors responsible for water pollution. 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

¹⁶ http://www.policyproposalsforindia.com/home_details.php?cms_id=17&languageid=1

¹⁷ [http://www.gits4u.com/envo/envo4.htm#River water Pollution](http://www.gits4u.com/envo/envo4.htm#River%20water%20Pollution)

¹⁸ <http://edugreen.teri.res.in/explore/water/pollu.htm>

¹⁹ <http://www.supergreenme.com/go-green-environment-eco:Groundwater-Contamination.>

²⁰ <http://in.answers.yahoo.com/question/index?qid=20071218213531AAZGV8F>

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 Punjab Pollution Control Board says that the municipal authorities have not been able to rise to the challenge of providing a proper disposal system for treating municipal sewage.²² Disposal of pollutants directly without any treatment pollutes the water resources and puts a severe effect. Fish act as natural scavengers of bacteria in water. But increase in amount of excessive water pollutants in the Ganga has led to death of thousands of fish and other aquatic species.²³ Influx of hazardous chemicals and other influents in the Ghaggar has reached alarming proportions causing great damage to flora and fauna in the areas irrigated. 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. The colour of the water is so black that its pollution can be seen by the naked eye. After originating, Ghaggar passes through parts of Himachal, Punjab, and Haryana and brings with it industrial effluents and sewage waste of the towns falling on its banks.²⁴ Cleaning of animals and throwing trash into the rivers or ponds is also contaminating the water.

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. Additionally, when it rains, these chemicals

²¹ <http://causeofwaterpollution.com/>

²² http://articles.timesofindia.indiatimes.com/2003-06-13/chandigarh/27173928_1_sewage-treatment-water-ollution-air-pollution.

²³ http://articles.timesofindia.indiatimes.com/2009-05-12/kanpur/28181402_1_waste-water-water-pollution-bod-and-turbidity.

²⁴ The Tribune, Bathinda, December 16, 2011 p. 4.

²⁵ http://wiki.answers.com/Q/What_are_nonpoint_source_of_water_pollution#ixzz1gmeltSou

join the run-off water and flow into streams, rivers and lakes, thus polluting them. Even the sediments of dirt, without any chemicals, are pollutants in fact as they cause the waterways to become cloudy and muddy.²⁶ The seeping of the septic tanks in the cities as well as in the rural areas pollutes the ground water. Dumping of wastewater or waste by the industries, mining activities and leakage or spillage from other industrial processes contaminate the ground water.²⁷ Seepage of oil from the pipe line and tank also pollute the water. The Patna High Court on Wednesday constituted a commission of enquiry headed by the registrar, administration, of the high court to probe whether seepage of oil from the pipeline of the Indian Oil Corporation (IOC) located near Sikaria and adjacent villages in Bhojpur district and near Maranha village in Dumraon in Buxar district had caused water pollution in the said areas.²⁸

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

²⁶ <http://projectsmileindia.wordpress.com/2010/07/01/effects-of-water-pollution-solutions/>

²⁷ <http://www.supergreenme.com/go-green-environment-eco:Groundwater-Contamination>

²⁸ [http://water-pollution/Articles about Water Pollution - Times Of India.htm](http://water-pollution/Articles%20about%20Water%20Pollution%20-%20Times%20Of%20India.htm)

²⁹ <http://legal-dictionary.thefreedictionary.com/Private+Nuisance>.

³⁰ Prof. Jain, M.P., Indian Constitutional Law, 5th edition, published by Lexis Nexis Butterworth Wadhwa Nagpur, 2008 p. 408.

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. Without water the people are bound to the in large numbers due to dehydration and heat stroke and in fact many have died already Court direct the authorities concerned to repair the existing tube wells and hand pumps which are out of order within a week from today, failing which this Court will take a serious view of the matter. We also direct that the water which is supplied for drinking purposes should be tested regularly by chemical analysts to find out whether it is potable and does not contain any germs or harmful chemicals. Supreme Court has also developed the Precautionary Principle and the Polluter Pays Principle for providing remedy in case of water pollution.

In the case *Municipal Council, Ratlam v Vardhichand*³² it was found that the residents within Ratlam Municipality had been suffering for a long time from the open drains. The court directed the Ratlam Municipal Council to take immediate action, within its statutory powers, to stop the effluents from the Alcohol Plant flowing into the street. Court also directed the State Government to take action to stop the pollution. The Sub Divisional Magistrate will also use his power under Section 133 Cr.P.C., to abate the nuisance so caused. The Municipal Council shall, within six months from to-day, construct a sufficient number of public latrines for use by men

³¹ Peoples Union for Democratic Rights v. Union of India (A.I.R.. 1982 , S C 1473)

³² AIR 1980 SC 1622

and women separately, provide water supply and scavenging service morning and evening so as to ensure sanitation.

In MC Mehta's Ganga Pollution (Tanneries) case, AIR 1988 SC 1037, the Court held that it is the sacred duty of all those who reside or carry on business around the river Ganga to ensure the purity of Ganga. Tanneries at Jajmau area near Kanpur have been polluting the Ganga in a big way. This Court issued notices to them but in spite of notices many industrialists have not bothered either to respond to the notice or to take elementary steps for the treatment of industrial effluent before discharging the same into the river. We are therefore issuing the directions for the closure of those tanneries which have failed to take minimum steps required for the primary treatment of industrial effluent. We are conscious that closure of tanneries may bring unemployment, loss of revenue, but life, health and ecology have greater importance to the people.

In the case of the Vellore Citizens Welfare Forum Vs Union of India and others³³ Vellore Citizens Welfare Forum was filed writ petition under Article 32 of the constitution against enormous discharge of untreated effluent by the tanneries and other Industries in the State of Tamil Nadu. In this case court directed to establish an authority and authority shall with the help of expert opinion and after giving opportunity to the concerned polluters assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. The authority shall direct the closure of the industry owned/managed by a polluter in case he evades or refuses to pay the compensation awarded against him. Court imposed pollution fine of Rs. 10,000/- each on all the tanneries in the districts of North Arcot Ambedkar, Erode Periyar, Dindigul Anna, Trichi and Chengai M.G.R. The money shall be deposited, along with the compensation amount recovered from the polluters, under a separate head called "Environment protection Fund" and shall be utilized for compensating the affected persons as identified by the authorities and also for restoring the damaged environment.

In number of cases courts proved to be effective remedy in case of preventing, controlling water pollution, to provide compensation to the victims and giving directions to the

³³ AIR1996SC2715

pollution control boards. The HC disposed the PIL filed by Janhit Manch to control water pollution caused due to immersion of lakhs of Ganesh and Durga idols in sea and other water bodies in the city during religious festivals in 2007 and directed the Central Pollution Control Board to frame guidelines to curb water pollution in 2009.³⁴

The Orissa High Court on December 17, 2009, while disposing a writ petition filed by Rourkela Shramik Sangha on the increasing air and water pollution, has directed the Pollution Control Board (PCB) to take steps against officers of Rourkela Steel Plant (RSP) for non-compliance of the environmental norms and mismanagement of the fly ash which has been found disposed off to Guradi Nullah which in its term flows to Brahmani river causing water pollution. However, the bench wondered why the PCB had not taken any effective action against the RSP.³⁵

In the case *Indian Council for Enviro-Legal Action v Union of India*³⁶ the court found that the damage caused by discharge of highly toxic effluents from sulphuric acid plant flowing through the sludge is indescribable. It has inflicted untold miseries upon the villagers and long lasting damage to the soil, to the underground water and to the environment of the area in general. The Supreme Court fixed the responsibility on the errant industry and asked the Central Government to recover the expenses for remedial action from the industry. The Central Pollution Control Board and the State Pollution Control Board are established to control the water pollution.³⁷ The state pollution control board issue directives to close the three washeries in Dhanbad to prevent the water pollution of Damodar in May 2011. The Central Pollution Control Board has also banned the opening of any new industry in Dhanbad owing to an alarming increase in air and water pollution.³⁸

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

³⁴ <http://ibnlive.in.com/generalnewsfeed/news/hc-seeks-info-from-maha-on-waterpollution-due-to-immersion/715996.html>.

³⁵ http://articles.timesofindia.com/2009-12-22/pollution/28086066_1_pollution-control-measures-water-pollution-rsp

³⁶ AIR 1996 SC 1446

³⁷ Under, Water (Prevention and Control of Pollution) Act, 1974.

³⁸ <http://articles.timesofindia.indiatimes.com/keyword/dhanbad>

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 unravels 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. Since then, not only have several major developments taken place in the water sector, but also a greater realization has come that water is a prime natural resource, a basic human need and a precious national asset. A new national water policy is in the drafting stage after almost ten years.⁴¹

The present study stresses that the awareness about the causes and effects of the water pollution should be spread all over the country. 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. No law or authority can get success in removing water pollution unless the determination of the people not to pollute water. Every industry, urban and rural areas should dump the toxic waste and hazardous waste at waste collection centers. The study also stresses about the strong implementation and enforcement of water quality laws, water pollution laws and to strengthen the penal provisions. 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.

³⁹ M.C. Mehta vs Shriram Food and Fertilizer Industries and UOI, AIR 1987 SC 1026

⁴⁰ http://articles.timesofindia.indiatimes.com/2009-05-12/kanpur/28181402_1_waste-water-pollution-bod-and-turbidity

⁴¹ <http://www.indiawaterreview.in/Story/News/india-to-have-new-national-water-policy-by-march-2012/447/1>

⁴² The Tribune, Haryana Plus, December 13, 2011, p. 4.