



Pathway to sustainable management of water & sanitation through Constitutional lens

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Abstract

Along with the necessities of life like food, clothing, and housing, the sustainability of water and sanitation is now a critical component of survival. Water is a limited yet necessary resource. Population growth and growing urbanization place a constant strain on the world's water supply. When it comes to guaranteeing future water security, this poses a severe challenge. First and foremost, climate change has an impact on water resources. Its effects on the economy, society, and environment are routed through the hydro-logical cycle and driven by water. The country's population faces numerous issues, including a lack of resources and access to water and sanitation. Whether water is used for drinking, domestic use, food production, or pleasure, it is crucial for the public's health. enhanced cleanliness, better water resource management, and improved water supply. Better management of water resources, improved water supply, and improved sanitation all have a significant impact on lowering poverty. A country that works towards this will be prosperous and healthy. This is so because clean water promotes health and is essential to life. As a result of the SDGs, there are some positive affirmations today, typically in semi-rural sectors of society. The general public is aware of the importance of sustainable water and sanitation management, which is crucial. Everyone is conscious of the potential repercussions of any neglect in the matter. As a result, socialization, or social awareness, is a crucial ability for people to acquire if they want to create healthy relationships and make wise judgements. The strongest foundation for achieving any goal is awareness. This paper is the result of a minor field study (MFS).

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1. Introduction

Water, growth, and development? Do we even need to ask that? Moreover, what about sustainable living? Health and dignity are prerequisites for sustainable living. Water and sustainable development are prerequisites for health and dignity. Water is an unbeatable asset that exists in limited quantities and is always there. Still, its accessibility is influenced by human technological advancements as well as the physical environment in which it is found. As a result, sustainable water management becomes a requirement for sustainable living and becomes a “sine qua non⁵”. However, sustainable management is not a good category; it's instead an activity that relies upon the technologies available in every place and time, altering the range of resources available and accomplishing higher health and development standards. To achieve an adequate, healthy life expectancy that is deserving of the name, the initial actions regarding sustainable access to clean, safe water to drink and adequate sanitation are crucial. Such actions are expensive and challenging, not so much due to the expense as to the challenging implementation of capacity building or the political blindness to realising that sustainability and dignity in both rural and urban areas may have different solutions. Water and sanitation, which are both essential to the realisation of a wide range of human rights, are now viewed as distinct composites of human rights as they broaden in scope and effect. Improving people's living standards requires investing in safe drinking water, sanitation, and hygiene (WASH). Climate change in India puts additional strain on

socioeconomic and ecological systems as industrialization and urbanisation accelerate. As a result of this, India has come to recognise the significance of environmental legislation. Legislation aimed at saving the environment has evolved, and laws covering only the penal aspect have been enacted. The nation recognised the need for legislative adjustments; therefore, the intent of the legislation transitioned from punitive to preventive. The most basic human need for health and well-being is access to safe water, sanitation, and hygiene. Unless advancement is quadrupled, billions of people are going to lack access to these fundamental amenities by 2030. Rapid population expansion, urbanisation, and increased water requirements from the agricultural, industrial, and energy sectors are all contributing to an increase in water demand. Article 21 of the Indian constitution, pertaining to the right to life and personal liberty, safeguards the right to live with human dignity and a worthy life, in conjunction with proper clothing, food, shelter, and livelihood. Other important rights are additionally taken into consideration, such as the right to a pollution-free environment, clean drinking water and sanitation, and pollution-free water and air. Part 3 of the Indian Constitution protects the environment by means of Article 21. The Honourable Court noted in the case of *Virender Gaur v. State of Haryana* that Article 21 ensures a fundamental right to life. The enjoyment and achievement of life, including the right to live with dignity, necessitate environmental protection and sustainability, ecological harmony, freedom from air and water pollution, and cleanliness, all of which are required for life to be enjoyed. Article 21 ought to be regarded as having been violated by any agreement or course of action that would compromise the ecology, the environment, the air, the water, or every other aspect of human life.

2. Literature Review

Review of the Protection of Human Rights to Water and Hygiene and Climate Change- Climate change policy solutions have to take into account the special legal requirements that the rights to water and sanitation entail. The human right to water states that everyone, without exception, has the right to enough water for personal and domestic use that is safe, acceptable, physically accessible, and inexpensive.

Virtue and vulnerability: Discourses on women, gender and climate change - ScienceDirect (The article analyses the body of knowledge on gender and climate change. Women being more ecologically conscious and more vulnerable are the two main topics. Such presumptions are problematic, according to empirical research. Concerning unequal environmental decision-making processes, there are urgent questions. To remedy the absence of concrete proof, new inquiries and context-specific research are required.)

Research Gap

There were some evident gaps in the research that we catalogued:

Gender-transformative (or at least sensitive) programming and evaluations: In a perfect world, this would entail going beyond the requirements of the is-gendered, but as only 20% of the research we found reported any sex-dis aggregated or sex-specific results, we first need to focus on women and girls. Hopefully, programmes including the new female-friendly restroom guideline will lead the way, but if we want to promote fair solutions, academics and practitioners need to take gender dynamics into account.

More studies on vulnerable populations: We found no studies that looked at (or even captured information on) people living with a disability. We were unable to locate any studies that included persons with disabilities or even attempted to collect data on them. We discovered one thorough impact assessment that concentrated on HIV- positive persons, a couple on refugee camps, and one that focused on people experiencing or recovering from a humanitarian crisis.

Measuring the sustainability of behaviour change: Only 3 studies that examined a behavioural outcome more than a year after the conclusion of an intervention were discovered while looking for research on how to quantify the sustainability of behavioural change. This is a crucial step because, when taken into account over the long run, the effectiveness of therapies may change significantly.

WASH in health facilities: We only found one thorough research that focused on WASH interventions (hand washing) in a healthcare setting. Given the fact that the WHO forecasts that 38% of healthcare facilities lack an improved water supply, 19% lack better sanitation, and 35% lack access to toiletries such as soap for washing their hands, this is a serious issue.

3. Research Methodology

Type of Research: Qualitative Research, Descriptive Research, Analytical Research, Applied Research.

Target sample: Survey based

Type of Sampling: Simple random Sampling, Convenience Sampling

Sample Size: 25

Tools used: the library and its resources, computer and its Software's, Statistics, Surveys, Focus groups, Observation, Interviews, Questionnaire, Group study

Proposed Hypothesis

1. As India is a vast country, ensuring clean water and sanitation for all seems a huge task.
2. India is making consistent efforts for clean water and sanitation through various programmes especially focused on rural areas.
3. Indicators of SDG 6 remains low which remains the concern for government and policy stakeholder

Objectives

If left unchecked, climate change would have a direct and indirect impact on the liberties guaranteed by Article 21 of the Indian Constitution. Climate Change would have an effect on the vast range of fundamental rights, including life, livelihood, and health, which are protected by the Indian Constitution, as well as India's economic progress. But there are risks and benefits to seeking constitutional remedies. It may not only be strategically advantageous, but it may also be India's only practical option for compensating victims for their losses and, more crucially, for discouraging further Greenhouse Gas (GHG) emissions in India. To request the Court's writ jurisdiction under Article 32, there should be substantial concerns of climate-related offences present. Sanitation and access to clean water are important human rights. Sustainable development is centred on achieving universal, adequate, and equitable access to safely managed water and sanitation services. The sustainable management goal reflects this. 6. The COVID19 epidemic has further brought attention to the value of maintaining good hygiene through hand-washing and having access to clean water. With only seven years remaining to accomplish SDG 6, billions of people still lack access to clean water and sanitation despite decades of improvement. By lowering the percentage of untreated waste water, avoiding dumping, minimizing release of dangerous chemicals and materials, greatly increasing recycling and safe reuse globally, and improving water quality by 2030. Extending water and sanitation assistance to developing nations and encouraging local participation in water and sanitation management are the two "means of achieving" the targets.

Limitations

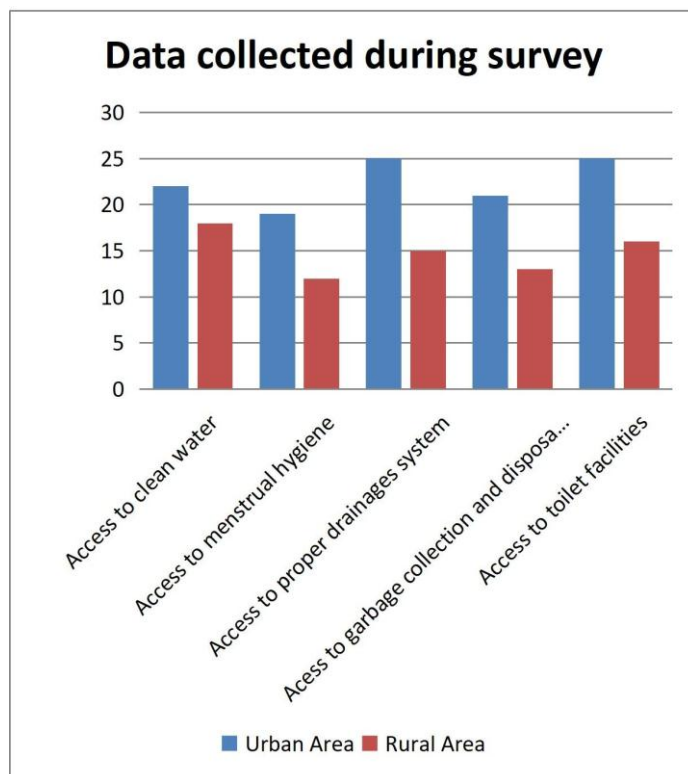
All parties must pay attention to, commit to, and dedicate themselves to the sustainable management of the earth's water resources. The supplies are running out, and the characteristics are declining. There are connections among many concerns, including socioeconomic and cultural ones. Therefore, it is necessary to approach the issue of water management holistically. Conflicting interests must occasionally be resolved in order to respond to various problems. If any of the aforementioned difficulties are treated separately, it could be necessary to disregard or overlook others.

The best course of action would be to pursue a strategy that strikes a balance between development and conservation, enables new technology to coexist with ancient practices, and does so while enlisting the support of all relevant parties. To divide Earth's resources fairly would be one of its guiding principles. In the event that this is not done, hostilities may escalate to the point where the water-rich nations can starve the water-poor nations. Fossil fuels will be replaced by water in the not-too-distant future as a political and economic instrument that can be utilized to influence communities and governments. Major restrictions would also include the following;

- 1) For development to be sustainable, it needs to have three key components: equity, environmental preservation, and economic efficiency, all of which are apparently lacking.
- 2) The main obstacles to sustainable development are eliminating extreme poverty, fostering sustainable production and consumption, and preserving the supply of natural resources on the planet for the benefit of all. However, all of these issues are somehow ignored.

4. Findings/Results

The field trip was a requirement for our interdisciplinary project's research. This research paper's pilot study (fieldwork), which looked at Sohna (Gurugram)'s sanitation situation and access to clean water, yielded one of its main conclusions. We divided the area into rural and urban areas in order to gain better knowledge and make the work easier. About 25 people participated in the interview and were asked to complete the questionnaire.



Questionnaire

1. What is the main source of drinking water for members of your household?

- Piped water
- Dug well
- Delivered water
- Water from spring

2. Where is that water collected from? a. In own dwelling

- In own yard/plot
- Public water supply
- Elsewhere

3. In the last month, has there been any time when your household did not have sufficient quantities of drinking water when needed?

- Yes, at least once
- No, always sufficient
- Don't know

4. What is the kind of toilet facility do members of your household usually use? a. Rush/pour flush

- Dry pit latrines
- Compositing toilets
- No facility/bush/field

5. Do you share this facility with others who are not members of your household?

- Yes
- No
- Cant say

6. Where is the toilet facility located?

- In own dwelling
- In own yard/pit
- Elsewhere

7. Where members of your household most often wash their hands?

- Fixed facility sink/tap)
- Mobile object (bucket/jug/kettle)
- No hand washing place

8. During your last menstrual period were you able to wash and change in privacy while at home?

- Yes
- No

9. During your last menstrual period, what hygiene materials did you see?

- Cloth/reusable sanitary pads

- Disposable sanitary pads
- Tampons
- Menstrual cup
- Toilet paper
- Underwear alone

10. During your last menstrual period, did you miss any of the following activities due to your period?

- Attending school
- Paid work
- Participating in social activities
- Cooking food
- Eating with others
- Bathing in regular place

11. How do you dispose your garbage? a. Open dumps/Landfills

- Burning the garbage
- Municipal waste pickers
- Don't know

12. How do you dispose off household water used for cooking, laundry and bathing? a. Connected to sewer

- Connected to septic tank
- Open drain/Open ground
- Don't know



5. Result

About 25 people were examined and given questionnaires to complete as part of our pilot project. Some of them appeared to be quite eager to complete the questionnaires. They discuss their knowledge of the water and sanitation services available in their community. On the other hand, some people have lost all hope because their expectations regarding access to adequate water and sanitary services were crushed by false promises. While carrying out this adequate sanitation. The situation is so bad that many people aren't even aware of the health issues brought on by contaminated water and poor sanitation, including cholera, dysentery, hepatitis A, typhoid, and polio. Some residents of the village visited us during our pilot research and shared their issues with us. As a result, the findings of the field study are astounding. We motivated them and talked about the advantages and disadvantages of the same issue. Due to their active participation, cooperation, and support of our pilot project, the villagers benefited from increased awareness, and we students gained a realistic understanding of the issues that others in the same situation confront. We attempted to educate people in our poll on the need to maintain excellent hygiene and sanitation because failing to do so can have a lot of negative effects and serve as a breeding ground for germs and new diseases like dysentery.

As being the vulnerable section of the society women are more affected by improper sanitation and unavailability of clean water, as they were comfortable with being because we belong to the same gender and can understand them, they talked about how not having a proper garbage collection and disposal system, clean water, proper drainage system, etc. are affecting them.

Also, we noticed that the problems faced by people in urban areas and rural areas are different when it comes to clean water and sanitation, as on one side people in rural areas are asking for proper water facilities and drainage and garbage collection and disposal system whereas on another side people in urban areas are demanding R.O. water, clean and hygiene public washrooms, different types of dustbins for different type of garbage.

Overall experience of the pilot study was fascinating as we got to know about the ground level situation and it was an eye opening for us.

People's active participation leads to a successful collection of the data which helped us to study the impact of not having clean water and sanitation effectively.

As law students, it is important for us to study law, but this study made us understand the implementation of law and how it functions, and there was a huge difference between what's written on paper and what's real.

6. Conclusion

In an unusually short period of time, the subject matter of climate change has transformed from a theoretical, scientific concern to an urgent, life-saving necessity for a large, growing population. The methodology underlying even if it may still be trendy in some circles to cast doubt on human-induced climate change, there is no longer a meaningful debate about it in peer-reviewed scholarly literature. Many of the worst anticipated effects of climate change will be mediated via water systems, affecting access to sanitary facilities and water for domestic and personal use, and thus inadvertently impairing an array of other fundamental human rights. From this vantage point, the panel of experts believes that it is more important than ever for international and local legislation to increasingly recognize the human right to water and sanitation. Finding measures that can be readily used globally is our task. To quantify affordability of water and sanitation services, we must grasp the extremely complicated concerns of what is included in family income, how to compute unpaid labour, etc. We must also discover a method to test water quality that is applicable in a variety of circumstances. How can we gauge dependability and sustainability... and modify them for local and broader societal needs? Clarifying the mechanisms by which the basic human right to clean water and sanitation is implemented through international water governance, national water policy, and water and sanitation outcomes, empirical studies will be required to explore the causal links among human rights implementation and water and sanitation realization at each level in the policy processes.

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