

# Crafting a Right to Water: A Jurisprudential Analysis

Shampa Dev<sup>1</sup> and Avishek Chakraborty<sup>2</sup>

*School of Law, Christ University, Bangalore, Karnataka, India*

(Received 24 September, 2021; Accepted 22 October, 2021)

## ABSTRACT

The Supreme Court has often reiterated that right to water is a part and parcel of a right to life. The judicialization of right to water has raised fundamental questions about the feasibility of culling out a justiciable fundamental right to water from a social right. While the Jal Boards regulate water supply, sewerage and drainage there are other statutory bodies allocated with the task of maintenance of water bodies. The water policy prioritizes amongst the various uses of water. The common law principles do not serve the present societal needs. Questions of ownership give conflicting results. Different norms applicable, to surface water and underground water, lead to conflicts. Numerous international legal instruments prior to the General Comment number 15, had not specifically mentioned a right to water. Whether the omission was inadvertent - being obvious not requiring specific mention, or implicit and commensurate within the term 'food' or as part of customary international law, or was it because it was not a pressing concern then, needs clarity. While drastic problems call for immediate actions in the form of laws, it is necessary that the laws be consistent with the nature of the subject matter it seeks to regulate. This research paper addresses the problem of identifying the various provisioning requirements and feasibility, in case the right to water is considered as a human right, or granted as a fundamental right or a statutory right. It seeks to compare the implications arising out of holding a right to water as a human right, a fundamental right or a statutory right. While the feasibility of water as a fundamental right is in itself a question, to treat it as a human right leaves it to the whims of the State with only small incremental developments as a result.

**Key words :** *Human right to water, Fundamental right to water, Water as an economic good, Public trust doctrine applied to water, Water as a common law right*

## Introduction

Water is the fundamental basis of life. It has been ages that human beings started realizing the value of water. It is evident from the various practices that were prevalent during ancient times that depicted the value of water.<sup>1</sup> Water was worshipped. It communicates that water should be judiciously used. Later developments saw a split in ownership of water.<sup>2</sup> It may be noted here that patterns of ownership of this extremely valuable natural resource determined the way it was used and who had a say in the use. Further the human spirit of inquiry led to

growth of scientific thought and technological developments. The most important of all scientific developments is the introduction of motors for drawing out underground water, the installation of pipes to draw out subterranean waters, the identification of the link between surface water and ground water and the identification of basins that cater to specific areas.

It is necessary to study the nature of water, as a basic life need and also as a basic right to water. Water has a unique feature that makes it very difficult to regulate. It is unstable, mobile, supply of water varies with seasons at different times of the

---

(<sup>1</sup>Professor, <sup>2</sup>Assistant Professor)

year, course of rivers change, and water is used by different users in various consumption patterns that vary depending on the need and the purpose of its use. These characteristics are to be borne in mind while legislating on the subject. When the needs become more than availability, the population faces stiff competition over limited natural supply.

Is it an economic good (or tradable commodity) or a natural resource belonging to the whole community? Pertinent questions like who owns it or should own it? Should it be State controlled or community managed or left to be governed by market forces? Water, water sharing, consumption patterns, water pollution, water management and optimum use of resources have been the topic of debate and discussions with little outcome.

Total water demand is expected to equal water availability by 2025, but industrial and municipal water demand are expected to rise drastically at the expense of the agricultural sector, which will have to produce more with less water.<sup>3</sup> This raises a question as to what would be a sustainable water use? Quite often the State has been blamed for inequitable and unjust distribution of the benefits arising out of water resources<sup>4</sup>. Vertical development at the cost of exhausting all resources is not a viable option. The realization of shortage of water resource and how it may hit back is more demanding now than has been ever before. The classic example is the Plachimada story. The drawing of all the water industrially from the water basin that catered to the village and the resultant shortage of water opens our eyes to a deeper problem hiding behind the sheath. The rich could buy drinking water but that privilege the poor could not have. This militates against our ideas of a just and equitable society. Can we have economic development at the cost of inequities?

Amongst all natural resources, one that is most vital for the sustenance of life is water. As rightly said, it implies that one, who owns water or has absolute rights over it, has absolute power over the life of others, including animals, birds, plants, trees and insects. In so far as the State has ownership over all natural resources of India, it has absolute power over the life of all citizens, flora and fauna. A state having absolute power over the life of others is a totalitarian state, not a democratic one. As it turns out therefore, all together politically we may claim to be democratic, but economically, specifically from the point of view of the most vital resource for life, namely water, we live in a totalitarian state. The

ongoing struggle is for democratization of the natural resource law. Therefore the alarming situation concerning water laws in our country demands immediate attention.

In India, the statutory legal framework governing right to water, are fragmented and inadequate. Besides that one of the basic issues pertaining to water is that of rights, the kind of right the people have, and the jobs of the state. The whole edifice of the corpus juris on water rests on the basic issues pertaining to the nature of the right, states accountability to the people. The people's responsibilities – legal and otherwise cannot be worked out unless there is clarity on a just stand the state may adopt thereby facilitating a legal frame work of rights in water laws. Conflicting patterns have led to mismanagement and inefficiency. Hence it is essential to analyze the pros and the cons of all the approaches. This research seeks to analyze the laws and the policies of the government in the light of emerging issues in a right-based perspective.

### Examining the Jurisprudential Basis

#### Water as a Common Law Right

Commenting on the source of the right the Supreme Court in 1996<sup>5</sup> stated that “the Constitutional and statutory provisions protect a persons right to fresh air, clean water and pollution free environment, but the source of the right is the inalienable common law right of clean environment.”<sup>6</sup> The common law principles, primarily rest on the following three theories –

**Territorial Sovereignty Theory:** Whoever discovers a resource has dominium over it. The dominant owner in this model allows the use of the resource at his will. Servitudes and profit –a –prendre apply to this.

**Prior Appropriation Theory:** It has been observed that where water is scarce the prior appropriation model has been adopted. Whoever first appropriates gets the right over the water. First in time implies first in right. Now this model has its own drawbacks. Particularly where there is water scarcity this model leaves many high and dry. It does not accommodate changing public need. It is inflexible. This leads to inefficient water use.

**Riparian model:** It may be noticed that where water is in abundance, the riparian model has been followed. Moreover the riparian model requires the upper riparian to use the water keeping in mind the

interests of the lower riparians. So even in the event of water scarcity the upper riparian has to take care of the lower riparian, thereby all interests get protected.

Over a period of time the inadequacies of the above theories led to the springing of new theories. The Equitable Apportionment Theory, Equitable Utilization Theory, the Public trust Theory and the Community Interests Theory have taken over.

### **Water as an Economic Good**

The idea of water as an economic good originated, in the International Conference on Water and the Environment at Dublin in 1992. Treating water as an economic good stemmed from the belief that it is a scarce resource and any waste should be dear. It noted that water has economic value and should be treated as such. Consequently many scholars raised a fear that treating it so, would jeopardize the interests of the poor, as they do not possess bargaining power. It would reduce a valuable and a very important resource into a commodity to be traded amongst those capable of bargain. What remained missed out from all opinions was that the Dublin note further went to state that –

“It is a basic right of all human beings, to have access to clean water....at an affordable price. Managing water as an economic good is an important way of achieving efficient and equitable use, and of encouraging conservation and protection of water resources.”

Referring to the above it is very evident that the suggestion of treating water as an economic good was not with the intention that it should be treated as a commodity and priced and left to the markets to govern by its invisible hand. It actually meant that it should be treated as a scarce commodity that needed to be well regulated. It also meant that the dealings in water should be qualified by the human rights aspect to ensure just and equitable distribution.

A major problem in treating water as an economic good, is that cost recovery of the processes will be done from the end users. So far as drinking water or water for regular use is concerned, an economic model will put pressures on the endeavor to provide just and equitable distribution. So far as commercial use of water is concerned and even agriculture it is asserted that there is a willingness to pay, provided the supply is regular and efficiently done. This commercial use will take care of itself,

one needs to focus on the domestic use and the price of water.

It is pertinent to mention here the ‘Value Theory’. How does one determine the value of say for example – one bucket of water? Is it merely the cost of reaching the water to the consumer? The cost would involve collection of water, transferring it to processing units for cleaning, laying of lines for water supply, infrastructural and staff requirements to monitor and manage the whole process and reaching the processed water to the consumer.

With other goods the above calculation may hold true. But a scarce and a valuable resource like water bring in different implications. Water is life saving. We can’t exist without water. Water connotes existence of life. Such a fundamental element needs special considerations. It is the fundamental requirement of the present as well as the future generation. Hence it cannot be treated like any other good. One can forego any other good when the price is beyond reach, but this does not hold true with water.

Calculating value of this one bucket of water depends on the value we accord to this scarce resource and our belief of the community that these resource needs to serve.

Also considerations of ownership have a role to play in the determination of the value. Should water in whichever part of the world, be owned by the whole humankind? Should it be owned by the whole living body of human and animals? Should the people of politically constituted State own water collectively? Should the locals in the area that the water basin extends to, own it?

Various theories have been put forward to justify one as against the other. The relevancy of the above discussion is to find a basis for the calculation of the price. The inclusion of future generation in the beneficiaries to the existing resource would raise prices just as the inclusion of the whole mankind would. Is it possible to afford such huge water prices?

Further as regards water pricing, the state needs to plan and ensure equitable water allocation. A similar price, irrespective of the paying capacity would bring about inequities. Cost to the environment and cost of reaching water to all would play a role in deciding prices.

Cost recovery is essential as it is necessary to achieve a financially viable and a stable system. The World Health Organization estimates that for water to be considered affordable it should not demand more than 3 to 5 percent of an individual’s income.

While subsidization of water supplies may be a solution, it may actually not work. It may particularly not work in a model where supply is privatized. A model of progressive charging that varies proportionately with the income of a person seems to be a viable option.

### Water as a Human Right

Calls for recognition of right to water as a human right has majorly stemmed from the fear that water if treated as an economic good would result in private interests taking over. Water being very essential to life cannot be left at the markets whims and fancies thereby depriving the poor from having access to it. It does not agree with our sense of justice.

In the Universal Declaration of Human Rights, 1948 a strong reference to the right to water can be read under Article 25. Article 25 states the right to a standard of living that is adequate for health and wellbeing.<sup>8</sup> India is a party of all these human rights documents.

The article provides an individual for a right to a standard of living adequate for the health and well being of himself and of his family including food. The term '*includes*' in the body of the section can clearly be explained that the list given therein is not exhaustive. An inclusive definition permits like things to be included within its purview, by necessary implication. Since health and well-being requires the existence of water, it can be necessarily read into it. Additionally the word 'food' encompasses the existence of water as broadly understood for the sake of sustenance; as well as from the perspective that, much of the food that we grow requires water.

An argument that finds its basis in a claim for a human right to water seems stronger. Human beings cannot live without water.

Yet the absence of a right to water is puzzling. Was the omission in the mention of water, by design or by oversight? Was it too obvious to be included? Or whether it was not a pressing concern then? Or did it already exist as a part of customary international law?

It seems highly unlikely that water is left out by design. The importance of water has been known. Customary law at that point of time governed the subject to a great extent. For securing water as a right, water would have required a special approach. Further in general parlance food has always

meant to include water. The express mention of one implies the existence of the other. It could even be not a very pressing concern then. Yet it does strike as odd today, since we have become more vigilant of our right to water.

The United Nations has made commendable efforts to establish water as a human right. Though it belongs to the second-generation group of rights, the urgency of reforms has led the United Nations and water activists to assert water as a part and parcel of the right to life and thereby asking for immediate measures to preserve, protect and promote the right.

The argument forwarded is that right to life and right to health is already recognized. For the full effectuation of the right to life, conditions conducive for the growth of life must be provided for. Without the basic support system right to life cannot be effectuated.

Right to health also requires as an essential criterion the provision of clean and safe drinking water, proper hygiene and sanitation facilities. It also requires adequate water for keeping cleanliness and diseases in abeyance. Supporters of the above view hope to show an urgency of reforms and hence an immediate translation of the right to water into effect. The arguments though strong are difficult to materialize an enforceable right to water. Its nature does not admit to its realization by a mere abstention or a declaration that is true of the other rights in the group that are liberty rights.

Efforts have been made to read water as a human right through Article 11 and Article 12 and other rights given in the International Covenant on Economic, Social and Cultural Rights. It has also been read as a part and parcel of the right to develop.

But it may be noted that the link between the ICESCR rights and that of right to water is vastly dependent on availability of resources, economic capacity of the State as well as the citizens, circumstances and many other external factors. That brings in a delay and the only recourse then is a progressive step-by-step implementation.

Categorizing water as a human right definitely has its own advantages. It makes the State pay more attention to the needs of the people and ensuring a just and equitable distribution of resources. It makes a claim as a legal entitlement, thereby giving it a priority status. The poor in the society are given due care. People are involved in the decision making process. The United Nations can also monitor the

progressive implementation of the right thereby keeping the pressure up on the States to make due provision for it.

The pre-requisites for the implementation of such a right would be the allocation of priorities. Out of the various uses of water domestic use will be accorded top priority. The State must make provision for adequate, safe and affordable water.

In India the Supreme Court has recognized right to water as a human right. But that has hardly brought any change. A law relating to human right to water will in all certainty impact the riparian model. A human right to water will require the needs of every individual be met. This will be possible by water sharing and transferring water to deprived areas. Vested rights that riparian owners enjoy will fall prey to the provisioning for water as a human right to all. Riparian rights will come in the way of equitable distribution and water affordability.

Easementary rights with respect to the water in the well, will have to give way to a better water acquisition and distribution system. Presently there is no cap on the amount of water that can be drawn from the well.

All individual rights must give way to community rights in water. The introduction of the public trust doctrine in every area of individual water interests can help in redistribution. The operation of this doctrine would allow riparian's or landowners to take only reasonable amounts from the water source. But the introduction of this doctrine might lead to changing investment patterns, redistribution of incomes and lower incentives in functioning thereby affecting efficiency. The disadvantage of treating water solely as a human right leaves it to the whims and fancies of a State, with small incremental measures being made. The urgent attention and action that the subject necessitates is not met.

### **Water as a Fundamental Right**

In a catena of cases<sup>9</sup> the Court declared that water being essential to life water right has to be a fundamental right. The implication of a right being a fundamental right is huge. For one the State has to guarantee the observance and the implementation of the right. If it is a fundamental right then irrespective of the complexities a citizen should get water on demand. As has been already expressed earlier right to water is not in the nature of the 'blue'<sup>10</sup> rights that can be granted by mere abstention. It belongs to the

category of 'red' rights. It requires major provisioning to be effectuated in the form of a fundamental right.

Fundamental rights are justiciable. Such a fundamental right can only materialize when laws are in place.<sup>11</sup> That can only materialize at a later date, certainly not with immediate effect. Such decisions of the Courts at best push the problem to the forefront, and give it the necessary impetus.

Recently a draft Constitution Amendment bill was presented in the Lok Sabha, seeking to introduce a fundamental right to access to adequate potable water and sanitation. To be introduced as Article 30A into the Constitution the amendment if passed shall require a law to be passed effectuating the right. To effectuate the right it will be incumbent to plan and secure the availability of adequate water to honour the right. Hence it would be necessary to protect rivers from deterioration, replenish all water resources and plan necessary expenditure's for infrastructure developments.

### **Grant of Personhood to water bodies**

In the recent years there has been a spate of cases wherein various water bodies were declared to be legal persons. New Zealand<sup>12</sup>, Bangladesh<sup>13</sup> and Indian<sup>14</sup> courts have decided in favour of granting personality to rivers. Christopher Stone<sup>15</sup> had earlier argued that, if environment is granted personhood, then no one could own environment and environment could appear before the court with a plea. Ecuador, Bolivia and Ohio passed laws granting personhood and recognizing rights to nature. The strategies adopted are – 1. Allocate responsibility to the local community to take care of the river with powers to sue and authority to decide with respect to the river, and 2. Create a river authority and allocate to this body the powers and authority to decide. India already has provision for River Board, under the River Boards Act, 1956 that provides for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys. The benefit of the arrangements would be directed towards safeguarding rivers from pollution, drying up, replenishing, etc. all of which will help towards culling out a meaningful right to water.

### **Protection under the Public Trust Doctrine**

The Doctrine of Public Trust rests on the idea that common pool<sup>16</sup>resources (res communes) like rivers, streams, forests, air etc. are held by the State in trust

for the r argue beneficial use of the general public. As per the English common law it was the Sovereign that owned these but the ownership was a limited ownership. The Sovereign could not transfer ownership to private persons to the detriment of the public. The resource has to be used only for public purpose. Supreme Court has asserted that these resources are held by the State and any attempt at appropriating the same to private interests have been struck down.

It may be pertinent to note here the striking similarity this has with the concept of dharma. Historically the idea of dharma governed all actions.

“A simple interpretation of dharma is that it is a non-coercive external order that holds the community together, and leads towards a moral ideal. Etymologically the word is derived from the Sanskrit word ‘*dhri*’, meaning to hold together.”

The doctrine of public trust closely resembles the idea of dharma as a human conduct that is compatible with the nature. It is the impact of the British rule that the State asserts ownership over natural resources, albeit limited. The civil society has objected to this as seen in the Span Motels case. The claims of the civil society seem consonant with the concept of dharma. Dharma also requires the people to share the common resource and treat it with reverence. That implies the prevention of wastage of water. This is essentially the essence of public trust.

It may be appropriate to note here that English common law ideas of limited ownership in the State over natural resources militates against the idea of dharma that Indians were so familiar with. Even today it is evident from the cases that have been taken to the Court of the assertion of the old ideas of dharma. There is no law that requires the State to consult with the people affected by a project. It only provides for the payment of compensation.

The assertion of public trust doctrine has been majorly by way of assertions in the Courts.<sup>18</sup> It is necessary that a clear mention in the form of a law is required. Individual rights will have to give way to community rights. A legal system cannot have split treatments to surface water and subterranean water. If all resources are held in trust by the state in the interest of the community with community participation in decision making processes the right to water can be effectuated with efficiency. Certain tenets in such law must be agreed to –

1. All waters from whatever source (rain or snow) and wherever found (surface or underground)

- are to be treated as a single resource.
2. A watershed (drainage basin or catchment) should be the logical unit of water management.
3. Resource itself shall be maintained and not damaged in its beneficial use.
4. Human interference shall be checked and prevented.
5. It should be the government’s responsibility to ensure beneficial use of water without waste. If it fails in its duty it can be sued.
6. Water allocation process should be due and fair with just and equitable distribution.
7. Every citizen shall have a right to adequate and safe drinking water and water for domestic use.
8. Domestic use of water shall be given top priority over commercial use.
9. Laws must take into account the diverse topography and water landscape in India.
10. A scientific data monitoring system is an absolute must.

## Conclusion and Suggestions

Indian laws are compliant to a great extent with the international laws. Infact the Environment Protection Act was enacted to give effect to the international norms. But there being no comprehensive law on water, it is difficult to say as to what percentage of Indian laws are compliant. For example the Helsinki rules or the Dublin Conference notes are agreeable to in the Indian context, but it does not manifest itself in the form of a law. Further International law implores the treating of water as a human right. There have been occasional decisions of the Court wherein water as been held to be a fundamental human right in India. But a judgment of the apex court serves only to give an impetus in that direction. It is submitted that in the lines of the discussion made above the right would be better effectuated by protecting it under the public trust doctrine and making concerted efforts and investing of resources to materialize the right. Necessary legislations to stop over exploitation and overuse of underground water needs to be enacted.

The conflicting and competing interests are evident in the following domains. Between individual rights and community rights, the individual is reluctant to give away his almost absolute rights relating to water in the well, and community interests have taken a beat. There has also been friction amongst

industrial interests and requirements *vis a vis* community interests in preserving underground water. The State has also had friction with the community in asserting its powers to take land for the construction of dams thereby affecting the displaced people adversely and harming environmental interests by affecting the water table adversely. The water table goes up for the upper riparian's and goes down for the lower riparian's, there is also an evident conflict between the present generation and the future generations needs, who are assumed to have equal rights as the present generation to inherit an ecologically stable and a naturally endowed world.

The judiciary has played a major role in providing the necessary impetus just as the international society has. It has reiterated the constitutional directive as mentioned in Article 39 (b) that 'the ownership and control of material resources of the community are so distributed as best to sub serve the common good.' With international pressure, judicial impetus, the civil society's demands the efforts of the State will certainly materialize an efficient reallocation of water resources and a right to adequate and safe water.

With respect to the role of institutions, laws, policies to promote right to water it has been seen that various institutions have been created by the State to monitor and suggest measures to the prioritization. Domestic use including drinking water and sustaining livelihood requirements have received top priority. Various policies and schemes of the State have been framed for effective water management, but unless and until a comprehensive legislation is made, the efforts will remain scattered, imprecise and distracted. While the feasibility of water as a fundamental right is in itself a question, to treat it as a human right leaves it to the whims of the State with only small incremental developments as a result. A comprehensive law based on the public trust doctrine, including all stakeholders in the decision making process, is the way forward. Water management and planning should integrate data on availability of resources, quantum of rainfall, underground and surface water in the area. This data being different for different regions the local self governing bodies must be given time bound planning requirements for the conservation, replenishing and the decision on sustainable use of water in the region.

## References

- Acton v. Bhundell* (1843) 12 M & W 342  
*Ballard v. Tomlison* (1885) 29 Ch D 115 as referred from Ratanlal&Dhirajlal, *The Law of Torts*, pg. 404 (LexisNexis, 26<sup>th</sup> Edition, 2013)  
 Chhatrapati Singh, *Water Rights and Principles of Water Resources Management*, (N M Tripathi Pvt. Ltd., Bombay, 1991)  
 Dante A. Caponera, Marcella Nanni, *Principles of Water Law and Administration: National and International*, (Routledge, 2019)  
*Dawood Hashim v. Tuck Shein*, AIR 1931 Privy Council 72  
*Diwan Singh and another v. The SDM and other* 2000 ALL L J 273  
*Environment and Consumer Protection Foundation v. Delhi Administration* (2012) 10 SCC 197  
 Erik B Bluemel, The Implications Of Formulating A Human Right To Water, *Ecology Law Quarterly*, © 2004 by Regents of the University of California  
*Gautam Uzir and another v. Guwahati Municipal Corporation* 1999 (3) GLT 110  
 General Comment No. 15, The Right to Water (Article 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), U N Doc. E/C.12/2002/11, 26 November 2002.  
 GN Kathpalia and Rakesh Kapoor, *Water Policy and Action Plan for India 2020: An Alternative, Alternative Futures*, New Delhi, November 2002 [https://niti.gov.in/planningcommission.gov.in/docs/reports/genrep/bkpap2020/10\\_bg2020.pdf](https://niti.gov.in/planningcommission.gov.in/docs/reports/genrep/bkpap2020/10_bg2020.pdf)  
*Hanuman Prasad v. Mendwa*, AIR 1935 Allahabad 876  
 Helsinki Rules & Hague Declaration on Water Supply  
*Hinch Lal Tiwari v. Kamala Devi* (2001) 6 SCC 496  
*Indian Council for Enviro legal Action v. Union of India*, (2011) 8 SCC 161  
*Intellectual Forum, Tirupathi v. State of Andhra Pradesh*, AIR 2006 SC 1350  
 Ise, *The Theory of Value as Applied to Natural Resources*, American Economic Review, Vol. 15 No. 2 pp. 284-291 <http://www.jstor.org/stable/1807119>  
 Janice Gray, Richard H. Bartlett, (Law teacher) Rebecca Nelson, Alex Gardner, *Water Resources Law*, (Lexis Nexis Butterworths, 2018)  
 Justice Rama Jois, *Ancient Indian Law: Eternal Values in Manusmriti*, (Universal Law Publishing Co. Pvt. Ltd. New Delhi)  
*Labkanpara Tea Company v. Gopalpur Tea Company*, 40 CWN 916  
 Mehta V. M.C. *Kamal Nath* (1997) 1 SCC 388 at pg. 34  
 M C Mehta V. *Union of India*, AIR 1988 SC 1037  
 Jain, M.P. 2009. *Indian Constitutional Law*, 5<sup>th</sup> Edition, 2009, (Lexis Nexis Butterworths Wadhwa, Nagpur)  
 Madhav Gadgil and Ramachandra Guha, *Ecology and Equity: The use and Abuse of Nature in Contemporary In-*

- dia, (Routledge, Oxon, 1995 © 1995 United Nations Research Institute for Social Development)
- Maung Byav. MaungKeviNyo*, AIR 1935 Privy Council 236
- MelepatMadhetil v. Neelamance*, AIR 1938 Madras 649 as gathered from CHHATRAPATI SINGH, *Water Rights and Principles of Water Resources Management*, (N M Tripathi Pvt. Ltd, Bombay, 1991).
- Mukesh Sharma V. Allahabad Nagar Nigam, 2000 ALL L J 3077
- National Water Policy 2002
- National Water Policy 2012
- Peter H. Gleick, 1996. *Basic Water Requirements for Human Activities: Meeting Basic Needs*, 21 *Water International* 83.
- Phillippe Cullet and Joyeeta Gupta, *Evolution of Water Law and Policy in India*, in Joseph W. Dellapenna & Joyeeta Gupta eds, *The Evolution of the Law and Politics of Water* (Dordrecht: Springer Academic Publishers, 2009)
- Race v. Ward* (1855) 4 E. & B. 702 referred in "Property Rights in Water" *Columbia Law Review*, Vol. 13, No. 3 (Mar., 1913), pp. 251-253 <http://www.jstor.org/stable/1110365>
- Ramaswamy Iyer, *Water and the Laws in India*, (Sage Publications, 2009)
- Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1987 SC 2426
- S Jagannath v. Union of India*, 1996 (9) SCALE 167
- S K Garg v. State of U P* 1999 ALL L J 332
- Salman M. A. Salman, Daniel D. Bradlow, *Regulatory Frameworks for Water Resources Management: A Comparative Study (Law, Justice, and Development Series)*
- Secretary of State v. Sannidhi Raju*, AIR 1932 Privy Council 46.
- Stephen C. McCaffrey, *The Human Right To Water*, in *Fresh Water and International Economic Law*, Ed Weiss et al. 2005, Oxford University Press, New York, ISBN 0-19-927467-3
- Subhash Kumar v. State of Bihar* AIR 1991 SC 420
- Susan Hunter, Richard W. Waterman, *Enforcing the Law: The Case of the Clean Water Acts -Bureaucracies, Public Administration, and Public Policy*, (M E Sharpe Inc. 1996)
- Sutcliffe v. Booth* (1863)
- The UN General Assembly Resolution – *The Human Right to Water and Sanitation*, 2013. [www.ielrc.org/content/e1310.pdf](http://www.ielrc.org/content/e1310.pdf)
- Thompson Olivia, N. *Bi-National Water Management Perspectives of Local Texco Officials in the US*, <http://www.ecommons.txstate.edu/arp/313>
- Vellore Citizen's Welfare Forum v. Union of India* (1996) 5 SCC 647
- Vippalapati v. Raja of Vizianagaram*, AIR 1937 Madras 310
- Wasim Ahmad Khan v. Government of A P*, 2002 (5) ALT 526
- World Health Organization, *The Right to Water* 6 (2003), [http://www.who.int/water\\_sanitation\\_health/rightwater/en/](http://www.who.int/water_sanitation_health/rightwater/en/).
- [http://www.un.org/waterforlifedecade/pdf/human\\_right\\_to\\_water\\_and\\_sanitation\\_milestones.pdf](http://www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_milestones.pdf)
- [http://www.fao.org/nr/water/aquastat/countries\\_regions/Profile\\_segments/PNG-Inst\\_eng.stm](http://www.fao.org/nr/water/aquastat/countries_regions/Profile_segments/PNG-Inst_eng.stm)
- <http://www.un.org/millenniumgoals/>
- [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20030322\\_kyoto-water\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20030322_kyoto-water_en.html)