

## LEGAL REGIMES FOR CONTROLLING THE POLLUTION OF LAKES

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### INTRODUCTION

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Lakes constitute an essential part of the urban ecosystem. Although relatively small, lakes have a significant environmental, social, and economic role, ranging from drinking water to groundwater recovery, flood control, biodiversity support, and livelihoods. Water in lakes is a water supply readily accessible to meet the needs of many industries, including forestry, domestic and industrial sectors. These water bodies, whether made from human or natural freshwater or brackish water, play a crucial role in maintaining environmental sustainability, especially in urban environments, particularly today when cities face the challenges of unplanned urban development.

Lakes and wetlands are very poorly protected and in varying degrees of destruction of the ecosystem in India. While urban planners have recognized their cultural, social, and economic importance, they have willingly neglected and destroyed these water bodies. Today, these bodies of water are trapped, full of waste. Owing to the unplanned urbanization, much of the lakes' landscape was riddled with impervious surfaces. As a result, wastewater and effluents, instead of rainwater, fill urban water bodies. Once urban sponges, urban lakes have now become dangerous, even if there are rainfall and the overflow into the blocked water channels when the rain is very high which may lead to floods in many areas of the city. The complete depletion/degradation of these urban lakes has exacerbated flooding and has exacerbated drought pain.

As the classification of the lakes in India is not specified, a general classification criterion is applied to categories of lakes that are based upon geographical location such as Himalayan lakes, etc. Criteria such as freshwater lakes, brackish lakes, etc. Ephemeral lakes like Ganga Brahmaputra Basin Lakes, for instance. Practical requirements for irrigation dams, water supply, and hydrology, etc.

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## THREATS AGAINST URBAN WATERS

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For the last two decades, urban water systems have faced several threats apart from unplanned urbanization in India. These include pollution, invasion, eutrophication, illegal mining, ungoverned tourism, and cultural abuse.

**Pollution:** The urban population has increased explosively over the past two decades without a corresponding expansion of civic facilities such as adequate waste disposal infrastructure. As more and more people migrate to cities, urban municipal services become less suitable. As a result, nearly all Indian urban water bodies suffer from pollution. They are used for the disposal of untreated sewage and solid waste, and, in many cases, water bodies were gradually redeployed.

**Encroachment:** Encroachment is another major threat to water bodies in urban areas in particular. As more people migrate to cities, land availability becomes scarce. Even a small piece of land today has a high economic value in urban areas. These urban water bodies are therefore recognized as the property of high value. These lakes are extremely valuable resources both for government and private builders. Another interesting example of intrusion and pollution is Pallikaranai Marshland, not by a private builder but by the government itself discharge, and construction of new buildings, such as a train station and a new road. The Pallikaranai wetland is currently also one of the largest official dumping sites in Chennai. Similarly, the case of the government's intrusion of Sola Beel in Guwahati, where, despite Guwahati High Court orders, the State revenue department allocated a construction lake bed to protect all wetlands in the State.

**Eutrophication:** Lakes are almost closed ecosystems, primarily lentic water systems. Therefore, a large number of the substances that enter lakes become a permanent part of the water system. This results in the entry of particles by raw sewage into the lake system and causes several destructive changes in the water bodies, such as the prolific growth of aquatic weeds in lakes and lakes, which ultimately disrupt the water bodies' ecological condition and kill them. Bheels of Assam is a well-known example of the high emission growth of hyacinth.

**Illegal mining:** Illegal mining on the catchment and the beds of the lake for material like sand and stones has a highly damaging effect on the water bodies and is also one of the reasons behind the destruction of many water bodies in India. In Jodhpur, for example, Basamand

Lake, once the only drinking water source for the city of Jodhpur, has suffered illegal mining for the past 20 years, despite the Supreme Court's decision in 1999 to stop mining. Haryana's Surajkund Lake is another example of illicit mining that has destroyed the lake.

Unplanned tourism activities: Another significant danger to urban water bodies is unplanned tourism without systematic planning and regulation. The effects of tourism on the local environment are a disturbance of wildlife, noise, changes in the local lifestyles, and the loss of cultural heritage. Without a waste disposal facility, dumping waste has become a common practice in the past few years. In the Dal Lake in Srinagar, TsoMorari, and Pongsho Lakes in Ladakh, there unexpected and unregulated tourism has had long-term negative consequences.

## **LAWS FOR LAKE MANAGEMENT**

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Article 48A of the Constitution of India states explicitly that “the State shall aim to protect and develop the environment and conserve the country's forests and wildlife”. Similarly, Article 51A of the Indian Constitution stipulates that every person has a constitutional obligation to protect and improve the natural environment. The high courts also understand the value of urban watercraft and are capable of issuing a mandamus under the existing constitutional provision and legislation. The mission is to be sustainable while trying to preserve the existing environment. In compliance with this mandamus, a superior court (high court or Supreme Court) may pass an order against any public authority to act as per the law. There is currently no specific law on the lake or other aquatic ecosystem protection and conservation. There are, however, a range of initiatives, plans, and services, legislation/bills, and regulations for water conservation.

## **WATER PRESERVATION POLICIES**

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In 1987, the first National Water Policy was framed. However, water conservation was addressed at the national level only in 2002 when the first national water policy was revised (National Water Policy, 1987). Besides, the revised policy only mentions the reactivation of traditional systems. In 1983, the Ministry of the Environment and Forests (MoEF) had previously developed the National Wetland Conservation Program for lakes and other water bodies.

Many lakes in the urban places face increased pollution and illegal land acquisitions, the Ministry developed a separate lake conservation program called the National Lake Conservation Plan (NLCP) in urban areas in 2001.

The costs of the NLCP were shared by central and state governments in a ratio of 70:30. To enhance the implementation and coordination process between the various governments and bodies, all authorities are instructed to establish City Level Monitoring Committees (CLMCs). To date, 352,19crores have been spent by the NLCP on restoring more than 40 lakes in 14 states. However, regrettably, the findings remain far from satisfactory. For example, the majority of the money received in government schemes such as NLCP projects was invested in high-tech solutions and enhancement around a water body instead of ecological restoration and improvements of water quality. Even after its restoration, the water quality of Pushkar Lake has not reached national water quality requirements. In the NLCP projects, there has also been a lack of stakeholder participation and capacity building, which is one of the main goals of the NLCP.

### **WATER BODIES MANAGEMENT ACTS / BILLS**

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Besides the abovementioned political statements, the Ramsar Convention on Wetlands 1971, the Water (Prevention and Control of Pollution) Act 1974, etc., are enacted for the conservation of lakes and other bodies of water in India. However, only a few cities/states in India have adopted and implemented laws specifically designed to conserve water bodies. Amongst them are Guwahati (Assam), Kolkata (Western Bengal), Andhra Pradesh, and Kerala.

The East Kolkata Wetland Conservation and Management Act was adopted earlier in 2006 to protect about 12,000 ha of wetland. The 'Water, Land and Trees Act' of the Andhra government allows state agencies to take necessary actions to preserve water bodies. The Act also calls for steps to delimit the water borders permanently and to remove and avoid invasion. The Kerala Government has also signed the Paddy Land and Wetland Act, 2008 on Conservation. This Act provided for no less than six months in prison and fined Rs. 1 lakh.

## **JUDICIAL INTERPRETATION OF RIGHT TO LIFE AND ENVIRONMENT RIGHTS**

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The second significant development has been the case law arising from a series of extraordinary judicial decisions made in recent years, in particular concerning 'the right to life' in Article 21 of the Constitution. Article 21 says no person can be deprived of his life and liberty-which is India's guiding light. All other articles are subject to this requirement.

In other words, all articles have been written to keep this theme of the Indian Constitution — "life and liberty" — no individual not only citizens in India are denied life and liberty.

This article has been the most dynamic of all articles under the Indian Constitution and with the help of Article 21, protects the life and the freedom of individuals. It provides and seeks to ensure that no one is deprived of his life or personal freedom except in a procedure set out by law. The right to life here encompasses the right to health, the right to food, the right to an environment free of pollution, etc. In short, Article 21 guarantees an integrated person the right to live with human dignity.

Consequently, constitutional provisions, in particular fundamental rights and Article 21 in particular, are widely understood by the judiciary. The Supreme Court has sought to expand the scope and purpose of Article 21 instead of stressing its meaning and content using judicial construction. Most environmental cases have been resolved by the judiciary in which they regard the right to a healthful environment as vital for life and maintain it as a fundamental right. We should, therefore, find Article 21 as a source of waterbodies conservation.

### **CONCLUSION**

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Eventually, the environmental deterioration could endanger the lives of present and future generations. The right to life has, therefore, been diversely used in India. The right to survive as a species, to have a quality of life, to live with dignity, to have the right to a good environment, and to live. These rights were implicitly recognized in India as constitutional rights. It is, therefore, evident that Article 21 has a multidimensional meaning. Any arbitrary, whimsical, and fancy Act by any state which takes away these associated rights as well would be contrary to Article 21 of the Indian Constitution.

The earth's landscape is characterized by the lakes as well. These are not only a major source of precious water but often provide plants and animals with valuable habitats, alleviate extreme hydrological events (dry and flooding) and impact microclimate, enhance landscape aesthetic beauty and offer plenty of opportunities for leisure time. The lakes offer a wide range of values and uses, such as drinking, irrigation, fishing, ecotourism, and so on. Indirect usage values include the beneficiary residing off the lakes, the future potential, and the social advantage of the availability for future generations of safe water resources.

Today's generation already is facing too much water shortage, and it is unimaginable what may be the situation of urban people in the next 10 or 20 years. The Study of damage caused by pollution to urban lakes while highlighting their importance is the need of the hour.

