

CLEAN WATER, CLEAN RIGHTS: EXAMINING THE LEGAL IMPERATIVE OF SDG 6 IN INDIA (FOCUS: CLEAN WATER AND SANITATION – GOAL 6)

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Abstract

Access to clean water and sanitation is not just a developmental goal, it is a fundamental human right. This article explores the legal dimensions of Sustainable Development Goal 6 (SDG 6) in the Indian context, analyzing how national laws, policies, and judicial interventions support the realization of universal access to safe water and sanitation. It critically examines the role of constitutional rights, environmental laws, and government schemes in advancing SDG 6, while highlighting existing challenges such as water pollution, inequitable access, and regulatory gaps. The paper underscores the need for stronger legal enforcement, inter-agency coordination, and community participation to meet the 2030 targets. By aligning legal frameworks with SDG 6, India can ensure not only improved public health and environmental sustainability but also uphold the dignity and rights of its citizens.

1. Introduction

Clean water and sanitation are foundational to public health, environmental protection, and human development. Recognizing their importance, the United Nations adopted Sustainable Development Goal 6 (SDG 6) to “ensure availability and sustainable management of water and sanitation for all” by 2030. This commitment is not just a developmental goal but also reflects a global shift toward acknowledging access to water and sanitation as fundamental human rights.

India, with a population exceeding 1.4 billion, faces tremendous challenges in realizing SDG 6. According to UNICEF, nearly 163 million people in India lack access to clean water close to home, and about 300,000 children under five dies annually due to water-borne diseases. Despite constitutional and judicial advances in recognizing the right to water under Article 21, significant gaps are still in legislative coherence,

policy implementation, and fair access, particularly for marginalized communities.

This article explores the legal dimensions of SDG 6 in India, evaluating the country's constitutional, legislative, judicial, and policy frameworks. It critically analyzes whether current structures suffice to uphold the right to water and sanitation as justiciable entitlements. It also shows challenges and proposes reforms to strengthen India's legal infrastructure in alignment with SDG 6's vision of clean water as a universal right rather than a privilege.

2. Goals, Targets, and Indian Realities

SDG 6 is not limited to infrastructure; it calls for holistic water governance, including access, quality, efficiency, ecosystem protection, and community participation. The six key targets are:

1. Safe and affordable drinking water (6.1)
2. Sanitation and hygiene for all (6.2)
3. Improved water quality through reduced pollution (6.3)

4. Water-use efficiency and sustainable withdrawals (6.4)
5. Integrated water resources management (6.5)
6. Protection and restoration of water-related ecosystems (6.6)

India's water crisis is both a supply and governance issue. The Central Ground Water Board reports that 70% of water in India is contaminated. While urban centers face issues of supply irregularity and aging infrastructure, rural areas suffer from arsenic and fluoride contamination, lack of toilets, and seasonal scarcity.

India has taken several steps to align its development agenda with SDG 6. However, water governance stays fragmented across ministries, departments, and states. Without clear legal mandates and enforcement mechanisms, many of these efforts struggle to deliver sustainable outcomes. A strong legal framework is essential to translate the vision of SDG 6 into lived realities for all Indians.

3. Constitutional and Judicial Recognition of the Right to Water

The Constitution of India does not expressly recognize the right to water, yet it has been judicially interpreted to be part of the right to life under Article 21. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court declared that the right to live includes the right to enjoyment of pollution-free water. This principle has since been reiterated and expanded in many judgments.

In *Bandhua Mukti Morcha v. Union of India* (1984), the Court emphasized that the right to live with human dignity includes access to basic necessities such as drinking water. In *M.C. Mehta v. Kamal Nath* (1997), the public trust doctrine was invoked, declaring that natural resources, including water, are held by the state in trust for the people.

The judiciary has often stepped in where legislative and executive branches have failed. For instance, in *Vellore Citizens Welfare Forum v. Union of India* (1996), the Court mandated the

relocation of polluting tanneries and compensation for water pollution victims.

However, judicial orders have limitations. Implementation is still weak due to:

- Lack of enforcement ability
- Overburdened judicial system
- Bureaucratic inertia

Moreover, without a legislative mandate, courts often rely on broad constitutional interpretations, which may not provide concrete remedies or standardized rights. To overcome these shortcomings, a statutory framework recognizing and protecting the right to water and sanitation is essential.

4. Legislative and Regulatory Framework for Water and Sanitation in India

India has several laws governing water use, pollution control, and sanitation, though none treat water as a justiciable right. The **Water (Prevention and Control of Pollution) Act, 1974** is the cornerstone of water regulation, showing Central and State Pollution Control Boards. However, its focus is primarily on pollution control, not on universal access to clean water.

The **Environment (Protection) Act, 1986**, enacted after the Bhopal disaster, grants the Central Government wide powers to protect the environment, including water bodies. Additionally, the **Factories Act 1948** and various municipal laws address sanitation requirements, especially in urban areas.

India's legal framework on water is scattered and outdated. The **Water (Prevention and Control of Pollution) Act, 1974** focuses on controlling industrial and municipal water pollution but does not provide a right to clean water. Similarly, the **Environment Protection Act, 1986** empowers the central government to take measures for protecting water bodies but lacks a rights-based orientation.

The **Factories Act, 1948**, **Municipal Acts**, and **Building Byelaws** contain sanitation-related provisions, mostly for workers or residents in planned urban areas. The **Model Water**

(Groundwater) Bill, though revised multiple times, has not been adopted uniformly by states.

India lacks a central law recognizing water as a human right. This legal vacuum leads to inconsistent standards, regulatory overlap, and weak accountability. For example, groundwater is under state authority, leading to unregulated private extraction. Water is often seen as a commodity, not a public good.

Some progress has been made. The **Right to Education Act, 2009** mandates safe drinking water and sanitation in schools. The **National Water Framework Bill, 2016** proposed recognizing the right to water, but it is still pending. India needs a comprehensive Water Rights Act that includes:

- Legal recognition of the right to water and sanitation
- Minimum quantity and quality standards
- Clear institutional responsibilities
- Penalties for non-compliance

5. Policy Approaches and Government Initiatives

India has launched several flagship schemes aligned with SDG 6:

- **Swachh Bharat Abhiyan (2014)**: Aimed at ending open defecation and improving sanitation infrastructure. The campaign declared India open-defecation free (ODF) in 2019, although field surveys suggest gaps in actual usage and waste management.
- **Jal Jeevan Mission (2019)**: Seeks to provide piped water to every rural household by 2024. The mission emphasizes community participation and transparency.
- **AMRUT (Atal Mission for Rejuvenation and Urban Transformation)**: Focuses on infrastructure development in urban areas, including sewerage and drainage systems.

- **National Rural Drinking Water Programme (NRDWP)**: Targets safe drinking water in rural areas.
- **Namami Gange Programme**: Targets cleaning the Ganga River and its tributaries through sewage treatment, riverfront development, and community participation.
- **Atal Bhujal Yojana**: Focuses on groundwater management in water-stressed districts through data-sharing and local water budgeting.

These schemes align with SDG 6 but face multiple issues:

- Budget shortfalls and inconsistent disbursement
- Inadequate coordination among agencies
- Top-down approach lacking community ownership
- Emphasis on construction over sustainability and behavior change

Despite massive toilet construction under Swachh Bharat, many are unused due to poor water availability or cultural resistance. Similarly, Jal Jeevan Mission is hindered by aging pipelines, source sustainability, and lack of trained personnel.

To be effective, these policies need legal backing, rigorous monitoring, and decentralized governance. Public awareness and behavioral change must complement infrastructure development. Despite significant allocations, many programs suffer from implementation lags, bureaucratic delays, and a lack of trained personnel. Monitoring stays weak. There is also inadequate focus on sustainability, such as rainwater harvesting and groundwater recharge.

While these policies show political will, without strong legal backing and local-level empowerment, their long-term success is still uncertain.

6. Challenges and Barriers to Achieving SDG 6 in India

Achieving SDG 6 is hindered by several systemic challenges:

- **Groundwater Depletion:** India is the largest user of groundwater globally. Unregulated extraction for agriculture and domestic use has led to dangerously low levels, especially in Punjab, Haryana, and parts of Maharashtra.
- **Pollution:** Industrial effluents, untreated sewage, and agricultural runoff severely contaminate water sources. The Ganga and Yamuna rivers remain among the most polluted despite cleanup missions.
- **Urban-Rural Divide:** Access to clean water and sanitation is significantly lower in rural areas. Marginalized communities such as Dalits, tribals, and women face higher exclusion.
- **Institutional Fragmentation:** Overlapping responsibilities between central and state agencies, and between water and sanitation departments, create inefficiencies.
- **Cultural and Behavioral Issues:** Open defecation and water wastage are deeply rooted in social practices. Behavioral change campaigns often lack depth and follow-up.
- **Quantity and Quality Issues:** Central Ground Water Board estimates 70% of groundwater is unsafe for consumption due to nitrate, fluoride, and arsenic contamination.
- **Wastewater Management:** According to the CPCB, only 37% of India's sewage is treated. Untreated sewage and industrial effluents pollute rivers, lakes, and groundwater.
- **Social Inequality:** Manual scavenging, despite legal prohibition, persists. Marginalized communities often rely on

shared or unsafe sources. Women and girls are particularly affected, as they bear the burden of fetching water and face harassment due to lack of sanitation facilities.

- **Climate Change:** Erratic rainfall, floods, and droughts further stress India's already fragile water systems. Water security must now be planned with resilience in mind.
- **Institutional Weaknesses:** Multiplicity of agencies at central, state, and local levels results in poor coordination. There is no single accountable authority for water governance.

Legal challenges include:

- Absence of a framework to define entitlements
- Weak enforcement mechanisms
- No grievance redress system for denial of access

Without an integrated legal and institutional approach, these barriers will continue to obstruct India's progress toward SDG 6.

Legal fragmentation is a major issue. There is no unified water governance framework that can effectively address these interconnected challenges.

7. Reform, Accountability, and the Way Forward

To fulfill SDG 6, India must adopt a **rights-based, legally enforceable approach** to water and sanitation. Recommendations include:

- **Enact a National Water Rights Act:** Recognizing the right to water and sanitation explicitly, with provisions for grievance redressal and accountability mechanisms.
- **Strengthen local governance:** Panchayati Raj Institutions and Urban Local Bodies must be empowered and adequately funded to manage water resources.

- **Improve enforcement:** Pollution laws must be strictly enforced, with regular inspections and penalties for non-compliance.
- **Invest in technology:** Use of IoT sensors for leak detection, satellite monitoring of groundwater, and AI in pollution tracking can improve outcomes.
- **Promote water conservation:** Laws mandating rainwater harvesting, greywater recycling, and sustainable irrigation should be enacted and enforced.
- **Public engagement:** Community ownership, transparency in project implementation, and active participation must be at the heart of SDG 6 strategies.
- **Enact a Water Rights Act:** Clearly define minimum water standards and access as a legal entitlement.
- **Adopt the National Water Framework Bill:** Ensure a unified national approach with respect for state autonomy.
- **Update existing laws:** Revise colonial-era acts and bring in uniformity across state regulations.

Institutional Recommendations:

- **Decentralized governance:** Empower local bodies with funds, functions, and functionaries.
- **Transparency and grievance redress:** Prove mechanisms for citizens to report violations or service failures.
- **Capacity-building:** Train local officials, engineers, and frontline workers in water quality, monitoring, and community engagement.

Policy Recommendations:

- **Focus on sustainability:** Promote rainwater harvesting, wetland protection, and aquifer recharge.

- **Prioritize vulnerable groups:** Ensure gender-sensitive and inclusive water planning.
- **Leverage technology:** Use GIS mapping, mobile apps, and AI for leak detection, quality monitoring, and predictive planning.

Integration with other SDGs—especially health (SDG 3), gender equality (SDG 5), and climate action (SDG 13)—will create a holistic, sustainable water governance model.

Conclusion

Clean water and sanitation are cornerstones of human dignity, public health, and sustainable development. As India marches toward its 2030 commitments under the SDGs, it must recognize that these are not just developmental metrics but legal and constitutional imperatives.

This article has argued that SDG 6 must be implemented through a robust, enforceable legal framework that empowers individuals and holds the state accountable. Piecemeal policies and judicial pronouncements, while useful, cannot substitute a rights-based legal regime. A unified Water Rights Act, supported by strong institutions and inclusive policies, is the need of the hour.

Achieving SDG 6 will not only fulfill international obligations but also strengthen democratic governance, reduce social inequalities, and promote intergenerational justice. The legal imperative is clear: clean water is not a luxury or a favor—it is a right. And that right must flow to every citizen, from urban high-rises to rural hamlets, before 2030 becomes another missed deadline.