Living Rivers

Why in news?

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- Recently, the Madhya Pradesh government took a decision to declare river ‘Narmada’ as a living person with all attendant rights following the precedent of Uttarakhand.
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What is the background?

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- Uttarakhand High Court declared Ganga & Yamuna as living entities having status of legal persons and having all corresponding rights, duties and liabilities.
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- The judgment also identified three officials as the human face to protect, preserve and conserve these rivers, who are bound to promote their health and well being.
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- The court also observed that the rivers are the source of physical and spiritual sustenance of people from time immemorial, that these ‘rivers are breathing, living and sustaining the communities from mountains to sea’ and that such declaration as legal persons is needed to protect the faith in of society.
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Who else have declared their rivers- living?

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- The New Zealand government declared the Whanganui River as a legal person reflecting the aspirations of the Whanganui Iwi indigenous people,

who not only relied on the river for their essential source of food, but held it as being a deep spiritual source as well.
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- The New Zealand government not only declared the river Whanganui as a living person, but also provided a settlement of $80 million to redress various ‘actions and omissions’ in the past by the Crown, established a legal framework to support the Whanganui river, and created a Fund of $30 million to restore the river’s health.
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- Ecuador has a specific chapter on the Rights of Nature in their Constitution.
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- Under the constitution, Nature is subject to fundamental rights guaranteed, as applicable to natural persons. Nature is given the ‘right to exist, persist, maintain and regenerate its vital cycles, functions and its processes in revolution’. Nature has a right to restoration.
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How enormously polluted are these rivers?

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- On one hand, Ganga is the fifth largest polluted river in the world receiving 500 mld (million litres per day) of partly or totally untreated industrial effluents from 764 grossly polluted industries and about 300 mld effluents from urban bodies.
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- On the other, Yamuna is also polluted by the untreated wastes sourced from cities along its course, and industrial wastes generated alongside the river.
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- The quality of river water has hugely deteriorated due to the organic load (i.e. BOD-biological oxygen demand).
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- This gets reduced due to dilution, but high presence of faecal coliform bacteria noticed in many segments of the river is a red flag.
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How the judgments will revamp the River?

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- The 2 rivers can claim ‘right to life’ following the Fundamental Rights provisions of the Indian Constitution, and can theoretically enforce the same.
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- This is relevant from the perspective of preventing pollution of the river and also of aquatic mammalian species such as Gangetic dolphins.
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What are the major challenges ahead?

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- This is a complex process involving industries and utilities of local bodies are the point sources of pollution and millions of farmers alongside the rivers are the non- point sources of pollution.
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- The polluters who are liable to be sanctioned in court proceedings are many: industrial units, municipal authorities, local bodies, villages, and so on.
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- One important question is: will the new step ensure clean water in the two rivers or deter the polluters from further polluting the rivers?
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How the processes can be regulated?

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- The regulatory machinery for ensuring Zero Discharge has weak capacity to deliver today.
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- ‘Online data monitoring’ at sewage discharge points of an industrial unit or utility has been thought of, but its proper implementation is a big challenge.
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- In the context of, absence of proper sewer network and subsequent non-treatment of municipal sewage, especially in urban areas and open defecation in rural areas, the Swachh Bharat Abhiyan programme is a right step forward, but its lesser emphasis on faecal sludge management

is a matter of concern.
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What is the way forward?

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- The perception that only governments are mandated or supposed to ensure clean rivers has to be changed.
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- The public at large, civil societies, and industrial stakeholders, are important stakeholders for achieving such objectives.
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- However, giving rights to rivers is an important step in the right direction for ensuring clean rivers. But only time will fully tell as to its specific impact.
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Source: Business Line

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