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# Water Law and Governance in India: Time Vedic to Contemporary

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#### ABSTRACT

Water is precious and is the lifeline of all the living entities in this universe. Earth, Sky, Air, Fire and Water are the five essential spears or elements (Pancha Bootha) considered sacred on the earth and as well in this universe. More importantly, Water occupying twothirds of the earth's space has been vital to life. The Water makes life on the planet possible, so cores of living entities live there. India is a spiritual country with a diversified culture where Water is considered holy and believed to have the power to liberate the soul. Water is worshipped as a god, and we admire Water as a mother Ganga flowing from the hair of Lord Shiva, the cleanser of the universe. In contrast, Lord Brahma happens to be the creator, and Lord Vishnu is the ruler who governs the entire universe and all the spears of life.

#### Introduction

Law and governance that we talk about in contemporary times could be traced to Lord Vishnu, who happens to be the first lawmaker and ruler of this universe. Later, ranging from Manu Smrithi, Vedas, Puranas, and Samhithas, various rulers/empires/times such as Muarya/Kautilaya, Chanakya to Hindhu/Islamic/British rulers contributed and shaped the aspect of law and governance which got codified later into the contemporary letter of the law. Equally, saints such as Jesus, Mohamadh, Bhudha, Basava. Mahaveer. and Gurunanak contributed to the process of making and evolution of law. Their ideologies have been cemented in the process of global governance through established norms at national and international levels. From the times of the Vedic till the contemporary number of aspects have contributed towards<sup>1</sup> structuring and shaping the fabric of law and governance. As far as the use, management and governance of Water are concerned, the above-said have texts contributed immensely, and reflections of the same are

<sup>&</sup>lt;sup>1</sup> Poorhashemi A., International Law and Global Goverance, CIFILE Journal of International Law (2022), Journal Vol. 3, No.5, 70-74 (2022)

felt in the water law and governance in contemporary times. At the same time, different regimes and divine saints have also contributed to structuring and streamlining the means and rules of the governance environment in general, Water and Water resources, and their management.

#### **Vedic times Water Law and Governance**

Hindu sacred texts starting with the Vedas (c. 1750-600 B.C.E.) speak extensively about the sanctity of the earth, the rivers, and the mountains.<sup>2</sup> Vedha is derived from the root vid which means to know. Vedhas which include Shrutis and Smruthis considered Water as indivisible. The times during 1500 BC to 500 BC<sup>3</sup> is known as Vedic period<sup>4</sup>. In the said period 1500BC to 1100 BCE is known as very ancient times and times during 1100 BC to 500 BC is known as ancient times<sup>5</sup>. During the Vedic times itself there were references to hydrological cycle, water conservation, use, management and governance. Perhaps, it can be said that foundation for water law and governance including regulation of its use and maintenance was laid in the Vedic times<sup>6</sup>. Kings were obligated to protect water resources through required means and obstruction to water flow and proper usage

was punishable. <sup>7</sup> The Vedas consider the natural resources as Gods. They are worshipped for their grace. The ideologies and reasons behind establishing principles and rules for water law and governance identified during Vedic times are still relevant in the contemporary times as well.

#### Manusmriti

The Mānavadharmaśāstra, also known as Manusmriti or the Laws of Manu, is a Sanskrit text belonging to the Dharmaśāstra literary tradition of Hinduism. Composed sometime between the 2nd century BCE and 3rd century CE, the Manusmriti is written in sloka verses, containing two non-rhyming lines of 16 syllabus each. 8 Law and governance basically derives its foundations from Manus conception of good governance based on dharma. One of the texts that were very popular during vedic times 'Manusmriti' which makes a reference to water law and governance. 9 Manu happens to be the first legislator to have brought out formal and codified structure of law. 10 Manusmriti also known as Law of Manu<sup>11</sup> is the first text on law and the same was used by British rulers during their ruling in India. In particular Manu Smriti talks about Water,

<sup>&</sup>lt;sup>2</sup> https://www.amacad.org/publication/water-woodand-wisdom-ecological-perspectives-hindu-traditions <sup>3</sup>https://nios.ac.in/media/documents/SrSec315NEW/3

<sup>15</sup>\_History\_Eng/315\_History\_Eng\_Lesson4.pdf

<sup>&</sup>lt;sup>4</sup> https://www.britannica.com/place/India/Early-Vedic-period

<sup>&</sup>lt;sup>5</sup>https://www.newworldencyclopedia.org/entry/Vedic \_Period

<sup>&</sup>lt;sup>6</sup> https://www.hinduscriptures.com/vedic-culture/nature-worship/waterthe-divine-elixir-life/7600/

<sup>&</sup>lt;sup>7</sup>https://www.uvm.edu/~pbierman/classes/gradsem/20 14/India\_Water\_Compiled.pdf

<sup>&</sup>lt;sup>8</sup>https://indianexpress.com/article/explained/explaine d-culture/explained-manusmriti-ancient-sanskrit-text-controversy-8111255/

<sup>&</sup>lt;sup>9</sup> See:

https://www.studocu.com/in/document/university-of-delhi/classical-political-philosophy/manu-in-modern-india-assignment/10464683

<sup>&</sup>lt;sup>10</sup> https://medium.com/@deshmukhpatel/2-a89104fbfc3c

https://www.ijlsi.com/paper/the-law-of-manusmriti-an-antifeminist-and-anti-human-manuscript/

water bodies' maintenance, governance and use. There prescribed penalties for misuse of Water and there is also references of rain forecast and rainfall measurement which is known Varshadham. There is influence of Manusmriti in the law making process in times. including contemporary management and governance. 12 For instance Manusrmiti states that one should not urine, throw stool or cough or anything spurious or contaminated in Water and no poison or blood should be thrown in river and Water<sup>13</sup>. Prohibition of pollution of Water as contained in the modern days water and environmental laws was envisaged and stipulated ages back in the Manusmriti

## **Vedas and water regulation**

There is reference to water law and management in the Vedas 14. All the four Vedas including Rig-Veda, Yajurveda, Samaveda Adharvanaveda and have contained many references to the hydrological processes and hydrological cycles. In particular Yajurveda explains process of water movement from clouds to earth. In the sense how Water down pours from clouds to earth and how Water on the earth gets used, circulated and how the same evaporates to form clouds only to pour again in different season. Rigveda identifies Water as the first residence of human being and

Water is considered to be very essence of this universe. 15 Rig Veda assigns a dual control over Water. Therefore, Indra, the greatest of the gods in Rig Veda is called the liberator of waters while Varuna, another god, is the overall lord of all waters on the earth such as the oceans, rivers and tanks or pools as well as the Water below the earth. Varuna is assigned the role of the regulator of all such Water as well as causing the rains to come down.<sup>16</sup> The dual control therefore is between the liberator and the regulator. Parjanya or clouds causing Water to pour is also deified in Rig Veda. When Parjanya protects the earth by irrigation, "then winds are blown, lightning strikes, vegetation sprouts and grow...and the earth becomes capable for the welfare of the whole world". Thus, Parjanya "is responsible for all the medicines, vegetations and other lifesupporting objects on earth<sup>17</sup>". Vedic texts recognize Water to be feminine principle and female in gender and men born out of Water that is female. Water is known for purity and Water would purify those who use it in essence. All four major Vedas the Rigveda 18 . namely: Samaveda. Yajurvanaveda and Atharvanaveda recognize the importance of maintenance of

recognize the importance of maintenance of the seasons' cycles including rainy season, summer season and winter season that are

<sup>&</sup>lt;sup>12</sup>https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1004&context=theses

<sup>&</sup>lt;sup>13</sup> https://www.iilsindia.com/blogs/religion-and-the-protection-of-the-

environmentwater/#:~:text=Manusmriti%20further%20elaborates%20that%20one,should%20be%20thrown%20in%20river.

<sup>&</sup>lt;sup>14</sup> https://www.historyofayurveda.org/library/water-and-earth-in-the-vedas

 <sup>&</sup>lt;sup>15</sup> file:///C:/Users/USER3/Downloads/water-hindumythology-and-an-unequal-social-order-in-india.pdf
 <sup>16</sup> Chandni Saxena. "The Concept of Water in Rig Veda", International Journal of Social Science & Interdisciplinary Research Vol 1 Issue 8, August 2012, ISSN 22773630).

<sup>&</sup>lt;sup>17</sup> https://www.hinduscriptures.com/vedicculture/nature-worship/waterthe-divine-elixirlife/7600/

<sup>&</sup>lt;sup>18</sup> https://standrewscollege.ac.in/wp-content/uploads/2019/11/Cardinal-Paul-Poupard-2011-Hindu-perspective-on-water.pdf

likely to get altered due to the climate change owing to inappropriate human actions. It is remarkable that the people in Vedic times regarded Nature and the environment 19 in a holistic manner and revered each of its constituents and entities including Water by carefully preserving them<sup>20</sup>. The following Vedic prayer invokes divine intervention to bless, protect and regulate the use of the environment including Water." Do not harm the environment; do not harm the Water and the flora; earth is my mother, I am her son; may the waters remain fresh, do not harm the waters.

#### **Puranas**

In some *Purāna*-s water is treated equal to a Mother, in other Purāna-s is respected as a Goddess. In some places is described as a healer, in some other places is portrayed as a remover of  $\sin^{21}$ . According to the  $V\bar{a}yu$ Purana, there is the ongoing process of creation and dissolution. When creation takes place, there is dissolution of all that happened before. This dissolution has a long process. At the end everything is merged in the Water, Brahmā puts an end to his creation. Everything is absorbed in himself. There is Water everywhere. The Water transformed into the celestial Gangā known as Akasha Ganga in the sense water from the sky, the epics and *Purāṇas* mention

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the source of the celestial Water as the Visnupada. Since this Water flows as if from the Visnu's foot, it is the purest Water. Rivers are also personified as deities; Ganga is sometimes portrayed as a consort of Lord Shiva.<sup>22</sup> This sacred Water is the celestial river, the Water is sweet and transparent, spread in the sky, resorted to, by many luminary bodies, with thousands of stars. The uncountable stars of the Milky Way, which are seen very close to each other and which glitter brightly at night are nothing but the goddess Gangā. Like Gangā, every nearby river becomes mother to all as the regional growth depends on her. In padma purana Brahma mentions that bathing is not just about cleaning the body but purifying the body <sup>23</sup> for which Water is essential and the same be used without damaging its purity<sup>24</sup> which is nothing but prohibiting pollution of Water in the modern days water regulations. Many stories related to rivers are known that describe the femininity and holiness of the rivers. Lot of rituals are being performed and the blessings are taken from such rivers Water is protected, managed and its use regulated by the way of worshiping Water as god (mother ganga) as potrayed in puranas which is also a measure of its protection and regulation of its use through protected governance. While observing the impact of ancient Indian texts it is said that; If shrutis and smritis are similar in character to the international conventions, acts, orders and judicial

<sup>&</sup>lt;sup>19</sup> Shadi Ghasemi & Sobhan Tayebi, Governance and Environmental Regulation in Light of Crowdsourcing, CIFILE Journal of International Law (2022), Journal Vol. 3, No.6, 117-125 (2022)

<sup>&</sup>lt;sup>20</sup> See:

https://www.historyofayurveda.org/library/water-and-earth-in-the-vedas

<sup>&</sup>lt;sup>21</sup> <u>https://www.thehindu.com/society/faith/different-snaanas/article65913549.ece.</u>

<sup>&</sup>lt;sup>22</sup> https://www.amacad.org/publication/water-wood-and-wisdom-ecological-perspectives-hindu-traditions

<sup>&</sup>lt;sup>23</sup> https://www.thehindu.com/society/faith/different-snaanas/article65913549.ece

<sup>&</sup>lt;sup>24</sup> https://www.amacad.org/publication/water-wood-and-wisdom-ecological-perspectives-hindu-traditions

pronouncements, puranas and itihasas are like legal cases that are complicated by real life situations <sup>25</sup>." That is the reason why Purans and their philosophy is still relevant in the modern days.

## Threthayuga and Ramayana

Cloud formation, hydrological cycles, rain, water bodies and management of Water is discussed in the text of Ramayana<sup>26</sup>. Being one of the ancient scripts Ramayana contains number of principles which are part of current system of law and regulation. Lord Rama is known for high moral and ethical values which are part of modern day's legal principles. Law and justice and related principles and ideologies were of highest concern and were given great respect during Threthayuga including the times of Ramayana. Number of legal principles drawn from ancient texts including that of Ramayana is made use of in the laws of contemporary times as they are of great relevance and rationale. 27 Most of the substantial legal principles relevant and well established today were developed during the times of Ramayana in the Threthayuga<sup>28</sup>. International law of diplomacy, law of trust, of environment, protection management was among the laws prescribed by King Bharatha (younger brother of Lord Rama) during his ruling. In different ways Ramayana influenced structuring of law at national and international levels<sup>29</sup> including water management and regulation.<sup>30</sup>

# Dwaparayuga and Mahabharatha

The Mahābhārata describes Water: Gangā as the savior of life<sup>31</sup>. Because of her grace, compassion and motherly bliss, the Gangā descended from heaven to earth, carrying with her the blessings of renewal to the weary and life to the dead. River Ganga is described as the born out of all sacred waters.<sup>32</sup> It was the Bhagīratha who brought the Ganga from the heaven to the earth. Worshiping of Water as mother Ganga is a way of ensuring its protection and ensuring its divinity. The text of Mahabharata talks about hygiene maintenance in the use of waters and prescribes injunctions against environment pollution<sup>33</sup> including polluting Water and water bodies. 34 Performance of acts that damage and disturb the water hygienist and misuse of Water is prohibited and cautioned in Mahabharata. There is a great environment concern including Water the Mahabharata as process and procedures of maintanining and ensuring the

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<sup>&</sup>lt;sup>25</sup> https://www.thehindu.com/entertainment/art/law-as-the-epics-propound-it/article32036136.ece

<sup>&</sup>lt;sup>26</sup> https://core.ac.uk/download/pdf/234664556.pdf

<sup>&</sup>lt;sup>27</sup> https://www.thehindu.com/entertainment/art/law-as-the-epics-propound-it/article32036136.ece

<sup>&</sup>lt;sup>28</sup> See: https://nyaaya.org/guest-blog/modern-versions-of-laws-in-the-ramayana-and-the-mahabharata/

<sup>&</sup>lt;sup>29</sup> See: Abbas Poorhashemi, International Law and Global Governance, CIFILE Journal of International Law (2022), Journal Vol. 3, No.5, 70-74 (2022)

<sup>&</sup>lt;sup>30</sup> https://www.esamskriti.com/e/Culture/Indian-Culture/Contribution-of-Itihasas-to-International-Law~A-Case-Study-of-Ramayana-and-Mahabharata-1.aspx

<sup>31</sup> https://www.indica.today/research/water-riverspuranas/

<sup>&</sup>lt;sup>32</sup> https://www.indiatimes.com/news/india/riverganga-water-and-mughal-empire-pollution-553758.html

<sup>&</sup>lt;sup>33</sup> Shadi Ghasemi & Sobhan Tayebi, Governance and Environmental Regulation in Light of Crowdsourcing, CIFILE Journal of International Law (2022), Journal Vol. 3, No.6, 117-125 (2022)

<sup>&</sup>lt;sup>34</sup> https://swarajyamag.com/columns/what-mahabharata-says-about-pollution

protection of Water and ensuring its divinity and purity<sup>35</sup>. Infact modern versions of laws in the contemporary times contain the principles and policies developed during the times of Mahabharat including the use and maintenance of Water. <sup>36</sup> Most of the procedural aspects of law were developed during the times of Mahabharatha in the Dwaparayuga. <sup>37</sup> In the shaping of national and international laws there is a great impact of Mahabharat in different ways and means <sup>38</sup> and water management and regulation is not an exception<sup>39</sup>.

## **Bhagavatgita**

Bhagavatgita in the sense words of Bhagavan the supreme power who created and governing the universe<sup>40</sup>. It is said that Bhagavatgita was narrated by Lord Krishna to Arjuna during the Kurukshtra war during the times of Mahabharat. The Holy text of Hindhus recites number of ethical, moral principles and as well law and justice. It is said that entire universe including earth and all the resources on the planet earth are the creatures of God and the same is to be

treated as divine and holy. Water as divine source of life on the earth needs to be used in the way which is not detrimental to other living creatures on the earth which is called as sustainable use of Water and other natural resources under the contemporary laws 41 .Through slokas (poems) in the Bhagavatgita it is said that Water and other natural resources health is maintained. 42 For the welfare of the mankind and all the living creatures who are part of this universe created by god all the natural resources including Water needs to be used and maintained without causing any damage to Water, water resources and the life that is dependent on Water.

# Kautilyas/Chanakya Arthsastra during Mauryan Empire

During Mauryan empire Kautilyas writings make references to construction of dams, channels, reservoirs, rainfall measurement, and knowledge generation about various hydrological processes existed <sup>43</sup>. Kautilya who is also known as Chanakya in his writing called arthsastra makes a serious reference to water management and governance <sup>44</sup>. Water pricing and punishment for misuse of Water also finds a mention and more focused approach was given to water governance including undoing or compensating for the loss or damage caused

https://theharekrishnamovement.org/2012/10/11/gang es-water-of-the-bhagavad-gita/

<sup>&</sup>lt;sup>35</sup>https://www.jstor.org/stable/23340742#metadata\_in fo tab contents

<sup>&</sup>lt;sup>36</sup> See: https://nyaaya.org/guest-blog/modern-versions-of-laws-in-the-ramayana-and-the-mahabharata/

<sup>&</sup>lt;sup>37</sup> https://www.thehindu.com/entertainment/art/law-as-the-epics-propound-it/article32036136.ece
<sup>38</sup> https://www.esamskriti.com/e/Culture/Indian-Culture/Contribution-of-Itihasas-to-International-Law~A-Case-Study-of-Ramayana-and-Mahabharata-1.aspx

<sup>&</sup>lt;sup>39</sup> https://www.esamskriti.com/e/Culture/Indian-Culture/Contribution-of-Itihasas-to-International-Law~A-Case-Study-of-Ramayana-and-Mahabharata-1.aspx

<sup>&</sup>lt;sup>40</sup> See:

<sup>41</sup> https://asitis.com/2/46.html

<sup>&</sup>lt;sup>42</sup>http://ijrar.com/upload\_issue/ijrar\_issue\_20542369. pdf

<sup>&</sup>lt;sup>43</sup> See:

https://ncjindalps.com/pdf/HUMANITIES/The%20Kautilya%20Arthashastra%20-%20Chanakya.pdf

<sup>&</sup>lt;sup>44</sup>https://www.uvm.edu/~pbierman/classes/gradsem/2 014/India\_Water\_Compiled.pdf

to others while using Water 45. The same rationale gets reflected in the decision of House of Lords in Ryland Vs Fether<sup>46</sup> in the 19th century where in it was said and held that whoever stores Water unnaturally in the lands has to compensate and undo the damage caused in case of escape of Water into the adjacent lands. For causing damage to the environment and Water or for fleeing polluting water chanakya prescribed penalties<sup>47</sup> which can be seen as a sanction for and environment water pollution as popularly called as polluter pay principle under the modern environmental law<sup>48</sup>. Indian Supreme Court has time and again followed the Chanakya principle of polluter pay while attempting to ensure the process of the undoing of the damage caused by the identified polluter in its number of judgments.

# **Islam and Moghals**

Islam gives immense importance to Water, its use, and its significance for humanity. As many as 63 times, the term water is used in the holy Quran. 49 Water is considered a social good, which is very important for life on earth and for the good health of mankind. Politics in water management is prohibited, and water regulation to fulfill the needs of

everyone is sought for under holy texts of Islam. 50 Water is maintained under Sharia law under Islamic law 51. Moghal times witnessed measures adopted maintenance of water bodies and regulation of use of the Water in the entire kingdom of Moghal. 52 Maintenance of natural and as well man made water treasures were initiated during this time. Management of canals, tanks and wells was done on regular basis and drawing and use of Water was regulated for its optimal utilization to benefit the entire society. Use of Water and its maintenance was advanced during Moghal times and they had developed certain measures for proper use of Water and water resources which is done by executing enacted laws in the current times.<sup>53</sup>

### Jesus and Bible

The Holy Bible states that Water is the Gift given to us by the Lord Jesus, and it has the strength to purify us and be treated with divinity and respect.<sup>54</sup> It is said under the text that Water should not be taken for granted in a sense should not be polluted and its purity should not be damaged which has become the soul of water law and

<sup>&</sup>lt;sup>45</sup> See:

https://www.newindianexpress.com/magazine/voices/ 2022/jan/30/following-chanakyas-water-neeti-2412036.html

<sup>46 (1868)</sup> LR 3 HL 330

<sup>47</sup> https://www.amacad.org/publication/water-woodand-wisdom-ecological-perspectives-hindu-traditions <sup>48</sup> Shadi Ghasemi & Sobhan Tayebi, Governance and Environmental Regulation in Light of Crowdsourcing, CIFILE Journal of International Law (2022), Journal Vol. 3, No.6, 117-125 (2022)

<sup>&</sup>lt;sup>49</sup>https://onlinelibrary.wiley.com/doi/abs/10.1002/047 147844X.wl43

<sup>50</sup> https://link.springer.com/chapter/10.1007/978-1-4020-9867-3 3

<sup>&</sup>lt;sup>51</sup>file:///C:/Users/USER3/Downloads/preprints202104 .0624.v1%20(1).pdf

<sup>&</sup>lt;sup>52</sup>https://www.researchgate.net/publication/28107011 2 Early water systems in Mughal India

<sup>&</sup>lt;sup>53</sup>https://www.indianetzone.com/50/irrigation system mughal india.htm

<sup>&</sup>lt;sup>54</sup>https://sites.duke.edu/theconnection/2014/06/05/re membering-gods-gift-of-

water/#:~:text=Water%20has%20the%20power%20t o%20purify%2C%20to%20provide%20deliverance% 2C%20and,1%2D15%3A21).

management since ages till the times contemporary. Anybody can draw and use Water from available sources while maintain hygenity and cleanliness which echoes that everyone has the right to Water without any discrimination and everyone of us are having duty to maintain its hygienity and cleanliness 55. The same principles are carried into water laws of today. Holy Bible also talks about purity of Water to be maintained which is the responsibility of everyone using it.<sup>56</sup> At the same time Bible mentions about hydrological cycle process, distribution of water<sup>57</sup>Water is essential to life, a cleansing substance, and a necessary basis for any civilization. Water is also referred to in the Bible as a component of purification, festivals, and ceremonies and spirit of God 58 and it is essential to our physical living. <sup>59</sup> This philosophy is embodied in right to life under the constitution of India which cannot be enjoyed without the essential right to Water, access to water resources and their proper management and regulation.

#### **British and Colonial**

During the British times' rulers initially continued the law and policy as was there earlier to their take over.<sup>60</sup> But gradually, by the time of 1987, they started bringing out

https://www.uvm.edu/~pbierman/classes/gradsem/20 14/India\_Water\_Compiled.pdf

laws and procedure as per their vision and mission, to which water law and regulation is not an exception. Most of the water law was un-codified till colonial times and the customary rules were being followed for water management and regulation till then<sup>61</sup> During British times there made endeavors in putting the customary laws together in codified way and the same to become enactment later. During this time rules and regulations were concerning the use of Water for different purposes including irrigation, industrialization and other uses.<sup>62</sup> There made legislations on water canals and their use for irrigation and industrial purpose in different colonies of British ruling. It was during British times that the Thungabadra water dispute between Mysore State and Madras Presidency was addressed in 1882<sup>63</sup>through arriving at an agreement. It to the inter-state water led rights, management and dispute settlement regulation later one. Therefore, for the collection and storage of Water, use and maintenance of Water, for ensuring cleanliness and purity of Water and also for its use for irrigation and industrial purposes was attempted to be addressed during British Colonial times through different means with codified form of law making.

## **Post Independent and Contemporary**

After the independence, government of India formulated water law and policy in its own

<sup>55</sup> https://www.openbible.info/topics/water

<sup>&</sup>lt;sup>56</sup>https://www.openbible.info/topics/purification\_of\_water

<sup>&</sup>lt;sup>57</sup> https://creation.com/the-bible-and-the-hydrologic-cycle

<sup>&</sup>lt;sup>58</sup> https://www.womanofnoblecharacter.com/water-in-the-bible/

<sup>&</sup>lt;sup>59</sup> https://www.biblestudytools.com/topical-verses/bible-verses-about-water/

<sup>60</sup> See:

<sup>&</sup>lt;sup>61</sup>https://academic.oup.com/book/8402/chapter/15413 5937

<sup>&</sup>lt;sup>62</sup>https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1270&context=belj

<sup>&</sup>lt;sup>63</sup>https://www.jstor.org/stable/24888979?seq=4#meta data\_info\_tab\_contents

terms.<sup>64</sup>The constitution of India states that Water is a state subject and the states have authority to maintain and regulate internal water resources. Whereas union government regulates international Water, maritime regulation and issues pertinent to inter-state water disputes. The water Act and the Interstate Water Disputes Act, 1956 are the two important legislations in the spear of water management and regulation and also the Environment Protection Act also plays important role in prohibiting pollution in general and as well water pollution. Besides, the Government of India often brings out National Water policy. The supreme court of India has often dwelled on the issue of water management and regulation in number of cases. In MC Mehta Vs UOI65 court ruled that Water is held in public trust by all of us and anyone who pollutes the Water or damages the purity and cleanliness of the Water has to pay for compensating the same. In Vellore Citizens<sup>66</sup> Polluter Pay Principle (PPP) is accepted as part of law as far as water management and regulation concerned. Further, in Kamalnath *UOI*<sup>67</sup>court held that the polluter will have to pay for undoing the damage caused to the waters and to the environment. The above cases have well established that Water has to be maintained and regulated in the spirit of its purity, cleanliness and divinity. Everyone of us have equal duty to maintain and ensure its cleanliness, default of the same and damage caused if any would be penalized

and made to undo the damage and pay the compensation.

# **Conclusion and Way Forward**

It can be said that Water has been considered to be very precious and divine since the times of the Vedic period, and the same philosophy continues to hold Water even today. Since the times of Vedas and Puranas, water use, management and regulation have been contemplated. Under Vedas, Upanishads, Puranas and religious texts such as Bhagavadgita, Quran and Bible Water is given the divine status and the same is perceived to be used and management sparingly and optimally. Under different times zones, including Ramayana of Threthayuga, Mahabharata of Dwaparayuga, water management and regulation are contemplated. Different empires and Kingdoms such as Mauryan empire, Moghal empires have contributed to the water management and regulation policies. Further, British Colonial times have led to codification of norms on water law and enactment of legislation for the maintenance and use of Water for different purposes. The aftermath of independence Indian government has also ensured that there is enough legislative and executive measures are in place for water use, management and regulation to which Indian Supreme Court has also given its hand. As the Way forward we all have to imbibe the culture of treating Water as divine and pure and shall thrive for ensuring its purity and availability for generations without any hindrances. We have to put our efforts together in maintaining its cleanliness and

 $<sup>^{64}</sup> https://www.uvm.edu/\sim pbierman/classes/gradsem/2 014/India_Water_Compiled.pdf$ 

<sup>65</sup> WP 3727/1985 (19th December 1996)

<sup>66</sup> AIR 1996 SC 2715

<sup>&</sup>lt;sup>67</sup> 1997, 1SCC 388

hygeinity at every level, not just as a matter of law but as a matter of policy of life.

### CONFLICT OF INTEREST

The author (s) declares that there is no conflict of interest regarding the publication of this manuscript. In addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or submission, and redundancy, have been completely observed by the authors.

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