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The Rise in River Pollution and the Need for Reforming Water Act, 1974: A Critical Analysis

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ABSTRACT

Water resources are central to our lives. We see around us developing proof of human-made damage in numerous ways; risky degrees of contamination in water, air, earth, and living creatures; major and unsettling influences to the biosphere's environmental equilibrium; destruction and natural resource depletion. The pollution of the river, although classified as environmental, is a direct outcome of a deeper social problem emerging from long-term public indifference, a lack of public awareness, education, and social values, and above all from poverty. Untreated trade and sewage effluents are released into the water. The paper discusses various case laws and the judgments given by the court concerning water pollution. The directions ordered by the court to the government and pollution control boards have been looked upon. The government takes measures which plays an important role in tackling the problem. The researcher also discusses the legislation related to water pollution. The rights and duties of the citizens and the state towards protecting the environment have been focused upon. There exist lacunae in the legislation and a need for stricter implementation. The paper also suggests methods that could be used for controlling pollution and promoting cleanliness in the rivers. Redesigning data management programs at the village, district, and national level, up-grading district-level laboratories, and addressing technical, legal, and institutional components should become the first steps in achieving effective water-quality management health to millions of people living in India.

Keywords: *pollution, trade effluents, sewage effluents, sewage, pollution control board*

I. INTRODUCTION

Water resources are fundamental for our lives; however, they are severely affected due to ignorance and pollution caused by the industrial activities and common people. Pollution refers to any artificial change in the natural quality of the resources. In India alone, nearly 70% of the available water is polluted, and waterborne diseases such as cholera and typhoid account for

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80% of all health problems.[2] Urban and industrial growth create complex and grave water pollution problems, resulting in a deterioration in urban areas' quality of life. The lack of efficient or adequate sewage treatment and waste-disposal systems has contributed to the rivers' contamination, making the untreated water resources extremely dangerous for direct use. Many of our rivers, including the sacred Ganges, are heavily polluted in certain stretches, particularly within cities.

The main sources of pollution of the rivers are the urban liquid waste such as sewage, human, cattle, kitchen wastes carried by drains, etc.; Industrial liquid waste; surface runoff of cultivated land where cultivators use chemical fertilizers, pesticides, insecticides, and mixing of such manures makes the river water unsafe for drinking and bathing; Surface runoff from areas urban and industrial solid wastes are dumped. In 1974, Parliament had passed the Water (Prevention and Control of Pollution) Act to provide for the control and prevention of water pollution and maintaining or restoring the wholesomeness of water. Central and State Pollution Control Boards for the prevention and control of water pollution were set up. Section 24 of the Water Act prohibits using any stream or well for disposal of polluting matter. It may impede the proper flow of the stream's water in a manner likely to lead to a substantial aggravation of pollution. On the other hand, the Environment Protection Act, 1986 was passed later. Section 3 of the Act confers power on the Central Government to take all such measures as necessary or expedient to protect and improve the environment's quality preventing, controlling, and abating environmental pollution.

A large amount of money was spent on the restoration of water quality; nevertheless, it had worsened instead of restored water quality.

(A) Objectives

The paper aims to address river pollution in India using important judgments relating to river pollution. To examine the measures taken by the pollution boards to tackle the problem. International convention and Constitutional provisions relating to water have been stated. The paper also comes up with suggestions for the protection of the rivers.

(B) Research Questions

Our activities are not individual but rather social; they resonate all through the entire biological system. The research question includes

1. How has the court addressed the matters concerning river pollution? What is some

[2] Sara Ahmed, Cleaning the River Ganga: Rhetoric and Reality, Vol. 19, No. 1, pp. 42-45, February 1990.

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important judgment related to the issue?

2. Has the legislations or authorities been successful in eradicating the problem of pollution in rivers? Is there a need to reform or amend the laws relating to the same?

(C) Research Methodology

The methodology used in the paper is Doctrinal research. Secondary sources of data have been used to gather information. E-sources such as journals, articles, various case laws, etc., have been considered for the research purpose.

II. RIVER POLLUTION IN INDIA

According to Section 2 (e) of the Water (Prevention and Control of Pollution) Act, 1974 defines "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or any other liquid, gaseous or solid substance into water whether directly or indirectly as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms.[3] Water pollution is measured by analyzing water samples. Physical, chemical, and biological tests are conducted. Control of water pollution requires appropriate infrastructure and management plans. The infrastructure may include wastewater treatment plants. Sewage treatment plants and industrial wastewater treatment plants are usually required to protect water bodies from untreated wastewater. Household borne effluents contribute a significant proportion of water pollution in India. A 2007 study finds that untreated sewage discharge is the single most important cause for pollution of surface and groundwater in India. Nearly 12.47 million (18.5%) households do not have access to a drainage network, while 26.83 million (39.8%) households are connected to open drains. In respect of underground sewerage, the availability is 30% and 15% in notified and non-notified slums, respectively.[4]

III. IMPORTANT JUDGEMENTS CONCERNING RIVER POLLUTION

Judiciary plays an important role in environmental issues as matters as the court takes the final decision. The research objective includes highlighting the case laws concerning river pollution. Following are some of the important judgments dealing with water pollution cases. The court's

[3] The Water (Prevention and Control of Pollution) Act, 1974 §2(e)

[4] Kala Seetharam Sridhar and Surender Kumar, India's Urban Environment: Air/Water Pollution and Pollution Abatement, Vol. 48, No. 6, pp. 22-25, February 9, 2013

direction has been stated briefly to get an idea of the court's response to environmental issues.

In *M.C. Mehta Vs. Union of India (UOI) and Ors.*,[5] public interest litigation was petitioned for limiting respondents from releasing trade effluents in river Ganga. The applicant stated that neither the Government nor individuals were focusing on stopping the contamination of the river. Solid waste was being dumped on the surface, and a group of industries located near the river like Jajmau, Kanpur, and fluid waste like pesticides used for cultivation. Jajmau was the most environmentally degraded area in Kanpur, and the industries being the main reason for environmental degradation. Any of the respondents didn't debate that the river water was being contaminated terribly by the effluents released by the tanneries. The release of the trade effluents from these tanneries into the river was harmful to the lives of the individuals and aquatic life. The court stated that the respondents' financial capacity must be regarded as irrelevant when required to establish treatment plants. Despite knowing the procedures, various tanneries at Jajmau did not even mind to appear in the Court. Both Government and the Parliament found a way to control the water contamination, yet nothing generous had been accomplished. The Supreme Court found that the river Ganga was our nation's lifeline and influenced the life, wellbeing, and nature of Indo Gangetic Plain. Therefore, we are obligated to protect it from getting polluted. Despite different notifications, no means for treating effluents were taken by respondents. Supreme Court coordinated closure of industries who neglected to take steps for treatment of effluents.

In *M.C. Mehta Vs. Union of India (UOI) and Ors*[6] the case was related to controlling Ganga contamination in Kanpur territory Court guided by the municipality to develop an appropriate sewage system. The Municipal Boards were principally in charge of environmental protection and cleanliness in their territories. Section 32 of the Water Act confers the State Board's power to take certain emergency measures in a stream or well pollute. It was noted that every day 274.50 million liters of sewage water was being released into the river from Kanpur city, which was also the most elevated in the State of Uttar Pradesh right after the city of Calcutta, which approximately released 580.17 million liters per day of sewage water into the Ganges. Trade effluents from more than 80 tanneries in Jajmau were directly released into the river. The river pollution of Ganga was a widespread public nuisance. The Nagar Mahapalika was majorly in charge of the river pollution in Kanpur City. The court directed the Kanpur Nagar Mahapalika to take immediate measures to build an adequate number of public toilets to utilize the poor

[5] M.C. Mehta Vs. Union of India (UOI) and Ors., AIR (1988) SC 1037 (India)

[6] M.C. Mehta Vs. Union of India (UOI) and Ors., AIR (1988) SC 1037 (India)

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individuals to curb people from defecating on open space. The court also directed that if any applications for permit to build up new businesses were made in the future, such applications should be declined unless sufficient arrangement had been taken to treat trade effluents streaming out of the manufacturing plants. Immediate measures were to be taken against the industries found to violate the norms or pollute the river.

In *Subhash Kumar Vs. State of Bihar and Ors.*[7], the appeal was to stop the slurry release from the respondent's industrial plant, Tata Iron and Steel Co. Ltd, into Bokaro River. The court explained that Article 32 was intended for authorization of rights or privileges of citizens. The right to live is a fundamental right under Article 21 of the Constitution, and it incorporated the right to contamination-free water. Little coal particles were diverted to the lake, where the coal particles settled down on the land. The consistent release of slurry in substantial amounts by the Tata Iron and Steel Co. from its washeries was a threat to the life of the individuals living nearby. The Petitioner protested that the State of Bihar and State Pollution Control Board failed to take action against the Company; rather, they had granted a lease in return for a royalty. In any case, the court stated that response to proceeding Under Article 32 of the Constitution ought to be taken by an individual really keen on protecting society. The court, given the arguments, held that the appeal had been documented not in any open interest but rather for the Petitioner's own advantage. Thus he was directed to pay Rs. 5,000/ - as expenses. These expenses were to be paid to the Respondents Nos. 3, 4, and 5.

The Indian Council for Enviro-Legal Action and Ors. Vs. Union of India (UOI) and Ors.[8] was one of the landmark cases relating to environmental issues. The writ petition stated troubles of individuals living in the region of industrial plants in India. The untreated profoundly harmful materials came because of the creation of 'H' corrosive releasing from the Sulphuric Acid Plant. These industries dispensed distress upon poor people, de-ruined their property and water sources to pursue private benefit who didn't conform to laws provided in the statutory acts. The court stated industrial facilities or plants not consenting to Court Orders to be shut down Environment audit were directed to be led occasionally to keep a check. Since the harmful untreated wastewaters were permitted to stream out uninhibitedly and the untreated poisonous slime was tossed in the open in and around the complex, the poisonous substances had percolated bowels the earth. The water in the wells and streams had become dirty, delivering it ill-suited for human utilization. The Court directed that Respondents 4 to 8 were to pay an

[7] Subhash Kumar Vs. The state of Bihar and Ors AIR (1991) SC 420 (India)

[8] Indian Council for Enviro-Legal Action and Ors. Vs. Union of India (UOI) and Ors. AIR (1996) SC 1446 (India)

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amount of Rupees 50,000 by the method of expenses to the petitioner who had to fight this case over more than six years with its own methods.

In *Re: Bhavani River - Sakthi Sugars Ltd.*[9] the Supreme Court, after hearing the contentions and examining the record, stated that the matter before Division Bench of the Madras High Court failed to consider the solemnity concerning the need to control the unabated contamination, which had become a wellbeing risk due to the release of offensive effluents from the refinery into Bhavani River and adjoining territories. The High Court discarded the writ request only on the assent of the Tamil Nadu Pollution Control Board. Matters this way, included more noteworthy public interest, ought not typically to be chosen just on the assent of the Pollution Control Board. The Supreme court stated to be unhappy about how the Pollution Control Board gave its assent, ignorant of the grave outcomes. NEERI was coordinated to investigate the encompassing territories to survey harm caused by the industry's gushing release and show compensation expense. On the other hand, learned amicus curiae Mr. Harish Salve contended that all means required to check contamination had not been taken. It was held that The Industry, M/s. Sakthi Sugars Ltd. was to pay an amount of Rs 20,000 by the method of costs.

In *A.P. Pollution Control Board Vs. M.V. Nayudu and Ors.*[10] the question was whether respondent qualified for establishing with setting up industry and could plead values or depend on the standard of promissory estoppel notwithstanding disallowance provided in Section 25 that industries must not be set up without the assent of the Pollution Board. It stated that drinking water is of essential significance in any nation. All individuals, irrespective of their social and financial conditions, have the right to clean water equivalent to their necessities. Hence, the option to admittance to drinking water is key to life. There is an obligation on the State under Article 21 of the Indian Constitution to give clean drinking water to its residents. The State of Andhra Pradesh was asked to recognize the industries situated inside the 10 K.M. range of these two lakes and move in counsel with the A.P. Contamination Control Board to control and prevent contamination of usable water in the two reservoirs. The State and the Board would not allow any contaminating activities inside the 10 km span. The respondents were qualified to continue with the setting up of their industry.

In *M.C. Mehta Vs. Kamal Nath and Ors.*[11] the Himachal Pradesh government had granted a lease of forestland for commercial purposes to a private company. The company aimed to build

[9] Re: Bhavani River - Sakthi Sugars Ltd. AIR (1998) SC 2578 (India)
[10] A.P. Pollution Control Board Vs. M.V. Nayudu and Ors MANU 2000 SC 2953 (India)
[11] M.C. Mehta Vs. Kamal Nath and Ors. AIR (2002) SC 1515 (India)

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a motel at the bank of River Beas. The Supreme Court initiated a Suo Moto action based on an article that stated that the motel management had interfered with the river's flow to divert its flow to save the motel from future floods. The court expressed that the Public Trust Doctrine mainly rests on the principle that natural resources have a significant role in people's lives as a whole. It would be unjustified to make the resources subjected to private ownership. The court observed that it was a duty of all the generations to conserve and possibly protect the resources and the public trust doctrine was a part of the law of the land. The Motel was to compensate for the restitution of the ecology of the locality. NEERI was directed to inspect the locality if necessary and report the same to the Pollution Board. It was held that an individual found guilty of causing pollution could be liable for paying damages as a form of deterrence.

Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association and Ors.[12] was a PIL concerning the discharge of the trade effluents into the river and protecting the Noyyal River's environment. Several industries were involved in bleaching and dyeing at the respondent association, which resulted in releasing trade effluents into the river, causing the water unfit for usage. The High Court imposed a fine based on two months on the Appellant relationship of industries and further guided the relationship to accomplish Zero Liquid Discharge (ZLD) of trade effluents. The court held that the industries must take all measures to prevent environmental pollution and eliminate slurry and different toxins lying in the influenced zone. It was the responsibility of the association to complete their activities without contaminating the water. Appellants were asked to pay the equilibrium sum for cleaning the dam and waterway and meet the payments to the affected people within three months. The appeal was disposed of.

Nirbhai Singh Vs. State of Punjab[13] was a Public Interest Litigation-relating to the Budha Nullah river's pollution, which flows through Ludhiana District, Punjab, and converges in the Sutlej river. The question was how to create a pollution-free environment. The government laid down various suggestions and planned to make Budha Nullah not affected by modern development. Suggestions like proper disposal of effluents and effluents, encouraging citizens to make sustainable use of resources were laid down. It was observed that till the Ludhiana city improves, Budha Nullah can't be spared. The court held that industrialization and mechanical advancement had harmed the surroundings. Pollution of water is the byproduct of the financial turn of events, especially industrialization and urbanization. Discharge of effluents and strong

[12] Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association and Ors. AIR (2010) SC 3645 (India)
[13] Nirbhai Singh Vs. State of Punjab MANU 2011 PH 3979 (India)

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Intervention of Court tried to stop a human misfortune. It was noted that approximately 60,000 cubic meters of harmful and toxic substances were being thrown into the water. Enduring the same was the only option left with the residents. On the other hand, municipal committees threw waste into river Sutlej and were the major contributor to the contamination of Budha Nullah.

In *M.C. Mehta Vs. Union of India (UOI)*[14] the appeal was filed to limit polluting enterprises that had grown quickly on banks of rivers. The issue was whether all industries being referred to had taken all the measures for an issue concerning waterway contamination. Despite attempts to resolve the issue, the court held no productive outcome. It had been accomplished so far, aside from closing down some polluting industries near the river banks. Reports of Comptroller and Auditor General to impact was away from legal specialists and those at steerage of their issues. As per the report, funds were mismanaged and were diverted towards unauthorized activities. The river being referred to had great importance in a spiritual sense. It was the provider for millions who were settled near its bank. The tribunal set up under the Water Act had the capacity to check the circumstances and pass fundamental requests on the subject. Tribunal had administrative power to take initiatives and rapid mediation or removal of issues. Tribunal had a few specialists as its individuals and had a favorable position of help from offices outside. Tribunal was appealed to pass suitable bearings against every one discovered to violate the legislation's rules and regulations. The petition was disposed of by the court.

Lalit Miglani Vs. State of Uttarakhand and Ors.[15] was filed as a PIL concerning pollution in River Ganga. The issue was Whether directions should be given regarding contamination that happened in the river Ganges. It was noted that the major reason for pollution was throwing the untreated waste directly into the river. Garbage was being dumped near the river. Nearly 300 billion liters of untreated sewage from 12 municipalities were released into the river per day. Flora and fauna of the river were severely affected. The court held that Ganga was polluted because of the nonstop release of sewage and trade effluents by industries. Pollution Control Board was neglectful in the release of its legal obligations. Huge trash was unloaded on the banks of Ganga. The authorities were not taking strict actions against the offenders. An emanant needed to re-establish the biological progression of water and keep squander water from entering the river. Therefore, the Central Government was coordinated to set up between the State Council for all riparian States through which stream Ganga streams. Most degraded

[14] M.C. Mehta Vs. Respondent: Union of India (UOI) MANU 2014 SC 1223 (India)
[15] Lalit Miglani Vs. State of Uttarakhand and Ors. MANU 2016 UC 0202 (India)

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units located on banks of stream Ganga were requested to be migrated, and the petition was disposed of. It was appealed that the government must declare River Conservations zones where no establishment or construction activities were to be allowed.

M.C. Mehta Vs. Union of India (UOI) and Ors.[16] issue identified with environmental pollution caused by different factors and government failure to set up an appropriate scheme. The issue was whether fundamental bearings were obligated to be given, taking into account governments' affirmations. It was argued that we had seen the Yamuna river for various purposes convert into sullage. The situation was similar to that of the river Ganga. Trade effluents were still being poured into the river continuously. Sewage was likewise being straightforwardly placed in streams adding to the river pollution. The court had directed the Pollution Control Boards and Governments of the different states to submit information and data regarding different streams in the concerned States and what steps were being taken to check the pollution in those rivers. The petitioner contended that not just the fundamental Rights were being disregarded concerning air and water, issue of administration were being anticipated significantly less to the discussion of the Fundamental Duties and Directive Principles contained in the State strategy which has discovered as Municipal laws, Prevention of Air Pollution and Water Acts and different plans outlined by the Central and State Governments, yet neither the air nor the water quality had improved in a few States. The report from the Delhi Government was called where the reports demonstrated that the polluted water was being provided and from the Bureau of Indian Standards.

IV. LAWS RELATED TO WATER

Constitutional Provisions:

The Constitution of India provides certain provisions which enshrine the importance and need for protecting the environment.

Article 21 provides Protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to the procedure established by law.[17] The right to clean water is an implied right, asserted through a set of laws that confer a duty upon the state through its several agencies to control and prevent water pollution. Thus, the Right to clean water is guaranteed under article 21 of India's Constitution, and no one shall be deprived of it.

Article 48-A provides that a state shall strive to protect and improve the environment and

[16] M.C. Mehta Vs. Union of India (UOI) and Ors. MANU 2020 SC 0032 (India)

[17] INDIA CONST. art. 21

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safeguard the country's forest and wildlife.[18]

Article 51-A of the Indian Constitution imposes a fundamental duty on every citizen to improve and protect the natural environment, including forests, lakes, rivers, and wildlife.[19]

Municipal Law:

Parliament had passed the Water (Prevention and Control of Pollution) Act, 1974 to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water. Boards for the prevention and control of water pollution were set up.

Section 24 of the Water (Prevention and Control of Pollution) Act prohibits using any stream or well for disposal of polluting matter. It may impede the proper flow of the stream's water in a manner likely to lead to a substantial aggravation of pollution.[20]

Environment Protection Act, 1986 Section 3 confers power on the Central Government to take all such measures necessary for protecting and improving the environment's quality and preventing, controlling, and abating environmental pollution. [21]

International Law and Conventions:

The United Nations General Assembly has recognized the human right to clean water and sanitation on 28th July 2010. It acknowledged that sanitation and clean drinking water are necessities or essentials to human rights. [22]

The Stockholm Convention on Persistent Organic Pollutants is a global treaty aiming to protect the health and the environment from chemicals that remain intact in the environment for a long period of time, which become widely distributed geographically.[23] POPs are organic chemical substances that are toxic to both humans and wildlife. The convention aims to restrict or eliminate the use of POPs produced, which are mainly found in industrial chemicals and pesticides. India had signed the Convention in January 2006.

V. CRITICAL ANALYSIS OF THE MEASURES TAKEN BY THE POLLUTION CONTROL BOARD AND COURTS TO TACKLE THE POLLUTION

According to Hohfeld's analysis, Correlatives always exist together; if one person has a right,

[18] INDIA CONST. art. 48-A
[19] INDIA CONST. art. 51
[20] The Water (Prevention and Control of Pollution) Act, 1974 §24
[21] The Environment (Protection) Act, 1986 §3
[22] United Nations Department of Economic And Social Affairs (UNDESA), International Decade for Action 'WATER FOR LIFE' 2005-2015
[23] United Nations Environment Programme, Stockholm Convention, Protection of human health, and the environment from persistent organic pollutants.

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the other person has a duty. Forex. To say A has a legal claim-right means he is legally protected from interference by B. Similarly, in this Situation, A can be considered as people who reside near the river and have the right to access clean water. They have the right to a clean environment and water fit for consumption. The right comes with the duty binding on the other. Applying Hohfeld's concept considering B as people working in the leather tanneries, it is the sacred duty of those who carry on business around the river not to pollute and ensure the river's purity.

Pollution in the river exists both due to the industries' ignorance of guidelines and the common people's negligence. The river is already polluted, and people further worsen the situation by dumping their waste, openly defecating, etc. The respect for the holy rivers does not prevent the uninhibited impurity of raw sewage and industrial waste.[24] Human beings are appointed as custodians to protect the rivers' rights. The order extends to the rivers. By analyzing the cases, we can see that the court's direct closure of the industry not adhering to the pollution standards. According to the Water Act, the industry is not allowed to be set up until the water treatment plant has been established. Still, in reality, industries are allowed to be established even without the treatment plants. This increases the risk of water quality getting contaminated by the effluents. According to section 2 (g), sewage effluent means effluent from any sewerage system or sewage disposal works and includes sullage from open drains[25] and Section 2(k) of the Water Act, 1974, defines trade effluent as any liquid or solid substance discharged from any premises used to carry on any industry operation or process or treatment and disposal system, other domestic sewage.[26] Taking the example of Ganges, every day approximately, 274.50 million liters of sewage water was being released into the river from Kanpur city, which was also the most elevated in the State of Uttar Pradesh right after the city of Calcutta, which approximately released 580.17 million liters per day of sewage water into the Ganges. The State, the pollution control board, is directed to take the necessary steps against it.

In 1985, Rajiv Gandhi initiated the Ganga Action Plan (gap) in response to environmentalists' petitions about the dangers facing a river that supports almost 400 million people over its 2,510 km long course. "The principal thrust of the Ganga Action Plan in the first phase is im- mediate the reduction of the pollution load on the river Ganga and the establishment of financially self-sustaining treatment systems."[27] In its first phase, the gap spent Rs 1,400 crore to install sewage

[24] Venkatesh Upadhyay, Ganga at Varanasi: Lessons from Environmental Abuse, Vol. 44, No. 37, pp. 64-66, September 12-18, 2009.
[25] The Water (Prevention and Control of Pollution) Act, 1974 §2(g)
[26] The Water (Prevention and Control of Pollution) Act, 1974 §2(k)
[27] Usha Menon, Technology and Development Aid: The Case of Ganga Action Plan, Vol. 23, No. 33, pp. 1693-

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treatment plants in 25 towns as an estimated 45% of sewage generated in the Ganga basin is released into its waters untreated.[28] After the Ganga Action Plan was introduced, the trade effluents and sewage was mixed and supplied for irrigation purposes. The change in the arrangement was said to be destructive. It destroyed means of livelihood in the villagers and agriculture. The second phase of the gap then addressed the Ganga's tributaries. Again thousands of crores of rupees were sanctioned and spent to reduce water pollution. Despite these efforts, the pollution of the river remained virtually unabated.

The problem is that an increase had not matched tanneries' growth in the effluent treatment plant's capacity. Of the 220 chrome tanning units in Kanpur, 110 were supposed to install their own chrome recovering plants (CRP), but only 88 had done so.[29] It is noted that M.C. Mehta Vs. Union of India (UOI) and Ors. filed in 1985 was the first petition against the Ganges' pollution, the latest concerning the pollution in *M.C. Mehta Vs. Union of India (UOI) and Ors*. Dated 13.01.2020, proves the condition of the river is at an alarming state. The pollution of the river has only deteriorated over the years instead of being restored. The government introduces various schemes, but the authorities do not take adequate measures to address the matter, even if they are direct by the courts. Billions of rupees are spent on various campaigns. In *M.C Mehta vs. Union of India (UOI)*, we can see that funds were mismanaged and were diverted towards unauthorized activities and are taken advantage of for personal benefit. In *Re: Bhavani River vs. Sakhti sugar Ltd* we can see that the High court had failed to consider the importance of unabated contamination and relied only on the assent of the pollution board. The Supreme Court stated that matters like pollution must be addressed and included public interest and not just be decided on the Pollution Control Board assent.

The Pollution Control Board, on the other hand, has to ensure that no pollution is caused, giving strict adherence to the statutory provisions. To achieve the environmental goal will demand the acceptance of responsibility by citizens and communities, and institutions at every level, all sharing equitably in common efforts.

VI. SUGGESTIONS FOR REFORMATION IN THE LEGISLATION

It is provided in Article 48 of the Constitution that it is the duty of the state to ensure that the environment must be safeguarded. Along with the duty of the state duty of the citizens must

1701, August 13, 1988.

[28] How to Kill a River: The quantity of water in a river is as important as the quality, something the government fails to understand Source, Vol. 47, No. 12, p. 9, March 24, 2012.

[29] Praveen Singh, Bridging the Ganga Action Plan: Monitoring Failure at Kanpur, Vol. 41, No. 7, pp. 590-592, Feb. 18-24, 2006

also be emphasized more. There exists a need to understand that the pollution of the rivers poses an existentialist threat. It is the responsibility of each individual to raise this issue at the highest level. If there is enough pressure from the local populace on the authorities, things will begin to change. The industrialists and the people residing near the banks must be sensitized about the seriousness of health contamination.

- The standard quality set by the pollution boards can be kept higher than the usual standard of water quality to meet the actual standard water quality. The punishment for not adhering to the quality standards must be severe. The industry must be held responsible for restoring the water quality before contaminated due to their business.
- Public health engineers should be employed, and the State Boards should render necessary technical guidance to them, supervise and review their work.[30]
- Section 32 of the Water (Prevention and Control of Pollution) Act provides the emergency measures in-stream cases. It states the removal, remedying, and mitigation of the pollutant—immediate measures against the person. The court noted that the court directs the orders, but the order's execution does not occur. Indigenous people residing on the river banks can be authorized to ensure there is no pollution of the river.
- Contracting out water quality monitoring and analytical services to the private sector or NGOs can be seen as an alternative mechanism to bring greater water quality efficiency.[31]
- A monthly campaign for cleaning the rivers by the residents or organizations ensures its cleanliness and protection.
- In Nirbhai Singh v. the State of Punjab, certain strategies were suggested to tackle the contamination issue. One of the strategies suggested was the Bio fence along the banks of the river. It was suggested to convert the whole river into a green belt consisting of grasses, shrubs, and trees acting like a bio fence to filter out the chemicals in the city's non-point runoff into the river. Bio fencing can also be a way of reducing plastic pollution.
- The Water (Prevention and Control of Pollution) Act, 1974 does not talk about the diseases caused due to contamination of the rivers. The concept of waterborne diseases

[30] G. B. Krishna Rao, National Environmental Policies: Legal Aspects, Vol. 9, No. ¾, pp. 249-267, December 1982.
[31] R. Srikanth, Challenges of sustainable water quality management in rural India, Vol. 97, No. 3, pp. 317-325, 10 August 2009

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can also be addressed in the legislation.

- The legislation can include strategies to remedy the industries or people responsible for restoring the water quality.

VII. CONCLUSION

Man is both creature and molder of his environment, which gives him physical sustenance and affords him intellectual, moral, and social growth. In the long and rapid evolution of the human race, a stage has been reached when through the rapid acceleration of science and technology, man has gained the power to transform his environment in innumerable ways and on an unprecedented scale. Both aspects of man's environment, the human-made and the natural, are essential to his wellbeing and the enjoyment of basic human rights.

The improvement and protection of the human environment is a major issue that affects peoples' wellbeing and economic development throughout the globe; it is the world's peoples' urgent desire and all governments' duty. We see around us growing evidence of human-made harm in many regions of the earth; dangerous levels of pollution in water, air, earth, and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies harmful to the physical, mental and social health of man, in the human-made environment; particularly in the living and working environment.

A point has been reached in history when we must shape our actions throughout the world with more prudent care for their environmental consequences. We can do massive and irreversible harm to the earthly environment on which our life and wellbeing depend through ignorance or indifference. Conversely, through fuller knowledge and wiser action, we can achieve our posterity a better life in an environment more in keeping with human needs and hopes. To accomplish this, the natural objective would request acknowledging obligation by residents and networks and foundations at each level, all sharing even-handedly in like common attempts. Individuals in all walks of life and organizations in many fields, by their values and the sum of their actions, will shape the future's world environment.

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