

BOOK REVIEWS

CONSERVING WATER BODIES THROUGH LAW: INSIGHTS FROM VARANASI (2025). Vinod Shankar Mishra, published by Satyam Law International (India). Pp. 255. Price 995. ISBN: 9788119121229.

WATER BODIES such as rivers, lakes, ponds, wetlands, seas and oceans, are natural or man-made reservoirs that store and circulate water, forming the lifelines of both human civilization and the natural world. They regulate climate, recharge groundwater, support biodiversity and provide essential resources for drinking, agricultural uses, fisheries, industry, and cultural practices. Conservation of these water bodies is crucial, as unchecked pollution, over-extraction, encroachment, and climate change are degrading their health and capacity to sustain life.¹ Protecting them ensures the survival of countless species, maintains ecological balance, prevents water scarcity, and secures livelihoods for millions. In human life, they are not only the sources of sustenance but also carriers of heritage and identity. In ecosystems, they act as intricate networks that connect land, air and life, making their preservation a moral, environmental, and economic imperative. Considering this, the *Atharvaveda*² that celebrates the sanctity and healing power of water.

This verse reveres all forms of water whether from the heavens, earth, underground, or naturally emerging as divine and sanctifying. It underscores water's essential role in sustaining life, purifying, and nurturing well-being in both human life and the larger ecological order. When water is considered simply as water—a finite natural resource—the focus tends to be on management, regulation, and science-based conservation. This approach, common in many Western countries, treats rivers and lakes as assets that require strict laws, pollution control, and public accountability to keep them clean. The emphasis is on function, utility, sustainability, and robust enforcement mechanisms. When water is considered divine, as in much of India's cultural and religious tradition, it carries spiritual reverence and symbolic purity; rivers like the Ganga are worshipped as goddesses. In principle, this worldview could inspire deep respect and careful preservation. However, in practice, the reverence often remains ritualistic rather than ecological. We see that people continue to pollute sacred rivers through industrial discharge, untreated sewage, and even religious offerings wrapped in non-biodegradable material, assuming the river's divinity will “self-purify.” The paradox is that Western rivers are cleaner not because they are seen as holier, but because they are seen as vulnerable—and therefore, protected through systematic, enforceable measures.³ In contrast, Indian rivers, though considered sacred, suffer because devotion is not matched with disciplined environmental stewardship.

1 IPCC, Climate Change and Land (2019), Ch. 4.

2 Atharvaveda 1.5.1.

3 Narain, S., “Sacred but Dirty,” Down to Earth, May 2014.

The recent jurisprudential development regarding recognition of the legal personality of the non living entities, such as rivers, mountains, forests and animals⁴ does not squarely fit within the scheme and scope of the present work. However, they validate and vindicate the ancient Indian philosophy on the relation of man and nature and accordingly require a new and fresh thinking on the personality of water and other natural resources.⁵ It exposes how the narrow, Western, Aristotelian conception of legal personhood continues to this day, restricting the evolution of a truly comprehensive environmental jurisprudence. In an age marked by the triplanetary crisis—climate change, pollution, and biodiversity loss—it is hoped that environmental lawyers in India and across the globe will rise to the occasion, expanding the scope of legal thought to meet unprecedented ecological challenges.⁶

In view of the above, V S Mishra's book on conservation of water bodies deserves to be seen as a timely and welcomed publication on the protection of the environment. The work under review *Conserving Water Bodies Through Law: Insights from Varanasi* is a revised and edited version of the UGC Sponsored Major Research Project originally titled "Protection of Water Bodies and Regulatory Measures: A Case Study of Varanasi and Adjoining Areas." And for the reviewer who has reviewed four books on aspects

4 In *Mohd. Salim v. State of Uttarakhand* (Mar. 2017) the Uttarakhand High Court declared the Ganga and Yamuna (and some glaciers) to be "living persons"/juristic entities and appointed state officials as legal guardians to protect their rights and reasoning drawn on constitutional duties to protect the environment (Arts. 48A, 51A(g)). The order was immediately controversial and was stayed by the Supreme Court of India (July 2017) pending hearing; commentators have noted practical, jurisdictional and conceptual problems (e.g., how duties/liabilities attach, catchment and inter-state issues). The area of "rights of nature" in Indian law, therefore, remains unsettled at the national level. It is important to note that New Zealand has been a global leader in granting legal personhood to natural entities as part of Treaty settlements with Māori: TeUrewera Act 2014 (formerly a national park) was declared a legal entity with rights, powers and duties; a board acts on its behalf. Te Awa Tupua (Whanganui River) Act 2017, the Whanganui River was recognised as an indivisible legal person ("Te Awa Tupua") with representatives acting as its guardians; the Act reframes governance around river wellbeing. New Zealand has extended this model (e.g., Taranaki Maungarecognised recently), and scholarship/practice emphasises co-governance, restorative tikanga (customary law) and implementation challenges. The core message from the New Zealand and Uttarakhand High Court cases is that there is a growing global recognition that natural entities like rivers, lakes, and mountains are not merely resources to be exploited, but living systems with intrinsic value and rights of their own. Also see, Christopher T. Fleming, *Equity and Trusts in Sanskrit Jurisprudence*, The British Academy, Oxford University Press, 2025, pp. 427-28.

5 Also see, 'Ancient Indian Perspective of Human Rights'. B C Nirmal. IJLI 43, 445-478, 2003; Arti Nirmal and Prakash Chandra Shukla, "Changing Dimensions of Ecofeminist Jurisprudence: East and West." *The Banaras Law Journal*, 49(2), 2020: 132-156., available at: <https://www.bhu.ac.in/law/blj> (last visited on May 20, 2025)

6 Stone, C.D., "Should Trees Have Standing?" *Southern California Law Review* (1972).

of environmental protection,⁷ this book is a meaningful addition to the existing literature. Moreover, what distinguishes this book from earlier ones is its subject matter and the research method adopted by the author. While conserving water bodies, a vital but very often neglected and even ignored aspect of environmental protection is the subject matter of the book. The research method adopted by the author is an empirical one, *i.e.* survey and a field study. The book, therefore, falls under the rubric of ‘sociology of law’, the pervasive theme of which is the gap between ‘law on the paper’ and ‘law in action’.⁸ The book adopts from ‘problem to law’ approach and concludes with an impressive inventory of recommendations for the restoration of water bodies. It examines the deterioration of Varanasi’s water bodies due to flawed policies, lack of oversight and real estate pressures.⁹ Problems include construction on ponds, waste dumping, and encroachment, despite Supreme Court directives.¹⁰ Efforts to protect water bodies began in 2005, gaining momentum after a 2007 high court order.¹¹ The research, based on surveys and observations, covers Varanasi and nearby areas, and is divided into nine chapters addressing historical context, current conditions, ancient water structures, international and Indian legal measures and conservation strategies.

Turning to the organisation and structure of the book, it consists of nine chapters. While chapter one introduces the topic, purpose, scope and methodology of the study, chapter two provides the historical background of Varanasi, one of the oldest cities in the world and the ancient seat of knowledge, culture, and tradition. P. V. Kane in *History of Dharmasastra (IV)*,¹² notes, “There is hardly any city in the world that can claim greater antiquity and greater veneration than Varanasi, which has been [a] holy city for thirty centuries. No city in India arouses the religious emotions of Hindus as Kasi does. “Renowned philosopher Adi Shankara,¹³ in his Manikarnika Stotram, says: “Brahma once weighed the heavens against Kashi. And Kashi, being heavier, sank while the skies... rose upwards.”

7 PP Mitra, Animal Justice: Indian Judiciary on Cruelty to Animals, Animal Sacrifice and Cow Slaughter to Mob Lynching, Bloomsbury, IJIL. Vol. 64, 207-210 (2024); Shubram Rajkhowa and Sriparna Rajkhowa, Climate Change and Climate Justice (2024) Satyam Law International, IJIL, Vol. 64, (2024), 504-507; PP Mitra, An Introduction to Animal Law in India, Thomson & Reuters, (2019), IJIL, Vol. 59 (2021) at 483-487; PP Mitra, Birds and Wetlands and Law: Indian and International Perspectives (Thomson and Reuters South Asia Ltd.). Sochoow Law Journal (2019) at 207-213.

8 Lloyd’s Introduction to Jurisprudence, Fifth Edition by Lord Lloyd and MDA Freeman, Stevens, 578-582 (1985).

9 Mishra, V.S., Conserving Water Bodies Through Law: Insights from Varanasi (Satyam Law International, 2025), Preface.

10 Supreme Court orders in M.C. Mehta v. Union of India, WP(C) 3727/1985.

11 High Court of Allahabad, PIL No. 4003/2006, order dated 5 March 2007.

12 Kane, P.V., History of Dharmasastra, Vol. IV (Bhandarkar Oriental Research Institute, 1941).

13 Adi Shankara, Manikarnika Stotram, verse 1.

Chapter two of the book explores the socio-cultural and ecological context of Varanasi to illustrate the broader water crisis. Avoiding romanticism, the author recounts how urban growth and changing land use have eroded the city's network of tanks, stepwells, and ponds, despite their historical importance. Drawing on old maps, gazetteers, and colonial surveys, he shows how these water bodies were once strategically placed and maintained through the support of kings, temple trusts, and communities, contrasting their past vitality with present-day neglect. The well-known American author Mark Twain also praised Varanasi as "older than history, older than tradition, older even than legend, and looks twice as old as all of them put together".¹⁴ While timeless quotations praise Kashi as the "eternal city of light" and a "royal palace" of Shiva, their spirit faces erosion in today's reality.¹⁵ Increasing pollution of the Ganga, shrinking water bodies and the impacts of climate change are dimming the sacred aura described by scholars and scriptures. The city's holiness now stands in contrast to its environmental degradation, making preservation urgent to keep those words alive in truth, not just memory.

In the same vein, chapter three broadens the focus beyond Varanasi, comparing the decline of traditional water bodies across several Indian states like Tamil Nadu, Rajasthan, Maharashtra, and Karnataka, showing this as part of a nationwide trend. Mishra notes that temple tanks, ponds, and lakes have been built over, dried up, or polluted due to urbanisation, canal irrigation shifts, and administrative neglect. He critiques the lack of accountability and the treatment of water bodies merely as real estate or refuse dumps. While highlighting these failures, he also points to examples of reform and stresses integrating cultural revival with legal enforcement. The chapter strikes a balance between critique and cautious optimism for rejuvenating these commons.

Chapter four returns the focus to Varanasi, presenting empirical surveys of the city's water bodies and documenting their alarming decline. It catalogues examples of tanks, *kunds*, and *talabs* in and around historic areas that are either polluted, filled with sewage and solid waste, or completely lost to construction.

Chapter five delves deep into international institutions crucial for water conservation. It gives a brief but crisp account of international treaties and declarations having a significant bearing on the conservation of water resources, particularly it highlighting the implications of the Dublin Statement and the Roman Convention and their implications for the conservation of water reserves in India. The author aptly points out that to address the challenges of water scarcity and inequality in access to water, a right-based water governance framework needs to be fostered in India.¹⁶

14 Mark Twain, *Following the Equator: A Journey Around the World*. 1897.

15 Singh, R.P., "Urbanization and Water Pollution in Varanasi," *Indian Journal of Environmental Law*, 2020.

16 Mishra, V.S., *Conserving Water Bodies Through Law: Insights from Varanasi* (Satyam Law International, 2025) at 109.

Chapter six is devoted to an objective assessment of Indian laws and regulations in safeguarding water bodies. While the Judiciary is to be lauded for its proactive role in reaching the water governance jurisprudence, the lack of their implementation underscores the necessity of translating legal measures into actionable outcomes, the author observes.¹⁷

Chapter seven then proceeds to analyse administrative and policy measures related to water body conservation and examines the responsibility of both State and Central Government agencies, particularly in the context of the role of legal authorities in India.

Chapter eight, which is devoted to judicial responses, focuses on the decisions of the Supreme Court and high courts and explores the tools and techniques that constitutional bodies have employed to protect and conserve water bodies. The study concludes in chapter nine with a neat summary of the preceding chapters and the presents recommendations for the implementation of the existing legal framework and enforcement mechanisms for protection and conservation of water resources and water bodies.

In brief, the study endeavours to integrate Varanasi's historical legacy with contemporary legal and policy frameworks, offering variable solutions emphasizing community participation, legal enforcement, and administrative accountability.

Conserving water bodies serves many purposes including the preservation of water bodies, and law and judicial decisions have a crucial role in their conservation. But much will depend on the extent to which these are implemented by the authorities concerned on the ground. Unfortunately, the overall attitude and approach of the authority in this regard is characterised more by apathy, laxity and lackadaisical. In some cases, the district collectors are seen indulging in "equivocating, hair-splitting and obfuscation"¹⁸ which is again worrisome.

Although the book is designed to cover almost all the important topics of the subject, it has its own limitations. It is, after all, based on a project focused on Varanasi and adjoining areas. Its findings, therefore, need to be tested and validated by similar area studies covering other parts of the country. The book under review touches upon community participation and gender dimensions, but this engagement needs to be explored further by assessing the role of women's collective or local panchayats in water governance or the socio-economic impact of revived water bodies. There is still a need for studying the post-judgment implementation of landmark cases, viz Jagpal Singh¹⁹ and Mirza Abid Beg.²⁰

17 *Id.*, 209.

18 Words borrowed from *K.Paulraj v. The District Collector* on Oct.3, 2024.

19 *Jagpal Singh v. State of Punjab* 2011 (2) SCALE 42.

20 *Mirza Abid Beg v. State Of U.P.* 2024 Live Law (SCALE) 488.

Jon Keune observes, of course, in another context, “Highly specialized technological language can function as guild-speak, policing the gates to the scholarly profession, even if unintentionally, so that only the properly accultured and high-born may enter. I do not want to reinforce this.”²¹ Fortunately, despite the complexity of issues involved in the conservation of water bodies, Mishra’s book presents the findings of research in such a simple language and lucid style that his research is easily comprehensible by both lawmen and laymen having stakes in the conservation of water and water bodies.

On the whole, the book under review is a useful addition to the existing literature on environmental law and ecology. It is recommended to lawyers, judges, academics, environmental activists and all those interested in the study of management of water bodies in India and abroad. Being reasonably priced with an impressive set-up can be a value addition to individuals across disciplines, researchers, and policymakers.

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- 21 Jon Keune. *Shared Devotion, Shared Food: Equality and the Bhakti-Caste Question in Western India*. New York: Oxford University Press, 2021. As quoted in Christopher T. Fleming, *Equity and Trusts in Sanskrit Jurisprudence*, The British Academy, Oxford University Press, 2025.
- 22 Former Vice-Chancellor, National University of Study and Research in Law, Ranchi, Jharkhand & Former Professor, Head & Dean, Faculty of Law, Banaras Hindu University, Varanasi-221005, Uttar Pradesh.