

IV. Dimensions of the Right to Life and the Perception of the Right to Water as an Ingredient of Right to Food

A. The Right to Life

4.10. The right to life, though the most fundamental of all, is also one of the most difficult to define. All the same, it has been accepted in an unambiguous way that by the term "life" something, more is meant than mere continuance of a person's animal existence. Thus, the inhibition against its deprivation extends to protection of all those elements and faculties by which life is enjoyed.<sup>42</sup>

4.11. However, it has been held by the Supreme Court that Article 21 (of the Constitution of India) cannot be pressed into aid of argument that the word "life" in Article 21 includes "livelihood" also.<sup>43</sup>

B. The Right to Livelihood.

4.20. It is submitted that even if it is conceded that the right to life does not include "right to livelihood", the right to an adequate means of livelihood enshrined in Article 39 (a) which lays down "that the citizens, men

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42. See Kharak Singh, Petitioner v. State of Uttar Pradesh and others, AIR (1963) S.C.1295, at p.1302.

43. See in re Sant Ram, Appellant, AIR (1960) S.C., 932 at p.935.

and women equally have the right to an adequate means of livelihood", is certainly a part of the "right to food".

Right to Food: Accepting the "right to livelihood" as a part of "right to food" leads us to the inference that the right to food emerges from the basic right of subsistence. The right to subsistence imposes a two-tier responsibility upon the Governments of the world. Thus, at the state-level the governments of the States, where a part of the population is suffering from scarcity of food, are under an obligation to ensure a distribution of the available food resources in such a way as to overcome the scarcity and, at the international level, the states, producing surplus food, have the obligation to allocate their surplus food for feeding the populations of the scarcity-hit states, which are suffering from mal-nutrition.

### C. The Right to Water

4.30. The right of food certainly includes the right to water as water is needed for the preparation, in-take and digestion of food for sustenance of life.

4.31. As pointed out earlier, the International Law Association, while adopting Rules for "Protection of Water Resources and Water Installations in times of Armed Conflict" at its Fifty-Seventh Conference at Madrid in 1976, laid down in Article I of those Rules that "Water, which is indispensable for the health and survival of

the civilian population should not be poisoned or rendered otherwise unfit for human consumption".<sup>44</sup> This provision emphasises the value of water for human life.

4.32. Elsewhere also it has been observed that "life on earth depends on water, The principal ingredient of living cells".<sup>45</sup> and that as such "it can be concluded that water is responsible for the basic functions of life, namely, the origin, preservation and continuation of life- for all species of plants and animals as well as for man".<sup>46</sup>

4.33. This analysis leads us to the premises that "right to water", as an ingredient of "right to life", "right to food", and "right to health" should be treated as a basic, fundamental and human right even if it has not been expressly mentioned and designated as such in various Human Right Documents and respective Constitutions of various States.

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44. See IIA Report of the Fifty-Seventh Conference, Madrid, 1980, pp xxxiv-xiii and pp.213-266.

45. See Encyclopedia Americana (International Edition) (1976), Vol.28, p.432 and The New Encyclopedia Britanica, Macro-paedia- Knowledge in Depth, 15th edition, 1974.Vol.19 p.636.

46. See Chauhan: "Settlement of International Water Law Disputes in International Drainage Basins", 1981,p.33.