

VIII. Conclusion

Water is one of the most important life sustaining natural resource systems on earth. It is subject to wide spread regulation and its different uses have been the subject matter of different regulatory enactments. One thing, however, is common in all the enactments - the sanctions imposed to bring about compliance are similar in nature. The sanctions are criminal in nature and based primarily on the fault liability. The strict and vicarious liabilities, in addition to fault liability, are also incorporated more especially in case of water pollution. In the area of environmental pollution the legislative trend is towards strict liability though the judicial attitude has restricted the scope of strict liability and has favoured the fault liability.

The penalties are minimal except in the case of water pollution, and the quantum of punishment

has almost remained same even where a statute, was enacted 100 years ago. This has reduced the deterrent effect and the effectiveness of those enactments.

To cope up this problem penalties should be reviewed periodically say once in 10 years. In case of water pollution though penalties are heavy but being criminal in nature, they are difficult to impose. However the use of probation in the field of water pollution is a welcome step and it may produce encouraging results. Its scope should be widened to include other areas such as fishing and irrigation. There is also an urgent need to infuse into water law the concept of civil sanctions and provision of compensation for the victims. These two elements - application of probation and the incorporation of civil penalties in water law can alone make the regime of sanctions in water law more effective and realistic to suit the present day requirements.