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I. Introduction

Water is one of the basic life supporting systems on earth. It has always been a very important factor in the social, cultural, economic and ecological development of human civilization. That is why all great human civilizations originated and flourished along with all great rivers of the world. However in the today's world of decreasing resources the availability of water in right quality and quantity has been adversely affected because of human activities. Water is increasingly been made unusable due to an irrational tampering with the existing water resources. Technological advancement and modernization coupled with urban and industrial growth create complex and grave problems of pollution, non-availability of water for desired purposes and over exploitation of this resource. Industrial effluents and municipal sewage contribute primarily to the pollution of rivers and other water courses in urban and industrial areas. In rural areas irrational exploitation of groundwater has severely affected the water table in many parts of the country. Floods and droughts further restrict the availability of this resource in time and space.

All this is happening despite a clear constitutional mandate which enjoins upon the state to protect and improve the environment and to safeguard the forest and wildlife of

the country.¹ Here the term 'environment' has been used in the broadest sense and it includes all natural resources system-land, air and water. Supplementing this, the constitution also casts a fundamental duty upon all the citizens to protect and improve natural environment including forest, lakes, rivers and wildlife.²

Now the question arises how can we maintain a viable and sustainable water resources system of right quality and in right quantity for all living ^{living being} and non-~~living~~ and which may be used for different purposes? One way to achieve this goal is to regulate individual and business behaviour that affects this resource through governmental intervention by the instrumentality of law.³ Typically such intervention involves the legislative imposition of standards backed by negative sanctions⁴ for non compliance which aim to establish a penalty whose expected value exceeds the cost of compliance.⁵ This intervention denotes the aggregate of those rules and principles of conduct which the government recognizes as those which it will enforce or sanction, and according to which it will regulate, limit or protect the conduct of members of the community.⁶ Since every law must have some objective, in the context of water law, it is necessary that such legal rules and standards and the consequent sanctions for their non-observance should take care of the basic issues involved in any resource management regime-equity, justice, development and sustainability.

The main thrust of this paper will re^{to}discuss the extent and scope of civil and criminal liability of the individual as well as of group of individuals - corporations, government departments etc., in the water law. An attempt will also be made to trace a pattern in the antimony between a principle of liability based upon fault and a principle of strict liability and the extent to which one principle or the other prevails in contemporary water law. Along with this the concept of continuing offences in water law will be examined. Since in a developing country a proper climate for industrial growth is vital for its economic development, increasing standards of living and for creating necessary employment opportunities, industries, even if hazardous, have to be set up since they are essential for economic development and advancement and well being of the people. ⁸ Very harsh penalties may not be conducive for this purpose. At the same time the law of tort alone is also inappropriate. The solution to this problem, apart from creation^{of} strict liability offences, may be found in an extension of criminal law to include applicatio of probation in such cases. This aspect has also been discussed in the context of water pollution laws. All this regime has been discussed in various Acts concerned with water resources, which, for the sake of convenience, have been categorised into general criminal law, water pollution laws, irrigation statutes.