

The Right to Water in the Courts of India

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“The conflict in these cases, is the conflict of yesterdays and a new day - the conflict of the lifestyle of a lotus eyed leisurely day gone by, and the exacting demands of today on material resources.”

Attakoya Thangal v. Union of India (1990) (Sankaran Nair, J.)¹

I. Introduction

Over the course of the past several decades, many treaties have been signed and declarations made to the effect that water is a basic human need (Salman and McInerney-Lankford 2004; Gleick 1998). Some bodies - most notably the 1977 United Nations Water Conference - have resolved that human beings enjoy a fundamental human right to clean and sufficient supplies of water (United Nations 1977). By their very natures, these treaties and declarations are made by consensus and therefore can be general in nature, or at the very least, silent concerning how they should be implemented within their signatory states. With respect to a human right to water, as Schorn (2000) has noted, the “ultimate question” is how such a human right “can become operational. In other words, how do we guarantee such a right?” (Schorn 2000:139).

¹ As compared with writings by American jurists, opinions of Indian jurists tend to be flowery and often poetic. A sense of that poetry will be found in the quotations from Indian cases in this paper.

One way to attempt to guarantee such a right is through the courts. Among the states in which water rights decisions have been reported are Argentina, India and South Africa. (Bluemel 2004). Of these three states, India, by far, has taken the lead. Moreover, the Indian courts invariably have confirmed that a human right to water exists and have enforced that right. This paper, accordingly, examines how the human right to water has been implemented in the Indian courts.

II. Constitutional Sources of the Right to Water

The lengthy and complex Constitution of India contains several provisions that underlie the right to water. These provisions are found in the various Parts of the Constitution dealing with the fundamental rights of persons, the directive principles of state policy, the duties of the state and other political subdivisions, and interstate relations.

Part III of the Constitution sets forth the fundamental rights of persons in India. Within the subsection subtitled “Right to Freedom” is Article 21, which states, in full, that: “No person shall be deprived of his life or personal liberty except according to procedure established by law.” As discussed below, this clause has been judicially construed to include the right to water. It forms the basis of the right to water in India.

Part IVA of the Constitution of India is titled “Directive Principles of State Policy.” Section 48A states: “The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.” Also included within the Constitution is Part IVA, called “Fundamental Duties.” In pertinent part, Article 51A states: “It shall be the duty of every citizen of India . . . (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.” These provisions also have been held to impose specific duties with respect to the right to water.

Part XI of the Constitution of India, entitled “Relations Between the Union and the States,” is sometimes discussed in connection with water issues. Article 246 of the Constitution refers to two lists and describes the power of the national and state governments to legislate with respect to the subjects described in the lists. The national government is granted the power to legislate with respect to subjects included within List I, which includes Entry 56:

Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

List II, which describes the subjects about which state legislatures may pass laws, includes Entry 17: “Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.” In addition, Article 262, sometimes noted by the courts, addresses river disputes among states.

III. Public Interest Litigation and the Right to Water

The Constitution of India includes several Articles guaranteeing the right to water. However, at least in the United States, just because a right is set forth in the U.S. Constitution does not necessarily mean that an individual, or an organization or a group of individuals, may attempt to enforce that right in court (*e.g.*, *Bivens* 1971). Moreover, in the United States, the judicial power is limited by the “case or controversy” requirement of the U.S. Constitution which requires that to bring a suit, a plaintiff must demonstrate an injury in fact rather than simply an abstract injury. (Nowak and Rotunda 2000:83-107).

In contrast, Indian jurisprudence is not subject to such constraints: The Constitution of India includes Article 32, which grants persons expanded rights to sue. Article 32 is found in Part III of the Constitution of India, entitled “Fundamental Rights,” under the subheading of “Right to Constitutional Remedies.” In pertinent part, Article 32 states:

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

The Supreme Court of India described the purpose of Article 32, in a case dealing with the right to water, in *Subhash Kumar v. State of Bihar* (1991):

Article 32 is designed for the enforcement of Fundamental Rights of a citizen by the Apex Court. It provides for an extraordinary procedure to safeguard the Fundamental Rights of a citizen. Right to live is a fundamental right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life. A petition under Art. 32 for the prevention of pollution is maintainable at the instance of affected persons or even by a group of social workers or journalists.²

(*Subhash* at 7).³ Article 32 litigation is frequently described in Indian court decisions as Public Interest Litigation, or “PIL.” Pant (2003) explained Indian Public Interest Litigation as follows:

² English as written by Indian jurists often omits articles of speech (such as “the”) that normally are found in writings by American jurists. No attempt is made to insert articles in quotations from Indian jurists as the omission of articles is merely a difference in usage. Original quotes are faithfully reproduced.

³ Cases decided by the Supreme Court of India and other subsidiary courts are reported in the *All India Reports*. The *All India Reports* have proved difficult to find in the Dallas-Fort Worth Metroplex: Even the Dedman School of Law at Southern Methodist University possesses only a partial collection of the *All India Reports*. Most of the cases cited in this paper were located online, through the World Legal Information Institute, at <http://www.worldlii.org/in/cases/INSC/>. However, the cases were not paginated as in the original documents. Thus, page citations to these opinions are to copies of the World Legal Information Institute versions of the cases as downloaded in pdf format. Copies of the cases can be read and downloaded from the author’s website at <http://homepage.mac.com/jvmac/FileSharing2.html>.

This form of litigation is different from the conventional form of litigation where normally the conflict is between two private parties. PIL is normally resorted to where the rights of a larger public have been violated by a state action or inaction. In a PIL, any public spirited individual or organisation championing the cause of public can approach the court for the benefit of society and especially for those underprivileged and poor who due to their disadvantaged social position are unable to approach the courts.

(Pant 2003:12-13). Perhaps the existence of Article 32 helps to explain the volume of Indian court decisions involving water. In any event, there are a number of such decisions, to which we now turn.

IV. Indian Court Decisions Regarding the Right to Water

Early Cases

The right to water as a human right commonly is traced to *Attakoya Thangal v. Union of India* (1990), a decision by the Kerala High Court. (Bluemel 2004; Pant 2003). However, the Supreme Court of India had clearly set forth the right as early as 1989, in *Charan Lal Sahu v. Union of India* (1989), a case arising out of 1984's Bhopal disaster, in which some 3,000 persons died from exposure to a lethal gas cloud after an explosion at a pesticide plant in that city. *Charan* upheld the constitutionality of the Gas Disaster (Processing of Claims) Act which legislatively settled the claims of the deceased and injured by payment of certain sums of money. In the course of the *Charan* opinion, the Supreme Court of India rested the right to water on three provisions of the Constitution of India: "In the context of our national dimensions of human rights, right to life, liberty, pollution free air and water is guaranteed by the Constitution under Articles 21, 48A and 51(g)" (*Charan* at 16).

The following year, the High Court of Kerala decided *Attakoya Thangal v. Union of India* (1990). In *Thangal*, the issue before the court was whether an Indian government administrative

agency should be allowed to augment the water supply on the Lakshadweep Islands, located in the Arabian Sea adjacent to the states of Karnataka and Kerala. The agency sought to dig additional wells and to pump additional water from existing wells. The Petitioners claimed that the agency's plan would cause increased salinity in the water supply because the water table lay only 0.6 to 0.75 meters deep.

The court instructed that no construction as proposed by the agency would be allowed to proceed without the approval of India's Ministry of Science and Technology and the Ministry of Environment. During the course of the opinion, the court based the right to water on the right to life found in Article 21 when it said that

the administrative agency cannot be permitted to function in this matter as to make inroads, into the fundamental right under Art. 21. The right to life is much more than the right to an animal existence and its attributes are many fold, as life itself. A prioritization of human needs and a new value system has been recognized in these areas. The right to sweet water, and the right to free air, are attributes of the right to life, for, these are the basic elements which sustain life.

(*Attakoya* at 3). The court became poetic when it described the Lakshadweep Islands:

The coral isles of Lakshadweep, with their wind swept beaches of silver sands washed by the soft ripples of the lagoons, lie scattered like pearls in the sapphire sea, to the west of the Malabar coast. The palm fringed isles are endowed with scenic loveliness; but are not endowed with enough material resources.

(*Attakoya* at 1). Further, the Court stated:

Water and rivers have dominated the destiny and fortunes of man. Plentiful rivers, have brought prosperity to those who lived on their banks. Great civilizations, going back to India's immemorial past, flourished along the banks of our great rivers. Legends and Lores, linger around them. Along the banks of Indus and Ganges grew up the greatest civilizations, that mankind knew of. If Bhageerathi brought salvation, Ganga sustains life. The Ganga rising in torrential springs from the foothills of the Himalayas, runs like a lifeline through India's Heartland and has brought plenty and prosperity. Ages have rolled by it, and it has remained eternal. In a way it has been a symbol. In the words of Jawaharlal Nehru, "the Ganga has been to me a symbol and a memory of the past of

India, running into the present, and flowing on to the great ocean of future”. Prof. Humayun Kabir in “Men and Rivers” has portrayed life on the banks of Padma. The vicissitudes of life, varies – happiness and sorrow – with her moods and seasons.

(*Attakoya* at 3).

In 1991, the Supreme Court of India revisited the right to water in *Subhash Kumar v. State of Bihar* (1991). The dispute before the Court was whether and to what extent the Tata Iron & Steel Co. Ltd. (“Tata Steel”) should be permitted to continue the discharge of coal slurry or sludge from washeries into the Bokaro River in Jharkhand State. Tata Steel is “India’s largest privately owned steelmaker by output” (Wonacott and Singer 2006).

The case was brought under Article 32 of the Indian Constitution, which permits public interest litigation to be brought by a citizen. In this case, the Court found that the Petitioner had a personal, rather than a public, interest in the dispute - he was a competing coal processor - and accordingly dismissed the petition. Prior to dismissal, however, the Court spoke of the right to water:

Right to live is a fundamental right under Art. 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life.

(*Subhash* at 7).

Pavement-Dweller Cases

The Supreme Court of India next discussed the right to water in connection with the rights of pavement dwellers to shelter. In *Olga Tellis v. Municipal Corporation of Greater Bombay* (1985), the Court set forth the right of pavement dwellers to shelter as a fundamental right under Article 21. Building upon *Olga*, a three-judge bench of Supreme Court Justices decided *Chameli Singh v. State of Uttar Pradesh* (1996), which confirmed that Article 21 includes

a right to water because it is one of the “basic human rights known to any civilized society” (*Chameli*, as quoted in *Ahmedabad* at 5). In *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan* (1996), a later case involving the eviction of pavement dwellers, the Court quoted *Chameli* at length, including *Chameli*’s fundamental rights discussion and that the fundamental rights of Article 21 encompass the right to water.

Himayat Sagar and Osman Sagar

In *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.)* (1999) (“*A.P. Pollution I*”), the Supreme Court of India granted the Andhra Pradesh Pollution Control Board (the “Board”) and an environmental society leave to file special leave petitions relating to pollution of two lakes called Himayat Sagar and Osman Sagar, located in Andhra Pradesh. These lakes are reservoirs that supply water to Hyderabad and its neighbor, Secunderabad. Underlying the case was a determination by the Board in 1994 that certain vegetable oils - including Castor Oil - were to be listed in a “red” hazardous waste category. Three government entities with jurisdiction over the lakes then prohibited the manufacture of such oils within a ten kilometer radius of the two lakes.

In 1995, after this prohibition became effective, a company called M/s Surana Oils and Derivatives (India) Ltd. (the “Company”) purchased twelve acres of land within the ten-kilometer radius. The Company then petitioned the State of Andhra Pradesh and the Government of India for permission to build and operate a plant on those premises that would manufacture Castor Oil. In late 1995, the state government consented to the proposed plant, recommending a “relaxation” of the location restriction, subject to approval by the Board. The Government of India likewise approved the petition, ceding final word to the Board. However, the Board, in 1996, rejected the Company’s petition.

Undeterred, the Company began building its facility and appealed the Board’s decision to an Appellate Authority established under India’s Water (Prevention and Control of Pollution)

Act, 1974. The appellate authority accepted numerous affidavits from the Company establishing that the project would not endanger the water quality of the lakes and, in 1998, ordered the Board to grant the Company permission to give its consent for construction of the Company's project. The parties then adjourned to the Division Bench of the Andhra Pradesh High Court where that court directed the Board to consent to the Company's project. The parties then brought their dispute to the Supreme Court of India.

The Supreme Court opened its opinion with this quote from Fritsch (1980):

The basic insight of ecology is that all living things exist in interrelated systems; nothing exists in isolation. The world system is weblike; to pluck one strand is to cause all to vibrate; whatever happens to one part has ramifications for all the rest. Our actions are not individual but social; they reverberate throughout the whole ecosystem.

(*AP Pollution I* at 1, quoting Fritsch 1980:3-4). After reciting the case's history, the Court entered into an extended discussion of the need for expert, scientific testimony to address the issue before it. Noting that environmental concerns are "of equal importance as Human Rights concerns" (*A.P. Pollution I* at 25), the Court observed that

both are to be traced to Article 21 [of the Indian Constitution] which deals with fundamental right to life and liberty. While environmental aspects concern "life", human rights aspects concern "liberty". In our view, in the context of emerging jurisprudence relating to environmental matters, - as it is the case in matters relating to human rights, - it is the duty of this Court to render Justice by taking all aspects into consideration.

(*A.P. Pollution I* at 25). The Court accordingly decided to refer the issues before it to the Appellate Authority under the National Environmental Appellate Authority Act, 1997. That Appellate Authority was directed to report back to the Court.

The Court again addressed the issues once the Appellate Authority made its report. In *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.)* (2000) ("*A.P. Pollution II*"), the dispute returned to the Court. The Appellate Authority had recommended against the

Company. The Court held that “this is a pre-eminently fit case which requires grant of an injunction to prevent irreversible pollution to the drinking water reservoirs of Osman Sagar and Mimayaat Sagar” (*A.P. Pollution II* at 2). The Court invoked Resolution II from the 1977 United Nations Water Conference, held at Mar del Plata, Argentina (United Nations 1997):

Drinking water is of primary importance in any country. In fact, India is a party to the Resolution of the UNO passed during the United Nations Water Conference in 1977 as under:

All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs.

Thus, the right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking water to its citizens.

(*A.P. Pollution II* at 3). The Court followed these statements with an extended discussion of emerging human rights to a healthy environment and sustainable development, both in India and in other states.

Krishna River Dispute

In *State of Karnataka v. State of Andhra Pradesh* (2000), the Supreme Court of India considered a dispute among the States of Maharashtra, Karnataka and Andhra Pradesh over utilization of the water of the Krishna River. In a concurring opinion, Justice Sethi scolded the parties for failing to accept the judgment of the Krishna Water Dispute Tribunal which had issued a ruling resolving the parties’ respective claims. Justice Sethi wrote that the parties rejected the Tribunal’s ruling “on pretexts and under the wrangles of technicalities” (*Karnataka* at 3). He concluded his opinion thus: “Let better sense prevail upon all concerned to ensure the safety of the river and proper utilisation of its water for the benefit of inhabitants of the Krishna River Basin” (*Karnataka* at 3).

In an introductory part of his opinion, Justice Sethi spoke eloquently about the regard with which water is held in India:

In the National Water Policy issued by the Government of India in 1987, it was declared that water is a prime natural resource, a basic human need and a precious national asset. Water, like air, is the essence for human survival. The history of water availability and its user is tied up with the history of biological evolution in all civilizations. It will not be wrong to say that not only the life started in water but rather water is life itself. It is essential for mankind, animals, environment, flora and fauna. There is no denial of the fact that in the ancient times water played an important role in the origin, development and growth of civilization all over the globe. Water is an important factor in the economic development of the countries which ultimately affects the social and human relations between the inhabitants. Planned development and proper utilization of water resources can serve both as a cause as well as an effect off the prosperity of a nation. Water on earth is available in the form of frozen snow, rivers lakes, springs, water ways, water falls and aqueducts, etc.

(*Karnataka* at 1). In another part of the opinion, Justice Sethi tied the right to water to Article 262 of the Constitution:

There is no dispute that under the constitutional scheme in our country, right to water is a right to life and thus a fundamental right. In India the importance of water is recognized under the constitution as is evident from Article 262, 7th Schedule List II Entry 17, List I, Entry 56, and Statutes like Inter-State Water Dispute Act, 1956 and Rivers Boards Act, 1956.

(*Karnataka* at 2).

Height of the Sardar Sarovar Dam

In *Narmada Bachao Andolan v. Union of India* (2000), the Supreme Court of India affirmed the award of a Tribunal convened to resolve a dispute among Madhya Pradesh, Gujarat, Rajasthan and Maharashtra over the height of a dam to be built on the Narmada River in central India. At stake were rights to the dam's water, as well as the height of the dam and therefore the amount and consistency of hydroelectric power generation by the dam.

In approving the Tribunal's award, the Court first discussed the right to water, then

followed that discussion by making clear that the right to water extends to persons, not merely to political institutions:

Water is the basic need for the survival of human beings and is part of right of life and human rights as enshrined in Article 21 of the Constitution of India and can be served only by providing source of water where there in none. The Resolution of the U.N.O. in 1977 to which India is a signatory, during the United Nations Water Conference resolved unanimously inter alia as under: “All People, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs.”

(*Narmada* at 80). Of note is that, as had *A.P. Pollution II*, the *Narmada* Court invoked the United Nations Water Conference’s Resolution II.

Kudremukh Forest

The final case of 2002 was *K.M. Chinnappa, T.N. Godavarman Thirumalpad v. Union of India* (2002). The issues before the Court were to what extent, and for how long, a mining company could mine in Kudremukh National Park, located in the Western Ghats in Karnataka State. In the process of delineating the issue before it, the Court quoted Chief Seattle’s speech of 1854 to the Great White Chief in Washington on the latter’s offer to purchase land belonging to the Suquamish Tribe. The Court quoted the entire speech “as any extract from it is to destroy its beauty” (*Chinnappa* at 5-7).

The Court confirmed the opinion of the Forest Advisory Committee that required the cessation of mining activities in Kudremukh National Park within five years, the Court discussed Articles 21, 48A and 51A(g) of the Constitution of India. The Court reiterated that “Article 21 protects right to life as a fundamental right” (*Chinnappa* at 7). The Court further noted that

there is constitutional imperative on the Central Government, State Governments and bodies like Municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measure to promote, protect and improve the environment manmade and natural environment.

(*Chinnappa* at 8).

Effluent Discharge as a Public Nuisance

In its most recent case discussing the human right to water, *State of Madhya Pradesh v. Kedia Leather & Liquor Ltd.* (2003), the Supreme Court of India was asked to determine whether the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, impliedly repealed Section 133 of the Code of Criminal Procedure, 1973. Although Section 133 is a criminal statute forbidding public nuisances, in this instance Section 133 was applied under the civil law to force Kedia Leather and Liquor Ltd. to close its industries “on the allegation that serious pollution was created by discharge of effluent from their respective factories” located in western Dhar, Madhya Pradesh (*Kedia* at 1). The Supreme Court of India held the provisions of the Water Act and Air Act to be mutually complementary of Section 133 such that the former did not impliedly repeal the latter. In the course of the opinion, the Court stated:

Environmental, ecological air and water pollution amount to violation of right to life assured by Article 21 of the Constitution of India, 1950 Hygienic environment is an integral facet of healthy life. Right to live with human dignity becomes illusory in the absence of humane and healthy environment.

(*Kedia* at 3).

V. Conclusions

Several conclusions can be drawn from this review of the right to water as articulated by the Indian courts. First, and paramount, is that such a right exists. The Indian courts have construed Article 21 of the Constitution of India, which states that “[n]o person shall be deprived of his life or personal liberty except according to procedure established by law,” to include a personal right to clean water in sufficient amounts for a person to live a more than

savage existence. Moreover, Articles 48A and 51A(g) of the Constitution of India require individuals, as well as governments at all levels, to protect and improve the environment. The environment, as used in these Articles, includes the right to water guaranteed by Article 21.

Second, it is clear that fundamental rights in India, including the right to water, can be enforced not only by persons directly injured as the result of a violations of those rights, but also by persons who seek to enforce the rights of a larger public, especially when that larger public is composed of the poor and underprivileged. According to the Supreme Court of India (*Subhash* 1991), even social workers or journalists may sue in behalf of such persons. As least within the United States, the courts are not so open.

A third conclusion to be drawn from this paper is that the Indian court system is uncowed by large businesses. Time and again, the Indian courts have intervened when large business interests take actions violative of the right to water. Unlike some other countries, it is clear that India enjoys an independent judiciary, at least in the area of enforcing the right to water. Perhaps this independence and willingness to intervene is attributable to India's long history of reverence for clean and plentiful water, a reverence clearly seen in numerous judicial opinions.

Various authors, including Salman and McInerney-Lankford (2004), Schorn (2000) and Gleick (1998), have discussed how a human right to water could be implemented and enforced in various states around the globe. India provides a case study on how such implementation and enforcement might be accomplished. Not only has India paid heed to international treaties - most notably to Resolution II of the United Nations Water Conference of 1977 - but India's Constitution includes a right to life that the courts have held, of necessity, includes a right to water. The Constitution of India permits judicial intervention under several Articles, among which Article 32 is widely utilized because it grants an expanded right to bring public interest suits. In light of India's independent judiciary and her historic reverence for water as the essence

of life, India sets an example to other states how the human right to water can be honored and enforced.

Bibliography

Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan, [1996] INSC 1311 (11 October 1996).

Air (Prevention and Control of Pollution) Act, 1981 (India).

A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.), [1999] INSC 9 (27 January 1999).

A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.), [2000] INSC 711 (22 December 2000).

Attakoya Thangal v. Union of India, [1990] KLT 580 (India 1990).

Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Bluemel, Erik B. 2004. "The Implications of Formulating a Human Right to Water." *Ecology Law Quarterly*. 31:957-1006.

Chameli Singh v. State of Uttar Pradesh, 2 SCC 549 (1996).

Charan Lal Sahu v. Union of India, [1989] INSC 390 (22 December 1989).

Code of Criminal Procedure, 1973 (India).

Constitution of India.

Fritsch, Albert J. 1980. *Environmental Ethics: Choices for Concerned Citizens*. Garden City: Anchor Press.

Gas Disaster (Processing of Claims) Act, 1985 (India).

Gleick, Peter H. 1998. "The Human Right to Water." *Water Policy*. 1:487-503.

K.M. Chinnappa, T.N. Godavarman Thirumalpad v. Union of India and Ors., [2002] INSC 488

(30 October 2002).

Narmada Bachao Andolan v. Union of India, [2000] INSC 542 (18 October 2000).

National Environmental Appellate Authority Act, 1997 (India).

Nowak, John E. and Ronald D. Rotunda. 2000. *Constitutional Law*. St. Paul, MN: West Group.

Olga Tellis v. Municipal Corporation of Greater Bombay, [1985] INSC 155 (10 July 1985).

Pant, Ruchi. October 2003. "From Communities' Hands to NMCs' BOOTS: A Case Study from India on Right to Water." Accessed September 19, 2006, at <http://www.righttowater.org.uk/code/Documents.asp>.

Salman, Salman M.A. and Siobhan McInerney-Lankford. 2004. *The Human Right to Water*. Washington, D.C.: World Bank.

Schorn, Timothy J. 2000. "Drinkable Water and Breathable Air: A Livable Environment as a Human Right." *Great Plains Natural Resources Journal*. 4:121-142.

Seattle, Chief. 1854. "Speech to the Great White Chief in Washington." Accessed September 30, 2006, at <http://www.kyphilom.com/www/seattle.html>.

State of Karnataka v. State of Andhra Pradesh, [2000] INSC 271 (25 April 2000).

State of Madhya Pradesh v. Kedia Leather & Liquor Ltd., [2003] INSC 380 (19 August 2003).

Subhash Kumar v. State of Bihar, [1991] INSC 3 (1991).

United Nations. 1977. *Report of the United Nations Water Conference, Mar del Plata*. No. E.77.II.A.12. New York: United Nations.

U.S. Constitution.

Water (Prevention and Control of Pollution) Act, 1974 (India).

Wonacott, Peter and Jason Singer. October 6, 2006. "Tata Steel of India May Bid for Corus." *Wall Street Journal*. 3A.