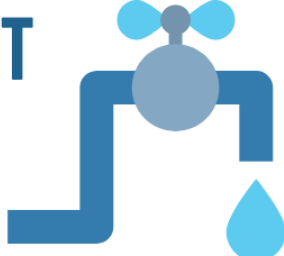


INDIA: THE RIGHT TO WATER AND COVID-19



For many people in India, water of adequate quality and quantity is either unavailable, inaccessible or only intermittently available. This increases the risk of transmission of COVID-19.

Indian authorities have failed in meeting their obligations to address this situation resulting in violation of these persons rights to water and sanitation, life and health. It also presents a public health risk to all people.

WHAT ARE THE PRINCIPAL CONCERNS REGARDING THE RIGHT TO WATER IN INDIA?

Access to water in India:

A 2019 NGO Water Aid report shows that approximately **one billion people in India are living with physical water scarcity.**

UNICEF and WHO data from 2017 shows that only 44% of India's population had access to piped water. Over one-third of the water consumed by rural populations was contaminated.

Households in "non-notified" informal settlements often are not provided with access to government water supplies, and are compelled to buy private water, often sold at 30 times the government price.

These households often depend on shared water and sanitation facilities but the **community toilets too lack reliable water supply.**



IMPACTS OF COVID-19 ON RIGHT TO WATER IN INDIA:

Given the limited water, **the household priority is often cooking food and drinking water, at the expense of hand washing** and other hygiene measures essential for halting the transmission of COVID-19.

The burden of **carrying, storing and managing water falls disproportionately on women and children**, who often congregate at public water sources in violation of physical distancing regulations. **Lack of physical distancing** results in a higher COVID-19 transmission.

WHAT ARE INDIA'S LEGAL OBLIGATIONS TO GUARANTEE THE RIGHT TO WATER?

International Law:

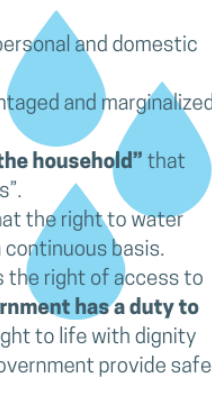
UN ESCR Committee: Right to Water is "one of the most fundamental conditions for survival".

The UN ESCR Committee has identified **three core obligations of the Governments** on right to water:

- A **minimum essential amount of water** which is sufficient and safe for personal and domestic use, as well as to "prevent disease";
- Water and water facilities **without discrimination**, especially to disadvantaged and marginalized groups of people; and
- Water facilities and services **available "at a reasonable distance from the household"** that provide sufficient, safe and regular water "without prohibitive waiting times".

Importantly, in the context of COVID-19, the CESCR Committee has said that the right to water must be understood to **include the right to soap and sanitizer** for all on a continuous basis.

Domestic Law: There is no national legislation that specifically guarantees the right of access to water in India. However, the Supreme Court of India has held that the **Government has a duty to provide clean drinking water and public toilets** under the fundamental right to life with dignity (Article 21). The Supreme Court order dated 3 April 2020 asked that the Government provide safe potable water to all persons.



WHAT DOES THE INTERNATIONAL COMMISSION OF JURISTS RECOMMEND?

The ICJ calls upon Indian authorities to guarantee:

Immediate and Emergency Water Provision: Urgently enact and implement enforceable policies on providing emergency water in all water-scarce areas for all people during the pandemic. This must include:

- Provision and cleaning of public hand-washing facilities, soap, other cleaning materials and hand sanitizer on a continuous basis;
- Clear instructions for state governments on the permissible means of providing water and a minimum quantity and quality of water to be provided per household;
- A waiver of water charges for all persons below a specified income level; and
- A cessation of all water disconnections during the pandemic.

Legal Enforcement:

- Enactment of enforceable national legislation on access to water compliant with India's obligations in terms of the right to water;
- Creating and ensuring effective operation of water supply helpline for effective and prompt redress of grievances and responses to emergency water needs.

Monitoring and Information Circulation:

- Establish independent monitoring mechanisms, with communities, civil society, state human rights institutions, and others deemed relevant by the Government; and
- Provide regular, accurate, evidence-based information on the spread of COVID-19 to the general public on hygiene measures effective in curbing the spread of COVID-19.

Read the full briefing paper here: <https://bit.ly/2MkccKF>