

Opinion

## River ecosystems: India's most precious national asset is crying out for legal protection

Only river stretches passing through national parks and sanctuaries enjoy robust protection.

by *Praveen Bhargav*

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A fisherman casts his net in the Brahmaputra river in Assam. | AFP

Flowing rivers are essential for sustaining human life. It is thus imperative that we take stock of how vulnerable India's river ecosystems currently are.

India has several laws to curb water pollution but our revered rivers – the country's lifeline – are not comprehensively protected by a law. Under the Wildlife Protection Act of 1972, robust protection is accorded only to river stretches passing through national parks and sanctuaries.

Some states though do have provisions in their revenue laws or rules to protect rivers, while the Indian Penal Code makes it an offence to defile water in a reservoir, cause injury to a navigable river or mischief leading to diminution of water supply for agricultural purposes.

Given the mounting pressures on our rivers and their potentially cascading impact on our country, why are we allowing this situation to continue? Is it due to the lack of knowledge of political leaders and bureaucrats, or their negligence or even complicity in pursuing “lucrative” earth moving and construction projects on the pretext of development?

In a 2017 interview with *The Hindu*, [the eminent ecological hydrologist Jagdish Krishnaswamy warned](#), “Embarking on huge transformations like linking rivers which could reduce the flow of rivers into oceans and seas is as good as signing the death warrant of our estuarine and coastal ecosystems, from the Sunderbans to the mangroves of the Krishna delta or others along the west coast. We need to really rethink the value of rivers reaching the sea, economically and ecologically.”

Krishnaswamy noted that “the after-effects of some of these large-scale river transformations could be like opening a can of worms”. “The move to make rivers navigational channels, for instance, would involve civil engineering, dredging and removal of sediments to facilitate the movement of barges,” he explained. “In the Ganga, this is likely to impair water quality...due to release of toxins like Arsenic from the river bed.”

Clearly then, promoting unscientific ideas such as the interlinking of rivers, the diversion of rivers flowing into the ocean and [the disastrous Inland Waterways project](#) are an antithesis to Prime Minister Narendra Modi’s emotive call to protect the Ganga. Indeed, the [Namami Gange project](#) will prove futile unless we adopt knowledge-driven policies and devise a legal protection regime to secure river ecosystems.

India’s decision-makers, in the polity and the bureaucracy, apparently think “water flowing into the ocean is a waste”. It is a sad testimony to their lack of knowledge about the scientific and socioeconomic importance of rivers reaching the sea. It is similar to [the myopic idea that planting trees can compensate for the loss of forests](#) which is being aggressively peddled.



Prime Minister Narendra Modi's Namami Gange project will prove futile unless we devise a legal protection regime to secure our river ecosystems. Photo credit: AFP

## **A model for conservation**

That India must conserve its river ecosystems is non-negotiable now. We can start by accepting that a river is a living ecosystem and not merely a concrete-lined water duct. River ecosystems include headwaters, natural forested catchment areas, third- and fourth-generation streams, riparian habitats, floodplains, wetlands and all the river's course, including sandy banks and estuaries.

India can, in fact, devise a reasonable legal protection mechanism for its river ecosystems even under existing statutes.

Currently, the central government uses the Environment Protection Act, 1986 and the Environment Protection Rules to notify [eco-sensitive zones](#) around Protected Areas. In an eco-sensitive zone, all activities are divided into three categories – prohibited, regulated or permitted. It is a model that can be employed for river conservation as well.

Since rivers have great utility for people, only activities that are completely detrimental to their conservation may be listed in prohibited and regulated categories. Activities such as drawing of water and fishing locally would be in the permissible category.

In case of violations, a monitoring committee comprising local government officials and experts can be empowered to file complaints under Section 19 of the Environment Act. In this manner, river ecosystems, in their entirety, can get some legal protection.

River stretches coursing through national parks and sanctuaries already have strong legal protection. Sections 29 and 35(6) of the Wildlife Protection Act prohibit the destruction of wildlife, including aquatic habitat and vegetation, and the diversion of the flow of a water body into or outside such areas.

The [Ken-Betwa river linking project](#) in the Panna National Park had come up against this legal hurdle, but it was rammed through the National Board for Wildlife nonetheless.

Is it that India's decision-makers do not want a legal protection mechanism for rivers lest it stand in the way of mega projects like dams, interlinking of rivers, Inland Waterways?

If so, it is a matter of grave constitutional impropriety since the Supreme Court has clearly ruled that the fundamental right to life encompasses the right to clean environment and clean water.

I hope Niti Aayog, the government's think tank, considers these points and, accordingly, makes compelling recommendations to ensure a legal regime for conserving our river ecosystems, which constitute our most precious national asset.

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