

# A CASE OF DELHI, INDIA

# CLIMATE CHANGE AND

# THE RIGHT TO WATER



## Main takeaways:

- Climate change depletes global water supplies. Certain groups—like women and members of low-income communities—are particularly affected by the impact that climate change has on water.
- Everyone has a right to adequate water under international human rights law. That right is threatened by government inaction in the face of climate change.
- States should guarantee the right to water by taking legal and policy measures that would ensure equal enjoyment of water, regardless of socio-economic status. States should also devote more resources, locally and internationally, to protecting water and combating climate change.

## Why is the right to water important in a changing climate?

Guaranteeing adequate enjoyment of the right to water is crucial as communities bear the negative effects of climate change. Climate-induced phenomena, like declines in overall rainfall, droughts, dust storms, and open-water absorption of greenhouse gas emissions, contaminate and diminish water supplies all around the world. Climate-driven water shortages elevate the price of water, making it more difficult to afford for lower-income households. Rising temperatures intensify the demand for water. Together with increasing heat, the heightened demand for water makes water collection more physically challenging. Women and girls, who are often assigned water collection duties in their households, are disproportionately impacted. Rising temperatures also pose health and safety risks for water collectors.

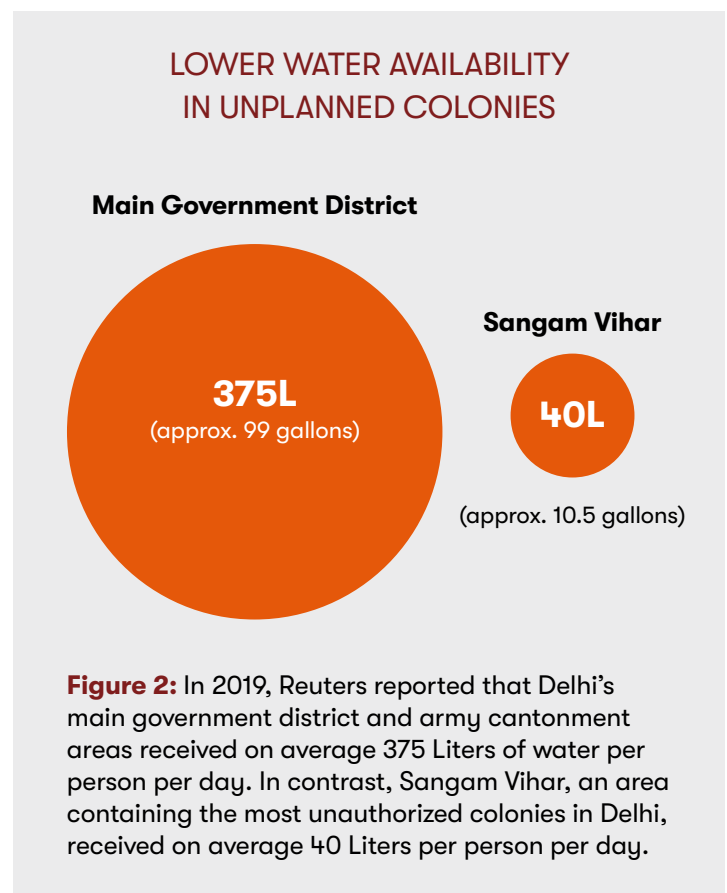
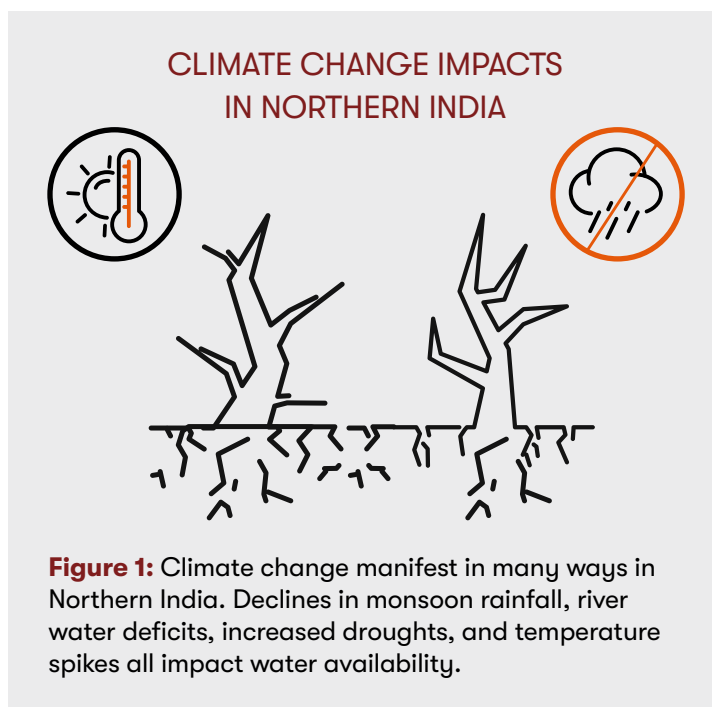
We released a study in September 2023 on water disparities between communities in Delhi, India which documents how climate change exacerbates water inequalities along residential lines.<sup>1</sup> As our study shows, climate change reduces the availability of water in Delhi's unplanned colonies, where the water supply is already low. Climate change lowers water quality in the colonies and makes water, which is already less affordable and more onerous to collect than in wealthier areas, even more difficult to obtain it. Just as informal segregation is

present along caste and religious lines, access to water is often segregated as well. Our study also found that the precarity of housing tenure in unplanned colonies can deter residents from investing in water storage or other facilities, which would help communities cope with water scarcity.

Climate change also tracks global inequality patterns. Wealthy countries contribute significantly to greenhouse gas emissions. However, the commitment of those nations to finance climate action falls short. Lower-income countries, which are expected to suffer 80 percent of the world's climate change damages, have not been compensated for those damages. Lower-income countries also lack the necessary internal resources for adaptation. International support is crucial for vulnerable nations, as resource availability directly influences their ability to combat climate change impacts.

## How is the right to water fulfilled?

Under international human rights law, there is a right to adequate and equitable enjoyment of water. Elaborating on the scope of the right, the UN Committee on Economic, Social and Cultural Rights uses the criteria of availability, accessibility, acceptability, and quality to assess whether governments have adequately protected the right. This framework—abbreviated as AAAQ—is also useful to determine how climate change deepens inequality within and among States.



<sup>1</sup> Harvard Law School International Human Rights Clinic & Center for Economic and Social Rights, [When the Water Runs Dry: Human Rights, Climate Change & Deepening Water Inequality in Delhi, India](#) (2023). All facts and figures cited herein are drawn from this report.

**Availability:** Governments and government-sanctioned water providers must supply a sufficient amount of water to meet residents’ basic needs. They should ensure a regular supply of water over time. Availability of water is measured across seasons to take into account seasonal and weather-dependent fluctuations in water supply.

**Accessibility:** Governments must ensure that water is physically and economically accessible. It should be in a physically accessible location and accessible without danger of physical harm. Water should also be economically accessible. This means that the cost of water should not be prohibitive or threaten realization of other fundamental rights.

**Acceptability:** Governments must ensure that water is acceptable for communities to use. Acceptability refers to the aesthetic qualities of water, such as its odor and taste. It also refers to the desirability of water, including the desirability of the water to particular communities. Water acceptability is measured through subjective value judgments: methodologically, community perspectives should be gathered to assess what makes water socially, morally, or legally permissible for a community to use.

**Quality:** Governments must ensure that the water available to communities is of good quality. Water of good quality, or water that is safe to use for domestic purposes, is free of pathogens, chemicals, and other hazardous materials that constitute a threat to public health and welfare.

## ILLUSTRATIONS OF INEQUALITIES FROM THE CASE STUDY IN DELHI, INDIA

<b>Unequal Availability</b>	Delhi’s main government district receives on average 375 Liters of water per person per day. Sangam Vihar, which is composed of unplanned colonies, receives on average only 40 Liters of water per person per day. This is below the consumption level identified by the WHO as sufficient for ensuring general hygiene.
<b>Unequal Accessibility</b>	Privileged households in central Delhi pay 10 to 15 USD for a month’s worth of limitless water. The same 10 USD only covers a week of water for a five-person household in an unplanned colony.
<b>Unequal Acceptability</b>	In a survey of residents accessing piped and bottled water, 97 percent of those households found their piped or bottled water to be clean. Only 43 percent of residents accessing tanker water—largely available in Delhi’s unplanned colonies—found the tanker water to be clean.
<b>Unequal Quality</b>	Piped water in unplanned colonies is more susceptible to contamination from exposure, breakage, or tampering, because pipes are placed closer to the surface.

Climate change affects each of these criteria. It reduces the amount of water available for community use and increases the cost of water, which affects both the physical and economic accessibility of water.

**“Climate change affects the aesthetic qualities of water, which is a key attribute of water acceptability. It further degrades water quality.”**

## What can States do to ensure the right to water?

States can take concrete policy and legal action to ensure all communities enjoy the right to water equally. Governments should devote a greater proportion of their public budget to facilitating water supply. They should address community-level access issues and inequality. Further, the international community should cooperate to protect the right to water in the context of climate change.

**Policy responses:** Governments should ratify relevant international and bilateral treaties that aim to protect communities from the harms of climate change. They should also ratify treaties guaranteeing equal enjoyment of the right to water for all.<sup>2</sup> States that are already party to such treaties should implement their provisions. They have an obligation to respect, protect and fulfill the right to water, in line with the standards outlined by the UN Committee on Economic, Social and Cultural Rights.<sup>3</sup> All UN Member States should honor their commitments to fulfilling the Sustainable Development Goals (SDGs), including goals related to gender equality, clean water, and reduced inequalities (SDGs 5, 6, and 10).

*In India, where Article 21 of the Constitution incorporates a right to clean water, we have asked the Government to set out corresponding minimum guarantees of water availability for all households.*

**Responsible budgeting:** A State's national action plan for climate change accompanied by a national environmental policy is critical to implementing adaptation and water policy commitments. Those plans should also increase budgetary support for expanding and purifying the water supply.

*In India, where unplanned communities are more vulnerable to the impacts of climate change than other communities, we have highlighted the need for more equitable distribution of resources. We have further called for guaranteed water service provision to all communities regardless of the communities' housing status.*

**Community-level action:** To abide by principles of participation, accountability, and transparency, States should evaluate disparities in communities' enjoyment of water and access to other resources. Governments should promote public participation in budgetary and

policymaking processes; making budgets public, legible, and easily accessible is one means to do so.

*In India, where water is managed primarily at the state and municipal level, we have suggested that local governments monitor water service delivery to individual households and communities to guarantee that water provision is equitable.*

**International community:** As parties to international human rights treaties, States have human rights obligations outside their territories. Therefore, countries with historical responsibility for greenhouse gas emissions should abide by the principles of equity and common but differentiated responsibilities (CBDR) to remedy the human rights harms caused by climate change. They should increase their financing of climate adaptation measures in low-income countries. They should support the establishment of an equitable Loss & Damage Fund. They should also work together to reform the international tax governance framework, through the adoption of a UN Framework Convention on International Tax Cooperation, to combat tax abuses and help all countries mobilize more resources for climate action. The international community also needs to cooperate in data-gathering, capacity-building, and climate governance.

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**When the Water Runs Dry:**  
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Water Inequality in Delhi, India  
Harvard Law School International Human Rights Clinic  
Center for Economic and Social Rights

2 UN Comm. on Econ., Soc. and Cultural Rights, General Comm. No. 15: the right to water, U.N. Doc. E/C.12/2002/11 (2002).

3 The International Covenant on Economic, Social, and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women are examples.