

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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RIVERS AND WATER BODIES: CAN THEY BE PERSONS?
A COMPARATIVE ANALYSIS ON THE PERSONALITY
STATUS OF RIVERS AND WATER BODIES IN INDIA AND
NEW ZEALAND

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ABSTRACT

Rivers and water bodies play a vital role in sustaining the ecosystem, supporting biodiversity, and meeting the cultural, social and economic needs of the society. They are essential for the human life. The rise in pollution, exploitation of nature, and environmental degradation have raised the concerns about the effectiveness of legislations in protecting rivers in many countries. In recent years, there has been a discussion on whether rivers should be recognized as legal persons with their own rights. This idea aims to protect the rivers by allowing them to be represented in the court. However, the concept of granting legal personhood to rivers has emerged over time. This recognizes rivers as legal entities with rights and interests. This paper examines the concept of legal personhood for rivers and its significance in real world. It analyzes the international development, particularly in India and New Zealand, where the rivers have been granted legal rights. This paper also explores the perspective including the judicial decisions of both countries. This paper compares the New Zealand's recognition of the Whanganui River as legal person under the Te Awa Tupua Act of 2017 and the India's efforts to grant legal status to the Ganga and Yamuna rivers. This approach toward the nature offers a new way of protecting the nature and ensuring the sustainable use of nature.

Keywords – Rivers and water bodies, India, New Zealand, Whanganui River, Ganga and Yamuna rivers, Te Awa Tupua act, legal personhood.

I. INTRODUCTION

Rivers have been considered to be an essential part to the human civilization since ancient times. This is because they provide for basic facilities such as drinking, cleaning, agriculture, and industry. According to Western jurisprudence, the law is for persons, and therefore, in a

literal sense, if rivers are not legal persons, the law is not for them¹. Now the question, can rivers and water bodies be considered as a person is a widespread debate. In the ancient times, there are many other ancient civilizations which are developed along the river banks since rivers supported human survival and growth. Apart from this importance, they also hold religious, spiritual, and ecological significance in many places across the world.

Over the past decade, a most markable movement have been gaining recognition across the world i.e., granting legal personhood to rivers and water bodies. The legal personhood to rivers falls under the environmental law concept where the law grants the river the legal status of 'person'. This means instead of river being treated as a property or a natural resource, the river is being given the same legal standing as human being or corporation.

This concept that elevates rivers to the status of legal persons, affording them the same rights and protections as human beings. The idea first began with the Whanganui River in New Zealand in 2017, which has since spread to other countries, with the Atrato River in Colombia and the Magpie River in Canada also receiving this unique status and others following countries².

1.1 Origin of Riverine Rights

The word riverine rights refer to the rights and protection by the law granted to rivers, often by recognizing them as legal entities. This concept of riverine rights id originated from the indigenous traditions and other environment ethics which observes rivers and water bodies as living beings rather than simply a natural resource. The recent legal movement began in the year 2017. In 2017, the Whanganui River in New Zealand was recognized as a legal person through their legislation. This was influenced by the beliefs of certain group of people called as the Māori people. The Māori people considered the river as an ancestor and an integral part of their identity. It musted be noted that since then, other countries, including India, Colombia, Canada, and Ecuador have adopted similar approaches to protect rivers and the basic ecosystems.

Historically, there were a number of indigenous communities who have attributed personhood to nature and its phenomena, recognizing that it need protection rather than treating it as a commodity. In 1970s, Professor Christopher Stone stated the concept of "Environmental

¹ <https://onlinelibrary.wiley.com/doi/full/10.1111/reel.12529>

² <https://www.aquatechtrade.com/water-stories/surface-water/granting-the-worlds-rivers-legal-personhood>

personhood”, wherein he argued that an environmental legal entity possesses three primary rights, similar to a corporation to enter into contracts, to take legal action to protect itself and has legal standing in court³.

1.2 Emergence of Legal Personhood for Natural Entities

This concept of legal personhood is not new, and therefore it has existed since the times of Ancient Roman Law. The status of legal personhood was granted for administrative and functional purposes only so that these bodies can be given rights and liabilities irrespective of the members who are running the organizations. In the modern legal systems, a legal person is an entity which is recognized by the legislation and is given legal rights and duties, and is subject to certain liabilities, which is capable of suing as well as being sued in its own name and can also own properties. Thus, by extending the status of legal personhood to non-human entities, it facilitates the better regulation of economic and institutional framework.⁴

It must be noted that there are two types of persons which are recognized under the law. That includes a natural person and the legal person who are entity that is given the status of a legal person by the law. With reference to the Yale Law Journal, 1928 edition, a legal person is said to be a legal person subject to various rights and duties. It also says that to access legal rights or to impose legal duties, one should confer legal personality. In other words, if an entity is given a status of a legal person, then it also gets the same legal rights under the court of law that living persons possess.⁵

The structure of legal personhood dates back to Pope Innocent 4, who has helped in the idea of *persona ficta* which means a fictional person created under the law.⁶ According to the Canon law, this doctrine allowed monasteries to exist as an independent legal entity. For the first time, monasteries could own property and sign contracts without placing financial burdens or liabilities on the monks themselves.⁷ Over the time, this idea evolved beyond monasteries. In recent times, the concept covers non-human entities like corporation, trusts, municipalities, and various other trade unions.

³ <https://waterknowledgehub.org/learn/iwrm-tools/the-rights-of-rivers>

⁴ <https://ijirl.com/wp-content/uploads/2025/07/LEGAL-PERSONHOOD-OF-NATURE-A-STEP-TOWARDS-ENVIRONMENTAL-JUSTICE.pdf>

⁵ <https://openyls.law.yale.edu/server/api/core/bitstreams/ea297bf6-6c3d-41db-984f-8c2ef393fbd2/content>

⁶ https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?params=/context/lalrev/article/1615/&path_info=36_9L

⁷ Legal personality: Supra note 6.

II. The Concept of Elements of Nature Having Their Own Rights

The Rights of nature is the basic idea that our environment such as oceans, trees, animals, mountains and rivers and water bodies, deserve the same basic right to exist and grow as humans do. It is about signifying the healthy balance between what is good for us and what is good for the planet we live in, which recognizes that all the living things are deeply connected.⁸ For the various indigenous communities worldwide, this is not a new concept. It essentially matches their long-standing traditions of living in harmony with the earth, where the decisions are made based on what is best for the entire living world and not just for humans.

The nature's rights are considered very important because the environment cannot speak for itself in the court room, so humans have the responsibility to step up and defend it. Instead of treating the nature as mere property or resources for human to own, this concept recognizes the ecosystems which have the inherent right to live, grow, etc. The rights of nature movement completely changed how we look at our planet by moving forward.

III. Legal Framework Governing River and Waterbodies in India

3.1 Constitutional provisions

It is a constitutional mandate to protect and preserve the environment. The legal framework governing rivers and waterbodies in India is deeply rooted in the federal structure. It must be noted that Water is fundamentally a state subject under the constitution, but the union government holds significant powers for the protection of the environment.

The Indian Constitution contains specific provisions for the protection of the environment under the various chapters of the Directive Principles of State Policy and Fundamental Duties.⁹

A. Article 48A

In the late 1970s, people around the world started to think about how to protect the environment. This made the Indian Government think about what could be done. They decided to make changes to the constitution in the year 1976 and introduced the 42nd Amendment to the constitution. This amendment added Article 48A to the Directive policy.

⁸ <https://www.garn.org/rights-of-nature/>

⁹ <https://www.gktoday.in/legal-framework-around-water-in-india/>

This article states that it is the responsibility of the government to ensure and to take necessary steps to protect the environment, which includes the forests, wildlife, rivers, lakes, and other natural resources.¹⁰ It is understood that although it is not directly enforceable in the court of law, it serves as an important guideline for the government to protect the environment. Every citizen has the fundamental duty to protect the environment.

B. Article 51(A)(g)

This article states that the natural environment must be protected and improved which includes the forests, lakes, rivers, and wildlife. It specifically mentions lakes and rivers which highlights their importance to the environment and society. The courts in India have often referred to this article while dealing with the environmental issues. This reminds us that the environmental conservation is shared between the state as well as the citizens.¹¹

C. Article 14

Under article 14, the constitution states that every person is equal in the eyes of the law and that the government cannot treat people unfairly. The right to equality under this article may be infringed by the decisions of the government which have an impact on the environment.¹²

D. State List (List 2), Entry 17

This entry gives the state government power to make laws relating to water within their territories. It includes matters such as water supply, irrigation, canals, water powers, etc. It is understood that the management and the use of the rivers, lakes, and other water resources which are located within the state falls under the authority of the state government.¹³

E. Union List (List 1), Entry 56

This entry of the union list under the Constitution gives powers to the Parliament to make laws regarding the development and regulation of the inter-state rivers and river valleys when it is in public interest. The river that flows through two or more states.¹⁴ Parliament has exercised this power through laws such as the River Boards act, 1956 and the inter-state river water dispute act, 1956.¹⁵

¹⁰ <https://indiankanoon.org/doc/871328/>

¹¹ <https://ijcrt.org/papers/IJCRT2307574.pdf>

¹² Article 14, Constitution of India.

¹³ Schedule 7, List 2, Entry 17, Constitution of India.

¹⁴ Schedule 7, List 1, Entry 56, Constitution of India.

¹⁵ <https://www.ielrc.org/content/w0701.pdf>

F. Article 21

This article guarantees that every person has the right to live with dignity and freedom. The government cannot take away a person's life or liberty unless it follows a lawful procedure. ¹⁶Article 21 has become the foundation for the environment protection in India. The courts have repeatedly stated that a polluted environment threatens human life and health. ¹⁷

3.2 Other Statutory Framework

I. Protection of Environment Act, 1986

This law gives powers to the central government to protect and improve the environment. This also include measures to control the pollution from industries and other sources. The government may restrict activities that harm the environment.

II. Water (Pollution Control and Prevention) Act, 1974

This is the fundamental law for protecting water bodies in India. It aims to prevent and control water pollution. It also ensures the maintenance of cleanliness of rivers, lake, groundwater, etc. This also established the Central and State pollution control boards, which aims to monitor the water quality.

III. Act of the Rivers Boards, 1956

This act allows the central government to establish river boards for the development and regulation of inter-state rivers and river valleys. ¹⁸

3.3 Government Policies on River Conservation

Water is said to be the most crucial resource of life. The safety of water is a vital preference in India. The government of India conserves the water through national campaigns, efficient programs, and other initiatives. The government has introduced various important schemes to promote water conservation. These include:

- The National Water Mission (NWM) was launched under the National Action Plan on Climate change. It aims to ensure the water conservation, minimize wastage, and improve the use of water efficiently.
- The Atal Mission for Rejuvenation and Urban Transformation (AMRUT), lays

¹⁶ Article 21, Constitution of India

¹⁷ Supra Note 15

¹⁸ Supra Note 15

the focus on improving urban water supply and waste water treatment facilities in the cities.

- The National River Conservation Plan (NRCP), mainly works toward preventing pollution and improving the quality of water of major rivers across India. This is done by initiating the river cleaning projects.
- The Jal Jeevan Mission (JJM), provides safe and adequate drinking water through the household tap connections in rural areas.

These initiatives together play a very crucial role in conserving water resources across the country.¹⁹

IV. Legal Framework Governing Rivers and Waterbodies in New Zealand

4.1. Legislations in New Zealand

Rivers in New Zealand are mainly managed by the Management of resources Act of 1991. This ensures to look after how to use water and riverbeds in New Zealand. Other important laws include the Conservation act of 1987 which seeks to protect habitats and specific Treaty Settlements acts that give rivers the same rights as people. The Water Services Act of 2021 also ensures the safe drinking water in the country.²⁰

A. Primary Environmental Governance

- i. Resource Management Act of 1991 is New Zealand laws for managing the environment. It is also the primary law for environment in New Zealand. It ensures a suitable management of the natural resources. The RMA uses Water Conservation Orders to protect the rivers.²¹
- ii. Local Government Act of 2002 sets out how local councils work for the infrastructure like stormwater and wastewater management. It promotes the economic, social, environmental, and cultural wellbeing of the communities in New Zealand.²²
- iii. The Department of Conservation used the Conservation act of 1987 to protect rivers for indigenous freshwater fisheries and habitats.
- iv. Water Services Act of 2021 ensures that the rivers used for drinking water are monitored and protected. It is monitored by the Taumata Arowai.

¹⁹ <https://www.adroitwater.com/government-schemes-for-water-conservation-and-treatment-in-india/>

²⁰ <https://www.doc.govt.nz/documents/getting-involved/nz-conservation-authority-and-boards/nz-conservation-authority/protecting-new-zealands-rivers.pdf>

²¹ <https://www.legislation.govt.nz/act/public/1991/69/en/latest/#DLM230272>

²² <https://onlinelibrary.wiley.com/doi/10.18278/nwpp.3.1.3.2.2>

B. Treaty Settlements

- i. Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 laid down the most important decision which considered the Whanganui River as a living entity that owns itself.
- ii. The Tupua o Nga Maunga o Taranaki act of 2024 was passed in New Zealand which recognizes the Mount Taranaki and its surrounding peaks as a legal person. It aimed to acknowledge the deep spiritual, cultural, and historical connection between mountain and the people of Māori in the particular tribe.²³

4.2. Māori Indigenous Worldview

More than 800 years ago, the Māori people travelled from Polynesia to New Zealand in large. They are the native inhabitants of Aotearoa, New Zealand. Over the centuries, they have developed their own traditions and culture, deeply rooted in nature, community, and their Kaumatua (elders). The Māori traditional beliefs and practices have been important in building the resilience of the Māori people and continue to influence their contemporary lives. They are also adapted to the New Zealand way of life, influencing almost everything from cultural values to public policy.²⁴ The Māori culture continues to play an important role even in the modern New Zealand. For Māori people land is not merely a resource but an essential part of their identity, heritage and spiritual connection. They believe that the humans and the nature are closely interconnected and that the people have the basic responsibility to protect and care for the environment.

New Zealand's Whanganui River is the absolute lifeblood of the local Whanganui tribes, who get their name, identity, and strength from its waters as it flows from the central north Island mountains down to the Tasman Sea.²⁵

For more than 700 years, the Whanganui tribes maintained a close relationship with the Whanganui River, while relying on it for livelihood and treating that as a sacred entity. The tribes also exercised Traditional authority over the river. However, the arrival of European settlers in the middle nineteenth century, this traditional authority declined and was removed through the government actions of New Zealand. This led to a long

²³ <https://ecojurisprudence.org/initiatives/taranaki-maunga/>

²⁴ <https://www.newzealand.com/in/feature/maori-people-today/>

²⁵ <https://phmuseum.com/news/the-spiritual-relationship-between-maori-communities-and-the-whanganui-river>

struggle by the people of Māori to regain the recognition of their relationship with the river. This ultimately contributed to the river being granted legal personhood in New Zealand.²⁶

The Māori worldview has influenced New Zealand's approach to the protection of the environment. Their belief that the nature has its own intrinsic value contributed to landmark legal developments, including the recognition of the Whanganui River and Mount Taranaki as legal persons. The Māori people have also actively participated in the governance of New Zealand since the 19th century., when the representatives of the tribe first entered the Parliament. This community have also been able to advocate for their protection of their rights, lands, traditions, and natural resources.²⁷

4.3. Te Awa Tupua Act of 2017: Whanganui River Claims Settlement

In the year 2017, the Whanganui River, also known as the Te Awa Tupua became very important. The Whanganui River is a river that the Māori people of the Whanganui River who are also known as Te Ari Haunui-a-Paparangi have been fighting for more than 100 years. The river is two hundred and ninety-two kilometers long. The Whanganui River or Te Awa Tupua was the river in the world to be treated like a person with the same rights as a human being.²⁸

The Te Awa Tupua Act is a deal for Aotearoa New Zealand. Aotearoa New Zealand is a name that shows that country's Māori identity and history. The Te awa Tupua Act is also an example for other places, in the world where the people want to give rights to the nature like rivers and forests.

The story of the Whanganui River or Te Awa Tupua is very important and we must remember that it was not easy to get to this point. The Māori Iwi of the Whanganui region had to work hard to get the government listen to them.²⁹

The history of how Te Awa Tupua became important is closely tied to what happened when the British came to Aotearoa New Zealand. The British colonization of Aotearoa New Zealand and the conflicts that followed in the century are big part of the story of Te Awa Tupua. Since 1973, the Whanganui Iwi have been fighting to get the control over the Whanganui River. They even went to court to get the ownership of the river bed. This court case started in 1938. It is one of the longest running court cases in New

²⁶ <https://www.nationalgeographic.com/culture/article/maori-river-in-new-zealand-is-a-legal-person-article>

²⁷ <https://www.britannica.com/topic/Maori/Maori-culture-in-the-21st-century>

²⁸ <https://ecojurisprudence.org/initiatives/te-awa-tupua-act-2017/>

²⁹ <https://www.tepoutupua.nz/teawatupua>

Zealand. The case was finally settled in 1962. The crown got to keep the riverbed. The Whanganui Iwi were not happy with this decision. The way the government and the people of Iwi interacts is still based on what happened during the colonialization of Aotearoa New Zealand. This is why the Waitangi Tribunal was set up in 1975. The Waitangi Tribunal is like a committee that looks into the complaints made by the Māori people about the government.³⁰

Ruruku Whakatupua, the deed of settlement for the Whanganui River (2014), represents over a century of effort by the Whanganui Iwi to protect their special relationship with the river. This deed was to address the historical treaty of Waitangi claims made by Whanganui Iwi concerning the river. While the Whanganui River Iwi view the river as a living being, they understood it in the context of a being that is more than human. The way that the Te Awa Tupua Act frames legal personhood serves more to satisfy European feelings than to reflect Māori beliefs. The Te Awa Tupua Act is one of the many cases marked in history. Its recognition as a legal entity is a key moment not only in Aotearoa's environmental law but also acknowledging its colonial past. Te Awa Tupua is the longest navigable waterway in Aotearoa New Zealand. It has always provided food. Spiritual connection and also served as a main route for transport and trade.³¹

In 2014, Māori communities and the Crown signed a settlement deed for the Te Awa Tupua. In 2017, Parliament approved an act that recognizes the river, along with its physical and spiritual aspects, as having the rights, powers, duties and liabilities for a legal person. The act appointed two legal representatives for the Te Awa Tupua i.e. one for the Māori Iwi and another for the Government. Together, they formed a committee called Te Pou Tupua which represents the interest of the rivers. Te Pou Tupua is supported by an advisory group (Te Karewao) and a strategy group (Te Kopuka).³²

4.4. Guardianship (Kaitiakitanga) principle

Kaitiakitanga means being guardians to the sky, land, sea. The Māori people view the Earth as a Taonga (treasure) that needs protection, respect and care. This idea is reflected in the Te Awa Tupua (Whanganui River claim) act of 2017, which recognized the Whanganui River as a living being with its own legal rights. For the people of Māori,

³⁰ <https://www.eyesonnewzealand.com/stories/te-awa-tupua>

³¹ <https://therevelator.org/te-awa-tupua-act/>

³² <https://www.tandfonline.com/doi/full/10.1080/19452829.2020.1801610#d1e176>

the river is an ancestor and an important taonga that must be protected at any cost. The act supports Kaitiakitanga by ensuring that people act as guardians of the river and work together to look after the wellbeing of the river. Just as Kaitiakitanga teaches us to care for the environment and pass this responsibility on to the future generations.³³

IV. Judicial Developments

4.5. India

After the Whanganui River got its rights in March 2017, the Ganga and Yamuna River which is connected to it also got its legal rights from the Uttarakhand High Court. This means that all the small rivers, streams and natural water that flow into these rivers are now considered as living things with rights.

The Ganga River is very important in India not because of its size but because of its religious significance. It is the river in India and one of the biggest in the world in terms of water volume. The Ganga River supports around 400 million people who live near it. People use the water of the river for drinking, bathing, cleaning and navigating. In the Hindu mythology the Ganga River is considered a river embodied of all sacred waters. Whenever water is used in Hindu rituals the Ganga River is remembered. The Ganga River is a special river in India.³⁴

The government took various steps to preserve and restore the river Ganga but none of that worked. The Government also spent a lot of money on River Ganga. Between 1985 to 2000, they spent around US 226 million dollar on the river Ganga under the Ganga action plan. This was a project to clean up the River Ganga. There was also a Save Ganga Movement in 1998, the Save Ganga Yatra in 2002. These were attempts to save the River Ganga.

In July 2014, the government of India started another project to restore the River Ganga. This project was called as Namami Ganga. The government formed a group of people called the National Ganga River Basin Authority. This group had power than the earlier groups to plan and monitor the cleaning of the river Ganga.³⁵

In 2014, the people in charge went to the Uttarakhand High Court because they believed that the law makers of Uttarakhand and Uttar Pradesh were not doing what the federal government asked them to do. The federal government wanted them to set up a

³³ <https://www.nzsj.sch.id/en/blog/school-blog-1/the-concept-of-kaitiakitanga-8>

³⁴ <https://blog.ipleaders.in/legal-rights-to-rivers-emerging-trend/>

³⁵ <https://economictimes.indiatimes.com/news/politics-and-nation/will-granting-legal-rights-to-rivers-like-the-ganga-change-on-ground-situation/articleshow/57818653.cms>

committee to protect Ganges as part of the Namami Gange Action Plan. But the Court did something bigger. The Court gave the Ganges and the Yamuna legal rights.³⁶

In the landmark case of Mohammed Salim v. State of Uttarakhand³⁷ (Mohd. Salim v. State of Uttarakhand 2017), the Uttarakhand High court granted the status of legal person to rivers Ganga and Yamuna. These rivers carry high religious and spiritual status in Indian culture. This was the case where a natural object was given the same rights as a person. The supreme court later changed this decision because they thought it was not practical to give legal protection to the rivers. Even though rivers really need to be protected, the Court said that the solution needs to be more thoughtful and make sense according to the law.

However, in the case of Periyakaruppan v. The Principal Secretary to Government³⁸, the Madras High Court decided that Mother Nature should be treated like a person with rights. The court insisted the state governments to take steps to protect Mother Nature. In this case, the court invoked the Parens Patriae Jurisdiction which declared the mother nature as a living being. The court also gave Mother Nature rights to fundamental rights for survival and safety. The court also noted the need to safeguard the ecosystems.

It said, in India, the protected areas like the National park and Sanctuaries cover more than 5% of the country's geographical area. These 5% areas provide ecosystem services for survival. However, humans are intruding into these areas causing damage to the ecosystem.³⁹

4.6. New Zealand

In 2017, New Zealand was the first country amongst all to grant their river legal rights. This was a surprising decision to all. It was inspired by the decision made by the government of New Zealand. A new law called Te Awa Tupua or Whanganui River Claims Settlement was passed on 15th of March 2017. It recognized the Whanganui River as something which is indivisible and whole of living, which comprises of the Whanganui River from the mountains to the sea which incorporates all the physical and metaphysical elements.⁴⁰

This law solved a 140-year-old dispute between the Māori tribes and the government

³⁶ Supra Note 34

³⁷ Mohd. Salim v. State of Uttarakhand, 2017 SSC Online Utt 367(India)

³⁸ A. Periyakaruppan v. The Principal Secretary to Government, W.P. (MD) 18636 of 2013 (Madras H.C)

³⁹ <https://ijcrt.org/papers/IJCRT2406797.pdf>

⁴⁰ <https://www.boell.de/en/2025/01/29/river-legal-person-case-whanganui-river-new-zealand>

about the Whanganui River. It said that the river is a living person with rights. The Act came from the talks between the New Zealand Government and the Whanganui Iwi and hapu which are Māori tribal groups that lived by the Whanganui River for centuries before Europeans arrived.⁴¹

The Whanganui River is now considered as a person which is a way to make the settlement work without figuring out who owns the river. This means that the river is not owned by anyone but it can still have rights.

The Te Awa Tupua Act is really about the Māori way of thinking which says ko au te awa, ko te awa au. This means, I am the river and the river is me. This act says the river is Te Awa Tupua, the thing that includes everything about it such as water and the spirits that live in there.

The act is also created a group called Te Puwaha to help take care of the river. this group consists of the people from the Iwi, the government and the crown. They speak for the river in the court when making decisions.⁴²

V. Comparative Analysis: India and New Zealand

Rivers are people too. This is what two countries, India and New Zealand have decided. These two countries are very different from each other in terms of customs and culture. They have both given rivers the same right as people. Rivers, like the ones in India and New Zealand now have some of the rights as people do. Rivers are being treated like people, in these countries.

The High Court in Uttarakhand, India made a decision on the 20th of march 2017. They said that the Ganga and Yamuna rivers have the right as people. These rivers are very important to people who follow the Hindu faith. The court wants to make sure someone takes care of Ganga and Yamuna rivers and keep them clean.

Similarly, the Whanganui River, also known as the Te Awa Tupua in New Zealand is now considered as persons. This happened because of the legislation in their country. The New Zealand government and the local Māori people were involved in this for a time. They followed the Treaty of Waitangi. The Māori people have a special connection with the Whanganui River. The new law is way to respect this bond between the Māori people and the Whanganui River. The Ganga and Yamuna rivers need to be cleaned and take care of, like the Whanganui River

⁴¹ IBID

⁴² Supra Note 28

in New Zealand.⁴³ These rivers can now take people to court and it is a way to stop more harm to the environment. This works when a person is chosen to look out for the river's interests.

While the idea of giving rights to natural bodies sounds good its only meaningful if the laws are enforced properly in the real world. New Zealand has a system where two people are in charge of looking after the Whanganui River. Once chosen by the local Māori people and the other by the government. They also set aside fund to keep the river healthy.

In contrast, the High Court of Uttarakhand, India decided that the Ganga and Yamuna rivers should be treated like people. The court said three people. The director general of the Namami Gange Project, the Secretary of Uttarakhand and the Advocate General will be the oarents of the river.

Unlike New Zealand, which tool eight years to set up a system to protect the river, the Uttarakhand court ordered that groups to clean and maintain the rivers be set up in eight weeks.

It must also be noted that the New Zealand case is similar to the case in India when it comes to protecting the resources. But there is a huge difference between the Ganga and Yamuna rivers and the Whanganui River in New Zealand. The decision in New Zealand said the river is like a person in the eyes of law, this was done to decide how to manage a protected area with limits and boundaries. In India, the Ganga and Yamuna rivers are different. They do not have boundaries because they keep diving into smaller rivers that go on forever. The Ganga and Yamuna rivers flow through many places. They start in India. They also flow through Bangladesh and Nepal. Many smaller rivers from these counties merge into the Ganga and Yamuna rivers.

VI. SUGGESTIONS

Rivers play a vital role in most of the places. To effectively recognize them as legal persons in several countries, improvements are needed. The government should enact a specific law clearly that defines the legal status, rights, and duties. It should include stronger pollution control measures and stricter enforcement of environmental laws which are essential to prevent degradation of rivers. There should also be greater involvement of local communities,

⁴³ <https://nonprofitquarterly.org/dont-pave-paradise-new-zealand-india-declare-personhood-three-rivers/>

environmental organizations, and indigenous groups. They should contribute to better conservation outcomes. The government should also invest in restoration of rivers and ensure the development of projects to consider the rights on river. India can also learn from the countries like New Zealand and Colombia where the rivers have been successfully granted legal personhood.

VII. Conclusion

Rivers and water bodies are not just known as sources of water but they are considered to be the source of life to millions which supports life and livelihood. They create a sense of ecological balance. Rivers also suffer severe pollution despite of their deep cultural and religious significance. Hence, protecting them is essential as it is a way of showing our respect and responsibility. The experiences from countries like New Zealand demonstrates that legal personhood can play an important role when it is supported by an effective governance. Therefore, recognizing the river as legal person is not merely a innovation but a step towards achieving sustainable development and for ensuring that future generations inherit healthy ecosystem.

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