

## Rights and Obligations of Users and Consumers of Groundwater in Uzbekistan

*Otamirzaev Oybek*

*Lecturer of the Environmental Law Department of Tashkent State University of Law, Tashkent, Uzbekistan*

*Otamirzaev2107@gmail.com*

**Annotation:** Theoretical and legal relations of the interaction between society and nature form the basis of environmental law and have repeatedly been the subject of discussion in the field. Groundwater as an object of legal regulation determines the specific features of the subject of legal regulation of relations in the field of groundwater use and protection, which is determined by the fact that groundwater belongs to several natural components at once: water, subsoil, land. Until recently, the problems of groundwater protection and use were poorly regulated. The increasing anthropogenic load and the lack of standards for ensuring effective groundwater protection have led to the problems of a shortage of clean drinking water and the inability to adequately meet the needs of water-intensive industrial enterprises. Regulating and reviewing the legal status of water users and water consumers is of great importance today.

**Key words:** groundwater, drinking water, water users, irrigation, water consumers, rights.

### Introduction.

In the world, and in particular in Uzbekistan, large-scale reforms are being implemented to improve the water resources management system, ensure the rational use of water for the needs of the population and economic sectors, prevent the harmful effects of water and eliminate its consequences.

At the same time, due to the increasing need for drinking water by the population, the continuing cases of unauthorized drilling of wells and uncontrolled and unaccounted use of water, there is a need to strengthen measures to protect groundwater resources.

Reforms in this area will help prevent illegal use of groundwater, create incentives for business entities engaged in drilling wells for groundwater, and ensure rational use of groundwater. For example, issues have arisen regarding the establishment of liability for illegal drilling of wells for groundwater[1] and failure to comply with the requirements of the instructions on the prevention of hazardous geological processes, the collection of tax at an increased rate for the extraction of groundwater without means of calculation, and the reduction of violations in the drilling of wells for groundwater.

Among the works carried out by the Inspection of the Ministry of Mining Industry and Geology of the Republic of Uzbekistan in 2024, monitoring was carried out in more than 11 thousand wells belonging to 142 entities for the drilling and use of groundwater, more than 9 thousand wells belonging to 76 business entities that were used without a permit were stopped, and fines in the amount of 95 million soums were imposed[2].

**Research methods.** In our opinion, the complex nature of environmental law is a sign of the uniqueness of the ecological law and natural resources law branches, which are a unifying element of the branches of nature protection law, helping to justify the relations between the branches in the process of legal regulation of the use and protection of natural objects and their resources, in particular groundwater.

In our country, the legislation related to groundwater is regulated, first of all, by the Constitution of the Republic of Uzbekistan, the Laws on Nature Protection and on Water and Water Use, a number of resolutions of the Cabinet of Ministers of the Republic of Uzbekistan and internal regulations. It is expected that the draft Water Code, which is currently under discussion, will also be included in these. They are mainly composed of imperative norms.

According to Article 68 of the Constitution of the Republic of Uzbekistan, "Land, subsoil, water, flora and fauna, and other natural resources are national wealth, which must be used rationally and are under state protection.

Land may be private property on the basis of the conditions and in the manner provided for by law and ensuring its rational use and protection as national wealth." We have encountered the concept of rational use of natural resources in many documents and scientific publications, but this concept is not defined in the regulations.

Everyone has the right to a favorable environment and reliable information about its condition[3]. In the implementation of this right, the rights and freedoms of citizens are of paramount importance[4], and in particular, ongoing work is being carried out to implement them, in particular, on the protection and rational use of groundwater. This right is of particular importance due to its social and ecological significance[5]. To ensure a favorable environmental condition for the population, we need to create and improve procedures for the effective and rational use of natural resource objects[6].

In addressing this topic, we must first clarify the concepts of water user and water consumer. According to Article 2 of the Law on Water and Water Use:

water user - a legal entity or individual who uses water resources for their own needs without receiving them from a water object;

water consumer - a legal entity or individual who receives water resources from a water object or water management object in accordance with the established procedure to meet their needs;

water management user organizations - water management user organizations that use water management objects (state institutions of the "Water Delivery Service", irrigation system departments[7], main canals (systems) departments, pumping stations and energy departments, land reclamation expeditions, departments for the use of reservoirs and large hydraulic structures, the Ministry of Water Management of the Republic of Karakalpakstan, basin departments of irrigation systems under the Ministry of Water Management of the Republic of Uzbekistan). Through these concepts, we can understand that we can understand the supply of water to water consumers on the basis of contracts concluded by water user organizations under established conditions.

Chapter IX of the above law is devoted to the issue of the rights and obligations of water users and water consumers.

Water users have the following rights:

to use water bodies only for the purposes for which they were provided for use;

to construct and reconstruct structures, devices and other objects in accordance with the procedure established by law for the implementation of water use[8];

to check the quantity and quality of the supplied water[9];

to demand compensation for water not withdrawn under the water use agreement, with the exception of cases provided for by law[10];

to participate in the adoption of decisions on water resources management;

to make proposals for changing water withdrawal limits based on the estimated and actual water content of the source[11];

to demand compensation for damage caused by violations of their rights and legitimate interests, including violations of the right to withdraw water in accordance with the established water withdrawal limits and water supply regime, in accordance with the procedure established by law.

Through these rights, water users can fully exercise their rights to water. In addition, the issue of using water objects only for the purposes for which they were granted is an urgent issue today, therefore, it is appropriate to include in Article 36 of the Law on Water and Water Use, that is, Form 6 of the grounds for revoking the right to use or consume water, a clause called “Using water for purposes other than those specified in the permit”. Because, non-compliance with the purposes of water use, violations in this area, and diversion of water to secondary purposes, which leads to disruption of the water supply chain and serious harm to the health of the population, are also common. For example, there are cases where enterprises of various organizational forms are connected to water under low tariffs allocated to the population.

**Results and discussion.** Also, according to the data provided by the World Health Organization, 80 percent of all diseases are transmitted through the water consumed[12]. From this it is clear that providing the population with clean drinking water is very important. The requirements for drinking water supply and wastewater disposal, as well as the hygienic criteria for water and control of its quality in the centralized system of household and drinking water supply of the population of Uzbekistan must be met. By Decree No. 16 of the President of the Republic of Uzbekistan “On the State Program for the Implementation of the Strategy “Uzbekistan — 2030” in the Year of Environmental Protection and the “Green Economy””, all drinking water supply enterprises were tasked with conducting quality monitoring and creating data management centers. Through this, firstly, the establishment of a central laboratory for monitoring the quality of drinking water in the regions[13]; secondly, the establishment of laboratories for monitoring the quality of drinking water in all cities and districts or the formalization of contracts with the territorial sanitary and epidemiological well-being and public health departments; thirdly, the approval of the technical qualifications of laboratories for monitoring the quality of drinking water was put before us. Also, as a form of the policy of openness and transparency pursued in our country, it was a division that contributed to further strengthening it by regularly providing accurate and reliable information about the daily status of water in providing the population with drinking water. Therefore, we consider it appropriate to make an amendment to the 4th task of implementing the 4th paragraph of the 62nd goal of the above decree to provide reliable information about the quality of daily water through the social networks of the District Khokimiyats or the Ministry of Construction and Housing.

In particular, we touched upon the issue of measuring the quality of water obtained through artesian wells or reservoirs, but the issue of the quality of water obtained through wells for drinking purposes remains open. First of all, in this regard, it is necessary to constantly inform the population about the status of the well after it is dug, that is, whether it can be used for drinking water purposes or not, and to conduct monthly or other alternative sanitary quality inspections.

As a manifestation of the rights of water users and consumers, the right to demand compensation for water not received under the water consumption contract is given. However, despite the improved mechanism for paying additional fees for excessive use in our legislation, a full-fledged legal mechanism has not been created in this area due to the lack of need or infrequent practice for demanding compensation for water not received[14].

The role of public organizations in the protection of groundwater is invaluable. In addition to granting this right to water users and consumers, Article 10 of the Law on Water and Water Use stipulates that “Water consumer associations, other non-governmental non-profit organizations, in accordance with

their charters, and citizens shall assist state bodies in implementing measures for the rational use of water and water bodies and their protection. State bodies may take into account the proposals of water consumer associations, other non-governmental non-profit organizations, as well as citizens, when carrying out these measures." If we cannot fully establish public control in any area, violations and irregularities in that area will continue.

The issue of ensuring cooperation between state and public control in the protection and rational use of groundwater as a form of natural resources, as well as ensuring their high-quality operation, is a pressing issue today.

The subjects of water use and consumption can be individuals and legal entities, in which we can classify the subjects as private or public organizations[15].

**Conclusion.** In conclusion, The lack of compliance between the rights and obligations of groundwater users leads to the lack of compliance between the obligations and responsibilities of groundwater users. Consequently, the legal protection of nature in the process of implementing nature use begins with the consolidation of the rules of environmentally sound use in law, and this issue does not lose its relevance over the years.

In the current situation, we have found it necessary not only to improve the legal protection of groundwater, but also to thoroughly analyze the issues of the rights of its users and consumers. This will certainly help to regulate its use in the field and prevent violations. The intended purpose is to regulate the processes related to the special use or special consumption of groundwater, rational use of groundwater, prevention of depletion or increase in groundwater levels, control the quantity and quality of water withdrawals, and keep records of users or consumers of groundwater.

#### REFERENCE:

1. Devi P, Rema. "Groundwater development and legal regulation." Journal of the Indian Law Institute 33.4 (1991): 614-634.
2. Briefing on the work carried out by the Mining and Geological Supervision Inspectorate in 2024 February 10, 2025
3. May, James R. "Constituting fundamental environmental rights worldwide." Pace Env'tl. L. Rev. 23 (2005): 113.
4. Christoff, Peter. "Ecological citizens and ecologically guided democracy." Democracy and green political thought. Routledge, 2003. 159-176.
5. Shah, Tushaar. "The groundwater economy of south asia: an assessment of size, significance, and socio-ecological impacts." Kan. JL & Pub. Pol'y 15 (2005): 407.
6. Kiselyov, Alexandr, et al. "Solving the problems of conservation and rational use of natural resources as a modern factor in the development of the world and regional economy." E3S Web of Conferences. Vol. 291. EDP Sciences, 2021.
7. Keller, Jack. "Irrigation system management." Irrigation management in developing countries. Routledge, 2019. 329-352.
8. Boelens, Rutgerd, and Jeroen Vos. "Legal pluralism, hydraulic property creation and sustainability: The materialized nature of water rights in user-managed systems." Current Opinion in Environmental Sustainability 11 (2014): 55-62.
9. Nowicki, Saskia, Johanna Koehler, and Katrina J. Charles. "Including water quality monitoring in rural water services: Why safe water requires challenging the quantity versus quality dichotomy." Npj Clean Water 3.1 (2020): 14.

10. Goldfarb, William. Water law. CRC Press, 2020.
11. Caponera, Dante A., and Marcella Nanni. Principles of water law and administration: national and international. Routledge, 2019.
12. <https://www.narayanahealth.org/blog/effects-of-water-borne-disease-in-health-and-its-prevention>
13. DeZuane, John. Handbook of drinking water quality. John Wiley & Sons, 1997.
14. Gleick, Peter H. "The human right to water." Water policy 1.5 (1998): 487-503.
15. Hall, David, and Emanuele Lobina. "Private and public interests in water and energy." Natural resources forum. Vol. 28. No. 4. Oxford, UK: Blackwell Publishing Ltd., 2004.