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Context

• Common law rule – land based groundwater right
  – E.g. Plachimada Coca Cola case
• Basis of common law rule
  – Ignorance
  – Unnecessary
• Post-independence scenario
  – Policy of promotion of groundwater extraction
  – “serious crisis of groundwater overuse and groundwater quality deterioration” (Planning Commission of India)
Contd.

• Legal responses
  – State groundwater laws
  – Environmental laws
    • E.g. Central Groundwater Authority (1997)
Problems

• Access only to rich landowners
  – Implications on the human right to water

• Treating groundwater in isolation
  – Major focus on uses/users
  – Environmental dimension – a missing link

• Institutional/regulatory mechanism
  – Centralised command and control approach

• Conservation
  – Rain water harvesting – enabling provisions
Model GW Bill, 2011 – environmental aspects

- Remedying mission/modernisation mission
- GW as part of water cycle and environment
  - ‘unitary nature of water’
  - link between surface water and groundwater
- GW – a common heritage held in trust
- Recognition of the human right to water
• Protection – a key objective
  – Groundwater protection zones
    • Need based regulation and protection
    • Continuous process
  – Groundwater security plans
    • Aquifer based use and protection plans
    • Binding norms
Challenges ahead

• Convincing the state governments
  – Consultation
• Incorporating diversities
• Management of institutional web
• Exploiting opportunities
  – E.g. Tamil Nadu