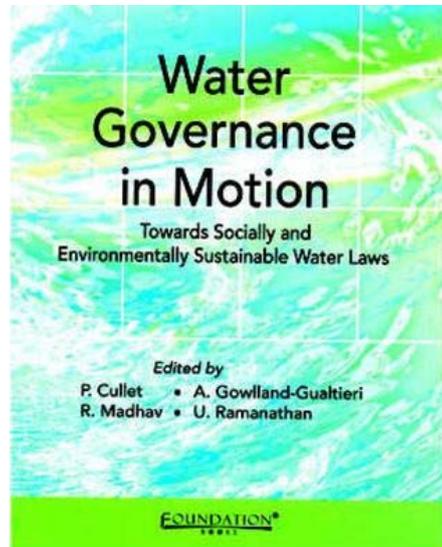


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Published: August 31, 2010 00:00 IST | Updated: August 31, 2010 04:27 IST

Water reforms and India's experiences

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This volume, based on select papers presented at two workshops — one held in Delhi in 2006 and the other in Geneva in 2007 — covers the process of reform in two water-related areas in India, namely the legal and institutional frameworks. It also brings in the international dimensions of water law reforms and relates India's experiences with those of countries such as Argentina, South Africa, and Australia.

Organised in five parts, the book has 18 papers — the introduction apart — from 21 well-known scholars in their respective areas. The key point to be noted here is that most of the legal changes India has witnessed over the past few decades are in specific areas such as user organisation, groundwater, water pollution, water harvesting, and forest conservation. But, there is hardly any movement towards a comprehensive reform of water laws as such.

Reforms

The first part, which provides an overview of the ongoing reforms in water law, water policy, and water institutions, elaborately discusses the role of law in water management and in the evolution of the regulatory framework, besides examining the general water reforms in western India and the urban water reforms in Chennai. Reforms in relation to the three main sources of irrigation — canals, tanks and groundwater — are dealt with in the second part. If the issue of water rights in the context of water user association receives attention with respect to canal irrigation, the relevance of customary rights in water management is addressed in the case of tank irrigation. The legal issues surrounding the Plachimada dispute find a place in the chapter on groundwater.

The privatisation of urban water is analysed in the third part both from the Indian and international perspectives. There is an attempt to evaluate the privatisation initiatives in Tirupur (Tamil Nadu) and the inter-sectoral allocation issues faced in Hyderabad city. On the global arena, the World Bank's influence on water supply initiatives in Argentina and the legal and economic ramifications of water as a service and as a commodity in the specific context of international investment law and the WTO regime are examined in detail.

Environmental angle

Water law reforms are looked at from the human rights and environmental angles in the penultimate part. While one paper shows how 'green' water laws can strike a balance between the environmental conservation objective and the development imperatives and also protect the water resource base, another focusses on the role of cooperative governance as a way out of conflicts of interest as well as the legal complexities. In the light of South Africa's experience, issues related to putting in place a framework for the human rights to water and making it work are explored in two other chapters.

In the concluding part, which provides a comparative perspective on water law reforms, the lessons to be drawn from the initiatives in Australia and key issues such as law and development discourse, and water policy regime, governance, rights, and justice are dealt with extensively.

Clearly, the merit of this volume lies in that it throws considerable light on water law reforms, admittedly one of the less studied areas of water resource management in India. Also, the issues have been presented in a manner that will not only go well with researchers and policymakers alike but also render it accessible to the lay people who have a deep interest in the subject. From an academic viewpoint, it can be a good supplementary reading material for courses in environmental law, natural resource and environmental economics, and civil engineering. Overall, the publication is a welcome addition to the literature on water law in particular and water management in general.