

<b>Course title:</b> Water Resources law				
<b>Course code</b>	<b>No. of credits: 2</b>	<b>L-T-P distribution:</b> 22 – 0 – 12	<b>Learning hours:</b> 28	
<b>Pre-requisite course code and title (if any):</b> None				
<b>Department:</b> Centre for Post Graduate Legal Studies				
<b>Course coordinator (s):</b> Dr. Sujith Koonan		<b>Course instructor (s):</b> Dr. Sujith Koonan		
<b>Contact details:</b> sujithkoonan@gmail.com				
<b>Course type</b>	<b>Elective</b>			
<b>Course offered in</b>	<b>Semester 2</b>			
<b>Course Description</b> This course is intended to introduce concepts, laws and policies relating to water at the national and international level. The course specifically covers water rights and human rights to water, legal aspects of ground water; national and international water sharing agreements and disputes; conflict resolution and liability.				
<b>Course objectives</b> <ol style="list-style-type: none"><li>1. To introduce the students to various concepts, laws relating to water at the international, and national level</li><li>2. To analyse issues relating to access, allocation and use of water resources and the need for regulation</li><li>3. To explore the causes for water conflicts, different methods of conflicts resolution and principles used in such resolution</li></ol>				
<b>Course Content</b>		<b>L</b>	<b>T</b>	<b>P</b>
<b>Module 1: An Introduction to the Legal Framework on Water</b>		<b>6</b>		
Rights over Water – Various doctrines - Riparian rights; Prior appropriation; territorial sovereignty; natural water flow, equitable apportionment; equitable utilization- Right of Water and Water Rights, Fundamental right to water - Access to Water – Gender and Class issues  Ownership of water, state’s power: Common law doctrines, Indian Easement Act, 1882; Various irrigation statutes, Doctrine of Public Trust - Human Right to Water - Constitutional Basis of Water regulation  Lake protection in India – Wetland Rules – Case Studies				
<b>Module 2: International Water Law</b>		<b>4</b>		<b>4</b>
An overview of International water law: Diffused nature of International Water Law; Treaties at the global, regional and bilateral level; Soft law instruments  Customary principles of international law in the field of water: limited sovereignty (equitable utilization), no harm, and peaceful resolution of disputes; Principles of polluter pays, prevention, precaution, sustainability and subsidiarity. UN Convention on the Law of the Non-Navigational Uses of International Watercourses, Helsinki Rules on the Uses of Waters of International Rivers;				

<b>Module 3: Ground Water</b>	<b>4</b>		<b>4</b>
Issues relating to ownership; State control; Various state laws; Model Ground Water Bill; Central Ground Water Commission  Treaties and other instruments at the international level: United Nations Convention to Combat Desertification  Regional Treaties; Non-Governmental instruments: Helsinki Rules, Berlin Rules, The Seoul Rules on International Ground waters [1986], International Law relating to Transboundary Aquifers: The Guarani Aquifer Agreement; ILC Draft Articles on the Law of Transboundary Aquifers			
<b>Module 4: Reforms</b>	<b>4</b>		<b>2</b>
Reasons; National Water Framework Law; Decentralisation; Private participation;			
<b>Module 5: Conflict Resolution and Liability</b>	<b>4</b>		<b>2</b>
Nature of conflicts; Different modes of dispute resolution National Level (Case Study India):  Inter-State Water Disputes Act, 1956; Role of judiciary; Mullaperiyar dispute; Narmada Water Disputes Tribunal (NWDT)  Liability: Nature; Tortious liability; Plachimada Tribunal Bill, 2011 International Tribunal: Kishanganga Arbitration			
<b>Total</b>	<b>22</b>		<b>12</b>
<b>Evaluation criteria</b> <ul style="list-style-type: none"> <li>Class participation : 10</li> <li>Term Paper : 25</li> <li>Presentations : 25</li> <li>Test 3 : 40</li> </ul>			
<b>Learning outcomes</b> By the end of the course, it is expected that the students will: <ol style="list-style-type: none"> <li>Demonstrate the ability to understand the existing legislative and policy framework governing the water sector and recognition of various rights associated with water.</li> <li>Be able to critically appreciate and practically analyse various water laws and policies in the national and International level.</li> </ol>			
<b>Pedagogical approach</b> Predominantly based on classroom teaching and discussion. It is expected that the students come prepared with the readings, thus leading to a healthy discussion.			
<b>Materials</b> Suggested Readings <b>Books:</b> <ol style="list-style-type: none"> <li>Iyer, Ramaswamy R. (ed). (2009). Water and the Laws in India. New Delhi: Sage.</li> <li>Verghese, B G (2007). Waters of Hope. 4th ed. New Delhi: India Research Press.</li> <li>FAO. (1998). Sources of International Water Law. Rome: FAO Legal Service</li> <li>Iyer, Ramaswamy R. (2003). Water Perspectives, Issues , Concerns, New Delhi: Sage.</li> </ol>			

5. Philippe Cullet, Sujith Koonan (eds.) (2017) *Water Law in India: An Introduction to Legal Instruments*, New Delhi, Oxford University Press India.
6. Nandita Singh, (2016). *The Human Right to Water: From Concept to Reality*, Springer.

#### **Journal Articles**

7. A Richards & N Singh, (2002), 'Inter-State Water Disputes in India: Institutions and Policies' 18/4 *International Journal of Water Resources Development* 611.
8. C.R. Bijoy, (2006). 'Kerala's Plachimada Struggle – A Narrative on Water and Governance Rights' 41/41 *Economic & Political Weekly* 4332-39
9. Daniel Aguilar, (2011). 'Groundwater Reform in India: An Equity and Sustainability Dilemma' 46 *Texas International Law Journal* 623
10. Jayanta Bandyopadhyay & Shama Perveen, (2004). 'Interlinking of Rivers in India - Assessing the Justifications', 39 *Economic and Political Weekly* 5307-16
11. M.P. Ram Mohan & K Chavaly, (2015). 'The Supreme Court of India and Inter-State Water Dispute: An Analysis of the Judgments on Mullaperiyar Dam', 17/6 *Water Policy* 1003
12. Phillipe Cullet (2012), 'Is Water Policy the new Water Law: Rethinking the Place of law in water sector reforms' 43/2 *Institute of Development Studies Bulletin* (
13. Phillipe Cullet, (2012) *Groundwater: Towards a new Legal and Institutional Framework*, International Environmental Research Centre <<http://www.ielrc.org/content/w1201.pdf>>
14. Vrinda Narain, (2010) 'Water as a Fundamental Right: A perspective from India' 34 *Vermont Law Review* 917

#### **Additional information (if any)**

#### **Student responsibilities**

Attendance, feedback, discipline etc.

#### **Course Reviewers:**

1. Dr. Jacob Joseph, Assistant Professor, NUALS
2. Mr. Sujith Koonan, Senior Teaching Fellow, Department of Law, SOAS