

Course title: Water Law				
Course code: WSW 153	No. of credits: 3	L-T-P distribution: 34-11-0	Learning hours: 45	
Pre-requisite course code and title (if any)				
Department: Regional Water Studies				
Course coordinator(s):		Course instructor(s): Mr Shawahiq Siddiqui		
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Course type: Compulsory Core		Course offered in: Semester 3		
Course description This course is intended to introduce concepts, laws and policies relating to water at the national, regional and international level. The course specifically covers water rights and human rights to water; water pollution; legal aspects of ground water; national and international water sharing agreements and disputes; conflict resolution and liability; and regional initiatives at the South Asian region. Institutional and governance issues are not covered as a separate course deals with these issues.				
Course objectives				
<ol style="list-style-type: none"> 1. To introduce the students to various concepts, laws relating to water at the international, regional and national level 2. To explore the causes for water conflicts, different methods of conflicts resolution and principles used in such resolution 3. To critically analyse the initiatives taken at the South Asian region to address issues relating to water 				
Course content				
Module	Topic	L	T	P
1	An Introduction to the Legal Framework on Water An Introduction to the legal system: Difference between municipal law and international law. Sources of law An Introduction to International Law: Sources, Subjects, Enforcement, Dispute Resolution An introduction to legal issues in the field of water; constitutional provisions; role of courts	3	0	0
2	Water Rights and Right to Water <u>Various doctrines and their application:</u> Riparian rights; Prior appropriation; territorial sovereignty; natural water flow, equitable apportionment; equitable utilization Ownership of water, state's power: Common law doctrines Indian Easement Act, 1882; Various irrigation statutes (Case Study) Doctrine of Public Trust Human Right to Water	6	3	0
3	International Water Law 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; Seoul Rules on International Ground Waters; various UN Resolutions	6	3	0

4	<p>Ground Water</p> <p>Treaties and other instruments at the international level: United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa 1992, Regional Treaties; Non-Governmental instruments: Helsinki Rules, Berlin Rules, The Seoul Rules on International Ground waters [1986] etc. International Law relating to Transboundary Aquifers: The Guarani Aquifer Agreement; ILC Draft Articles on the Law of Transboundary Aquifers National Laws on Ground Water: Issues relating to ownership; State control; Case Study India: Various state laws; Model Ground Water Bill; Central Ground Water Commission</p>	6	2	0
5	<p>Water Pollution</p> <p>Customary and general principles of International Law National Laws: India: Water (Prevention and Control of Pollution) Act, 1974; Environment (Protection) Act, 1986 Bangladesh: Water Act, 2013</p>	3	1	0
6	<p>Initiatives in the South Asian Region</p> <p>Bilateral treaties: Indus Water Treaty; Mahakali Treaty; Sharing of Ganga Waters (Bangladesh); Other Initiatives An overview of National Water policies</p>	4	1	0
7	<p>Conflict Resolution and Liability</p> <p>Nature of conflicts; Different modes of dispute resolution National Level (Case Study India): Inter-State Water Disputes Act, 1956; Role of judiciary; Mullaperiya dispute; Narmada Water Disputes Tribunal (NWDT) gave its award Liability: Nature; Tortious liability; Plachimada Tribunal Bill, 2011 International Tribunal: Kishanganga Arbitration</p>	6	1	0
	Total	34	11	0

Evaluation criteria

Assignment (Including Presentation): 50%
End-term Exam: 50%

Learning outcomes

By the end of the course, it is expected that the students will:

1. Demonstrate the ability to understand key concepts in water law
2. Be able to critically appreciate and practically analyse various water laws and policies in India and South Asia

Pedagogical approach

Predominantly based on classroom teaching. It is expected that the students come prepared with the readings, thus leading to a healthy discussion in the class.

Materials

Suggested readings:

Dellapenna, Joseph W. and Gupta, Joyeeta (eds.). (2008). *The Evolution of the Law and Politics of Water*. Springer.

FAO. (1998). *Sources of International Water Law*. Rome: FAO Legal Service

Verghese, B G (2007). *Waters of Hope*. 4th ed. New Delhi: India Research Press.

Iyer, Ramaswamy R. (ed). (2009). *Water and the Laws in India*. New Delhi: Sage.

Singh, Chhatrapati (ed.). (1992). *Water Law in India*, New Delhi: Indian Law Institute.
Iyer, Ramaswamy R. (2003). *Water Perspectives, Issues, Concerns*, New Delhi: Sage.

In addition to these, module wise list will be distributed before the classes

Case studies

Websites

www.ielrc.org

<http://www.internationalwaterlaw.org/>

Journals

Law, Environment and Development Journal

The Journal of Water Law

Additional information (if any)

Student responsibilities

The students are expected to submit assignments on time and come prepared with readings when provided.

Course reviewers

1. Dr. Vishnu Koonorayar: Fiji National University.
2. Ms. Loveleen, Bullar Teaching Fellow, Law, Environment and Development Centre (LEDC), SOAS.