

Policy Reforms in Water Law

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INTRODUCTION: India is crisscrossed by 12 major river systems, Most of the ancient major cities are situated near the banks of these rivers. Water is indispensable to sustain life. Its availability, access and quality are crucial factors deciding the quality of life of not only human beings but also all other living beings. Water is also unavoidable for overall economic development of the human society. This is clear from the fact that water is a very basic necessity for food production. Water is also needed for various other industrial and commercial activities. Thus, water also plays a critical role in poverty eradication. About 85% of the available water of India is used for agricultural purposes, 8% for domestic purposes and 5% for industry (FAO Aquastats 2003).

Historically, water was seen as plenty and thus, its availability, access and quality were not major problems faced by the human society. This is not the situation anymore. Problems related to availability and quality of water are not surprising news. People standing in front of water tankers or women walking long distance to collect drinking water have become casual news. The controversial issue of water based industries over-exploiting groundwater (e.g. **Plachimada Coca-Cola**) gives another example wherein over-use by one person affects life and livelihood of a community. The continuous fight between states over sharing key rivers in the country sometimes even leads to violent fights between people (**e.g. Cauvery River dispute between Karnataka & Tamilnadu and SYL Dispute between Punjab & Haryana**). Instances of water and water related problems are too many to describe. Hence, these new situations and problems demand water laws for regulation of freshwater to tackle the problems of increasing water scarcity and inadequacy of existing laws and principles in the water sector.

The existing water law framework in India is characterized by the co-existence of a number of different principles, rules and acts adopted over many decades. These include common

law principles and irrigation acts from the colonial period as well as more recent regulation of water quality and the judicial recognition of a human right to water.

The lack of a comprehensive water legislation has ensured that, to-date, water law is made up of different instruments, principles and judicial decisions which are not necessarily fully compatible with each other. Thus, the claims that landowners have over groundwater under common law principles are today difficult to justify in the context of the realisation of the human right to water since groundwater has often become the main source of drinking water and land-based access rules do not contribute to a social perspective to water. (State Subject)

The existing lack of a comprehensive and clear legal framework leads to a situation where there is a lack of clarity with regard to the rights and obligations of all concerned individuals and institutions. This is further compounded by the fact that formal water law is supplemented by number of customary and religious rules concerning water use and control whose application continues to-date in many places.

There is very little disagreement over the fact that water law needs to be reformed in a situation where water scarcity is increasing year after year. The process of reform which can be said to have formally started in the late 1980s with the adoption of the first national water policy has since then led to the introduction of a number of changes at the national level and in a number of states.

WHAT IS WATER LAW?

Water law is the area of law dealing with ownership, access and control of water. It is also concerned with the inter-state and transboundary dimensions of water, the division of powers between the Government of India (or the 'Central government'), states, local bodies (such as municipalities in urban areas and panchayats in rural areas), the public and private actors, as well as the issue of water quality together with its environmental and health implications.

WHAT ARE THE OBJECTIVES OF WATER LAW?

The following are the main objectives of water law:

- Allocation of water for different uses;
- Setting up of priorities among different uses of water;
- Conservation of water resources;

- Implementation of the fundamental human right to water;
- Maintain the quality of water sufficient for its various uses;
- Ensure water for human survival and poverty eradication;

HISTORIC EVOLUTION:-

Pre Colonization History: The Indus Valley Civilization flourished around 2500 BCE. Water was vital for the civilization and was used primarily for human personal use and irrigation. The most important structure in the city of Mohenjodaro was the Great Bath, which had water channels leading to and from it (Majumdar et al. 1978). Its remains can still be seen today. The Indus Valley civilization gave way to Indo-European invaders who were initially less settled in their lifestyles.

In societies of food gatherers, humans protected their environment because that was their resource base. Trees, groves, and water bodies were seen as sacred. As society evolved, specific trees and ponds were seen less as supernatural and the focus shifted to the earth, fire, wind, water, and sky. Varuna was the God of Waters and Indra was the God of thunder and rain. This often accompanied agricultural development that led to deforestation and changes in land use and forests then lost their supernatural powers. Gadgil and Guha (1992: 79) explain how forests and forest creatures were sacrificed to the sun god in the Mahabharata and see this as a way for the Pandavas to convert forestland into agricultural land. Drinking water was obtained from rivers, springs, and artificial wells (Majumdar et al. 1978: 30). Agriculture was the principal source of employment and fields often required irrigation. Navigation was also a significant use of rivers (Majumdar et al. 1978: 34). Between 500 BCE and 300 CE, the large food surpluses implied no real shortage of water and supported trade development along water channels. At this time, Jainism and Buddhism were born as counter religious forces to promote conservation of natural resources. Mahavir Jain and Gautama Buddha, who lived in about the sixth Century BCE, promoted right conduct and belief, and respect for fellow creatures. With the spread of agricultural settlements along the banks of rivers and on fertile lands, labour was needed to undertake specific tasks. Food gatherers were incorporated into the settled system of agriculture, through conquest or otherwise, as the lowest castes. Some argue that these lower castes subsequently began to follow Buddhist beliefs with its ideas of non-violence. After the devastating war of Kalinga, the victorious Emperor Ashoka himself embraced Buddhism and

preached non-violence and Ahimsa to his people. Ashoka also called on his officers to build reservoirs and plant trees (Majumdar et al. 1978: 100).

By 400 CE, there was a decline in Buddhism and Jainism and this was accompanied by a decline in agricultural production—possibly because of water shortages, decline in soil fertility, and/or the growth of human population. During the reign of the Gupta's and thereafter until about the 1000 CE, the lack of resources led once more to worshipping individual animals and trees and a focus on conservation. This was a period of low trade and urbanization. From around the ninth century, the development of new tank technologies and improved dams and canals in South India paved the way for the development of large-scale peasant agriculture that displaced pastoralism (Mosse 2003: 53).

Colonial Policies and Laws on Water: Government Ownership: From the sixteenth century onwards, European colonialism began in India. It accelerated during the industrial revolution in England. Colonization brought three major influences—a transformation from a resource gathering and food production economy into a commodity-oriented economy; a change in long-standing social relations and customs as local social relations became less important and social cohesion declined; and the development of the market and the importance given to wealth (Gadgil & Guha 1992: 116). Commercial production became more important than subsistence, exploitation more important than conservation, and the individual more important than the community. While colonization in India was less aggressive than in Africa, the British deforested large tracts in order to access coal and timber and to promote agriculture. The state gradually took ownership of forests and community irrigation and usufructuary schemes were dismantled. Water logging and salinity problems increased and small-scale irrigation schemes broke down leading to impoverishment of the small farmers. The British introduced the concept of government control over surface waters. In the early stages, legal and administrative changes were motivated by the need for colonial expansion and to amass wealth, the East India Company focused on advancing trade and traffic, and law developed through practice and the judicial process (Siddiqui 1992). Until 1857 the British did not interfere with local rules and customs unless it interfered with their policies. The Presidency areas were completely subject to British rule, mofussil areas experienced a plural system of law, and further away local systems of law existed. A few laws were

enacted such as the Bengal Regulation VI of 1819 to regulate ferries and the Charter Act of 1833 was an initial attempt to codify the laws in India. Following the 1857 revolution, the British began to consolidate power focusing both on famine relief and the need to maintain the resource base of trade (Majumdar et al. 1978). The British began to invest in and regulate canals and irrigation facilities.

British colonial water law had two main strands. First, control over water and rights to water were regulated through the progressive introduction of common law principles, emphasizing the rights of landowners to access water. For surface waters, riparian rights allow a landowner the right to take a reasonable portion of the flow of a watercourse (Dellapenna 2001). For groundwater, landowners had a virtually unlimited right to access water under their holdings. Common law principles, enshrined in the Indian Easements Act (1882), evolved over time but have substantially survived until the present day (Getzler 2004). Second, a series of regulatory statutes were enacted, including laws to protect and maintain embankments, to acquire land for embankments, and to entrust the Controller for implementing such laws (e.g., Embankment Regulation 1829; Bengal Embankment Act 1855; Siddiqui 1992). Other laws regulated canals for navigation purposes and levying taxes on the users, river conservation, and rules on ferries and fisheries (e.g., Northern India Ferries Act 1878; Indian Fisheries Act 1897). Regulations recognizing local practices and rules in villages were also enacted.

One of the most important enactments was the Northern India Canal and Drainage Act (1873), which regulated irrigation, navigation and drainage. While this Act did not directly assert the state's ownership over surface waters, it recognized the right of the Government to 'use and control for public purposes the water of all rivers and streams flowing in natural channels, and of all lakes' (Preamble). This led to the progressive strengthening of state control over surface water and the concomitant weakening of people's customary rights. This tendency was progressively strengthened.

The Madhya Pradesh Irrigation Act (1931: §26) provided that: 'All rights in the water of any river, natural stream or natural drainage channel, natural lake or other natural collection of water shall vest in the Government'. Colonial legislation also introduced the division of responsibilities between the centre and the regions/states with regard to water. The Government of India Act (1935) empowered the provinces to take decisions on water

supply, irrigation, canals, drainage and embankments, water storage and hydropower. Conflicts between provinces and/or princely states were subjected to the jurisdiction of the Governor General who could appoint a commission to investigate the sufficiently important conflicts (§§130–134).

POST-COLONIAL WATER LAW AND POLICIES: Water law in the post-colonial period is shaped by the legacy of colonial times, constitutional and federal developments, specific rules on surface and groundwater irrigation, human rights, social and environmental issues, issue about dams, and questions of water cooperation with neighboring countries.

Since independence in 1947, most states have regulated territorial water bodies, embankments, drinking water supply, irrigation, floods, water conservation, water pollution, rehabilitation of the displaced, fisheries, and ferries (Siddiqui 1992).

While significant novel aspects were introduced, the evolution from colonial water law was slow. Many colonial acts have not yet been superseded and the basic structure of common law rights linking water rights and land rights has not yet been comprehensively reworked (Singh 1991). Since the early 1970s, signs of more fundamental changes have emerged, possibly attributable to the fast decreasing per capita availability of water, increasing pollution of existing water supplies, the fast increasing use of water for irrigation, and increasing competition among water users for a larger share of finite supplies. Another colonial trend that has continued is the increasing displacement of customary and local rules and practices by formal state or central laws. While formal law and policymaking does not directly relate to customary practices, new water rules and policies have the direct or indirect effect of displacing or replacing existing local institutional arrangements and rules.

THE CONSTITUTION AND UNION LEGISLATION: The Constitution provides for the continuation of all laws in force at the time of the adoption of the Constitution (1947: art. 372). It generally follows the scheme introduced in the Government of India Act (1935), where water is a state subject. States have the exclusive power to regulate water supplies, irrigation and canals, drainage and embankments, water storage, water power and fisheries (**Constitution 1947: Schedule 7, List 2, Entries 17, 21**). There are restrictions regarding the use of interstate rivers (**Schedule 7, List 1, Entry 56**). The Union is entitled to legislate on shipping and navigation on national waterways, on tidal and territorial waters (**Schedule 7,**

List 1, Entries 24, 25, 57); and on the adjudication of inter-state water disputes (art. 262). The latter was regulated in the **Inter-State Water Disputes Act (1956)**. It creates specific tribunals for addressing interstate water disputes. This Act has been used in landmark disputes concerning the Cauvery, Krishna-Godavari, and Narmada rivers. The Krishna-Godavari began in 1951; a key issue was whether initial agreements about diversions from the river were justified given legal and political changes following independence (D'Souza 2006: 137). The Cauvery dispute between Karnataka and Tamil Nadu is more than a century old and relates to water sharing. The Narmada dispute focused on the use of available water by riparian states and provided the framework for the construction of the Sardar Sarovar dam, situated in Gujarat, but whose submergence zone is mostly in Madhya Pradesh and Maharashtra (**Narmada Water Disputes Tribunal 1979**).

The Parliament also enacted the **River Boards Act (1956)** to allow the Central Government to establish river boards to advise state governments on the regulation or development of an interstate river or river valley. River boards can advise on conservation, control and optimum utilization of water resources, the promotion and operation of schemes for irrigation, water supply or drainage, or the promotion and operation of schemes for flood control (§13). This Act, however, has not been used in practice.

Since independence, states have enacted irrigation laws that generally follow the pattern of colonial legislation. Surface water irrigation legislation until the 1990s displays little novelty in terms of basic legal principles. The Rajasthan Irrigation and Drainage Act (1954: §5) maintains the right of the state to determine whether surface water is to be used for irrigation or drainage schemes based on whether the scheme serves 'public purposes'. In Madhya Pradesh, not only has the 1931 Irrigation Act been maintained but also the 1949 Regulation of Waters Act vested

'all rights in the water of any natural source of supply' in the Government (§3), as does the Bihar Irrigation Act (1997: §3a). Since the Central Government does not have jurisdiction over groundwater, the measures that it can take are limited. The rapid depletion of groundwater as a result of extraction for irrigation and other uses over the past 50 years has led to policy development in this area. The central government formulated the Model Bill to Regulate and Control the Development and Management of Ground Water (2005). The Environment Protection Act (1986: §3(3)) established a Central Ground Water Authority to

regulate and control development and management of groundwater resources. State governments, however, have been slow to respond, although recently a number of states have adopted groundwater acts. Although different, these state acts follow the scheme of the model bill. The main features are: (1) establishment of a groundwater authority under the direct control of the government; (2) the authority is given the right to notify areas where it is deemed necessary to regulate the use of groundwater; (3) the final decision is taken by the respective state government (Model Bill 2005: §5); (4) in any notified area, every user of groundwater must apply for a permit from the authority unless the user only proposes to use a hand pump or a well from which water is withdrawn manually (§6); (5) decisions of the authority in granting or denying permits are based on factors that include such technical questions as the availability of groundwater, the quantity and quality of water to be drawn, and the spacing between groundwater structures; (6) the authority also takes into account the purpose for which groundwater is to be drawn, without prioritizing domestic uses over other uses (§6(5)(a); the Model Bill only provides that the purpose is to be taken into account, while §6(5)(h)—the only subsection referring to drinking water—only considers it as an indirect factor); (7) all wells, even in non-notified areas must be registered (§8). The model bill provides for the grandfathering of existing uses by only requiring the registration of such uses (§7). Where water scarcity already exists, an act modelled after these provisions does not provide an effective basis for controlling existing overuse of groundwater and provides only a basis for ensuring that future use is more sustainable. Overall, the model bill constitutes an instrument seeking to broaden state control over the use of groundwater by imposing the registration of all groundwater infrastructures and providing a basis for introducing permits for groundwater extraction in regions where groundwater is over-exploited. Besides providing a framework for asserting government control over the groundwater use, the model bill also expresses limited concerns for the sustainability of use. It does not, however, propose a clear break from rules of access linked to land ownership.

HUMAN RIGHTS AND THE SOCIAL AND ENVIRONMENTAL ASPECTS OF WATER:

While the Constitution does not recognize a fundamental right to water, court decisions deem such a right to be implied in Article 21 (right to life) (Muralidhar 2006). The right to

water is arguably implied in the recognition of the right to a clean environment. In **Subhash Kumar v. State of Bihar** (1991, ¶7), the Supreme Court recognized that the right to life 'includes the right of enjoyment of pollution free water and air for full enjoyment of life'. In the Sardar Sarovar case, the Supreme Court directly derived the right to water from Article 21, stating that 'water is the basic need for the survival of the human beings and is part of right of life and human rights as enshrined in Article 21 of the Constitution of India (**Narmada Bachao Andolan v. Union of India** 2000, ¶274).

While judicial recognition of a fundamental right to water is unequivocal, its implementation through policies and acts is not as advanced. Recent initiatives include the **Rajiv Gandhi National Drinking Water Mission** that seeks to ensure that all villages in the country get drinking water supply. The goal has not yet been achieved and significant gaps have been identified in policy implementation (Planning Commission 2006). For urban water supply, various cities have adopted regulations or laws to regulate drinking water supply. Regarding water pollution, one of the most important developments was the adoption of the **Water (Prevention and Control of Pollution) Act (1974)**. This act seeks to prevent and control water pollution and maintain and restore the wholesomeness of water. It creates water Boards to set standards and regulations for the prevention and control of pollution. The Supreme Court affirmed, in **M.C. Mehta v. Kamal Nath (1997: ¶34)**, that water is a public trust, with the state as 'the trustee of all natural resources which are by nature meant for public use and enjoyment'.

RECENT AND ONGOING WATER LAW AND POLICY REFORMS:

Over the past 2 decades, renewed interest in water law and policy can be ascribed to increasing water scarcity, increasing water pollution, competition among users for a finite resource, progressively changing economic policies at the national and international levels, and new water policy priorities at the international level. The following subsections address the current situation and the likely developments regarding water policies and the controversial river linking project.

National and State Water Policies:

By the 1980s, it became evident that while water was largely a state subject, the lack of a national policy on water was a major impediment to the development of coherent water policies. This led to the development of the **National Water Policy (1987) that was reformulated in 2002**. The two documents are similar, focusing on developing a data bank, estimating the available water, prioritizing water (with access to drinking water accorded priority), developing groundwater rules, meeting drinking water needs, developing irrigation facilities, encouraging the participation of stakeholders in water management, monitoring water quality, promoting conservation consciousness, developing a flood control and management system, using cost effective measures to minimize erosion, maintenance and modernization of water works, ensuring the safety of structures built on water bodies, developing relevant science and technology, and training of personnel. The key differences between the documents are that the 2002 policy focuses on the development of an improved institutional framework with a focus on improving the performance of the institutions, promotion of rehabilitation schemes for the displaced, enhancing participation by private parties in water management, developing an effective monitoring system, and ensuring that states share the waters of a joint river. The national policy has been supplemented by state water policies. The national and state policies are based on similar principles: water as a natural or economic resource that can be harnessed to foster the productive capacity of the economy, from irrigation water for agricultural production to water for hydropower; and priority of use that should be allocated in the following order: drinking water, irrigation, hydropower, ecology, agro-industries and non-agricultural industries, navigation and other uses (National Water Policy 2002: §5; Rajasthan State Water Policy 1999: §8). Domestic uses of water have overriding priority in water allocation. Nevertheless, some policies also provide that this priority list can be changed if circumstances so require, thus ensuring that there is little substance in the prioritization (Maharashtra State Water Policy 2003: §4; Rajasthan State Water Policy 1999: §8).

The policies generally provide that beneficiaries and other stakeholders should be involved from the project planning stage (National Water Policy 2002: §6(8)). The participatory provisions link participation with decentralization, focusing on the need to devolve the control of irrigation systems to users. This is premised on the perceived inability of the state

to deliver appropriate benefits to farmers. The basic idea is to transfer part or full control of irrigation systems to users by both allowing and forcing them to maintain and finance irrigation systems and share water among themselves (Uttar Pradesh Water Policy (1999): §17(1). The policies generally promote the use of 'incentives' to ensure that water is used 'more efficiently and productively' (Maharashtra State Water Policy 2003: §1(3)). This implies increased private sector involvement in water control and use from planning to development to administration of water resources projects (National Water Policy 2002: §13). Urban water supply is singled out for private sector participation (Rajasthan State Water Policy 1999: §9).

The water policies propose the introduction of water rights. Water rights are not new *per se* and there is a vast corpus of relevant law. The policies restate that the state is the 'sole owner of the water resources' even while they proposing to create water rights in favour of users (Uttar Pradesh Water Policy 1999: §17(1) (d)). These rights are said to be the necessary premise for participation in the 'management' of water resources, for the setting up of water user associations, and for the introduction of trading in entitlements. Trading is specifically proposed in certain policies (Maharashtra State Water Policy 2003: §4(2). The policies also introduce wide-ranging legal and institutional reforms, of which three are significant: the introduction of a legal framework for the formation of water user associations to decentralize water governance; the introduction of laws providing for the establishment of a water resources authority whose primary characteristic is to be largely independent from existing irrigation and other water resource departments; and the regulation of groundwater (Karnataka State Water Policy 2002: §7).

Water Sector Reforms in India:

National and international influences have influenced broad-ranging 'water sector reforms' carried out partly through projects seeking, for instance, to introduce changes in specific places, such as reforms in water services in specific cities, or in specific activities such as the introduction of participatory management in irrigation. While these reforms are linked to the water policies highlighted above, they were at first often not backed by legislative

changes. Over time, there has been an increasing emphasis of regulatory changes to ensure the diffusion of water reforms, their predictability and stability.

While water law reforms are largely state specific, they are similar because they are based on similar national or international policy interventions. First, states like Andhra Pradesh, Rajasthan and Maharashtra foster the participation of farmers in irrigation schemes along the principles of 'participatory irrigation management'

(Andhra Pradesh Farmers Management of Irrigation Systems Act 1997; Maharashtra Management of Irrigation Systems by Farmers Act 2005; Rajasthan Farmers' Participation in Management of Irrigation Systems Act 2000). Second, several states, including Andhra Pradesh and Maharashtra have adopted sweeping legislation seeking to restructure the water institutional framework (Andhra Pradesh Water Resources Development Corporation Act 1997; Maharashtra Water Resources Regulatory Authority Act 2005). The rationale for setting up a new water authority is to remove some power from existing water bureaucracies and to ensure that reforms are successfully implemented. Third, several states have now adopted groundwater legislation (see Section 10.3.3).

PRINCIPLES FOR WATER SECTOR REFORMS:

Water Law Reforms are guided by following reforms:-

- 1. Water as a natural resource and economic good**
- 2. Decentralisation and participation**
- 3. Sustainable Use:** Reduce, Recycle/reuse and conservation/recharge.
- 4. Prevention & control of pollution of the sources.**
- 5. Redefinition of the role of the government:** This includes both measures restricting the role that the government is playing as well as measures seeking to increase governmental control. Rights to be transferred to users and regulatory role of govt.

Supreme Court Opinion:

- **Subhash Kumar v. State of Bihar** (1991): the right to life 'includes the right of enjoyment of pollution free water and air for full enjoyment of life' [para 7]

- **Narmada Bachao Andolan v. Union of India** (2000): 'Water is the basic need for the survival of the human beings and is part of right of life and human rights as enshrined in Article 21 of the Constitution of India' [para 244].

Besides court judgments, there is relatively little in the legal framework making the fundamental a reality. In fact, key documents like the National Rural Drinking Water Programme (NRDWP) only speak of a 'basic need' rather than a 'fundamental right'. Similarly, the National Water Policy, 2002 calls water a 'basic human need' rather than a 'basic human right' (para 1.1). Also, while a large number of laws have been passed regarding water and water-based resources, they pay scant attention to the implementation of the fundamental right to water. Owing to this obscurity, it is not clear whether the government can be held legally liable for the failure to respect, protect and fulfil the fundamental human right to water.

There are central laws for regulation of interstate water/rivers (**Interstate River Water Disputes Act, 1956**) and Water (Prevention & Control of pollution Act, 1974) Admin authorities like CPCB & CGWA & CGWB. And large number of state-wise water laws but hardly successful.

CONCLUSION: Since its evolution, human society has encountered many challenges, and has accordingly experienced corresponding changes to overcome those challenges. However, what is important is that the speed in which the world has changed over last few decades has been unprecedented compared to earlier times. In the water sector too, there has been a profound change over the last couple of decades concerning water demands and priorities owing to corresponding changes due to globalisation, technological change, relentless competition for economic growth, rapid increase in population, etc.

Thus, water policies and institutions of current times have to be significantly different from the policies, strategies and institutions that were previously in practice to meet the emerging challenges. India has accordingly approached the institutional changes in water sector in a positive manner and has undertaken several policy and institutional changes.

Water sector, for all analytical purposes, was conceptualized as an umbrella term consisting of all issues concerning water from various sources, and the issues related to generation,

withdrawal and governance of water. However, the important issues that were identified in water sector were macro issues concerning development, allocation and management of water at a national level. A study of institutions, in the context of natural resource management, focuses on the laws and conventions that either directly allocate resources, or establish processes and constraints for its members to make allocative decisions. Arguing in a similar fashion, the paper tried to conceptualise water institutions as an entity, which sets the rules and defines the action sets for decision making in the realm of water sector. Having carried out a conceptual analysis of water sector and water institutions, the paper proceeded further to describe the Indian experiences with respects to changes that were wrought forward in the water institutions and several common trends and perspectives were identified in the whole process of water institutional changes in the country.

Before concluding, it is apt to mention about institutional and policy reforms in the context of sources and uses of water. Even though the reform measures – whether the National Water Policy, 1987 or the New National Water Policy, 2002 – have been specific about surface water, there still lies much ambiguity concerning the ground water situation in India. More specifically, the reforms have failed to de-link the conventional linkages between right to land and right to (ground) water. As a result of which the poor and landless person's right over and access to ground water remained far from being realised. Further, in the absence of specific withdrawal limits of ground water, the sustainability of the resource has remained a question mark.

Although the New Water Policy recognized the need for limiting individual and collective (ground) water withdrawals, it has, however, failed to identify the institutional mechanisms necessary for defining and enforcing such physical limits. This is definitely a matter of serious concern, given that ground water aquifer, unlike land resources, is a continuous one, where one person's withdrawal affects the chance of access and use of the other. With respect to sources of water, the National Water Policy of 2002 has attempted to prioritize water uses, with drinking water being accorded the first preference. (SC in *State of Karnataka V State of Tamilnadu case*)

Country has experienced a change from water resource development perspective to that of water resource management. The current perspective towards water has been holistic in

nature in contrast to the excessive importance to techno-engineering approach that characterized the earlier period of water sector. Further, there have been changes acknowledging the rights of farmers, women and end-users as stakeholders in the whole process of water governance. In this regards, the policy changes have proceeded hand in hand with other reforms in decentralized governance, providing greater emphasis on user participation in decision making concerning water governance. Finally, the paper identified that external pressure, especially from the donor agencies, has acted as an important catalyst in generating institutional changes in the water sector in India.