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Preface

Water plays a vital role in sustaining all forms of life, producing food and fibre to meet the basic needs for human sustenance and well being, and in maintaining a healthy ecosystem. It is renewable but finite natural resource. With the rapid growth of population and economic activities with modern lifestyle, the demand for water has been drastically increasing. Technological progress have narrowed the gap between availability and use of water. The demand for water in the world may exceed its supply by 40 percent within the next 20 years due to global warming and population growth. The essential nature of water for human survival led most societies to give it a special status in law. During British rule, significant attention was put on the development of irrigation law. A broader framework need to be developed for water resources conservation.

According to the constitutional scheme, water is designated as a 'State' subject, subject to central intervention to regulate the development of inter-state rivers and for settlement of inter-state water disputes.

Existing Water law is made up of a number of different instruments that do not necessarily make up a comprehensive framework. It remains difficult to identify a coherent body of comprehensive law concerning water. 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 human right to water.

The need for proper management of groundwater resources was recognised earlier by the Kerala High Court in a public interest litigation filed by local Islanders against the government scheme of pumping out ground water on the Island.
The primary aims of this research has been to find out the enforcement of law, policies and judicial decisions pertaining to the conservation of water resources. The evolution of new policies and law and pointed out lacunae and bottlenecks in the existing legal framework and provided concrete solutions to the problem confronted with. Under chapter I, the researcher presented arguments about the necessity of research alongwith the problems of scarcity of water and importance of conservation of water resources. In the era of modernisation and urbanisation over exploitation of water put extra pressure on natural water resources and tends to water scarcity which results conflicts between states and countries over sharing of waters and involves important subject that engage the attention of academicians, Judges, lawyers, law makers, administrators and law enforcement agencies, social thinkers and individual activists. This chapter has covered the perspective of the present study, concepts and nature of the problem, review of the literature available, scope and purpose of the study, the objectives and issues involved, methodology of research adopted and plan of the study. Chapter II of the present thesis covers. "Historical Development of Water Resources Law and Policy." In the context of historical development the researcher explain the position of water resources law under Hindu and Islamic Jurisprudence and under vedic period. In India water resources law is made of different components. It includes international treaties, Central and State acts, customary rules and regulations. Irrigation laws constitute, historically the most developed part of water law. The early Northern India Canal and Drainage Act, 1873 sought, for instance, to regulate irrigation, navigation and drainage in northern India. Nevertheless this act is a milestone since it asserted the right of the Government to control water use for the benefit of the broader public. Statutory water resources law also included a number of pre and post independence enactments in various sectors. These include laws on irrigation, drinking water supply, water pollution, water conservation, fisheries and ferries. There are nevertheless restrictions, over the use of the waters of inter-state rivers. Further, the union is entitled to legislate on certain issues, which include shipping and navigation on national waterways. The constitution also provides that the union can legislate with regard to the adjudication of inter-state water disputes. The III chapter of the thesis "Legal Regime" aims at to record the
concerns of existing water law. British colonial legislation recognised the
customary water rights of individuals and groups but a change occurred with the
enactment of Easement Act 1882, which is still today a determinant national
statute defining powers over surface and groundwater.

Chapter IV, "The Role of Adjudicative Machinery" enlists the efforts of the
Indian Judiciary in the field of water resources conservation and resolution of
water wars over sharing of waters of inter-state rivers. In *Mrs Susetha V State of
Tamil Nadu and others* the court decided that retention of water bodies is
envisaged not only in view of the fact that the right to water as also quality life are
envisaged under Articles 21 of the constitution of India, but also in view of the
fact that the same has been recognised in Article 47 and 48-A of the constitution
of India. In *T. N. Godavaraman Thirumulpad (99) V Union of India and others* the
court again highlighted the importance of preservation of natural lakes.

Chapter V of present work "Enforcement Mechanism with Accountability
and Liability" is emphasises on enforcement of government policies at national
level and the enforcement mechanism of international bodies in the field of
conservation of water resources. Accountability and liability of the people
government as well as the judiciary would be necessary to protect this nature's
bounty. Chapter VI of the thesis "Public Participation and Role of NGOs focuses
the law which ensures public participation in the field of conservation of water
resources. There are many national and International NGOs working in this top
priority area. In the last chapter the investigator has drawn the conclusions and
interferences on the basis of the discussion made in the preceding chapters of
the thesis. Various suggestions have also been made to make the system
working on conservation of water resources-just fair, efficient and effective.