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BOOK REVIEW

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LAW, SCIENCE AND IMPERIALISM (NEW DELHI: ORIENT LONGMAN, 2006).**

Reviewed by: Usha Ramanathan, LEAD Journal



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The development project started coming up against roadblocks of resistance about three decades ago. Acquiescence in the planning and execution of projects was the dominant mood when the Hirakud and Bhakra dams were built. This has given way to endemic unrest based on experience of the 'development project' as inequitable, often with destructive potential, and appropriating. Environmentalists have watched the shift from 'use' of resources to their 'exploitation' with a disquiet that refuses to be stilled. Mass displacement has produced evocative language which speaks of 'oustees', 'project affected persons' and 'displaced persons', and protest and resistance have grown in extent and intensity. The delegitimation of cost:benefit calculus which had little scope to reckon social and environmental costs added complexity to the economics of the development project. Any hope that the end of colonial rule would spell the end of the agenda and method of the colonial state has given way to disenchantment and conflict. In this, the state is the adversary, with the making of law and control of all forms of violence in its hands, and with the capacity and, all too often, the demonstrated will, to repress its people in furthering its ambitions. This is not hyperbole. Kalinganagar, where 13 tribals were killed on 2 January 2006 in police firing when they protested their displacement to make way for an industrial project is only an instance of something that has acquired the status of the ordinary. Big dams have, for decades now, become the sites of resistance and repression; the Narmada valley is one renowned illustration of this routine.

How has it come to pass that a state's project of development has produced a sense of alienation among its own people? What is it about the model of development that prompts the Supreme Court, in 2004, to refer to the people from whom the state is taking over land as 'subjects' and not as 'citizens'? Radha D'Souza explores the connections between colonialism, imperialism and development which provides a route to understanding how the development conundrum has got constituted.

Her thesis is involved, and, at times it seems to travel too long a way away from the epicentre of the questions she addresses. Yet, as an attempt to 'open (...) conceptual spaces for new resistance against imperialism in social practices and renew the quest for self-determination', (p. 487) it goes a goodly mile. The Krishna waters' dispute is D'Souza's illustration; laying

out the 'generative structures for 'underdevelopment' and the human suffering it entails' is the larger theoretical and conceptual context of the book.

The colonial systems of control over land and water has carried on through the two world wars, and independence and constitutionalism. The influence that revenue collection had on famine, famine on indebtedness and on the dual frameworks of 'productive' and 'protective' water works, is explored in some detail. In drawing the distinction between 'equitable apportionment' and 'equitable utilisation', and in indicating the relegation of 'interests' to the background while foregrounding (contractual) 'rights', she draws a map of how priorities have got established.

Continuities mark the transition from colonial to contemporary imperialist experience. In this, law plays an instrumentalist role. The entrenched jurisprudence of the Land Acquisition Act, 1894 and eminent domain has passed into present practice carrying with it structures of power and authority. This is a part of current public discourse. The impact of the Indian Easement Act, 1882 which 'through public law created private rights in water' is not as clearly recognised. The tradition of creating private rights while giving the state 'absolute rights over rivers and lakes in the tradition of Roman public law' (p. 148) is a pattern that is being repeated in relation to land, forests and other natural resources. The contest over access, user and possessory rights is vigorous; yet, its historicity is often lost, and D'Souza's work helps in seeing the origins of current state practices and the continuum from the colonial to the imperialism of the 21st century.

'Like law,' D'Souza writes, 'the instrumentalist views that the science and technology component of the development 'project' entailed, created a number of social contradictions that became a feature of underdevelopment' (p. 405). Phrases such as 'technology fix' and 'technical assistance' catch the sense of the disconnect between science and society which has so been a part of the development project. The interconnectedness between national and international organisations from the colonial period through to today is used to explain the privileging of the 'vertical axis of science and technology' and the neglect of its 'horizontal axis'. The 'dramatic innovations in the organisation of both technology and economy' which are a remarkable feature of the early 20th century holds countries in its

thrall till today, offering a glimpse of why states ally with banks, and with technologies that enter through corporations, while putting down peoples' discontent and struggle against exclusion from the 'development' process. Membership of the International Commission on Large Dams and other organizations that grew between the two wars and along with the UN clearly influenced the adoption of technologies and choices which, even if they created indebtedness and inequity, were held out as leading to the promised land of 'development'. It also made a 'project' out of 'development'.

A prerequisite for effecting a technology 'fix' to meet the problem of 'underdevelopment' is data; and D'Souza, seeking in the archives, unearths a scandal – that the data did not exist but the project went ahead. So, determining the 'dependable flow' in the rivers was not done as empirical fact in the Indian context, but as estimates. And, statements such as these, both made in 1951, seem to abound in governmental literature: 'The studies with the Godavari flows show that empirical formulae are not dependable but where no other data is available some calculations have to be made.' 'The constants in the formula.... could be fixed by general experience of these factors and checked and corrected by comparison by computed run offs against actuals even if only few actuals are available.' 'These excerpts,' concludes D'Souza, 'typify the approach project engineers took when they found themselves assigned the task of constructing river valley projects without data. (...) Their inquiry now was no longer about the scientific and technological requirements for river basin projects. Instead, it became one of how dams may be constructed with inadequate discharge data' (p. 436).

In tracing the Krishna waters dispute from the Agreement of 1882, through the Krishna Water Agreement of 1951, the reorganization of states, the tribunalisation of the dispute, its impact on federalism, the reductive legalism that characterised the treatment of the river waters dispute, D'Souza provides a rich and intricate pasture for browsing and brooding.

The systemic, deliberate and definable movement from colonialism to imperialism is patiently drawn in this work. Debates on conflicts over rights and interests have got caught in the current of the present moment. D'Souza's work provides the continuum through the past 150 years, periodises the transitions and continuities,

and identifies the actors and concepts that have determined the way to 'development'. This is work that can assist the reconstitution of the debate around development.

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