

Call for Papers

50 YEARS OF WATER LAW IN INDIA Looking Back and the Future

India has a long history of explicit water laws rooted in its colonial past.¹ However, in the 1970s, India became one of the first countries of the global South to establish extensive water legislation that focused on environmental aspects and formulated rules for abatement of water pollution, contesting water uses and integrated science-based governance of water resources.² These water laws led to the establishment of regulatory and intermediary institutions, the setting up of formal rules, the evolution of governance norms and the rise of an extensive water bureaucracy.³ During the initial years, the water laws and policies were largely state-driven and state-centric, based on command-and-control principles.⁴ Eventually, after the 1990s, the focus shifted to more hybrid and market-based arrangements and ideals.⁵ The water laws and policies have significantly shaped India's water-scape, economy and society. After 50 years, it is pertinent to examine the water laws and policies' capacity to achieve the stated goals and reflect on the missed opportunities and neglected spheres, especially from the environmental and developmental perspectives. These reflections are crucial in a context where India wishes to achieve the SDGs by 2030 at a time when devel-

opmental policies are becoming more polarised, emphatic and human-centric. India is among the top five economies in terms of total GDP and number one in terms of population; however, it still accounts for a vast marginalised and vulnerable population. The growing economy, industry, and society need access to adequate and 'safe' water resources in an era greatly altered by climate change, mega-disasters and uncertainties.

This special issue will be a multi-disciplinary attempt to collectively reflect on the social life of water laws formulated during the last five decades in India and their impact on society, economy and environment in India. What are the current states of water resources in India, and how have the legislation and other socio-economic and political factors shaped the use and governance of water? How are legislations viewed in a changed political economy (dominated by neo-liberal and populist values) by the dominant (state-based, business, international actors, scientists) and other actors (common public, civil society, indigenous groups)? Using the socio-legal lens and the capacity of these laws to bring positive developmental and regulatory changes, we will analyse the role and effectiveness of law⁶ in promoting socio-economic goals and helping achieve scientific and environmental objectives for science-based integrated water governance. How will the landscape of water legislation evolve in future? In a nutshell, apart from examining the past, this endeavour will reflect on the future challenges for effective water governance and legislation-making in a rapidly transforming emerging economy.

¹ Philippe Cullet and Joyeeta Gupta, 'India: Evolution of Water Law and Policy', in Joseph W. Dellapenna & Joyeeta Gupta (eds), *The Evolution of the Law and Politics of Water* (Springer 2009) 157.

² Ibid; Philippe Cullet and Sujith Koonan (eds), *Water Law in India – An Introduction to Legal Instruments* (OUP, 2nd ed 2017).

³ Philippe Cullet, *Water Law, Poverty and Development – Water Law Reforms in India* (OUP 2009); Aidan A. Cronin, Anjal Prakash, Satya Priya and Sue Coates, 'Water in India: Situation and Prospects' (2014) 16/3 *Water Policy* 425.

⁴ CM Abraham and A Rosencranz, 'An Evaluation of Pollution Control Legislation in India' (1986) 11 *Columbia Journal of Environmental Law* 101.

⁵ Masood Ahmed and Eduardo Araral, 'Water Governance in India: Evidence on Water Law, Policy, and Administration from Eight Indian States' (2019) 11/10 *Water* 2071.

⁶ A Allott, 'The Effectiveness of Laws' (1980) 15 *Valparaiso University Law Review* 229.

The themes which it will cover:

- State capacity and in-capacity to formulate and implement water laws
- Market-based governance and water laws
- Judiciary and water laws
- Implementation gap
- Emerging pollutants
- Plastic pollution and laws
- Climate change laws and water
- Cross-cutting water governance
- Law communication
- Traditional values vs. legal regimes

Submissions

A title, 250-word abstract and short biography should be sent to Ms Jessy Thomas, LEAD Journal Managing Editor, at submissions@lead-journal.org by 28 February 2024.

LEAD Journal

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