

**Constitution of India and Environmental Governance: Administrative and
Adjudicatory Process**

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Lecture No. 39

Water Policy and Law: An Overview

In culmination of our discourse on natural resource management law, the final limb of our discussion on specific ecosystems and their management, we get into an inquiry of Water Policy and Law. There is a very huge area for discussion, as we get into the details of the discussion, in this session, you will find the legal regimes, both at the international and at the domestic level are not very clearly defined, described or determined. The reasons for the same, you will be able to find, as we get along into the discourse.

This is an attempt in introducing the student to the vast regime of Water Policy and Law. First, with a little backdrop of international legal regime, followed by what prevails at the domestic level in India, it is a very complex area. The complexity of this particular area of law is primarily due to the fact that, there is nothing like the water law or the water policy both in the international sense of the term or even for that matter, at the domestic level. And much of the water law discourse, as we see, is essentially related to so many other ecosystems, which either are enclosing a water body or is there alongside a water stream.

The rights, entitlements, claims and obligations in relation to the other aspects of the natural resources have a bearing on the very fashioning of the law and the working of water, its policy and its administration. As such, this is a very difficult terrain to traverse. And there is no single work in the world, which has completely captured the very essence of the water law all over. So, what we seek to do today, in this particular session, is only to take a panoramic view of that, to identify the major features of it and get a grasp of the extent, the contours, the dimensions, and the depths of the law concerning water. As we begin, I just introduced you to your cartoon, just to understand the enormity of the situation.

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- *71% of the Earth's surface is water but only 4% is freshwater and, of that, 0.5% is safe for human consumption!*



As you look at the cartoon, you will notice a group of people making a clamor, clamor not for anything else other than water. And if you consider this island like formation as Earth, which so much of water surrounding it, and food packages are coming their way to relieve them from the pang of hunger. The demand from the people is about water will move one down when there is so much of water all around. Why are they really making a craving for water when it is available in plenty? Please look at the fact there. Yes, 70, 71 percent of the Earth's surface is water.

But only 4 percent of it is freshwater and of that 4 percent hardly point 5 percent is safe for human consumption, I am quite sure you are able to understand the enormity of the situation and the difficulty that the people are experiencing, and would justify, why there is so much of demand for water, when there is plenty of water all around.

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I. A FEW PRELIMINARY OBSERVATIONS



A FEW FACTS :

- **WATER, THE "ELIXIR" OF LIFE - RENEWABLE BUT, FINITE RESOURCE!**
- **70-75% OF EARTH COVERED BY WATER – ALMOST, THE SAME PROPORTION, COMPOSES THE HUMAN BODY!**
- **97% OF EARTH'S WATER FOUND IN THE OCEANS- REMAINING 3% IS FRESH WATER, OUT OF WHICH, 2.5% IS UNAVAILABLE, LOCKED UP IN GLACIERS, POLAR ICECAPS, ATMOSPHERE AND SOIL, HIGHLY POLLUTED AND ALSO BENEATH THE EARTH'S SURFACE – HARDLY,0.5% OF EARTH'S WATER IS FRESH WATER, THAT IS AVAILABLE FOR USE !**
- **THIS SUPPLY IS CONTINUALLY COLLECTED, PURIFIED AND DISTRIBUTED, IN THE NATURAL HYDROLOGIC CYCLE**
- **INDIA HAS ABOUT 2% OF THE LAND SURFACE, 4% OF WATER RESOURCES AND 16% OF POPULATION OF THE WORLD!**



Let us just take a look at some of the factual situations to further understand the real backdrop for our understanding of the law, a few facts, water is the elixir of life. Water is a renewable resource, but a very limited resource, as the fact that I conveyed to you earlier conveys reveals 70 to 75 percent of water of earth is covered by water. And if you just make a contrast and make a comparison, you would find that the same proportion of composition of human body, you know the human body 70 to 75 percent of it is made of water only.

So, what you see around you, as to the share of water is almost the same as you have within you, 95 percent of earth's water is found in the oceans, cannot drink it, cannot use it for any human purpose, and hardly 3 percent of the rest is available as freshwater. Look at the facts further, of this 3 percent, 2 and a half percent is unavailable. It is locked up in glaciers, polar ice caps, and the atmosphere and in the soil, highly polluted and also beneath the earth surface.

And so, what you have hardly point 5 percent of Earth's water is freshwater. And that is available for our use. This supply is continually collected, purified and distributed in a natural hydrological cycle. India has about 2 percent of the land surface.

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- * *IN NATURE, THERE IS UNEVEN DISTRIBUTION OF FRESH WATER, WITH A FEW AREAS HAVING EXCESS OF IT AND THE REST HAVING SCARCE SUPPLY – EVEN THE RAINFALL, WHICH IS THE MAIN SOURCE OF FRESH WATER, IS NOT UNIFORMLY DISTRIBUTED- FURTHER, OWING TO CATACLISMIC VARIATIONS IN CLIMATIC CONDITIONS, IN RECENT TIMES, THE NUMBER OF RAINY DAYS, IN THE SEASON, HAVE COME DOWN AND IT IS SO ERRATIC THAT THERE IS HEAVY RAINS ON SOME OF THE DAYS AND ONLY TRACES OF IN THE REST OF THE SEASON!*
- * *WATER GOVERNANCE-SECTORAL IN NATURE, OPERATING IN SILOS- WITH HARDLY ANY COORDINATION AND HARMONY IN THEIR FUNCTIONING*
- *AGAINST THIS BACKDROP, THE POLICY AND LAW TO REGULATE WATER, USE AND MANAGEMENT, BESIDES ITS CONSERVATION, REQUIRES TO BE EXAMINED.*



And 16 percent of the population of the world it does not have the kind of water that every one of us would drink and have it in surplus quantity. India is one of the water deficient countries in the world. That point 5 percent of freshwater I did mention, look at the other fact. In nature, there is an uneven distribution of freshwater with a few areas having excess of it and a whole lot of the rest having very scarce supply and even the rainfall, which is the main source of fresh water is not uniformly distributed. And as we are experiencing, owing to the cataclysmic variations in climatic conditions, as we are not just witness to but we are experiencing.

Now, the number of rainy days in any given rainy season have come down. And it is so erratic, that there are very heavy rain days on some and only traces of it in the rest of the season. So, look at the unevenness of distribution, not just a fresh water in different topographies of the world. But even the rainfall is unevenly distributed even within a season. To add to the problem, when we get into water governance, you do see it is sectoral in nature, operating in silos with hardly any coordination and harmony in their functioning.

Like in nature, our system of governance with regard to water is nothing but chaos. Water is not administered, is not managed, is not regulated by any single entity anywhere in the world. I will just give you an example. Take the example of the State of Karnataka. In the State of Karnataka, water resources as part of the system and scheme of governance is distributed among 25 audit

departments in the government. Yes, you heard me right; 25 odd departments, that means, water is not viewed homogeneously as single continuous, seamless whole, but in terms of administration, it is divided into 25 odd parts and problem of coordination, harmony in the functioning is very seriously here.

And Karnataka is a microcosm of India. It is there everywhere the same kind of a problem. Against this backdrop, we need to examine the policy and the law to regulate water its use, management, conservation and the availability, access to it, so on and so forth.

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IDENTITY AND STATUS OF WATER IN LAW:

- **WATER, HAS NO INDEPENDENT IDENTITY OF ITS OWN :- ITS STATUS AND IDENTITY, DETERMINED BY :**
- **THE NATURE OF THE ECO-SYSTEM(- NATIONAL PARK, WETLANDS),**
- **LAND RIGHTS (- PUBLIC PROPERTY OR PRIVATE LAND),**
- **AVAILABILITY ON THE SURFACE (- RUNNING STREAM, RIVER OR LOCKED UP IN A LAKE OR A TANK-) OR**
- **WHEN AVAILABLE UNDER THE GROUND (- IN WHICH CASE, IT BELONGS TO THE OWNER OF THE LAND)**



Let us first go a little deeper into seeing as to why the situation is so problematic with regard to water. This light perhaps would give you an idea that in law, if you examine the identity and status of water, this is an orphan. Water has no independent identity of its own in law, its status, its identity, they are determined by number 1; the nature the ecosystem, if it is in a national park, then the rules that are applicable in relation to a national park would have a bearing upon accessing that water, water body, the rights in relation to that and the entitlements.

Supposing it is there in a wetland, in a public place, then the kind of rights and entitlements that the people have over the piece of land averting this wetland would determine the kind of access right, they use right and the management right in relation to water. So, water and its status is

dependent on the ecosystem that is very closest to it. And let us look to the rights in relation to water. Well, the rights in relation to water is determined by land rights. Even if it is a public property, the community of people who have been using that will have a communitarian right as determined either by tradition, custom practices that have or as determined by a statutory formulation.

If it is on private land, exclusive property, you have plenty of water in a well that is there over a piece of land, you will have 100 percent ownership right over that. Nobody else can claim anything, even if the neighbouring land is a parched land, he cannot have any claim over the excess water that you have on your piece of land, because the right in relation to water is determined by the ownership right that one has over land. And the status of water is further determined by its availability on the surface.

If it is a running stream of water, then like a, (what) like a river, then you have several claimants to it, there is no single owner, there is no single right holder there will be a plenty of right holders all along the banks of that river, all along the banks of river, right from the starting point till it either reaches another river, or it joins the sea or wherever it goes. All throughout its course, the rights and relation to that same stream of water is varied. Those on the upstream have a different kind of a status and a right and those who are on the downstream have a different kind of right, entitlement and claim.

And supposing it is a water body, which is locked up in a lake or in a tank, then those who are in its immediate neighbourhood. For the owners of that plots of land abutting this water body, they will have relatable claims in relation to water in that particular water body. When it is there on surface, I said there are so many claimants depending upon its availability and in what form is available. But when it is available underground, in which case it belongs to the owner of the land; very complexity.

The complexity with regard to the discourse on water is inbuilt into the very discourse on land rights, land entitlements, and water rights, water entitlements. Regulation in relation to water is determined by an mired land in relation to land and other ecosystems, which are there alongside

this as part of its environment.

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II. INTERNATIONAL LEGAL LANDSCAPE



- BEING AN ISSUE OF NATIONAL SOVEREIGNTY, WATER, THAT IS NOT INTERNATIONAL IN NATURE AND CONFINED TO THE TERRITORIAL LIMITS OF ANY NATION-STATE, LEFT OUT THE PURVIEW (- WITH VERY FEW EXCEPTIONS, LIKE, WETLANDS OF INTERNATIONAL SIGNIFICANCE)
- AS A GENERAL RULE, EVEN THOSE WATER STREAMS (-RIVERS-) OR WATER BODIES (- LIKE, LAKES-) THAT ARE TRANS-NATIONAL IN NATURE, ARE LEFT TO BE REGULATED UNDER BILATERAL OR REGIONAL ARRANGEMENTS
- NONE THE LESS, A FEW EFFORTS EXIST, AS INTERNATIONAL ARRANGEMENTS, THAT EITHER LAY DOWN BROAD GENERAL PRINCIPLES OR GUIDELINES FOR GOVERNANCE- THEIR ENFORCEMENT OR CONFLICT RESOLUTION UNDER THEM, QUITE WEAK OR LEFT TO THE PARTIES TO CHOOSE MECHANISMS THAT SUIT THEM.
- FOLLOWING IS A BRIEF ACCOUNT OF SOME OF THE MAJOR INTERNATIONAL INITIATIVES:



So much as a background for our understanding of water law and policy. Given this kind of a confusing state of affairs with regard to water, let us quickly have a look at the international legal landscape in relation to water. As I did mention, that water and the rights in relation to that is solely, wholly and entirely determined by the ecosystem in which it exists. And normally the land or the territory and you know, when it comes to international legal positions with regard to water, it is primarily determined by the territorial right of a state. So, if a nation has its borders clearly defined, the waters that are there within that entirely belongs to it, because it is a sign of its sovereign authority.

And so, water that is not international in nature, and is confined to the territorial limits of any nation state, it is entirely the lookout of the nation state system and it does not come within the purview of international law at all. There are very few exceptions. Exceptions are essentially something which actually prove the rule that water within a particular country, sovereign right, and legal regulation is entirely left to the lookout of the particular state; exceptions, like wetlands.

If there is a wetland of international significance and if it has been so identified in one of the earlier modules, our discourse, we have already seen that if it is a wetland of international significance, then the rules and regulations with regard to the Ramsar Convention on wetlands

would determine that. Other than that, by large, you have water stream that is running through the territory of one single state not shared with any other state or a country it is entirely exclusively within the sovereign authority of a state international has nothing to do with that.

As a general rule, even those water streams or rivers, or water bodies, like lakes, that are transnational in nature, that means shared by two or more nations. Even these are regulated through an understanding amongst those very states or nations, which share them. It may be through a bilateral or regional arrangement; they will work out and negotiate and work out the arrangement as to the claims, rights and entitlements and responsibilities in relation to them. So, international law does not really step in there also.

Nonetheless, a view a very few efforts are being made at the international level, which either laid out certain broad general principles or guidelines for governments, their enforcement, or resolution of conflicts in relation to them are not really something to crow about. They are quite weak, and they are left to the parties to choose mechanisms that suit them. Following is a very brief account of some of those international initiatives in this regard.

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PRINCIPLES



NO SINGLE UNIVERSALLY ACCEPTED PRINCIPLE IN APPLICATION, FOLLOWING ARE A FEW THAT MERIT ATTENTION:

- **HARMON DOCTRINE: - DOCTRINE OF ABSOLUTE SOVEREIGNTY – CLAIM OF UPSTREAM STATES- NOT FAVOURED OR ENFORCED IN ANY INTERNATIONAL TREATY**
- **DOCTRINE OF ABSOLUTE RIPARIAN INTEGRITY - CLAIM OF DOWNSTREAM STATES- ENTITLEMENT OF EVERY RIPARIAN STATE FOR THE NATURAL FLOW OF THE RIVER SYSTEM CROSSING ITS BORDERS- HARDLY FINDING FAVOUR IN INTERNATIONAL AGREEMENTS**
- **DOCTRINE OF LIMITED TERRITORIAL SOVEREIGNTY: -RIGHT TO REASONABLE EQUITABLE USE AND OBLIGATION NOT TO CAUSE SIGNIFICANT HARM - MOST FAVOURED IN NEGOTIATIONS- PART OF INTERNATIONAL AND REGIONAL CONVENTIONS AND TREATIES**



Let us start with principles. Well, there is no single universally accepted principle in application and some of the following merit attention. These are put across, argued about. But there is

nothing like universally accepted. The first one is the Harmon Doctrine, very popular, prevalent all over the world. The Harmon doctrine is the doctrine of absolute sovereignty. See, the argument runs somewhat like this.

This is a stream of water that is running through my country, it may be going into the neighbouring country or it might have come through the other country and is passing through mine, to be emptied into my neighbouring country, whatever it is, whether it is international in nature, or it is purely within my country, all that matters is the river, the water stream is within my territory. And within my territory, I as a sovereign state, I have complete and an absolute sovereign right over it.

This is a doctrine, doctrine of absolute sovereignty, which is normally claimed by what are called as upstream states. And this has been made famous by United States of America, like understandably, you claim complete authority over all the waters that are there within your territory in which passes through our territory, but in international relations and international treaty arrangements, this is what favoured or even enforced in any international treaty, but time and again, whenever there is an advantageous position for any state, states have put forth his argument of the Harmon doctrine of absolute sovereignty.

Then, the extreme opposite of it is another doctrine, Doctrine of Absolute Riverain Integrating. It is a claim of downstream states. If it is about Riverain system, running through two countries, let us assume, the State of Origin or the country of origin is called as the upstream state and the country where the river ends is called as the downstream state. The Harmon doctrine is the claim of the upstream state and the Doctrine of Absolute Riverain Integrity is a claim of downstream states. What is that?

It simply means is it a entitlement of every riparian state, for the natural flow of the river crossing its borders. That means, see whether it is there in my territory or in your territory, it should not matter. River has a status and identity of its own. River should be allowed to run through its natural course in its natural way. And we cannot tamper with that. And that is the claim, Absolute Riverain Integrity for the river to remain a river, we should not block it. We

should not tamper with it, we should not pollute it, we should allow it to run its course naturally, meaning it is a very ideal claim.

And normally those who are the downstream would always claim this because they want to have unpolluted water to be available to them. And upstream people say; Come on, this is that water that is there, we desire for our use, and they use and abuse, misuse and send polluted water to the downstream and the downstream people say oh, you have polluted the river. The river cannot be polluted because it has its own identity. It is something like that.

Well, the real conflicts are very much there in these two extreme arguments. Neither the first one is favoured nor even the second one, because upstream countries do not agree with the second doctrine, downstream countries do not agree with the first doctrine. Then, what is something which is acceptable? Is there a golden mean? There is a third principle; The Principle of Doctrine of Limited Territorial Sovereignty.

Look, you have a right. I also have a right, you are the upstream state, I am the downstream state. Why should we call we should learn to adjust and manage the situation? How do we manage? Both of us will agree that both of us have a right reasonable equitable use. And when we have the right, we also have an obligation not to cause significant harm. This looks wonderful on paper, it is just given take, I have a right to use, let me use you, you too have a right to use, you also use it my right to use shall not come in the way of your right to use that kind of thing.

And while we are using it, let us not harm the integrity of this water resource, because it should be available for us, for our generation of people, for generations of people to come. And so we will only use these resources in such a way which would do equity to us to meet our needs, respective needs, and the kind of demands that we have, but also to be available for all times to come.

Well, in principle, there is an agreement over this in all international arrangements, but the devil lies in the detail. How do you work out what is equitable use? How do you consider something as reasonable? What do you mean by harm? How do you quantify significant harm? These are all

very loaded expressions. And over which there are a lot of disputes, disagreements, negotiations, and various means and mechanisms of using good officers and conciliation and mediation measures to resolve conflicts. But by and large, this is a principle which has currency, validity and in use in international relations, and around these various international arrangements are crafted.

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CONVENTIONS AND TREATIES



NO SINGLE UNIVERSALLY ESTABLISHED INTERNATIONAL TREATY IN EXISTENCE.
FOLLOWING ARE A FEW ARRANGEMENTS AMONG SOME OF THE STATES:

- **WATER COURSES CONVENTION : CONVENTION ON THE LAW OF NON-NAVIGATIONAL USES OF INTERNATIONAL WATER COURSES, NEWYORK, 1992- 36 PARTIES- IN FORCE , SINCE AUG.2014 – AN ARRANGEMENT AMONG EUROPEAN STATES, HAVING SOME OF THE AFRICAN COUNTRIES AND A COUPLE OF EAST-COUNTRIES, ALSO, AS MEMBERS**
- **WATER CONVENTION : UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (UNECE)CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES, HELSINKI, 1992- 41 PARTIES – IN FORCE ,SINCE 2015**
- **UNECE-WHO/EUROPE PROTOCOL ON WATER AND HEALTH, LONDON,1999 : TO PROTECT HUMAN HEALTH AND WELLBEING BY BETTER WATER MANAGEMENT AND BY PREVENTING , CONTROLLING AND REDUCING WATER-RELATED DISEASES- SOUND FRAMEWORK FOR IMPLEMENTATION OF THE HUMAN RIGHT TO SAFE WATER AND SANITATION- 26 PARTIES**



So, what are the international legal arrangements that we have; conventions and treaties? As I said, to legislate upon water of this dimension and nature, internationally, is almost an impossible thing. And precisely for this reason, we do not have a single umbrella law at the international level, which deals with water resource to be binding on each and every country, which is a party to it. So, what do you have are international arrangements, but which are with reference to certain aspects of water resource, it is conception, its use, the nature of access it is management, the relative claims and settlement of disputes in relation to that.

So, there are certain common meeting grounds that has been worked out. And we just have a very few internationally accepted legal arrangements. The first one is the Water Courses Convention. It is a Convention on the Law of non-navigational uses of international Water Courses. This was concluded in New York, in the year 1992. There are 36 parties for this convention. Remember that there are more than 200 countries in the world. So, it is a very

limited appeal. But this is by and large, one of the biggest international arrangement and there is a reason I have made a mention of it.

There are 36 parties. And if you actually look to who are all these parties, they are by and large arrangements amongst European states and some African countries and just a couple of East Asian countries are part of it. No more. 36 countries are members of this arrangement. So, it is applicable only to those 36 countries. And also have a look at the slide here. Although the international arrangement was entered into in 1992, it could come into force only from the year 2014 very recent. 22 years it took for them to get into higgling and haggling, bargaining to come to a consensus as to how when and in what manner this particular arrangement needed to work even amongst the small group of nations.

The second one is what is referred to as the Water Convention. It is a United Nations Economic Commission for the Euro Convention on the Protection and Use of Trans-Boundary Water Courses and International Lakes. And this was worked out in Helsinki, Finland, in the year 1992. And as you could make out, it is confined only to the European countries, and 41 countries are parties to this. And this arrangement is in force since 2015. That is also very recent. And so, in terms of effect, it is very difficult to really say, how impactful how valuable this international experience has been, it is too short a period of time for a call and to decide on that, but it is just taking off.

Then you have the European Economic Commission Protocol on Water and Health. This was concluded in London in the year 1999. The object is to protect human health and well-being by better water management and by preventing continuation or continuing affliction resulting from water related diseases. I must say, it has come up with a very sound framework for a human right to safe water and sanitation.

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- * MAJOR INTERNATIONAL RIVERS LIKE, NILE, DANUBE, RHINE, COLORADO, AMEZON, MEKONG etc., HAVE ARRANGEMENTS AMONG RIVER BASIN COUNTRIES
- 60% OF TRANSBOUNDARY BASINS DONOT HAVE AGREEMENTS
- 80% OF AGREEMENTS ARE BILATERAL ONES- DONOT NECESSARILY INVOLVE ALL THE BASIN COUNTRIES
- MANY AGREEMENTS DONOT: PROVIDE FOR SHARING DATA/INFORMATION, ESTABLISH WATER ALLOCATION AND BENEFIT-SHARING CRITERIA/PROCESSES, CONTAIN CONFLICT RESOLUTION RULES, APPLY TO THE ENTIRE RIVER BASIN/AQUIFER SYSTEMS, etc.
- AMONG THE 3 MAJOR TRANSNATIONAL RIVER BASINS(- GANGA; BRAHMAPUTRA-MEGHNA AND INDUS-) OF WHICH INDIA IS A PART, THERE ARE ONLY 2 AGREEMENTS : (a) GANGA-GANGES TREATY -BILATERALLY BETWEEN INDIA AND BANGLADESH – THIS IS LIMITED TO SHARING SURFACE WATERS AT FARAKKA BARRAGE, NEAR THEIR MUTUAL BORDER . (b) INDUS TREATY, KARACHI, 1960- BETWEEN INDIA AND PAKISTAN, BROKERED BY WORLD BANK- PRIMARILY TO SHARE WATERS OF INDUS AND ITS TRIBUTORIES



It is a very important arrangement and this is very much in practice primarily in the European countries because it comes as a protocol to that European arrangement. Then, you have separate arrangements for major international rivers like the Nile, Danube, Nile in Africa, Danube and Rhine in Europe, Colorado, in the North American continent, Amazon in South America, Mekong in Asia, as many 7 countries are parties to that Mekong Arrangement. They have arrangements among River Basin countries.

So, you have one something which a large group of nations are parties to and by and large, that is something that is being worked in the international level are agreements in relation to major international rivers. Only about those Riverain countries, which are the river basins of these many rivers that I had just mentioned and once again, one more fact, with regard to the international law, 60 percent of trans-boundary water river basins, do not have any agreements and even those that are having international agreements, 80 percent of these agreements are only bilateral in nature.

And so, all basin countries are not involved. Supposing you have a river feeds. A basin country is a country or a landscape, which is fed by that river. So, if there are about 10 basin countries, and if it is a bilateral agreement, that means it is applicable only to 2 countries, the remaining 8 countries are not parties to that. So, very limited scope and application and even among these agreements, quite a large number of them, they do not provide for sharing of data or information,

they do not establish water location and benefit sharing criteria or processes.

They do not contain conflict resolution rules, they do not apply the entire River Basin or aquifer system. Then what do they relate to? Only certain specific aspects. So, it does not take the entire river into consideration. It refers to certain issues that are actually dealt under those arrangements. And these arrangements do not provide all the information and so, there have very limited scope, appeal and application.

Among the 3 major transnational river basins that India has, and India is a part of like Ganga and Brahmaputra, Meghna and Indus. In fact, Ganga, Brahmaputra, Meghna and Indus, this would occupy perhaps the largest river basin in the world. But there is no binding international agreement amongst all River Basin countries. And as far as involving India, bilateral agreements are there between India and Bangladesh, as far as the river Ganga only. And even with regard to river Ganga, this is limited to sharing of surface waters at the Farakka Barrage near their mutual borders.

Then there is another agreement in which it is a party. It is called as the Indus Treaty, which was actually concluded in Karachi in the year 1960 between India and Pakistan, a very interesting arrangement. It is primarily to share the water resources of the river Indus and its tributaries. But even that is of a very limited appeal and application. But I must say that even during war period, we fought many wars 1965 War and 1971 War, even during those conflict situations, the working arrangement was an altered, unaffected undefeated, because it is mainly to do with the water resource requirement of both the countries.

And if one country comes in the way of the use of the right by another country, there are other attendant consequential adverse impacts for that very country, which blocks things. And so, it has been so worked out that both would be losers if they do not respect. With a result that even at the time of war, this agreement has been in operation. The sum and substance of what I present before you are, international arrangements are number 1, very weak, number 2, a very limited import and application and number 3, conflict resolution is the weakest of it. And everything is being resolved through negotiation and settlement of disputes to alternative mechanisms. There

is no single court of law to deal with their problems. The international legal regime tells you.