

AMBEDKAR ON INDIAN FEDERALISM: AN APPRAISAL OF WATER LAW AND POLICY IN CONTEMPORARY PERSPECTIVE[†]

*Md. Zafar Mahfooz Nomani**

I. AMBEDKAR AND HIS ECOLOGICAL VISION

Among the few legends of modern India, who have made profound contribution towards pluralistic society, democratic republicanism, constitutional culture and just and equitable social order, B.R. Ambedkar commands utmost veneration and adoration in intellectual assemblage and public alike. Experiencing tormented assault of castiest atrocities and ethnic bigotry in the hand of highest echelon of Hindu social order, Ambedkar was grossly traumatised and bewildered. Though born in *mahar* family, he demolished the much publicised notion of genetic disability and finally came of age. He went far and across the globe and graduated in intellect and justice and penultimately attained constitutional *nirvana*. The profundity and prolixity of his scholarship handed down a novel paradigm to refurbish Indian socio-legal order *de novo*. Transcending all mundarian barriers of elitist discourses, Ambedkarism has magnated scholars of all faith and association.

Though literature abounds on his constitutional stewardship, no serious effort is being directed to focus the broad rubrics of Ambedkarite vision of ecology and hydrology.¹ The genesis of his ecological discontentment dates back to as early as 1927 when the basic human right to access to drinking water was denied to lower caste. A revolutionary in him suddenly sprang up and he declared first war of independence of downtrodden with a view to getting for them the right to drinking water from chowdar tank.² Launched

* Lecturer, Faculty of Law, Aligarh Muslim University, Aligarh.

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1. Bhagwan Das, *Introductory Note on the River Valley Project* in Bhagwan Das, ed., *THUS SPOKE AMBEDKAR*, Vol. 3, 1979.

2. By launching a newspaper named *Bahishkrit Bharat*, he wanted to champion the cause of the depressed classes by providing adequate representation, opening of temples and water courses for the untouchables. See generally B.R. Ambedkar, *CASTE IN INDIA: THEIR GENESIS, MECHANISM AND DEVELOPMENT* (1917) & *ANNIHILATION OF CASTES* (1935). See also, W.N. Kuber, *AMBEDKAR: A CRITICAL STUDY* (1991) at 12-23.

at Mahad, his enviro-legal battle was being heavily resisted by upper caste people under the garb of notorious institution of untouchability. Baffled with the social order cruelly denying access to natural resources and water, Ambedkar's ecological visions started radiating. The culmination of the process concretised when he was appointed member of Viceroy's executive council incharge of labour, irrigation and power portfolio.³ Taking little time in articulating ecological and hydrological policy specification, he tuned nascent *corpus juris* to greater sophistication in the conspectus of pan Indian federalism. However a review of existing literature reveals that little attempt has been made to collate material and carry out comparative and comprehensive assessment to highlight the potential and portent of Ambedkarite version of federalism, water law and policy. Based on classical development discourse and reductionist perspective Ambedkarite vision of hydrological fashioning of legal order discern the desideratum of adequate recognition of competing interest groups and stakeholders, operational strategies and ground realities. The present paper, therefore, examines this dimension in contemporary and beyond millennium perspective.

II. INDIAN FEDERALISM: AMBEDKARITE VERSION

Ambedkar's constitutional stewardship is an impressive display of comparative constitutionalism and third world juridical perspective which he baptised by the comparative scrutiny of societies of east and west. While locating the constitutional and juridical ideology in the India's unique historical, political and cultural context he painstakingly tailored the comparative federalism to suit the needs of the country.⁴ Though in principle he subscribed to federal character of constitution but in reality favoured a strong centre. A dual polity *viz.*, Union and State apparently deriving authority from constitution but being heavily guided by central legislative supremacy. Advancing the argument of pan-Indian federalism he stated the centre-state relation as coordinating not subordinating and federation not confederation. The distribution of legislative, administrative and financial authority between the centre and state, being hallmark of federalism are neither a league of States nor are the state administrative units of central government.⁵ Briefly stated Ambedkarite version of federalism implies that the state is a federation in normalcy but unitary in emergency.⁶ Since Indian federalism is not an outcome of mutual agree-

3. National Archives of India, INTERNATIONAL COUNCIL ON ARCHIVES- GUIDE TO SOURCES OF ASIAN HISTORY: INDIA 3.1 (1987) at 105-112.

4. CONSTITUENT ASSEMBLY DEBATES, Vol. VII at 38.

5. *Id.* at 33.

6. *Id.* at 35.

ment and contractual amalgam, the States and centre are wedded on emotional integration. The unique delineation of Ambedkarite federalism stands juxtaposed to Ivor Jennings, K.C. Wheare, A.V. Dicey, Patrick Bausome and W. H. Moore's line of thinking. Having a comparative analysis of working of federation over the world he was fully aware of weaknesses of rigidity and legalism. He stemmed out the pitfalls by incorporation and adoption of Article 256, 257 and 368.⁷

Indian federalism, by and large in terms of its political thrust, favours a pan-Indian central government capable of reconciling regional pulls and pressures with an inbuilt central bias.⁸ Jurists have opined in more or less similar tones but variously described India as 'quasi-federal', 'a unitary state with subsidiary federal features rather than federal state with subsidiary unitary features',⁹ 'as a federation with a strong centralising tendency',¹⁰ as 'neither unitary nor federal in the strict sense of the term.' Part XI of the Constitution is a legislative grundnorm whereas Seventh Schedule of the Constitution serves as a catalogue and ready reckoner of subject matter within the legislative competency of the State and Centre which enumerates 97 items under Union List, 66 items under State List and 47 items under Concurrent List. Article 246¹¹ balances the power of States and the Centre whereas other Articles invariably favour the Centre in most of the legislative ventures. It is the Centre which has the authority to initiate legislation on matters included in the concurrent list when objective is to secure all India uniformity. Further the residuary powers are also vested in

7. *Id.* at 36-37.

8. Rasheeduddin Khan, *FEDERAL INDIA: A DESIGN FOR CHANGE* (1992). See also Ashok Chandra, *FEDERALISM IN INDIA: A STUDY OF UNION-STATE RELATIONS* (1965); V.R. Krishna Iyer, *A CONSTITUTIONAL MISCELLANNY* (1986) at 42-64; Chandra Pal, *Indian Federalism*, *JOURNAL OF CONSTITUTIONAL & PARLIAMENTARY STUDIES*, 1995 at 159-91; H. Suresh, *The Need to Redefine Federal Principle* and Abdulrahim P. Vijapur, *Toward Creating A Federal Policy and Civil Society in India* 60(7) *THE RADICAL HUMANIST*, 1996 at 53-63.

9. K.C. Wheare, *FEDERAL GOVERNMENT* (1956) at 30, 47-48.

10. Ivor Jennings, *CONSTITUTIONAL LAWS OF THE COMMONWEALTH* (1952) at 357-8.

11. Article 246 reads:

- (1) Notwithstanding anything in clause (2) and (3) Parliament has exclusive power to make laws with respect to any of the matters enumerated in list I in the Seventh Schedule.
- (2) Notwithstanding anything in clause (3) Parliament, and subject to clause (1), the Legislature of any State also have power to make laws with respect to any of the matters enumerated in list III in the Seventh Schedule.
- (3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part there of with respect to any of the matters enumerated in list II in the Seventh Schedule.
- (4) Parliament has power to make laws with respect included in a State notwithstanding that such matter is a matter enumerated in the State list.

the Union Parliament.¹² Next to it are the enactments on State subjects passed by Parliament under Article 252 of the Indian Constitution with the consent of the respective States.¹³ The entries relating to environment under concurrent list more often than not are resorted by the Centre for enacting laws on the subject. It has also power to make laws even on certain items included in the State list if it is declared by the Rajya Sabha as necessary in national interest by resolution supported by not less than two-thirds of the members present and voting.¹⁴ Lastly, Parliament can also make law for the whole of the country for implementation of any international agreement or convention.¹⁵ Most of the environmental statutes in India have been passed to honour conventions.¹⁶

III. AMBEDKAR AND WATER RESOURCE POLICY

As a member of Viceroy's executive council in charge of Labour, Irrigation and Power portfolio during 1942-46 and as Law Minister in

12. Article 248 reads:

- (1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent list or State list.
- (2) Such power shall include power of making any law imposing a tax not mentioned in either of those lists.

13. Article 252 is as under :

- (1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in Article 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the Houses, or where there are two Houses, by each of the Houses of the Legislature of that State.

14. Article 249 runs as:

- (1) Notwithstanding anything in the foregoing provisions of this chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

The Water (Prevention and Control of Pollution) Act, 1974 passed under this article.

15. Article 253 reads:

Notwithstanding anything in the foregoing provisions of this chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference association or other body.

16. See for detail, Md. Zafar Mahfooz Nomani, *Federalism Under Indian Constitution: A Study of Environmental Law*, XXIV INDIAN BAR REVIEW, 1997 at 204-10.

central cabinet of independent India during 1947-51, Ambedkar initiated sweeping Changes in the existing water legislation to accord major role play to the centre under the exuberance of pan-Indian federalism, national reconstruction and development. Realising water as a symbol of 'power' he wanted empowerment of underprivileged people through a whole set of new policy prescriptions and regulatory thicket who were earlier denied free access to drinking water under hierarchically casteiest order. The Centre began prioritising the need for national water, power, irrigation, navigation and mineral resource policies for the development of agriculture and industrial sector.¹⁷ As president of Irrigation and Electric Power Committee, Ambedkar realised that the existing regulatory framework is not conducive for radical reforms. Since Government of India Act, 1935 (GOI Act) placed development of water under the jurisdiction of provinces, the proposed changes necessitated inculcation of shared rule and co-operative federalism among States, provinces and central government. Therefore, Ambedkar had come out with rational explanation for switching over to new centrally sponsored water regime. The justification of an all India policy for irrigation and electric power development, identification of priorities, areas of participation and nature of central intervention and creation of instrumentality of executive authority are some of tangentially pertinent issues which Ministry of Labour had to address while blue printing the appropriate water resource development policy.¹⁸ Under this backdrop a comprehensive policy statement and two high powered authorities viz., Central Technical Power Board (CTPB) in 1945 and Central Water Ways, Irrigation and Navigation Commission (CWINC) in 1945¹⁹ came into existence to collate data, conduct survey and prepare schemes in consultation with provincial Governments and States. The smooth functioning of these bodies demanded greater participation of labour department, central government and co-operative attitude of provinces.²⁰ Since GOI Act, 1935 came often heavily against the safe passage to these new initiatives, Ambedkar conceived new instruments of executive authority namely *River Valley Authority*. In pursuance of this objective in 1948

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17. Government of India, RECOMMENDATION COMMITTEE OF COUNCIL. (1994); *Record of the First Meeting of the Policy Committee No. 3C (Public Work and Electric Power)*, Delhi, INDIA MAGAZINE, Sept 23, 1943.
 18. B.R. Ambedkar, *Multipurpose Development of the Damodar Valley*, INDIAN INFORMATION, Aug 23, 1945.
 19. Labour Department, *Setting up of the Central Waterways Irrigation and Navigation Commission on Personnel Basis*, File No. DWI-1 (25) CWIWC 147.
 20. A letter to all provincial Government putting to them the proposal to create a Central Waterways and Irrigation Commission and asking whether provincial Government welcome this proposal. Letter by Secretary, Labour Department, Dec. 1944 File No.6 (1) P.S. Finance, Department, Planning Division.

Damodar Valley Corporation Act and Electric Supply Act were enacted by the Constituent Assembly of India.²¹ For the first time we notice that essential linkages among economic planning, ecological and water resource development and socio-economic upliftment were established. Thoroughly mindful about development with human face, Ambedkar under the new regime of water law struck a balance between prosperity and poverty by ensuring the benefits of irrigation project to grass roots. Before he laid office as Cabinet minister in June, 1946 he has given concrete shape to much intriguing but crucial aspect of resettlement, rehabilitation and compensation for displaced cultivators and non-cultivators household. Framed on April 22, 1946, the 'resettlement policy' got approved by labour department in the third inter-provincial conference.²² The policy subsequently formed the basis for other provincial government in developing inter-state multipurpose river valley project.

IV. AMBEDKAR'S STEWARDSHIP TO DEVELOPMENT OF WATER RESOURCE LAW

Though the Government of India and Secretary of State exercised powers of super-intendence and direction nevertheless the provinces enjoyed greater autonomy in water resources development. The Montague Chelmsford Act, 1919 for the first time brought irrigation, canal, drainage, embankment, water storage, famine relief, agriculture and forest' under state subjects.²³ The intervention of Secretary of state in London and Government of India were almost nominal in matters of withdrawals from rivers within princely territorial limits unless these withdrawals affected the uses being made or proposed to be made by the provinces.²⁴ An examination of legal regime documents that inter-state or provincial disputes are generally being settled by principle and broad guidelines of customary law, common law, public interest, mutual agreements and negotiated settlement.²⁵

The Government of India Act, 1935 further strengthened federal oriented water resource development by conferring exclusive powers to provinces over 'water supplies, irrigation canals, drainage, embankments, water storage and water works.'²⁶ The only item reserved for Central list was 'shipping and navigation on tidal waters',²⁷ and for Concurrent list

21. N.D. Gulati, DEVELOPMENT OF INTER-STATE RIVERS: LAW AND PRACTICE IN INDIA (1972) at 32.

22. Central Water Commission, AMBEDKAR'S CONTRIBUTION TO WATER RESOURCES DEVELOPMENT (1993) at 102-103.

23. *Supra* n. 21 at 24.

24. *Id.* at 25.

25. *Id.* at 26.

26. Entry 19 List II, THE GOVERNMENT OF INDIA ACT, 1935.

27. *Id.*, Entry 21 List I.

'shipping and navigation on inland waterways as regards mechanically propelled vessels and goods on inland water ways'.²⁸ The policy of non-intervention continued except when a province or princely state would take objection to some development in the adjoining province and dispute cannot be resolved by mutual agreement. In such cases the disputes were referred to Governor General who was empowered to give a decision in matters of dispute in his discretion after investigation by Commission specially appointed for the purpose,²⁹ he could alternatively refer the matter to His Majesty in Council. But the effect to such order shall be given to the extent provincial legislature found to be repugnant shall be repugnant. His Majesty in Council can alter the decision in the light of own or Commission so appointed and representation made by the provincial legislature.³⁰

To put the record straight, it is profitable to refer the findings of Indus Commission, 1942 regarding the working of regulatory mechanism. Disputes between individual riparian owners and provinces were generally settled by common law principles, statutory law and customary law. Thus it appears that the provinces were entitled to do what it liked with all water supplies within its own boundaries unless water from any natural source of supply in federated state have been or likely to be affected prejudicially by executive action or legislation.³¹

This was the state of affair when Ambedkar took charge of member to the Viceroy's executive council. The water policy devised by him during post second world war period visualised much greater role and participation of central Government than was permitted under GOI Act. Addressing Damodar Valley conference at Calcutta, he justified the central intervention on the following ground:

We have not taken sufficient account of the fact that there is no difference between railways and waterways at any rate those that flow from province to province. On the contrary, we have allowed our Constitution to make a distinction between railways and waterways. With the result that railways are treated as central but waterways are treated provincial.³²

Ambedkar in his relentless pursuit of national reconstruction failed to appreciate the basic distinction of railway being a material entity and water

28. *Id.*, Entry 32 List III.

29. *Id.*, section 130.

30. *Id.*, section 131.

31. *Supra* n. 21 at 30-31.

32. B.R. Ambedkar, *Damodar Valley Scheme: Calcutta Conference*, INDIAN INFORMATION, 1945 at 97-8.

as natural entity. This commodification and statisation of water in later times proved quite detrimental to the interest of common people in their realisation of right to natural or water resources. However, according to Ambedkar, this double morality of legal ordering was not fruitous to national development. To quote him further:

A province needs electricity and wishes to utilise its water resource for the purpose but it cannot do so because the point at which water can be dammed lies in another province with no interest in it (for various reasons) or money to finance the project and would not allow the needs to use the site. *Complain as much as we like, a province can take such an unfriendly attitude and justify it in the name of provincial autonomy.*³³

Anathematised to the provincial autonomy and in order to come out of the impasse, he charted two alternative strategies by creating 'inter-state river authority and' 'central electric authority', respectively. In the second meeting to Policy Committee on Electric Power Policy in 1945 Ambedkar enjoined upon the provinces to come to co-operative federalistic terms.

Little or no objection should be raised to central control where a province does not desire to take on such control or wherein the interests of regional development extending beyond the boundaries of a province the central intervention might be considered necessary.³⁴

It is discernable that in the name of provincial autonomy and state's escapism the task of national reconstruction and water resource development can not be postponed further any more. Our tryst with destiny by virtue of Indian Independence Act, 1947, the GOI Act, 1935 was adopted by India (Provisional Constitution) Order, 1947 for the purpose of dominion of India with little changes in the Seventh Schedule. Initially the GOI Act was found to be myopic to the river valley development. Section 130 of the Act heavily guarded the doctrinaire legacy of Northern India Canal and Drainage Act, 1837 wherein the phrase 'water from any natural source of supply' and 'water of all river and streams flowing in natural channels and lakes' were used. In 1948, Draft Constitution of India reflected Ambedkar's vision of water policy and law. Articles 239-242 corresponding to sections 130-134 of GOI Act made significant departure from 'water from any natural source of supply' to 'inter-state water ways' and 'river valley'. Entry 74 of Union List and Entry 20 of State list are

33. *Id.* at 98-9.

34. B.R. Ambedkar, *Post-War Electric Power Development*. INDIAN INFORMATION, Feb. 15, 1945.

testimony to this effect:

Entry 74 : 'The Development of inter-state water-ways for purposes of flood control, irrigation, navigation, and hydro-electric power'.

Entry 20 : 'Water, that is to say, water supplies, irrigation and canal, drainage and embankment, water storage and water power subject to the provisions of entry 74 List I.

Both the entries were heavily premised on common jurisdiction with an edge to central legislature. In such a situation the chances of conflict and chaos cannot be ruled out.³⁵ Therefore, on 1st September, 1949 Ambedkar moved two amendments in Constituent Assembly for the substitution of Entry 74 and new article for amicable adjudication of disputes:

Entry 74 : The *regulation* and development of inter-state *rivers* and *rivers valleys* to the extent to which such regulation or development under the control of the Union is declared by law to be *expedient in public interest*; and

Article 242: Parliament may by law provide for adjudication of any dispute or complaint in respect to the use, distribution or control of the water of, or in, any inter-state river or river valley.

To augar the 'river valley development' phrased under the Entry 74 of union list, the Constituent Assembly of India in 1948 enacted Damodar Valley Corporation Act and Electric Supply Act. Commenting on the original draft Constitution Ambedkar remarked that 'it was too hide-bound or too stereotyped to allow any elastic action that may be necessary'. These amendments were finally adopted as Entry 56 of Union list, Entry 17 of State list and Article 262 under the Constitution of India, 1950.

As a natural sequel, Inter-State River Dispute Act (ISRDA Act) and River Board Act were passed to honour the mandate of Entry 56 and Article 262 of the Constitution. The objective of ISRDA Act is to provide a machinery for settlement of disputes whereas the purpose of R.B. Act is to establish boards for regulation and development of inter-state river basin which would minimise friction among states.³⁷ Empirically established are now

35. CONSTITUENT ASSEMBLY DEBATES, Vol. IX at 830.

36. *Id.* at 1187.

37. S.N. Jain et. al., ed., INTER-STATE WATER DISPUTE: IN INDIA: SUGGESTION FOR REFORM IN LAW. See also, L.N. Mathur, *A Federal Legislative History or Control of Water Pollution in India* in S.L. Agarwala, ed., LEGAL CONTROL OF ENVIRONMENTAL POLLUTION (1980) at 86-94.

the facts that these enactment met with partial success in securing inter-state agreement of water resources development. In spite of categorical mandate of Constitution to the states in planning and development of river scheme, no important water resource scheme can be included in the Plan by a state without the clearance of Planning Commission - an extra-constitutional authority. The omnibus role of Centre has created an atmosphere of mutual distrust among the States, and the rumbling of discontentment has put a question mark on the efficacy of centrally sponsored institutional mechanism.³⁸

V. BEYOND AMBEDKARITE VISION: A CONTEMPORARY RESTATEMENT

The community of concerns reflected in Ambedkar's declaration of first war of independence against Hindu social order for the realisation of basic human right of access to water is indeed a milestone in the evolutionary transition of water law and policy in India. Water being metaphor of 'power', Ambedkar wanted to counterveil the feudal and castiest forces through the instrumentality of water law and policy. Constitutionalism, federalism and environmentalism inter-wedded, priorities and strategies were directed towards creation of equitable natural and water resources regime. But by making the same to rotate around pan Indian federalism, he by default arrested the organic growth of law. Under the centripetal legal fashioning Ambedkar has not visualised the complex web of interest groups, stakeholders apart from the state.³⁹ State monopolisation of water resources from hierarchically based feudal order appears to be a transfer of power and short lived transition. This not only eclipsed the democratisation, empowerment and equitable development of water resources but also revertebrated into the denial of access to water to a common man. Pan-Indian federalism no doubt led to the massive damming of river but one should not forget that it dammed the society specially the people at the lowest rung of social order. According to an estimate 226 million people in India are living without safe drinking water.⁴⁰ This alarming situation can be brought home if we take into account massive flood, severe drought, menacing water pollution, insufficient drinking water, dried canals and tanks and perpetual downsizing of water table. The recent cognizance of complaints by National Human Rights Commission regarding poisoning of vast stretches of drinking

38. See, Md. Zafar Mahfooz Nomani, *Environment Protection under Indian Federalism: A Review of Legal and Institutional Mechanism*, XXI ACADEMY LAW REVIEW, 1997 at 155-56; 164-65.

39. *Id.* at 145-150.

40. NATIONAL HUMAN RIGHT COMMISSION: ANNUAL REPORT, 1996-97 at 6.

41. *Id.* at 7.

water supplies in Andhra Pradesh and West Bengal due to arsenic, well serves the logic to bring home the conclusion.⁴¹ Under the legitimate assumption that statiation of water resources will result in equitable allocation and distribution proved an euphoria or enigma of sorts. Now it is well documented that in fact state itself is instrumental in bringing massive depletion through inappropriate and incongruent irrigation, forest, soil, agricultural and industrial polices.⁴²

Ambedkar inspite of being charged with the idea of enviro-social justice, did not envision that statiation and centralisation is fraught with danger an ultimately lead to social inequity an ecological disparity.

The study of water law as study of vital life sustaining regulation, development alternatives, role of society and state in providing the very first vital need for life, necessarily involve not only the issue of management, productivity and efficiency but also for justice, equity and fairness.⁴³ The paradigmatic strategy for water resources conservation law *vis-a-vis* water right would enable the common man to move from the disabling doctrinaire limits and confines of 'appropriation', 'riparianism', 'discovery' and dominium' to enabling potential remedies of 'public trust', natural or fundamental right to clean drinking water.⁴⁴ The basic concepts bordering the classical water laws have their genesis more in historical and political contexts than the legal context. With the radical shift in property relationship these notions fail to adequately guide the modern prescription of justice and equity. Natural resource law be it water, forest, or environment, should be tested on the bedrock of egalitarianism, equity from the side of people and trusteeship from the side of the state.⁴⁵ The public trust doctrine under which state holds natural resources in trust for the people has yet not been translated into natural and fundamental right of the people in matters of access and use of water inspite of repeated judicial interventions to treat it as a part of right to life under Article 21 of the Constitution. From the side of the state, the traditional notions of 'sovereignty', and 'domain' are just inadequate as 'appropriation' and 'riparianism' from the side of people.⁴⁶ Based on traditional principle of sovereignty and distributive justice, Ambedkarite version of hydrological law and policy needs to be explicated in contemporary perspective.

42. Chhatrapati Singh ed., *Water Law in India: Water Project Series* (1992) at 2-3.

43. *Id.* at 12-13.

44. *Attakoya Thangal v. Union of India*, 1990(1) KERALA LAW TIMES 580.

45. Chhatrapati Singh, *WATER RIGHTS AND PRINCIPLES OF WATER RESOURCE MANAGEMENT* (1991) at 42.

46. See, Md. Zafar Mahfooz Nomani, *Water Pollution and Conservation Law: Existing Legal Framework and Strategy for Reform* in A. Farooq Khan, ed., *WATER RESOURCE MANAGEMENT: THRUST AND CHALLENGES* (1998).