

Legislation Cited: India

Legislation below informed analysis of community-based water tenure regimes (CWTRs) in India, as published in “[Whose Water?](#)” and on the [RRI Tenure Tool](#). Analysis includes relevant national laws and regulations enforceable as of January 1, 2019.

Legal Instruments, Court Cases, Select Regional Treaties and Agreements, and Secondary Sources	Year Enacted or Ratified (Revised/Amended)
The Constitution of India	1949 (2011)
The Indian Easements Act of 1882	1882
Inter-State Water Disputes Act, 1956	1956
The Water (Prevention and Control of Pollution) Act, 1974	1974
The Environment (Protection) Act (Act No. 29 of 1986)	1986
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	1989
The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996	1996
Biological Diversity Act 2002	2003
Right to Information Act	2005 (2011)
Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006	2007
The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	2013
Inter-State Water Disputes Rules, 1959	1959
Mineral Concession Rules, 1960	1960 (2012)
The Water (Prevention and Control of Pollution) Rules, 1975	1975
Environment (Protection) Rules, 1986	1986 (2009)
Biological Diversity Rules, 2004	2004
Environmental Impact Assessment Rules, 2006	2006
Environmental Impact Assessment Notification, 2006	2006 (2009)
Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007	2008 (2012)
MC Mehta v. Union of India, WP 12739/1985 (1986.02.17)	1986
Subhash Kumar v. State of Bihar (AIR 1991, SC 420), Supreme Court of India	1991
Enviro-Legal Action v. Union of India 3 SCC 212 1996, Supreme Court of India	1996
Samatha v. State of Andhra Pradesh, AIR 1997 SC 3297, Supreme Court of India	1997
MC Mehta v. Kamal Nath (1997) 1 S.C.C. 388, Supreme Court of India	1996
Narmada Bachao Andolan v. Union of India [(2000) 9 SCC 571]	2000
Tekaba AO v. Sakumeren AO (5 SCC 672), Supreme Court of India	2004
Orissa Mining Corporation vs. Union of India and Ors. (2013)	2013
Hamid Khan v. State of Madhya Pradesh (AIR 1997 MP 191), Madhya Pradesh High Court	1997
Hindustan Coca-Cola Beverages (P) Ltd. vs Perumatty Grama Panchayat (2005 (2) KLT 554), High Court of Kerala	2005
Vishala Kochi Kudivella Samrakshana Samithi v. State of Kerala [2006 (1) KLT 919], High Court of Kerala	2006
V. Sambasivam v. Government of India, Stay of Order of Tamil Nadu High Court	2016
Order: IA No. 2 of 2015 in T.C.(C) No. 39 of 2015	2015
<p>Cullet, Philippe. 2007. Water Law in India: Overview of Existing Framework and Proposed Reforms. Working Paper. International Environmental Law Research Centre, Geneva; Cullet, Philippe. 2012. Is Water Policy the New Water Law? Rethinking the Place of Law in Water Sector Reforms. IDS Bulletin 43/2. International Environmental Law Research Centre, Geneva: 69-78; Cullet, Philippe. 2012. “Water Use and Rights: India.” in The Berkshire Encyclopedia of Sustainability, Volume 7: China, India, and East and Southeast Asia: Assessing Sustainability edited by Sam Gaell, Jingjing Liu, and Sony Pellissery: 393-395; De Micheaux, Flore Lafaye. 2015. Review of Draft Indian Water Legislation and Comparison with the European Water Framework Directive. Publications of the European Union Office, Luxembourg; Mishra, Aman. 2015. The Right to Water in India: Changing Perceptions. International Journal of Research in Humanities and Social Studies 2 (4):1-5; USAID, n.d. Country Profile: India – Property Rights and Resource Governance. Accessed 2018; Vani, Matta Sree. 2002. “Customary Law and Modern Governance of Natural Resources in India – Conflicts, Prospects for Accord and Strategies” in Legal Pluralism and Unofficial Law in Social, Economic and Political Development, edited by Rajendra Pradhan. Papers of the XIIIth International Congress, 7-10 April, 2002, Chiang Mai, ICNEC Kathmandu. Volume I: 409-446; Vishal Narain and Annasamy Narayanamoorthy (eds). 2016. Indian Water Policy at the Crossroads: Resources, Technology and Reforms, Global Issues in Water Policy Volume 16.</p>	