

TRAINING PROGRAMME

Water Conflicts in India

Legal and Institutional Framework for
Conflict Prevention and Resolution

Date: 6-7 September, 2015

Venue: National Law University, Delhi

Organised by:



ENVIRONMENTAL LAW
RESEARCH SOCIETY

THE CONTEXT

The occurrence of water conflicts of different types and scales have been on the rise and will continue to be so in the future. As a society we have not been able to deal with water conflicts in a socially and environmentally just manner. The legal framework is one of the several dimensions that need further consideration to better prevent and solve conflicts. Existing water law is often not well known by lawyers, partly because it is a complex area of law, finding its sources in a variety of places and is often not seen as a coherent body of regulation, as confirmed by the fact that surface and groundwater are still governed by different appropriation principles. Another problem is that laws concerned with water conflicts, the focus has been only on conflict resolution, rather than conflict prevention. Thus, it is the lack of clear rules concerning water allocation that explains why such conflicts often end up in court.

Lawyers and judges play a big role in preventing conflicts and solving them in a coherent manner. They are not sufficiently sensitised to the complex nature of water law, the links between water law and other branches of law and the need to look at water in its multiple dimensions. Also, the present legal regime does not seem to be informed by the bio-physical and socio-cultural peculiarities of water as a resource.

Keeping this in mind the Forum for Policy Dialogue on Water Conflicts in India, National Law University Delhi, the National Green Tribunal and Environmental Law Research Society have devised a training programme to foster and strengthen a community of people working in the water sector or engaging with water as part of their work in other fields, who are aware of the complexity of issues in water law and are willing to apply principles and concepts that exist in the legal framework. It is in particular critical to ensure that water is not considered only or mainly through environmental law or property rights but as a full fledged and comprehensive field in its own right. This training programme thus seeks to foster a broader recognition of the central importance of water law as a field requiring separate consideration in view of its critical role in water conflict prevention and resolution.

CONTENT

The following themes will be covered in the training programme:

- The biophysical and socio-cultural peculiarities of water
- Water Rights: Land based rights, tradable rights, statutory rights, constitutional, fundamental and common law right to water
- Inter-state and transboundary conflicts
- Water Laws and their practice in courts
- Law, Water & Environment: Engagement with the NGT
- Laws related to irrigation, dams and displacement
- Groundwater and the legal regime
- Inter-sectoral water use, allocation and conflicts
- Inter-linking of Rivers: Federalism, ecology and transboundary conflicts
- Water Law and its complexity, in theory and practice

ELIGIBILITY

This workshop is aimed at judges, practising lawyers, and everyone working in the water sector whose work includes engagement with legal issues related to water.

HOW TO APPLY?

To apply for this training programme, please e-mail a copy of your resume, along with a covering letter to waterconflictforum@gmail.com, detailing your work experience and why this programme would be useful to you. **The last date for receiving applications is the 24th of August** and the applicants will be informed of their selection within a week's time.

Nominal Registration fee is Rs. 1000 (For Professionals only). For students, the programme will be free of cost. Accommodation for outstation participants would be arranged at the venue itself. Since the training programme is being conducted on a low budget, we would appreciate if the participants can take care of their travel costs. The organisers would consider providing travel support and waiver in the registration fee to those who absolutely require it. Kindly indicate this in this in the application.

For further details, one can contact

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COLLABORATING INSTITUTIONS

FORUM FOR POLICY DIALOGUE ON WATER CONFLICTS

The Forum for Policy Dialogue on Water Conflicts in India (henceforth Forum), is a network of more than two hundreds activists, academics, organizations and social movements. Committed to values of equity, social justice, environmental sustainability, livelihood assurance and democratization processes, the Forum has already accomplished an extensive number of publications on water conflicts. More details on the work of the Forum, is available at waterconflictforum.org

NATIONAL LAW UNIVERSITY, DELHI

The National Law University in Delhi was established in Delhi in 2008, and is based on the five year degree model, proposed and implemented by the Bar Council of India. It is a prestigious law university offering courses at graduation and post-graduation level.

NATIONAL GREEN TRIBUNAL

The National Green Tribunal, formed under the National Green Tribunal Act, 2010, is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary

ENVIRONMENTAL LAW RESEARCH SOCIETY

Environmental Law Research Society is an independent, non-profit organisation based in New Delhi, with the primary objective of conducting law and policy research on various aspects of environmental laws and policies in India.