

FOREWORD

This next volume of the Indian Law Institute's Water Law Project essays an analysis of the 'traditional' management of irrigation systems in South India. This is a forbiddingly complex enterprise for many reasons. *First*, India has yet to develop a tradition of the narration of her legal past; in the constructions of various Indian pasts, the narrative of law is, almost always, conspicuous by its absence. But anyone who would essay a historical understanding of law and legal administration has, perforce, to seek to grasp the overarching contexts of society, polity, economy and technology. In the absence of a tradition of narratives of legal past, an essay in understanding of law in context also becomes somewhat problematic. *Second*, the narration of legal past also emplots tensions and contradictions between culture and power which custom and law accentuate as well as mediate. Communitarian modes of management of water resources presuppose a framework of adjustment of conflicting rationalities and interests and more concretely of legitimate modes of dispute handling. *Third*, the heavy hand of colonial intervention interrupting, supplementing and even supplanting traditions of sharing and access also smites a laterday historian of water resources law, policy, and administration. Such a narrator has to deconstruct colonial reconstructions of a community's legal past as well as its own representation of its benign provenance. *Fourth*, though at a vastly transformed level, a similar challenge awaits the analyst in terms of analysis of contemporary history of state-law intervention.

Ms. Vani's book addresses all these aspects resolutely. And in each one of this it may be found wanting, from one or the other specialist vantage point. This, of necessity, is the fate of an inaugural enterprise; this is the very first treatise of its kind in Indian legal literature. While not at all tentative in its grasp of problems, it at the same time is not definitive, in the sense of delivering truths of history. The value of the work, as all works of this genre, must lie in the interest it evokes, contentions it provokes, and the concern for the future it inspires.

Delhi

(UPENDRA BAXI)

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