

Footnotes

1. Jolly, J. Hindu Law and Custom 1 (1975).
2. In this paper the pre-colonial period is considered till the time of arrival of British.
3. Kane, P.V. History of Dharmashastra Vol.IV 585 (1973).
4. Buhler, G. The Sacred Laws of Aryans Part I (Rep.) 45-54.
5. Ibid at 176.
6. Ibid at 21-25.
7. Ibid at 164-176.
8. Sutras discribed customary laws and practices.
9. Jolly, J. Naradiya Dharmashastra 36 (1981).
10. Smith, Vincent A. Oxford History of India 113 (1958)
11. Note g at 114.
12. Ibid at 50-51.
13. Sacred Books of The East ed. F. Max Muller Vol. IX 279 (1965)
14. Vishnu Vol.15 cited in Laxman Shastri Joshi Wai (ed.). 41 (1937).
15. Note 9 at 102.
16. Mc. Crindle, Meg & Arr 212.
17. Ibid at 13.
18. Sacred Books of The East ed. F. Max Muller Vol.VIII (Rep.) 248 (1965).
19. Report of Irrigation Commission, Ministry of Irrigati^on and power Vol.I 1971.
20. Note 16 at 98 - 99 .
21. Thapar, Romila A History of India 1 Penguin (Rep.) 177 (1984).

22. Manu Vol.IX at 281 cited in Adhya, G.L. Early Indian Economics 39 (1966).
23. Manu Vol.VIII at 248 cited Ibid at 3 8.
24. Cited in Majumdar, R. C. Corporate Life In Ancient India 30.
25. Ibid at 22.
26. Majumdar, R.C. A comprehensive History of India Vol.III part II 970 (1932).
27. The Holy Quran XXI Verse 30.
28. Maulana Minhaj Uddin, Islami Fiqah 54.
29. Caponera, D.A. Water Laws In Moslem Countries F.A.O. Vol. 20 p. 11.
30. Yahya ibn Adam, Kitab al Kharadj p. 55.
31. Mohammed ibn Ismail, at Bukhari Vol. IV 224-225.
32. See Ibid
33. See Note 30.
34. Ibid.
35. Spear, Percival, A History of India 2 Penguin (Rep.) 47 (1986).
36. Ilbert, Sir courtenay The Government of India 83-84 (1915).
37. Ibid.
38. Lord Macaulay became first such member.
39. Cambridge Economic History of India Orient New Delhi 526 (1982).
40. Note 36 at 10.
41. See Note 36 at 83.

42. Note 13.
43. For example Bengal Irrigation Act, 1876 Section 3.
44. Ibid.
45. Ibid.
46. Bengal Irrigation Act, 1876 Section 4.
47. Ibid Section 6.
48. Ibid Section 18.
49. Ibid Section 76.
50. Northern India Canal and Drainage Act, 1873 "Statement of Objects and Reasons."
51. Northern India Canal and Drainage Act, 1873 the Preamble
52. See for example Bombay Irrigation Act, 1879 Section 5; Bengal Irrigation Act, 1876 Section 6.
53. For example Bengal Irrigation Act, 1876 Section 75.
54. Ibid Section 12.
55. Ibid Sections 34-36.
56. For example See Ibid Section 40.
57. For details See Kiran Bala Jain, Water Based Resources Laws.
58. Indian Fisheries Act, 1897 "Statement of Objects and Reasons."
59. Ibid.
60. See note 57.
61. Ibid.
62. See U.P. Panchayat Raj Act, 1947 Section 15.
63. See Robert Fisher V. Secretary of State & I.C.325.
64. Secretary of State V. Palaniyappa Pillai (1917) 41 I.C. 24.
65. Note 36.

66. Note 58.
67. The Constitution of India Articles 14 & 15.
68. Ibid Article 21.
69. Ibid Article 39 (b) .
70. Ibid Article 31 (c)
71. Ibid Article 48 (A) .
72. Ibid Article 51-A (g) .
73. Ibid Article 262.
74. See for its nature and scope Upendra Baxi, "Taking Sufferings Seriously; Social Action Litigation Before the the Supreme Court of India", 1979-80 D.L. Rev.
75. See for example RL & E Kendra v. State of U.P. 1987 (2) SCALE 790.
76. See for example AIR 1987 SC 532.
77. AIR 1988 SC 1115.
78. Kumaon and Garhwal Water (Collection, Retention and Distribution) Act, 1975 Section 3.
79. Orissa River Pollution Prevention Act, 1954 Section 4.
80. Ibid Section 9.
81. See for example Orissa Marine Fishery Regulation Act, 1980 Section 4 (2) .
82. Ibid section 4 (1) .
83. For fuller appreciation of the term quality of Law see generally Upendra Baxi, "Agro-eco-Systems : Emerging Legal Issues," Dec.1984 Mainstream 1.
84. For details refer to Rema Devi, Law and Accountability In Water Resources Management.
85. Note 83 at 4.
86. The Hindu New Delhi April 17, 1988.