Quest for Human Rights

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This paper examines the constitutional position of water and the extent of federal and state power over rivers. It intends to identify the main issues surrounding rivers that may strain central-state relations or lead to disputes among the states themselves. In particular, the discussion is focused on the pollution of interstate rivers and the distribution of their waters. The possibility of conflicts between federal environmental laws and the power of the states over rivers is critically examined. The paper also discusses possible disputes that may arise among the states on the use and distribution of interstate rivers. The Federal Constitution, however, does not provide for a mechanism through which interstate water disputes could be resolved. The paper also makes references to other federalizations to see how Malaysia may learn from their experiences in dealing with its interstate rivers. Various possibilities are explored and suitable suggestions are made.

Constitutional Position

The Reid Commission while deliberating on issues related to water and rivers recommended that states should have control over “inland waters, including all rivers and streams, water supply and storage”.1 The Commission, however, thought that