CHAPTER - V

ATTITUDE OF POLITICAL PARTIES TOWARDS

CAUVERY WATER

The former Prime Minister Mrs. Indra Gandhi in 1971 had visited Madras.¹ The talk on Cauvery issue was carried on. The former Chief Minister of Tamil Nadu, M. Karunanidhi had a meeting with Mrs. Indra Gandhi on the assurance given to the Tamil Nadu Government by Mrs. Indra Gandhi, the case will be withdrawn.² In the meantime Devaraj became the Chief Minister of Karnataka while Achuta Menon became the Chief Minister of Kerala.³ In 1972, talk on the issue was continued at Delhi. Finally the proposal for the appointment of a Commission was accepted. The Members of the tribunal included P.R. Ahuja, Sardar J. Plendra Singh, Dr. Patial, Sharma was the Secretary of the Commission. In 1973, the Commission released its Judgement.⁴ Since then all negotiations were stonewalled. In August 1976, an agreement was signed by the Chief Ministers of Karnataka and Tamil Nadu which envisaged that out of the 670 TMC.ft. of total basin reserves, Tamil Nadu, Karnataka and Kerala would get water in the ratio of 73:23:4. After 15 years and a saving of 125 TMC, the distribution would be recorded in the history of the dispute. It was scrapped by the M.G. Ramachandran Government.⁵ It was then Tamil Nadu demanded that a tribunal be set up under the Inter-State Water Disputes Act 1956. In December 1986, the Cauvery Delta Farmers Welfare Association filed a case in the Supreme Court seeking the constitution of a Tribunal which was finally appointed and which Karnataka had consistently opposed.⁶ The importance of irrigation as the stabilization factor in agriculture was well realized in Tamil Nadu from very early times and it can claim

² Ibid. P.33.
³ Peoples Democratic Youth Association Cauvery Chikkal, Tamil Nadu.
⁵ V. Venkatraman, Op.cit, P. 6
⁶ Frontline, April 13-26, 1991, P. 80
the maximum development with the available water resources. Intensive cultivation with a view to increase agricultural yield in the context of the growing population further emphasises the need for irrigation. The large number of old tanks and wells found all over the country bear testimony to this fact.\(^7\) While discussions continued, a Cauvery Fact Finding Committee (CFFC) was constituted. The duty of the CFFC was to inspect the ground realities and come up with a preliminary report in 1972 and a final report in 1973. Inter-State discussions were held based on this report. Finally in 1974 a draft agreement which also provided for the creation of a Cauvery Valley Authority was prepared by the Ministry of Irrigation. In 1976, after a series of discussions between the two States and the Central Government chaired by Jagjeevan Ram, the then Irrigation Minister, a final draft was prepared based on findings of the CFFC.\(^8\) This draft was accepted by all States and the Government also made an announcement to that effect in Parliament. Tamil Nadu came under President’s Rule soon after that and the agreement was put on the back burner. When President’s Rule was lifted, the AIADMK, with M.G. Ramachandran at the helm, came to power for the first time in Tamil Nadu and the dispute took a new turn.\(^9\)

In the meanwhile, some major changes took place all over India. In the election held in June 1991, the AIADMK party formed the Ministry in Tamil Nadu under Miss. J. Jayalalitha. At the Centre the Congress-I formed the Ministry under P.V. Narasimha Rao. In 1986, a Farmer’s Association from Thanjavur in Tamil Nadu moved the Supreme Court demanding the Constitution of a Tribunal for adjudication for the Cauvery Water Dispute. In accordance with Section 4 of the Inter-State Water Disputes Act, 1956, the National Front Government headed by V.P. Singh constituted the Cauvery Water Disputes

\(^7\) Tamil Arasu, November, 1971, P. 51.  
Tribunal on 2\textsuperscript{nd} June 1990.\textsuperscript{10} The Bangarappa Government in Karnataka had enacted a highly controversial ordinance making criticized and called (25\textsuperscript{th} June, 1991) interim award of the Cauvery Water Dispute Tribunal to please Tamil Nadu. The Jayalalitha Government in Tamil Nadu was on the warpath because of the failure of Karnataka to honour the interim award. She had in the process launched a blistering attack on the Centre and on two other Union Ministers of State from Tamil Nadu, P. Chidambaram and M. Arunachalam for supporting their boss. Narasimha Rao’s weak minority Congress (I) Government was unable to say “No” to either of the State Government or to make a meaningful and constructive move in time.\textsuperscript{11}

In 1995-96 Tamil Nadu Government approached again the Supreme Court for 30 TMC.ft. of water from Karnataka and as directed by the court, the State moved the Tribunal which made an order for 11 TMC.ft. of water. However Karnataka did not comply with the order. There upon, on the directives of the Court to evolve a solution the then Prime Minister, P.V. Narasimha Rao, constituted a body called Cauvery River Authority to supervise the implementation of the orders of the Cauvery Tribunal and the Cauvery Monitoring Committee. Undoubtedly the year June, 2002 to May, 2003 was a distress year. On a petition by Tamil Nadu Government, the Supreme Court on 3\textsuperscript{rd} September 2002 ordered Karnataka to release 1.25 TMC.ft. of water every day till the Cauvery River Authority met on 7\textsuperscript{th} September 2002 under the Prime Minister. But dissatisfied with the discussion, J. Jayalalitha walked out of the meeting. Nevertheless the River Authority decided to release 0.8 TMC.ft. or 900 cusecs\textsuperscript{12} of water per day. The agitation of the Karnataka farmers was intensified and on 19\textsuperscript{th} September 2002 in protest against the proposed release of water from the Kabini reservoir, five farmers, four men and one woman, jumped into it. One of the four men, Guruswamy lost his life, following

\textsuperscript{10} Civil Services Chronicle, April, 2007, P. 12.
\textsuperscript{12} Report of the CWDT, P. 110.
which the State Ministry decided to stop the flow of water to the Mettur dam. On 17th September 2002 the agitating farmers in Mandya launched a “Fill the Jail” (Jail Bharao) move and 49 of them courted arrest. They blocked the highways on 4th October 2002 and the protesters burnt the effigy of J. Jayalalitha and the costly engine of the Swarna Jayanthi Express between Mandya and Maddur.13

From 6th October 2002 screening of Tamil films were prohibited in Bangalore. The agitation was supported by film artists of Karnataka. Tamil Nadu started its counter agitations. On 9th October 2002 the State observed a general strike and on 12th October 2002 a batch of protesting film artists undertook a Neyveli yatra (journey) to stop power supply to Bangalore from Neyveli Lignite Project under the control of the Government of India.

Karnataka harboured a grievance that Tamil Nadu had been indulging in activities bordering on espionage in collecting information about the Reservoirs and Irrigation Projects on its side of the Cauvery basin. A Bharatiya Janata Party member of the State Legislature A. Ramadas on 27th February 1996, disclosed in the State Assembly that one Sreenivasan, the Irrigation Official of Tamil Nadu had been camping in Mysore for the last 18 months and flashing information to Tamil Nadu about the water levels in Reservoirs and Irrigation Projects taken up by Karnataka in the Cauvery basin. The Officer owned a jeep and visited parts of the basin to collect information regularly. On 15th March 1996, A. Ramadas was joined by another Bharatiya Janata Party Legislator, H.S. Sankaralinge Gowda to lead about hundred party activists to hold a demonstration in front of the Tamil Nadu office in Saraswathipuram in the Mysore City engaged in gauging the waters of the Cauvery.14

Despite the dominance of the Congress as a national party for nearly 50 years, the Union Government could not develop an impartial and objective approach in the matter of State water rights. Whenever there was a contentious issue between two

14 Ibid. 201.
Congress ruled States, the party had sought a solution to it by the intervention of the so-called high command and in a dispute between a Congress ruled State and non-congress ruled State the Union Government obviously had taken a stand in favour of the Congress ruled State whether it was right or wrong. Congress Government at the Centre had absolutely no compunction to dismiss the Communist Government of Kerala in 1959 despite its clear majority in the State Legislature. Of all non-congress Governments the Communists were the first to be dismissed by the Congress Centre.

As a party the Communist was despised as anti-national and it had no support except at a late Stage from West-Bengal which however, was not a strength but a weakness that led to its national isolation.\[15\]

**Cauvery Waters -- Tribunal’s Final Award**

No State can claim exclusive ownership of the Cauvery River waters so as to deprive the other States of their equitable share, the Cauvery Water Disputes Tribunal said in its final award on 5th February 2007.

The Tribunal has apportioned the 740 TMC\[16\] of available waters in the Cauvery basin among Tamil Nadu, Karnataka, Kerala and the Union Territory of Puducherry as follows: 419 TMC.ft. for Tamil Nadu; 270 TMC.ft. for Karnataka; 30 TMC.ft. for Kerala and 7 TMC.ft. for Puducherry. Of the entitlement of 419 TMC.ft. for Tamil Nadu, Karnataka should release 192-TMC.ft. (including Puducherry’s share of 7 TMC.ft.); 10 TMC.ft. for environmental protection and 4 TMC.ft. for seepages into the sea.

While arriving at this figure, the Tribunal says the past utilization of water is a relevant factor. Tamil Nadu (the then State of Madras) being the lower riparian State has been enjoying almost full flow of the Cauvery as well as its

---


tributaries in Karnataka (the then State of Mysore) and Tamil Nadu. As per the “equitable apportionment” formula, each party State is entitled to receive a just and fair share of the available river supplies.

However, the total claim of the party States for development of irrigation far exceeds the availability of waters and therefore, some restrictions would be imperative. In Tamil Nadu, the entire development, past and future, is based on paddy cultivation, which is a high water consuming crop and further it has almost reached the ultimate potential of its irrigation development by 1974. As far as Karnataka is concerned, in the past it has been growing paddy wherever it could get irrigation facility but could not complete by 1974 the development as contemplated under the 1924 agreement.

Most of the development in Tamil Nadu is based on paddy cultivation, whereas the bulk of the demand put forth by Karnataka is for raising semidry crop in its new project areas. Semi-dry crop needs much less water per acre of crop in comparison to paddy cultivation. Under equitable distribution, it is one of the considerations that the existing development of irrigation may be kept in view as far as possible. Referring to the total claim of Tamil Nadu to irrigate 29.26 lakh acres, the Tribunal says the entitlement of 24.71 lakh acres would be reasonable.\(^{17}\)

It arrived at this figure by taking into consideration the total areas developed by the then State of Madras before 1924 (15.20 lakh acres); permitted under the 1924 agreement (6.20 lakh acres); developed outside the agreement but considered on merit and equity-projects (2.06 lakh acres) and minor irrigation (1.25 lakh acres).

As far as Karnataka was concerned, it says the State claimed to develop irrigation in gross area of about 27.29 lakh acres, including future plans. However, irrigation in 18.85 lakh acres would be reasonable. The Tribunal

arrived at this figure as follows: pre-1924 (3.44 lakh acres); permitted under the 1924 agreement (7.24 lakh acres); on merit-projects (6.91 lakh acres) and minor irrigation (1.26 lakh acres).

While allocating 30 TMC.ft. of water to Kerala, the Tribunal says the State may take some time to utilize its allocated share and some unutilized water from its share would be flowing into the Kabini, Bhavani and Amaravathy reservoirs.

In view of this, the unutilized water from Kerala’s share is being permitted to be used by Tamil Nadu, till such time Kerala uses its allocated share of water. The temporary arrangement of use by Tamil Nadu of the unutilized water from the share of Kerala shall not confer any right whatsoever on Tamil Nadu the Tribunal said.

Expressing happiness over the Cauvery Waters Tribunals Final Award, Tamil Nadu Congress Committee President, M. Krishnaswamy, said it was a welcome relief to the delta farmers. They had undergone untold sufferings in the last 16 years as Karnataka had failed to implement the award. He hoped that Karnataka would accept the award.

D. Pandian, State Secretary of the Communist Party of India, wanted the Centre to appoint an independent authority for implementing the award. Farmers in Karnataka and Tamil Nadu should be happy as the dispute had been brought to an end. Su. Thirunavukkarasar, All India Secretary, Bharathiya Janata Party, welcoming the award, wanted the Centre to take necessary steps for implementing it at the earliest.

Thol. Thirumavalavan, General Secretary, Viduthalai Chiruthaigal Katchi, and K. Veeramani, President, Dravidar Kazhagam, said the award had not fulfilled
the demands of the delta farmers, but welcomed it as it brought to an end a long legal battle between the States.\textsuperscript{18}

**Tribunal Award: “State Kept in the Dark”**

On vital and complicated issues such as the Cauvery the Palar and the Mullai Periyar dam the Karunanidhi Government should have taken the allies into confidence and adopted an unanimous approach said S. Ramadoss, Founder of the Pattali Makkal Katchi (PMK). Addressing a press conference at Thailapuram he said expressed shock over the views of Chief Minister, M. Karunanidhi on the Cauvery and the Mullai Periyar dam issues.

The Chief Minister had earlier stated that the final award of the Cauvery Water Dispute Tribunal carried both favourable and unfavourable features for Tamil Nadu. In the interview he observed that the final award offered solace to the State. He said he was at a loss to understand why the Chief Minister should adopt differing stands on these issues. In the name of Kannada Desiyam (Kannada nationalism) the Kannadigas were claiming full ownership of the Cauvery, and hence they were indulging in agitations against the award. They had never respected the sentiments of the Tamils. In the name of maintaining good relations, Tamil Nadu should not lose out but establish its rights on the Cauvery through political and legal means.

S. Ramadoss said while the Karnataka Government had issued copies of the final award to the political parties Member of Parliament, Member of Legislature Assembly and farmer’s representatives, in Tamil Nadu, there seemed to be a blackout because the PWD was keeping it a secret. His demand for circulating the copies at least among the recognized political parties in Tamil Nadu had not evinced any response. The award drastically cut down the total irrigated area and the total water sources in Tamil Nadu and it had not approved the Kuruvai area

expansion after the 1924 agreement. It was not clear how many more adverse clauses were there in the final award. He wondered what could be the outcome of the likely meeting of the former Prime Minister, Deva Gowda who opposed release of 5 TMC.ft. of water to save the withering kuruvai crop in Tamil Nadu, with Prime Minister, Manmohan Singh.

S. Ramadoss called upon the Karunanidhi Government to discuss these issues with the Democratic Progressive Alliance partners and spell out clearly the Government’s stand and not the DMK stand.19

Communist Parties

- Launch awareness campaign on Tribunal order
- Centre should not remain a spectator as in the past.

The two Communist parties strongly feel that the United Progressive Alliance Government at the Centre has a role to play in allaying the apprehensions about the impact of the final verdict of the CWDT particularly when passions are whipped up in neighbouring Karnataka. N. Varadarajan, State Secretary of the Communist Party of India (Marxist), who along with T.K. Rengarajan, Member, Central Committee and K.Balakrishnan Member, State Secretariat, called on M. Karunanidhi, Chief Minister, on Monday told The Hindu newspaper here on Tuesday that central intervention at this stage was necessary to create and set in motion a proper implementation machinery.

Since the future of lakhs of people was involved in the issue, the Centre should not remain a spectator as in the past. It should hold discussions with Chief Ministers of Tamil Nadu and Karnataka to set up a commission to ensure proper sharing of water between two States, more particularly during the distress period he said. Varadarajan also stressed the need for launching an awareness campaign

---

by the centre and the State Governments with regard to the CWDT’s final order and its impact on both the States by exhibiting short films and advertisements.

D. Pandian, State Secretary of the Communist Party of India (CPI), said the Centre always had a role to play in such sensitive issues with a view to maintaining the unity of the country besides warning those State Governments which misguided the people. Both Varadarajan and Pandian shared the Chief Minister’s view that the verdict had provided solace to the people as it had put an end to the long drawn legal battle though it had not solved all questions.

**Review Petition**

Referring to Karunanidhi’s remark that the Dravida Munnetra Kazhagam (DMK) Government would file a review petition before the CWDT, the CPI (M) leaders had told him that there was nothing wrong in seeking explanations on different clauses of the final order. However such a move should not be aimed at dragging on the case but to sincerely implement it Varadarajan said. The very fact that some political parties backed by the Government of Karnataka had been instigating the people to indulge in violent protests makes it clear that Tamil Nadu has not lost much (owing to the final order) though the State’s needs also may be high said Pandian.\(^{20}\)

**Linking of Rivers**

Though both the Communist parties felt that inter linking of peninsular rivers could offer a lasting solution to the inter-State river disputes they stressed the need for uniting the people in the four southern States and the Union Territory of Puducherry for this purpose as a prelude to this massive project.\(^{21}\)

---


Cauvery Tribunal’s Award Hon’ble Chief Minister of Tamil Nadu, M. Karunanidhi Explains its Implications

Cauvery Tribunal has given its award on 5\textsuperscript{th} February 2007. As the award has both advantages and disadvantages to Tamil Nadu with a view to arriving a decision in consultation with all the political parties, an All-Party meeting was held on 19\textsuperscript{th} February 2007. After detailed discussions in the meeting, in which AIADMK also took part, it was decided to file a petition before Cauvery Tribunal under Inter-State River Water Disputes Act 5 (3) of 1956, after consulting legal experts and engineers.

In accordance with decisions taken in the All-Party Meeting the Government of Tamil Nadu began consultations with the legal experts and engineers. While the Government of Tamil Nadu has been taking action according to the provisions of law on this issue some people have started politicizing the issue following the Karnataka style by raising the points below:

1. “The Government of Tamil Nadu is delaying the process of filing a petition regarding the Cauvery Tribunal’s award under Inter-State River Water Disputes Act on behalf of Tamil Nadu.”

2. “The Government of Tamil Nadu has not approached the Central Government urging it to notify the Cauvery Tribunal’s award in the Central Government Gazette.” “The Government of Tamil Nadu has not filed a case regarding Cauvery Tribunal’s award in the Supreme Court.”

We had given detailed explanations to the criticism a number of times. But as they have been repeating the same type of criticism, it would be appropriate on the part of the Government of Tamil Nadu to give one more detailed explanation to avoid confusion amongst the people of Tamil Nadu.

If the States concerned or the Central Government wants to seek any explanation on the award of Cauvery Tribunal they can approach the Tribunal.
within 90 days from the date of the award following the proper procedure laid down in the law. The Tribunal will again hear the parties and, if necessary, send a further report to the Central Government. As the Central and State Governments have 90 days period to seek explanation or guidance, the Tribunal will take the petitions for further consideration only after expiry of 90 days.\textsuperscript{22}

So only after completion of this procedure the Central Government will be in a position to notify the Tribunal’s final award in the Central Government Gazette after obtaining the final report from the Cauvery Tribunal. This is the legal position on procedure. Hence insisting on the Central Government to notify the Tribunal’s award in the Central Government Gazette before the expiry of 90 days is not legally implementable. This view has also been expressed by the Prof. Saifuddin Soz, Union Minister of Water Resources.

I had stated at the meeting of All-Party leaders on 19\textsuperscript{th} February 2007, that the Government of Tamil Nadu, when necessity arises, would approach the Supreme Court at an appropriate time in the appropriate manner. There is no change in this stand point. As some people seem to be not satisfied with these explanations given on behalf of the Government this Government sought the legal opinions of the senior lawyers K. Parasaran and P.P. Rao, of the Supreme Court of India on this issue.

The important portion of the legal opinion given by K. Parasaran, who had argued on behalf of the Government of Tamil Nadu in the Cauvery issue both in the Supreme Court and in the Cauvery Tribunal for a number of years, is given to: It may not be appropriate for any State Government at this stage to request the Central Government to issue a notification under Section 6 of the Act before the three months time expires. Nor is the Central Government under a duty to

\begin{footnote}{22 \textit{Ibid.}}\end{footnote}
forthwith notify under Section 6 the decision of the Tribunal, before the time for a reference under Section 5 (3) expires.

The important part of the legal opinion given by yet another senior lawyer P.P. Rao is given below to the Central Government has necessarily to wait till 4th May 2007 and see whether any applications are moved before the Tribunal under Section 5(3) by any Government. If no Government approaches the Tribunal for explanation or guidance on or before 04.05.2007, it will be open to the Central Government to publish the decision of the Tribunal in the official Gazette. In case either the Central Government or any State Government moves the Tribunal in the meanwhile under Section 5(3) for explanation or guidance the Central Government will have to wait till the Tribunal gives the explanation or guidance sought for and forwards a further report to it. While the legal position is like this, forcing to notify the Tribunal’s award in the Central Government Gazette and to file a case in the Supreme Court on this issue will not definitely benefit the Cauvery delta farmers, in any way. Even though the Krishna River Water Tribunal gave the award on 24th December 1973, as the States concerned had sought explanation and guidance, the award was notified only on 31st May 1976. Likewise, though Godavari Tribunal had given its award on 27th November 1979 itself, it was published in the Gazette by the Central Government only on 7th July 1980. Narmada River Tribunal had given its award on 16th August 1978; the Central Government notified it only on 12th December 1979.

Based on the opinions expressed about the advantages and disadvantages of the Cauvery Tribunal’s award in regard to Tamil Nadu at the All-Party Leaders Meet, we have been systematically pursuing the matter within the legal framework to remove the disadvantages affecting the interests of Tamil Nadu. While we are doing so, some people are placing petty political consideration over and above the welfare of the people of Tamil Nadu. This attitude will in no way be helpful to
anyone. I would like to make it clear again that it would be unwise to divert the attention from the award of the CWDT, which has come after a very long wait.23

Tamil Nadu will file a review petition with the Cauvery Water Dispute Tribunal on points that concerned the State, Chief Minister M. Karunanidhi said on. There were some shortcomings that the State wished to bring to the Tribunal’s notice, he told press persons here.

Asked about convening an all-party meeting to discuss the issue Karunanidhi said this needed to be done with great caution. Livelihoods of many common people and the poor, many of whom were working in Karnataka were involved. On the protests in Karnataka he said there was some misunderstanding and that people were instigated. There was an impression that all the 419 TMC.ft. allotted to Tamil Nadu was being given by Karnataka. I also had thought so. But this is not true. The Tribunal had taken the water availability in the entire basin into account. There was no great difference in the shares of the two States.24 Chief Minister, M. Karunanidhi on Saturday said the State Government would file a review petition before the CWDT seeking removal of shortcomings in the final order such as decisions to adopt 50 per cent dependability to determine the utilizable quantum of water and to scale down the area of kuruvai crop cultivation. In the detailed Statement he said that as the channel for filing the review petition had not been closed it would list the shortcomings and argue the State’s case firmly. The Government would not hesitate to seek legal remedy the Chief Minister added. It would also hold discussions with irrigation and legal experts, representatives of farmers’ associations and all party leaders he said.

Karunanidhi cautioned against attempts to create bitterness in the relations among people of the four Southern States, by giving a twist to the Government’s efforts to protect the State’s interest with regard to the Cauvery, Mullai Periyar

24 P.R. Kuppusamy, Cauvery Dravida Iyakka Arasiyal Thalaimayin Tholvi.
and Palar River issues as encroaching on the rights of neighbouring States. Among the favourable points found in the final order of the CWDT are accepting the Cauvery Fact Finding Team’s assessment of the total area of the Cauvery basin, fixing the quantity of water to be released by Karnataka at 192 TMC.ft. at Billigundulu, or any other suitable reference point on the border with Tamil Nadu announcing a monthly release schedule earmarking four TMC.ft. for inevitable escapees into the sea, clarifying that the use of groundwater by any riparian State should not be reckoned as use of the con very river water and reserving 10 TMC.ft. for environmental protection he said. The tribunal’s order stipulating that the pattern of downstream release be consistent with its order even after the construction of proposed hydro-power projects allowing cultivation of only single dry crop under the newly implemented irrigation schemes determining the implementation agency laying down guidelines to ensure its functioning permitting Tamil Nadu to avail itself of the unutilized portion of the 30 TMC.ft. allocated to Kerala till that State was able to make full use of the allocation providing freedom to the riparian States to use their share of water within territories as per their needs were also positive features Karunanidhi said.25

All-Party Meet for Review Petition on Cauvery

Setting aside political differences, almost all major political parties in Tamil Nadu, on Monday, unanimously resolved to ask the State Government to file a review petition before the CWDT to safeguard the interests of the people of Tamil Nadu. A resolution adopted by the all-party meeting presided by Chief Minister, M. Karunanidhi said the merits and demerits of the final award of CWDT were discussed in detail. The meeting which lasted over four hours also decided that the review petition should be filed under Section 5 (3) of the Inter-State Water Disputes Act 1956. It asked the Government to consult legal and technical experts on the implications of the final award and submit its review plea.

before the Tribunal. The review petition should seek necessary clarifications on the grey areas in the Tribunal’s award and list the steps required to fully implement the order the resolution said.

M. Krishnaswamy, President, Tamil Nadu Congress Committee, said adequate powers should be given to the Cauvery Management Board and Cauvery Regulation Committee as prescribed by the CWDT.

G.K. Mani, President, PMK, urged the Chief Minister to call a bandh besides leading an all-party delegation to Delhi to highlight the State’s demands. K.S. Radhakrishnan, Headquarters Secretary and Marumalarchi Dravida Munnetra Kazhagam (MDMK), said the State should urge the centre to set up a Cauvery River Water Commission under the River Boards Act 1956. S. Ranganthan, President of the Tamil Nadu Cauvery Delta Farmers’ Welfare Association, said, given the prevailing conditions the Tribunal had done its best. N. Varadarajan, State Secretary of the Communist Party of India (Marxist), called for steps to ensure the strict implementation of the award, more particularly the clauses pertaining to distress sharing of Cauvery water. D. Pandian, State Secretary of the Communist Party of India (CPI), said necessary amendments should be brought to relevant clauses within three months.

L. Ganesan, President, State Bharatiya Janata Party (BJP), and K. Krishanasamy, President, Puthiya Tamilzhagam (PT), stressed that the aspects adverse to the State’s interest should be removed. Thol.Thirumavalavan, Viduthalai Chiruthaigal Katchi (VCK), said the State should seek the opinion of experts for alternative sources of water.

Leaders of a total of 22 parties including the Dravida Munnetra Kazhagam, AIADMK, Congress, PMK, MDMK, CPI (M), CPI, BJP, Desiya Murpokku Dravida Kazhagam and Dravidar Kazhagam participated. After putting forth their
views the MDMK representatives staged a walkout protesting against the presence of “rebel leaders” L. Ganesan and Gingee N. Ramachandran at the meeting.26

**Karnataka Meeting Inconclusive**

An all party meeting, two day after the Cauvery Water Disputes Tribunal gave its order, could not arrive at a decision on Karnataka’s course of action as the Government received the award’s full text only an hour before the meet began. A postponement of the meeting was sought by leaders to familiarize themselves with the verdict’s finer details. The next all party meeting was to be held after a week though the Government had said the order’s full text will be provided to all top leaders in a day. Besides H.D. Kumaraswamy, Chief Minister, other State and Central Ministers who attended the meeting were B.S. Yediyuappa, Deputy Chief Minister, M.P. Prakash, Home Minister, M.H. Ambareesh, Union Minister of State for Information and Broadcasting, and M.V. Rajasekharan, Union Minister of State for Planning. Others present were: K. Rahman Khan, Deputy Chairman, Rajya Sabha, Dharam Singh and H.K. Patil, Leaders of the Opposition in the Assembly and Council, G. Made Gowda, the Former Minister and Chief of the Mandya Raitha Hithakshana Samiti, Vatal Nagaraj, President, Kannada Chaluvali Vatal Paksha and MLA, and K.S. Puttanaiah, President, Raitha Sangha. All Cauvery basin Legislators were special invites. H.D. Kumaraswamy has so far not reacted officially to the verdict though he had expressed dissatisfaction with order. He had been saying the Government would abide by the decision of an all-party meeting.

H.D. Kumaraswamy, Chief Minister, on Wednesday denied the remarks purported to have been made by State Counsel, Fali S. Nariman and his associates that the final award of the Cauvery Water Disputes Tribunal was indeed good for the State. Nariman had appeared for the State before the tribunal and the opposition in the Legislative Assembly on Wednesday said that he (Nariman) had

26 The Hindu, 10th February, 2007.
been quoted as welcoming the final award as being good for the State. H.D. Kumaraswamy in his reply to a lengthy debate, on State counsel expressing such views, said the Government would take a decision on the next course of action only after studying the views of the leaders of all political parties. The Chief Minister said his Government would not make a mistake by accepting the award in a hurry. Clarifying fears expressed by some that the Government was not denying what Nariman, Mohan Kataraki, his associate, and Uday Holla, Advocate General, had said, H.D. Kumaraswamy asserted it was not true. Replying to an angry debate on the remarks which were termed unwarranted by N. Dharam Singh, Leader of the Opposition, Siddaramaiah, the Former Chief Minister, R.V. Deshpande, the Former Minister, and M. Mallikarjuna Kharge, President, Karnataka Pradesh Congress Committee, the Chief Minster said that Government would not be able to make any statement unless it received the full text of the award and studied it.

Earlier, during the debate on the matter the opposition criticized the coalition Government for making known its stand on the final award of the CWDT through its counsel who was reported to have stated that the award was “fair and good” to the State.

Dharamsingh said Nariman, Kataraki and Holla had stated that the tribunal has given a fair verdict to the State. The Government had not denied the statements made by its counsel. It is a clear indication that the Government is satisfied with the award he said and questioned the relevance of calling an all-party meeting to decide the future course of action. Amid noisy scenes Water Resources Minister, K.S. Eshwarappa who replied to the debate “disowned” the statements expressed by its counsel on the tribunal’s final award and declared that the verdict was unacceptable to it.27 H.D. Deve Gowda, the Former Prime Minister, said that he had not discussed the final award of the Cauvery Water

---

Disputes Tribunal with his son, H.D. Kumaraswamy, Chief Minister. H.D. Deva Gowda said he had asked the State Government to circulate copies of the judgment to all MPs. Gowda said the opposition parties were in favour of discussing the matter together. It was yet to be decided whether to move the Supreme Court on the issue or file a review petition before the Tribunal he added.

H.D. Deva Gowda said the Tribunal’s judgment was complicated and one could not make loose statements when the State’s interests were involved. He said he wanted the Karnataka Government to examine the issue before taking a final decision. This was not an issue to be debated openly. It was impossible to read the 1,000 page judgment in two days. He said that Chief Minister would examine the award from the legal point of view. Asked whether V.P. Singh, Prime Minister, in 1991 did the right thing by referring the Cauvery River dispute to the Tribunal, he said; let us not conduct a post mortem on the issue.

When presspersons insisted that the comment on the issue as the State had pinned its hopes on him H.D. Deve Gowda said “One man cannot solve the problem. The matter had to be discussed by Karnataka, Tamil Nadu, Kerala and Puducherry and the Union Government he added. He would be going to New Delhi on Sunday where he would discuss the matter with legal experts. Commenting on the statement of the Chief Minister that he was ready to resign if it helped in resolving the Cauvery crisis wanted to know whether people of Karnataka had demanded the resignation of H.D. Kumaraswamy. If his resignation will solve the crisis then let us follow suit.” H.D. Deve Gowda refused to comment on whether he would speak to the Prime Minister and the President in New Delhi “I have served as the Chief Minister and as the Prime Minister. I will not talk lightly on a sensitive issue such as the Cauvery one.”

Terming the final award of the Cauvery Water Disputes Tribunal as arbitrary and blatantly one

---

28 T. Jayaraman, Varandupona Kaviri, Walvizhantha Thamizhagam.
sided, H.D. Deva Gowda, the Former Prime Minister, urged the centre to help resolve the dispute by initiating a dialogue between the party States. I am gravely concerned about the tendency to play politics even on national assets and natural resources such as water. H.D. Deve Gowda said the present situation is both a litmus test and golden opportunity for the UPA Government at the centre (to resolve the crisis).

According to sources H.D. Deve Gowda had also written to the Prime Minister on this issue. While the party States are getting ready to seek legal remedy, he said it was his personal belief that legal analysis alone cannot answer questions related to human happiness or misery.” He argued that there was no barrier to sitting together and thrashing out a solution within limited resources he said. Adding that a just and fair role by the centre was the need of the hour, H.D. Deve Gowda made it clear that the proposed all party meeting would decide the State’s future course of action and that he would not impose his views on others. He said that a wrong and distorted picture is sought to be painted as if the present situation is like a war between the States of Karnataka and Tamil Nadu. He hailed the people of Karnataka, political parties, various organizations and the Government for maintaining peace ever since the final award was pronounced. In an obvious reference to the violence that broke out after notifying the Tribunal’s Interim Award in 1991, H.D. Deve Gowda said such incidents had not helped the State to improve its position in the water-sharing row. Lashing out at his detractors who had ridiculed him for keeping silent on the Final Award, H.D. Deve Gowda reminded them that he had moved a private member’s bill in the Karnataka Legislative Assembly on the Cauvery dispute way back in 1964. Referring to the Tribunal’s award he said any unwise and unjust determination could cause unlimited suffering to unlimited number of people. It is not the quantity of water but the right amount for farmers at the right time. As a Former Prime Minister, H.D. Deve Gowda said he was very disturbed over the possible
repercussions of the final award. Expressing reservations against the discriminatory nature of the award was seriously concerned over the impact of such decisions on national integration, Inter-State relations and Centre-State relations.

He said he was also concerned over the erosion in credibility of inter-State arbitration bodies and tribunals due to such lopsided verdicts. He asked the leaders of all affected States and the centre to view the situation on a wider canvas. The touchstone for any resolution to this problem was whether it adds to the happiness of farmers of all the party States.\(^{30}\)

H.D. Kumara Swamy, Chief Minister, left for New Delhi to call on Manmohan Singh, Prime Minister, and union Ministers to discuss matters relating to the State other than the Cauvery issue. He told K.S. Eshwarappa, Deputy Chief Minister and Minister for Water Resources, that the Cauvery issue would not figure in his talks with the Prime Minister.

Following this assurance Yediyurappa and Eshwarappa who were booked to travel with the Chief Minister called off the trip in the last minute. It was only later that Yediyurappa and Katta Subramanya Naidu, Industries Minister, were in Delhi to brief the top BJP leadership on the Cauvery issue. However it appeared that senior officials of the Water Resources Department had prepared the draft of a detailed memorandum to be submitted by H.D. Kumara Swamy to the Prime Minister.

The Chief Minister said that he would be apprising the Prime Minister of the State’s predicament with regard to the Cauvery Tribunal Award and the injustice meted out to the State. He is also expected to seek the intervention of the Union Government in the matter. Earlier H.D. KumaraSwamy said in the Legislative Assembly that any decision on the Cauvery issue would be finalized

\(^{30}\) Hindustan Times.
only at an all-party meeting scheduled to be held here on or before February 22. A meeting with the Karnataka MPs in New Delhi on Wednesday was been put off.\(^{31}\)

**Ambareesh Quits Ministry, Lok Sabha**

In protest against the Cauvery Water Disputes Tribunal’s final award, Ambareesh, who represents the Cauvery heartland of Mandya in the Lok Sabha, and an inductee into the cabinet only four months ago, took his constituency and supporters by surprise by announcing his decision to quit the Ministry and his MP’s post. He said “I am not interested in power. Let me do my bit for the benefit of the farmers of the Cauvery basin region of Karnataka.” The Speaker’s office in Delhi said Ambareesh’s resignation letter was not in the proper format. It is said that the Minister had given the reason why he decided to quit whereas according to the rules he should not do so.\(^{32}\)

**Karnataka Leaders Suggest Legal Recourse**

Political leaders of Karnataka, cutting across party affiliations urged the coalition Government to take to legal recourse to enable the State to obtain justice in the light of what has been termed as gross injustice meted out to the State in the final award of the Cauvery Water Disputes Tribunal.

Political parties of Karnataka who were ranged against one another exhibited solidarity and show of strength over the Cauvery issue at the all party meeting called by H.D. Kumaraswamy Chief Minister, and B.S.Yediyurappa, Deputy Chief Minister, to finalise a consensus on the steps that need to be taken to ensure justice for Karnataka.

The Political leaders unanimously passed two resolutions one condemning and rejecting the final award of the Tribunal and the other thanking the people of

\(^{31}\) The Hindu, 14\(^{th}\) February, 2007.

\(^{32}\) The Hindu, 15\(^{th}\) February, 2007.
the State in peacefully agitating over the injustice meted out to the State. In particular the meeting appreciated restraint from any attack on the linguistic minorities’. State Counsel, Sharad Jawali along with Advocate General Uday Holla presented a clear picture of the legal options available to the State. It was said that there were three legal options open to the Government (1) to file a clarificatory petition before the tribunal where in the State could pick on the “gaps” in the order and then seek remedy; (2) to file a suit in the Supreme Court under Article 131 of the Constitution which pertains to disputes concerning States and on which only the Supreme Court has jurisdiction. (3) to file a special leave petition before the Supreme Court and seek a remedy to the injustice done to the State.

The Chief Minister said Karnataka was not in a hurry to file a petition. We should first weigh the pros and cons. The Tribunal has given 90 days time to the riparian States to seek clarifications: We will take the right steps without any delay.\(^33\)

To utilize the Cauvery water the Karnataka Government has taken up works of six lift irrigation projects and will rejuvenate 1,262 tanks in the Cauvery basin at a cost of Rs. 657.73 crore. K.S. Eshwarappa, Minister for Water Resources, told press persons here on Monday that the work on six lift Irrigation Projects would be completed in 2007-08. He said Rs. 600 crore had been earmarked for removing silt from 1,262 tanks in low years. Cauvery Neeravari Nigam Limited would initiate cleaning and modernization of tanks next month and complete works in the next two years. Storing of water would benefit farmers who had been affected by the Cauvery Water Disputes Tribunal’s final verdict he said. The Tribunal, in its verdict had not imposed any restriction on execution of Irrigation Projects in the basin districts of the State he said. Eshwarappa said Rs. 57.73 crore had been allotted for completion of works on lift Irrigation Projects and they were Periya

Patna (Rs. 2.41 crore), Taraka (Rs. 1.45 crore), Banahalli Hundi (Rs. 16.72 crore) Bagur-Naville (Rs. 5.17 crore), Huchchanakoppalu (Rs. 6.66 crore) and Arkavathi (Rs. 25.32 crore).

The Government had envisaged completing 19 lift Irrigation Projects including six in the Cauvery Basin by spending Rs. 267.52 crore this financial year. Of the 39 Projects taken up in 2006-2007 work on 35 projects had been completed.34

H.D. Kumaraswamy Chief Minister Karnataka made an appeal to M. Karunanidhi Chief Minister Tamil Nadu, to take the lead in resolving the decade’s old dispute on the sharing of Cauvery waters between two States. The Chief Minister was reacting to the Statement made by Karunanidhi that the upper riparian States of Karnataka and Kerala were harassing Tamil Nadu with their discriminatory attitude. The Tamil Nadu Chief Minister sought the intervention of the Centre for an amicable resolution of the dispute. Kumaraswamy told press person here that he would extend full support to Karunanidhi if the Tamil Nadu Government admitted that injustice had been done to Karnataka by the Cauvery Water Dispute Tribunal in its final verdict. Karunanidhi was only concerned about the injustice done to his State. I will offer him all support if he agrees to take the lead in resolving the water disputes and providing justice to all the affected States, H.D. Kumaraswamy said.

The Tribunal in its final award allocated 419 thousand million cubic feet (TMC.ft.) of water to Tamil Nadu 270 TMC of water to Karnataka, 30 TMC to Kerala and 7 TMC.ft. to Puducherry in a normal year. Asked whether he would initiate talks with his Tamil Nadu counterpart H.D. Kumaraswamy said, “the situation has not arisen at present”. The Tamil Nadu Chief Minister is a senior politician who recently celebrated his golden jubilee as Member of the State

Legislature. I suggest that he take the lead in solving the inter-State water sharing dispute. To a question on Tamil Nadu films, the Chief Minister said theatres had stopped screening Tamil Films in Bangalore after several organizations launched protests against the tribunal award “It is not correct as per the law.”

**Bandh against Cauvery Award May Affect Life across Karnataka**

Bangalore will grind to a halt for 12 hours from 6 am as a result of the State-wide bandh by Karnataka organizations to express their anger over what has been termed a based final verdict of the Cauvery Water Disputes Tribunal comes into effect.

Those arriving at bus terminals railway stations and the airport in Bangalore will be put to inconvenience given the nature of the support that the bandh has received from all quarters including auto rickshaw and city taxi drivers’ unions. Even private cars should find it difficult to reach Railway Stations and the airport to either drop or pick up passengers. All educational institutions have declared a holiday and life outside homes is expected to come to a standstill. People are making a beeline to vegetables markets and grocery stores as the bandh is expected to affect supply of essential commodities. All HOPCOMS outlets of the Horticulture Department will remain open on Sunday. The bandh is expected the hit the information technology sector and Business Process Outsourcing firms. The Karnataka State Government Employee’s Association and the Secretariat Employees Association have expressed their support to the bandh. Government employees have been asked to take a day’s casual leave in effect giving them a three-day weekend. The bandh is expected to hit life in southern parts of the State. Protest against the final award of the Cauvery Water Disputes Tribunal acquired a glamorous touch with the entire. Kannada film industry, including stars led by actor Vishnuvardhan, artistes, directors, producers,

---

35 The Hindu, 16th May, 2007.
exhibitors and technicians marching from the Karnataka Film Chamber of Commerce office on Crescent Road to the Raj Bhavan. The protest was marked by the absence of the late Rajkumar who was in the forefront of several pro-Kannada-agitations. But his wife Parvathamma Rajkumar and sons Sivarajkumar, Raghavendra Rajkumar and Puneet Rajkumer were in the forefront.

**Tamil Nadu’s Lawyers Hail Verdict Karnataka’s Lawyers Guarded**

Lawyers led by K. Parasaran, senior advocate who represented Tamil Nadu and senior irrigation officials from the State have hailed the Cauvery Water Disputes Tribunal’s verdict saying that the final award has yielded more than the interim award. In their perception the Tribunal’s direction to Karnataka to release 192 TMC of water to Tamil Nadu at Biligundulu would in effect mean 217 TMC.ft. of water was said to be available between Biligundulu and the Mettur reservoir. Even after allocating 7 TMC.ft. to Puducherry, Tamil Nadu would get 210 TMC.ft. in a water year. Lawyers led by Fali Nariman who have represented Karnataka were guarded in their reaction. They said we will have to study the full order before commenting on it. Whether or not to file a clarificatory petition before the Tribunal will be decided only after studying the order.

However senior counsel and former Tamil Nadu Advocate General, K. Subramanian was of the view that Tamil Nadu could have got more in the final award had there been proper coordination among the Cauvery cell team of lawyers. He said frequent change of lawyers [during the previous AIADMK Government] had resulted in contradictions in counsel’s arguments. He said the significant aspect of the order was that the Tribunal had by and large adhered to the quantum of 134 TMC.ft. (3 TMC.ft. less than in the interim award) to save the interests of farmers during the kuruvai period. The All India Bar Association (ATBA) welcomed the verdict. Adish C. Agarwala, Chairman, and S. Prabhakaran, Vice-Chairman, said; we welcome the award and appeal to Karnataka to accept it.

---

37 The Hindu, 14th February, 2007.
gracefully and implement it in all earnestness without giving any room for bitterness. T.R. Andhyarujina, Senior Supreme Court Advocate, was of the view that the final award did not mean the end of the story. According to him the Inter-State River Water Disputes Act provides for seeking a clarification within 90 days by any of the States concerned and if such an application was filed the Tribunal would have to pass the clarificatory order within a year. He said the Bachawat Tribunal (on the Krishna Water Dispute) gave its final award on 24th December 1973 and the clarificatory order on 27th May 1976. The Narmada Tribunal Award given in 1978 was notified in December 1979 and Godavari Tribunal Award given in November 1979 was notified in July 1980. Cauvery delta farmers and political parties by and large have welcomed the final award of the Cauvery water Disputes Tribunal and demanded an independent monitoring mechanism to implement it.

S. Renganathan, General Secretary of the Cauvery Delta Farmers’ Association said he was satisfied as it was an improvement over the interim award. The Tribunal had given a lion’s share of 419 thousand million cubic feat (TMC.ft.) of the 740 TMC.ft. of utilizable flow in the Cauvery basin to Tamil Nadu with 50 per cent dependability. Welcoming the Tribunal’s order that the same proportion would be worked out during the distress period, he said an independent authority should monitor the flow of water. If there was any bickering over the final award it could be sorted out

<table>
<thead>
<tr>
<th>Monthly Release Schedule</th>
<th>TMC.ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>June</td>
<td>10</td>
</tr>
<tr>
<td>July</td>
<td>34</td>
</tr>
<tr>
<td>August</td>
<td>50</td>
</tr>
<tr>
<td>September</td>
<td>40</td>
</tr>
<tr>
<td>October</td>
<td>22</td>
</tr>
<tr>
<td>November</td>
<td>15</td>
</tr>
<tr>
<td>December</td>
<td>8</td>
</tr>
<tr>
<td>January to May (each month)</td>
<td>2.5</td>
</tr>
</tbody>
</table>

38 Civil Services Chronicle, April, 2007.
No room should be given for passion of the Cauvery water issue as it involves the interest of millions of farmers in Tamil Nadu and Karnataka, M.V. Rajasekaran, Minister of State for Planning, said farmers in the two States should adopt a give-and-take policy, if they feared that the final award of the Cauvery Water Disputes Tribunal was detrimental to their interests and not allow those who were trying to drive a wedge between the people of the States which depended on each other for their survival and which had much in common, he told reporters.39

**Farmers Express Doubts Over Actual Quantum**

Representatives of farmers in Trichy have expressed misgivings over the final award of the Cauvery Water Disputes Tribunal and raised doubts about the actual quantum to be released by Karnataka. Though the news of the order allocating 419 TMC.ft. to Tamil Nadu was received with joy initially farmers representatives subsequently turned wary over the finer details. Some of the farmers associations pointed out of that Karnataka had to release only 182 TMC.ft. from the Billingundulu gauging station apart from 10 TMC.ft. for environmental purposes. This was much less than interim award of the 205 TMC.ft. Representatives of the Trichy District Cauvery Delta Farmers’ Welfare Association were guarded in their reaction. We have to study the order before commenting on it said G. Kanagasabai, President. But the Bharathiya Kisan Sangh and the District Sugarcane Growers’ Association described the award as a major blow to farmers of Tamil Nadu and urged M. Karunanidhi, Chief Minister, to go on appeal in the Supreme Court. R. Namachivayan, President, Sugarcane Growers’ Association, in a Statement said the verdict came as bolt from the blue, as the actual quantum to be released would be lower than the interim award to Chief Minister M. Karunanidhi in Tamil Nadu to go on appeal in the Supreme Court. A thorough reading of the order would make it clear that the State was

---

wronged. The quantum of the water to be released should be calculated on the basis of the realization at the Mettur Dam. P. Ayyakannu, General Secretary, Bharathiya Kisan Sangh, said reports of Tamil Nadu being given double the quantum (over the interim award) presented an incorrect picture. For Karnataka was now required to release about 20 TMC.ft. less he said. The final verdict of the Cauvery Water Disputes Tribunal awarding 419 TMC.ft. of water a year for Tamil Nadu has brought cheers to the farmers of Kattumannarkoil, and Chidambaram blocks, which form the tail end of the delta region. Their hopes are soaring high that if implemented in letter and spirit the award will facilitate raising of three crops a year kurvai (June to September), thaladi (October to January) and samba (July to January) as in the days of yore. The State lastly saw full-fledged farming operations in 1980. Afterwards the crop prospects tapered off from three to two and two to one. Of late even raising a single crop had become a doubtful proposition owing to uncertainty over the quantum and timing of water release combined with erratic monsoon. Hence the final award has come as a great relief to the farmers as it would facilitate the flourishing of agriculture in the State and improve their lot.

V. Kannan the Vice President of Cauvery Delta Farmers’ Welfare Association said that the award should be implemented in right earnest. In the January meeting of the Cauvery family at Mandya, comprising the farmers of the riparian States, R. Ramasamy Iyer an irrigation expert of the Centre, had stated that the Tribunal’s verdict was final and binding on the disputants. Only minor modification could be sought but the award as a whole could not be retracted. As such the question of distress sharing did not arise at all, K.V. Ilangeeran, President of the Vettuvaikkal-Naraikkal Eri Paasana Vivasayigal Sangham, said the award had come as a big relief to the farmers who were of late facing uncertain fortunes owing to the audacity of the Karnataka Government in not even implementing the interim award of the Tribunal (directing it to release 205
TMC.ft. of water). Of late the tail end farmers were raising only the samba crop against all odds. Once implemented the award would pave the way for agriculture renaissance in Tamil Nadu Ilangeeran said.40

Supreme Court Admits SLPs against Cauvery Tribunal Award

The Supreme Court on Monday admitted three special leave petitions filed by Karnataka, Tamil Nadu and Kerala challenging the final award passed by the Cauvery Water Disputes Tribunal on 5th February 2007. The Union Territory of Puducherry, also a party to the dispute, had not filed an SLP.

Observing that important questions of law were involved in the matter, a Bench of Justice S.B. Sinha and Justice Markandey Katju referred the petitions to the Chief Justice of India for posting them before a larger Bench. The Bench heard brief arguments from Senior Counsel, Fali Nariman for Karnataka, K. Parasaran for Tamil Nadu and Rajeev Dhavan for Kerala.

In its SLP, Tamil Nadu said that the Tribunal had held valid the agreements of 1892 and 1924 (between Tamil Nadu and Karnataka). But it did not protect the existing irrigation area in the Cauvery basin of Tamil Nadu. The Tribunal reduced the area from 29.27 lakh acres to 24.70 lakh acres. It erred in granting new irrigation areas in Karnataka. It said that this determination of the areas by reducing the existing irrigated area in Tamil Nadu and allowing the proposed area to be brought under irrigation by Karnataka were contrary to the principle of equitable allotment of water of the inter-State river.

Karnataka in its SLP questioned the methodology adopted by the Tribunal in apportioning water to the three States and to Puducherry. Referring the apportionment of 270 TMC.ft. to Karnataka, it said Tamil Nadu did not question on meant the water requirement of 465 TMC.ft. claimed by Karnataka based on the project reports for utilization under various schemes.

40 Cauvery Chikkal, People Democratic Yourth Association.
“The burden of Karnataka to supply 192 TMC.ft. annually at the inter-State border, Billigundulu has been fixed with out any regard to 30 TMC.ft. Had that amount been taken into account, the burden on this score alone would have come down to 162 TMC.ft. annually in a normal year at Billigundulu. By such a glaring error, undue burden has been placed on Karnataka during the months of June to September”.

Kerala contended that the effect of the 5th February 2007 award was to effectively put a moratorium on the present and future growth and use of water by Kerala from its own basins. It said the “Present projects have been stultified and no scope has been left for the future”.

It said

grant of 30 TMC.ft. of water to Kerala is entirely illusory if one takes into account that the State has very generously given 31.3 TMC.ft. of water to the Cauvery basin area in Tamil Nadu from its own basin. If this is factored into consideration, the net award to Kerala is -1.3 TMC.ft.

Questioning the methodology adopted by the tribunal in apportionment of available water, Kerala said “an arbitrary system of gauging has been worked out so that while Karnataka releases a fixed amount of 192 TMC.ft. of water to Tamil Nadu and keeps the rest of the upper riparian water, Kerala has to release all water other than the limited amount allocated to it. This is discriminatory and unfair 41.

**Farmers Dub Tribunal Award Inadequate**

The quantum of water awarded to Tamil Nadu by the Cauvery Water Disputes Tribunal is inadequate, the Tamil Nadu State Farmers’ Association has said. In a release here, State Secretary of the Association, V.K. Ramasamy said the verdict that came after 16 years was not satisfying the farmers.

---

41 The Penguin Year Book, New Delhi, 2008.
The tribunal constituted in June 1990 in its interim award ordered release of 205 TMC.ft. of water to Tamil Nadu on June 25, 1991. Now, the final award said Karnataka should give 192 TMC.ft. of water to Tamil Nadu from Cauvery, which was 13 TMC.ft. less than what State had got in the interim award. Of the total 745 TMC.ft. of water, Tamil Nadu had been awarded 419 TMC.ft. With Karnataka asked to give only 192 TMC.ft., the remaining 227 TMC.ft. of water would be from the tributaries of the Cauvery -- Bhavani, Noyyal and Amaravathy, all in Tamil Nadu.

**All-Party Meeting held to Discuss Cauvery Tribunal Award**

An all-party meet on the Cauvery issue would be held in Chennai on 19th February 2007 under the chairmanship of M. Karunanidhi, Chief Minister of Tamil Nadu, the Government announced. Since the Cauvery Water Disputes Tribunal gave its final award many organisations have been calling for an all-party meet. The ruling DMK and alliance party PMK and the Federation of Farmers’ Associations of Thanjavur, Nagapattinam and Tiruvarur districts are among them. The Chief Minister in a statement his government would have no hesitation to take corrective action with regard to the final award after holding discussions with water and legal experts, representatives of farmers and party leaders.

Though the Tribunal order has given a higher share of the Cauvery water to Tamil Nadu with a timetable of monthly releases to be made by Karnataka several aspects in the order were received with strong reservations from a section of farmers and political parties.

The tribunal did not accept the contention of Tamil Nadu on assessing the yield on 75 per cent dependability. Instead, it chose the 50 per cent dependability factor. For monitoring the flows, the reference point chosen by the Tribunal was Billigundulu [or any site on the common border of the two States] and not Mettur.
as wanted by Tamil Nadu. The Cauvery tribunal has not protected the existing irrigation completely. And, the distress sharing formula has not been spelt out in detail.

But there are positive features too. Groundwater availability in Tamil Nadu has not been taken into account. Lift irrigation schemes of Karnataka have not been allowed. The upper riparian State cannot take action, affecting water releases to lower riparian States. A regulatory authority has been prescribed to monitor monthly releases.\textsuperscript{43}

The State-wide bandh against the final award of the Cauvery Water Disputes Tribunal was total in Bangalore, Mysore and the entire Cauvery basin area.

Called by the Kannada Rakshana Vedike and other pro-Kannada groups, and supported by at least 30 other organizations representing farmers, government and private employees, the protest was largely peaceful, with no incident of targeted violence against any section. This presented a contrast to the December 1991 bandh, called against the interim order of the Tribunal, which snowballed into sectarian violence.

Monday’s bandh call received a mixed response across the State reflecting the economic and political importance of the issue for different regions. It was partial in the Hyderabad-Karnataka region, almost total in Bellary, Davangere and the twin cities of Hubli-Dharwar, and poor in the coastal districts.

Bangalore, however, was the focus of the bandh organizers. The fast-paced city with eight million population came to a standstill for 12 hours. With all modes of transport off the road, business establishments from the large Information Technologies companies to corner shops shutting down, educational

\textsuperscript{43} Civil Services Chronicle, April, 2007.
institutions declaring a holiday and residents staying indoors, the response to the bandh call was total. Air and train services were also affected.

Mysore saw the worst incident of bandh-related violence when a mob burnt a dozen vehicles of workers who had reported for duty at the Railway Workshop. The action was sparked by the refusal of authorities to keep the workshop closed.

**Rail Roko**

Although the Railways did not cancel services, the arrival and departure of trains were affected following a ‘rail roko’. In the early hours of the day, pro-Kannada activists stormed the city railway station several times, stopping the Thanjavur Express and disrupting the movement of other trains at smaller city stations.\(^{44}\)

Although the IT sector, including majors such as Infosys and Wipro, declared a holiday, the BPO sector which functions round-the-clock made special arrangements to keep operations going. The agitators targeted the BPO unit of ICICI at 7 am, ransacking the office. At other places vehicles carrying BPO employees were stopped and tyres deflated. The security blanket over the city helped prevent violence. Ban orders were imposed and 20,000 police personnel kept vigil.\(^{45}\)

Stating that confusion still prevailed over the exact quantum of water to be made available by Karnataka to Tamil Nadu, farmers in the middle delta region of the Cauvery between Mettur Dam and Trichy, served by 17 channels, have expressed grave concern that their annual cash crops might immensely suffer as the Cauvery Water Disputes Tribunal verdict has not taken cognizance of their requirements in full.


While it is said that Karnataka has to release 192 TMC.ft. water, to be gauged at Billigundulu, in a structured manner in an irrigation year, farmers’ associations in the region claim that not all the stated quantum will be available to the State.

Taking into account the 10 TMC.ft. set apart for environmental purposes, the seepage loss of four TMC.ft. and the seven TMC.ft. quota for Puducherry, only 171 TMC.ft. will be available for Tamil Nadu farmers. But recorded history of the Cauvery shows that there is a loss of 22 TMC.ft. between Billigundulu and Mettur Dam. That means only 149 TMC.ft. may be realized at Mettur Dam and that will be grossly inadequate to farmers here, points out Mahadananapuram V. Rajaram, the Working President of the Cauvery Delta Farmers’ Welfare Association.

The State Government should clarify the position and, if found fit, file a suitable review petition to address the issues concerned, he adds. Rajaram also says that between Mettur and Grand Anicut, in over two lakh acres paddy and cash crops such as banana, sugarcane, betel vine, turmeric and reed grass (korai) are being raised. The cash crops account for 75,000 acres of that spread. The Tribunal verdict has almost entirely ignored the water needs of that segment and the irrigation rights of those 17 channels ayacutdars will be severely affected, he observes.

Normally, during the Mettur Dam closure period between January 29 and June 12 for the delta irrigation, about 2,000 cusecs. water will be released daily to meet the drinking water and irrigation needs in this region. Now the verdict stipulates that only 2.5 TMC.ft. has to be released in June. This will be totally inadequate, points out former PWD Superintending Engineer and Advisor to the Association N. Natarajan.
He clarifies that if only 2.5 TMC.ft. is to be released a month, it means only 935 cusecs. a day and taking into account the accepted 235 cusecs. loss through percolation, seepage and evaporation, just 700 cusecs. would be released a day to feed over two lakh acres and several lakh people during peak summer.

That means cities such as Tiruchirappalli might just not get water supply in a dry summer and flow could never be maintained till Grand Anicut, deprivign the farmers water to feed standing annual crops. The State Government should get things clarified for the benefit of farmers, he says.46

**Karaikal Farmers Hail Final Award**

Farmers in the Karaikal region, on Monday, welcomed the final award of the Cauvery Water Disputes Tribunal for releasing seven TMC.ft. of water for irrigation to Karaikal region. S.P. Selvashanmugam, President of the Puducherry Cauvery Delta Farmers Legal Action Committee and Convener of Karaikal Struggle Group, urged the Puducherry Government to enter into a separate agreement with the Tamil Nadu Government about the time and quantity of the water to be released for the region. The region, which has cultivatable lands of 30,000 acres, is getting Cauvery water through seven rivers Nandalar, Nattar, Vanchiyar, Noolar, Arasalar, malarajanar and Piravadaiyanar, the tributaries of Cauvery that conglomerate in the sea here. He said that, out of the 30,000 acres, nearly 20,000 acres were raised with the short-term kuruvai paddy crop till 1980. Subsequent to the Cauvery dispute, kuruvai crop was abandoned. Samba paddy cultivation was only being carried out with the help of northeast monsoon. Now, the farmers in Karaikal region are happy about the final award of the tribunal against its demand of nine TMC.ft. by the Puducherry Government. To start the kuruvai and samba paddy cultivation in time, 75 per cent of the awarded water should be supplied between June and middle of October for the region every year, he said. Both the Puducherry and Tamil Nadu Governments should constitute

---

46 N. Natarajan, Rt. Engineer.
inter-State committee to ensure the water supply. Further, the Puducherry Government should convince a meeting of leaders of various farmers associations in Karaikkal region in the presence of District Collector to ascertain their views about sharing the water in the region.\textsuperscript{47}

**Kerala not Satisfied with Cauvery Tribunal Order**

V.S. Achuthanandan, Chief Minister of Kerala, and N.K. Premachandran, Water Resources Minister, said here on Monday that the State was not satisfied with the final order delivered by the Cauvery Tribunal, awarding 30 TMC.ft. of water to the State. Taking to reporters at separate functions in the district, they said the State would appeal against the order after seeking expert legal opinion.

Achuthanandan said Kerala had sought at least 99.8 TMC.ft. of water from the Cauvery. Premachandran said he had discussed the issue with the Chief Minister and was assessing the situation. The future course of action would be decided after studying the order, he said.

The Minister said the three tributaries of Cauvery – Kabini, Pambar and Bhavani originated from the State and contributed 147 TMC.ft. water to the Cauvery. The Government’s stand was that the State should get a proportionate share of the waters. Kerala should get at least 99.8 TMC.ft. of the Cauvery waters. However the tribunal had conceded only less than one-third of the State’s demand, Premachandran said. The Minister said the State had two options before it. “We can file a review petition before the Tribunal within three months or go in appeal against the award before the Supreme Court”. Premachandran said the assessment committee of the Tribunal had recommended that Kerala was eligible to get 33.4 TMC.ft. of water from the Cauvery. The present award was less than both recommendations and could not be accepted, the Minister Said.\textsuperscript{48}

\textsuperscript{47} P. Maniyarasan, *Cauvery Chikkal*.
\textsuperscript{48} The Hindu, 6\textsuperscript{th} February, 2007.
Cauvery Final Award “Just”

The final award of the Cauvery Water Disputes Tribunal is a just and equitable settlement of an extremely contentious issue, which defied conciliation for years together, said N. Ram, Editor-in-Chief, The Hindu, here today.

Inaugurating the Centre for Cauvery Delta Development Studies (CCDDS), Ram said such a settlement of the protracted and complex issue was not likely to please all sides equally. However, by all reasonable criteria-legal, historical, socio-economic, agronomic, political the final award was just and equitable. It was a breakthrough.

This time, dissent from Karnataka was also different from earlier occasions. Karnataka could take the legal route and ask for explanation. But there was no question of extra constitutional ways, he said. Another important aspect of the final ward was that it was unanimous. Had it been divided, we would have been in trouble. By asking the upper riparian State to make available 182 thousand million cubic ft. of water to the lower riparian State, the final award clearly met the minimum expectations of Tamil Nadu, he said.

With respect to the 192 TMC.ft. of water to be released, there was distinct improvement in the final award as to where it should be measured. It specified that it should be measured at the Billigundulu measuring station, which is maintained by the Central Water Commission, and is “world class”.

Commending the establishment of the CCDDS at Thanjavur, Ram said it was high time to move away from the Cauvery dispute obsession. The CCDDS was unique in focusing on a specific area of the Cauvery region. Mapping of the region could be done by economic geographers. Resurvey of villages to be taken up by the CCDDS would help in understanding the agrarian relations.
He called for inputs from scholars of the centre and to influence government policy.

He said the media could play and important role with respect to covering food-related issues. It should also cover mass deprivation. The centre could give training to media persons in understanding these issues. The Hindu would support such an exercise, Ram said. He also said the centre should play a role in agenda building.

Help for Courses

Dr. C. Thangamuthu, Vice-Chancellor, Bharathidasan University, said the University would help in starting postgraduate diploma courses planned by the centre. N. R. Krishnan, former Secretary, Government of India, called on the centre to take up micro studies in the delta region, as it was not homogenous. Prof. G Chidambaram, Managing trustee of CCDS, presented the objectives of the centre.49

Nationalisation of Rivers the Only Way Out: Forum50

Taking a lesson from the ‘misleading’ verdict by the Cauvery Water Disputes Tribunal, the Centre should take immediate action to nationalize the rivers, office-bearers of the farmers’ associations said.

Addressing presspersons, they said that the verdict was so misleading that even the Chief Minister, M. Karunanidhi, who was happy on February 5 over the ‘justice done to Tamil Nadu’ had later stated that the quantum of water for the State has not increased much.

The general secretary of Federation of Farmers’ Associations of Thanjavur, Tiruvarur and Nagapattinam, Arupathy Kalyanam, said that nationalization of the

---

49 The Hindu, 26th February, 2007.
rivers was the only way out to resolve the dispute. Banks were nationalized only in the larger interests of the people all over the country, he added. He also said that the norms on 50 per cent dependability, against the usual 75 per cent, would go against the State farmers.

P. Ayyakannu, the General Secretary of Bharatiya Kisan Sangam, charged the Karnataka Government of unleashing violence using the farmers of that State, with police protection. Nationalisation of rivers would save the water going waste into the sea.

N. Natarajan, The Technical Advisor to the Cauvery Delta Farmers’ Welfare Association, said that the abundant flow of 260 mc.ft. available at the Alamatti dam (Krishna River) should be diverted to Hogenakkal.

He expressed surprise over omission of allocation of waters for the delta’s perennial crops such as banana, betel vine and turmeric etc., in the final award.

Ayacutdars of the upstream canals of Grand Anicut staged a demonstration in front of the Collector, urging the State Government to go on appeal against the final verdict of the Cauvery Water Disputes Tribunal.

Speaking on the occasion, Govindaraj, the State Vice-President of the Bharatiya Kisan Sangam, said that a clear analysis of the final verdict would throw light on the drastic cut by 25 TMC in the existing system of supply. He also said that the Billigundulu gauge station should be well equipped with full fledged gadgets for registering the water level.

The situation on the agriculture front in the delta districts had been causing worry as the Karnataka government had ruled out the release of Cauvery water. When the attention of leaders of farmers was drawn to the call made by the Chief Minister and the Governor of Tamil Nadu to the farmers to switch over to alternative crops, which would need minimum intake of water, the leaders said
that it was not feasible in the delta region, particularly in varur and Nagapattinam districts.\textsuperscript{51} As the farmers of the region have been put to great hardships following what they called the seizure of the Cauvery water by Karnataka Government a resolution calling upon the farmer’s and members to boycott the general elections to Lok Sabha was passed at a conference convened by the Iyakkam. Association leaders at the conference said that the Cauvery delta region was facing unprecedented drought for the past three years in succession and the failure of the Karnataka Government to provide water had led to the withering of crops in vast tracts of land.

Drought had pushed the farmers and farm workers into poverty and business activities in the delta districts had been crippled. The leaders alleged that the alliances formed by various political parties could not retrieve them their rights on the Cauvery water. They pointed out the DMK had joined hands with Congress, which is in power in Karnataka while the AIADMK has tied up with the BJP. Both the Dravidian parties, they charged, had not launched any struggle to assert the right of Tamil Nadu on Cauvery water but had held only conventional meetings.\textsuperscript{52}

On January 1\textsuperscript{st}, Tamilvanan, farmer of Allur near Thanjavur, is alleged to have committed suicide, as he could not raise money for buying diesel for his pump set. The aggrieved farmer consumed pesticide and was admitted to Thanjavur Medical College Hospital he died on Tuesday. Tamil Nadu police have registered a case.\textsuperscript{53}

\textsuperscript{51} The New Indian Express, 21\textsuperscript{st} January, 2007.
\textsuperscript{52} The New Indian Express, 26\textsuperscript{th} February, 2007.
\textsuperscript{53} The New Indian Express, 1\textsuperscript{st} January, 2007.