CHAPTER V

KARNATAKA'S STAND ON SHARING OF CAUVERY RIVER WATERS
According to agreement of 18th February 1892 between the governments of Mysore and Madras regarding new irrigation works in the rule 3 is, "Repair of Irrigation Reservoirs" shall include (a) increase of the level of water weirs and other improvements of existing irrigation reservoirs or tanks, provided that either the quantitative of water to be impounded, or the area to be irrigated is not more than the Quantity previously impounded, or the area previously irrigated, by them: and (b) the substitution of a new irrigation reservoir for and in supersession of an existing irrigation reservoir but in a different situation or for and in supersession of a group of existing irrigation reservoirs provided that the new work either impound not more than the total quantity of water previously impounded by the superseded works, or irrigates not more than the total area previously irrigated by the superseded works.

The issue was first referred to an arbitrator in 1910. The first arbitrator, Sir, H.D. Griffin, was appointed some time in 1910 when the then Madras government objected to the Kannambadi reservoir being built to its full capacity by Mysore. Mr.M.Nethersale the then inspector general of irrigation was appointed as the assessor. Sir Griffins began his proceedings in July 1913 and gave the award in February 1914. The dispute was over whether Karnataka should be allowed to construct the dam to its full capacity of 41.5 tmc\(^1\). If the 1892 agreement provided that no irrigation project could be taken up by the Mysore Government without the prior consent of the Madras government. The objection of the Madras Government was over ruled and Mysore was permitted to construct Kannambadi dam with certain regulations. The Cauvery water

\(^1\) Basheer Hussain, The Cauvery water dispute; Bangalore; 1982. P.7.
dispute arose on the expiry of the 1924 Cauvery water sharing agreement between the Karnataka and Tamil Nadu while Tamil Nadu wanted renegotiations for an agreement on the basis of the earlier one, Karnataka argued that the 1924 agreement was "one sided and it was dead as dodo".

The dispute was very serious again from May, 1990 onwards. The then Karnataka Chief Minister Mr. Veerendra Patil said\(^2\) that he was ‘very much disappointed’ over the Supreme Court directing the centre (which the petition of Tamil Nadu Rythu Sangham filed 7 years ago) to appoint a Tribunal to go into the Cauvery river waters dispute between the states of Karnataka and Tamil Nadu. He pointed out Centre’s stand was very much ‘intriguing and unfortunate’, and it had abdicated its responsibility of deciding whether the negotiation had failed. He said ‘remember the centre had earlier agreed to convene a meeting on May 10, 1990’. Since the day was inconvenient for him he had suggested to the centre that a meeting at Bangalore. But all of a sudden the centre informed the Supreme Court of abiding its verdict. Then he had a plan that he was rushing a team of officials to New Delhi to consult and act on the advice of legal experts in the light of the court verdict he said after getting the experts’ opinion that would decide whether the government would submit a revision petition or not. On the possibility of Karnataka boycotting the proposed Tribunal, he said ‘it is a million dollar question’. The Centre was the final authority to say whether the dispute could not be resolved through talks, and also he said it was ‘Unfair’ to say that the Karnataka Government had ‘slapt’ over the issue since 1974 when the 1924 Cauvery agreement ended. Dams were constructed but distributory works were not taken up in full swing

in that time the then the Prime Minister Mr. V.P. Singh suggested the Cauvery water dispute issue refer to an inter-state council.

The all party meeting convened by the then Karnataka Chief Minister Mr. Veerendra Patil, to discuss the Cauvery water dispute on 9th May, 1990 took a unanimous stand to treat it as a State problem transcending the 'narrow confines of party politics, individual egos and a sectarian approach, the minister for irrigation and public works, Mr. G. Puttaswamy Gowda, said here. The leaders had a three hours' discussion on the dispute in the aftermath of the judgement of the Supreme Court of May 4th, on the writ petition filed by the Tamil Nadu Cauvery Neerppasana Villaporugal Nala Urimal Padhugappa sangam. He said it was decided at the meeting that the Karnataka Government would take all possible legal steps including the filing of review petitions, appeals and the like in the Supreme Court to protect the interests of the state. Mr. G. Puttaswamy said the State Government would immediately set up legal and technical cells consisting of legal experts and engineers, respectively to help the State Government. The composition of the two cells concerning the Cauvery basin project would be determined by the Chief Minister in consultation with the leader of the opposition in the Karnataka Assembly. He said the experts would be drawn from within the state and without.

The Karnataka Government had filed a review petition in the Supreme Court on 17th May, 1990. Pleading for setting aside its May 4th order directing the centre to constitute a Tribunal to resolve the Cauvery water dispute. The state government also made a prayer to the Supreme Court to grant an oral hearing in the case. The petition also sought leave of the court to bring to its
notice certain subsequent developments. It contended that centre had announcement in Parliament on May 10 that it would appoint inter-state councils to resolve all disputes between various states, including the dispute related to river water and would bring the position there as no reason why the present dispute should be singled out of differential treatment. It was but proper that the present dispute should also be resolved by inter-state councils.

Karnataka contended that even on the basis of the conclusion reached by the Supreme Court treating writ petition as one in which Tamil Nadu was indeed the petitioner. Though the court had not made a formal order of transposition in the absence of specific request, the writ petition filed under Article 32 of the Constitution was not maintainable. Tamil Nadu could not maintain a petition under Article 32 seeking enforcement of any fundamental right. The writ petition should have been dismissed on that ground alone. Mr. G. Puttaswamy Gowda said, the Karnataka Government had allocated more funds for Cauvery Projects with a view to completing the works speedily. The Minister for irrigation and public works, Mr. G. Puttaswamy Gowda said, the Government had made a budgetary provision of Rs. 113.75 crores for Cauvery basin projects during 1990-91 in addition to this a sum of Rs. 845 crores was needed to complete projects in the basin. The Supreme Court dismissed a petition by the State of Karnataka seeking a review of its earlier direction to the centre to appoint a Tribunal to settle the Cauvery waters dispute among the four basin states Karnataka, Tamil Nadu, Kerala and Pondicherry. The review petition was dismissed by the same devision bench comprising Mr. Justice Ranganatha Misra, Mr. Justice P.B. Sawant and Mr. Justice Ramaswamy. Karnataka Government challenged that the "Constitution of Cauvery Tribunal"
In the Karnataka High Court. It admitted two separate writ petitions challenging the Tribunal. The bench comprising Mr. Justice M.P. Chandrakantha Ray Urs and Mr. Justice Ramakrishna directed issue of urgent notices to the Government of Tamil Nadu, Kerala, Pondicherry and Karnataka as well as Union of India.

Mr. H.C. Srikantaiah, a sitting M.P., in his writ petition, has questioned the validity of sections 5, 6 and 11 of the inter-state waters disputes Act and contended that the Constitution of the Tribunal was violative of fundamental rights guaranteed under the Constitution. In another writ petition, Mr. Varadagowda from Channapatnam had questioned the Constitutional validity of the notification. The then Chief Minister Mr. S. Bangarappa said on 28th December, 1990 - Karnataka was not in a position to release 5 tmc. of Cauvery water to Tamil Nadu in this position as water levels in the State’s reservoirs were lower than that in the Mettur dam in Tamil Nadu. And he pointed out his Government’s stand on Tamil Nadu’s demand arose out of the Tamil Nadu Government’s own stand that it would not give Karnataka power in exchange. And also the Karnataka the then Chief Minister S. Bangarappa could not meet the then Prime Minister Mr. Chandrasekhar, though he arrived at Bangalore. In fact, Karnataka had agreed to release five tmc. ft., of water against Tamil Nadu’s request of 20 tmc. ft., but on the condition that it would supply power and should not press its applications filed before the Tribunal seeking its order for stoppage of work-on the Cauvery basin until the dispute was settled.

The Cauvery water disputes Tribunal ordered the Karnataka Government to release 205 tmc. ft., of water to Tamil Nadu on 25th June 1991.\textsuperscript{5} The then Chief Minister Mr. S. Bangarappa said that if the government felt after a study of the interim order of the Cauvery water dispute Tribunal that the matter should be taken for a review by the Tribunal (if it had power to entertain a review petition) or the Supreme Court, it would not hesitate to do so. "Let us have a thorough and indepth study of the order first. There is no need for any panic. The farmers of Karnataka could remain confident about the government safeguarding their interests" he said in his initial reaction to the Tribunal’s interim order. Mr. Bangarappa said he had just received a copy of the order, he had to study it yet. He pointed out that in the past they had fought for getting party image in safeguarding the interest of the state. They were committed to continue it inside or outside the courts.

A Cursory perusal of the order indicate that there would be no serious setback to the interests of the state, he said, he reassured the people particularly those in the Cauvery basin that there was not need to be frightened about the order. The states concerned had facts and figures and they would know whether 205 tmc. ft., of water which Tribunal directed to be released would be within the available limits. They would come to a decision after consulting their experts engineers and legal pandits, "If they feel after the study that the matter should be taken either before the Tribunal for a review or to the Supreme Court, they will not hesitate to do so". To a question the Chief Minister said that because of want of time he had not been able to study the order. The irrigation and low secretaries were still to return from Delhi. Only the

\textsuperscript{5} Cauvery Water Tribunal; Interim order cauvery, water disputes; June 1991
Advocate-general had come back and a detailed reaction would be given after the study.

The then Chief Minister Mr. S. Bangarappa asserted the Karnataka would go ahead with its projects in the Cauvery basin. He said the government would not hesitate to convene a session of the Assembly if it was found that injustice had been done to the state. He said that after a study of the order all political leaders and also the apex body of legislators on the dispute would be appraised of the situation in a closed door meeting. The newly elected MPs from Karnataka and the legislators from the Cauvery basin area would also be invited to the meeting. About the Tamil Nadu Chief Minister Ms. Jayalalitha reported ‘polite rejection’ of her offer to settle dispute through negotiation outside the court she said that it was difficult for her to accept the suggestion. She had her own political compulsions to ensure good neighbourly relations with the new Government in Tamil Nadu he had made the suggestion. The option for talks would always be open even during the pendency of the matter for adjudication.

The then Karnataka Chief Minister, Mr. S. Bangarappa, said he would send letter immediately to the Prime Minister Mr. P.V. Narasimha Rao, and the Union Minister for water resource, Mr. V. C. Shukla, requesting them not to initiate action on the interim orders of the Cauvery water dispute Tribunal and pointing out it would not be possible to release water from July 1st, 1991.

The Karnataka Legislative Council unanimously adopted a resolution asking the state Government to reject the interim of the Cauvery water disputes
Tribunal. The resolution moved by the leaders of the opposition in the Council Mr. M.C. Nanaiah and seconded by Mr. K.N. Nage Gowda faith the order went against the interests of the state, it was beyond the jurisdiction, the Tribunal was 'illegal' and far from reality and should, therefore, be rejected. The resolution also urged the centre to say the function of the Tribunal until the national water policy was formed and the inter-state water dispute Act (1956) amended with proper guidelines for the deliberation of the Tribunal. The council was specially convened for a two day session along with the Assembly to discuss the situation arising out of the order directing Karnataka to release 205 tmc. water to Tamil Nadu.

Mr. Nanaiah said the Government should wage a political battle to resolve the issue. The Tribunal had not considered the views of Karnataka and passed the order without taking an objective view. He said the interest of the state was supreme. There was no use in continuing the level battle which had always gone 'against' Karnataka. it need be the Tribunal should be boycotted Karnataka should ensure that the order was not published in the official gazette till the centre pronounced its national water policy. Mr. A.K. Subbaiah (Congress-I) said the legal defence strategy of Karnataka was faulty. Reparian issues could not be decided by courts and Tribunals. The state should allow the water to flow towards Tamil Nadu only after fulfilling its needs. He charged the Karnataka Government with failing to 'wage' a proper legal battle to protect the interest of the state. He said it was open for the government to have prevented the Tribunal from passing any interim order by strengthening its arguments.

Karnataka Government; "Tribunal order illegal", Assembly debates; Bangalore, July 29; 1991.
Cutting across party lone members in the Karnataka Legislative Assembly also urged the State Government to reject the Tribunal order and urged centre to suspend all proceedings before the Tribunal till it was evolved a national water policy and amended the inter-state water dispute Act 1956. Some members called for a boy-cott of the Tribunal's proceeding as they felt that it would not render justice to Karnataka.

Mr. Gowda said the Tribunal had not assessed either the water needs of Tamil Nadu or the difficulty that Karnataka faced. The former, he alleged was wasting water for irrigation less than 400 acres per tmc. of water. The leader of opposition in the legislative council Mr. Nanaiah wondered how could release of water to Tamil Nadu be affected when it was not able to meet the needs of its own farmers. The Interim order had reduced the State Government to the status of "gate-keper" the order was unrealistic and opposed to law. The state would be happy to release water after meeting the needs of its own farmers. Mr. Nanaiah said while demanding rejection of the order, if the centre wants the state to accept the decision then Karnataka MPs should be bold enough to quit.

Prof. M.D. Nanjundaswamy, M.L.A. representing the Karnataka Rajya Raitu Sangh said the centre could enforce the order. It could only implement a decision and an interim order was not a decision he contended. He wanted the proceedings before the Tribunal to be stayed till the centre framed a water policy and amended the inter-state water disputes Act. Mr. Ramachandra Gowda BJP MLC said ordering the release of 205 tmc. of water to Tamil Nadu was unrealistic as it was not taken into account the availability of water at the

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7 Cp. Cit.
Krishna Raja Sagar reservoir. The water policy to be framed should stipulate the area that should be irrigated per tmc. ft., of water.

An all party delegation of MPs from Karnataka led by the then State Chief Minister Mr. S. Bangarappa met the Prime Minister, Mr. P.V. Narasimha Rao, and urged him not to act on the interim order passed by the Cauvery water disputes Tribunal on June 25, 1991 as it was highly impracticable, unjustifiable and did not merit consideration. The then Chief Minister Mr. S. Bangarappa said the Union Government had no right to notify the interim order and appealed to it to sort out the issue amicably by convening a meeting of the Chief Ministers of Karnataka, Tamil Nadu and Pondicherry. He also appealed to the Chief Ministers of Tamil Nadu and Pondicherry to resolve the issue through mutual discussion "in his opinion this is not a matter which could be solved legally". It can only be resolved through political negotiations.

The Karnataka Chief Minister urged the Union Government to immediately address itself to the issue of evolving a national water policy and pending the policy, to say the proceedings of the Tribunal. If suitable amendments are made to the inter-state water dispute Act, it will go a long way in resolving disputes. The Chief Minister said lack of a national water policy and guidelines on sharing of river waters had driven a number of states to the ordeals of legal redressal. He had already represented to the then Union Law and Justice Minister, Mr. K. Vijaya Bhaskara Reddy, to look into the relevant Law - Mr. S. Bangarappa said the main flow in the Tribunal order was that it did not take into account the water level in the reservoirs of Karnataka and expected release of waters to Tamil Nadu irrespective of the water position. "We are not in a position to give
effect to such an order". He said the water release from Karnataka to Tamil Nadu this season had been more than what was prescribed in the interim order of the Tribunal only because of a good monsoon. Karnataka warned the Union Government against any gazette notification of the interim order of the Cauvery water disputes Tribunal directing it to release 205 tmc. of water from its reservoirs into Mettur dam saying any hasty step in the direction could lead to "serious legal and political problem". 

In a representation to the Union water Resources Minister, Mr. V.C. Shukla, the then Karnataka Education Minister and Chairman of Cabinet sub-committee on Cauvery waters, Mr. Veerappa Moily pleaded that the Tribunal had no jurisdiction to grant any interim relief and that its present order would not derive support from the provisions of the inter-state water disputes Act, 1956. It may be necessary for the Government of India to consult National as well as International authorities before implementing the present interim order as any hasty implementation of the order may open up an explosive situation both in the legal and political fronts. Mr. Veerappa Moily argued. The Minister said even if for arguments sake the interim order was contravened to be well within the provisions of the inter-state disputes Act, 30 it became mandatory on the part of the Union Government to give three months time for explanation and further guidance from the Tribunal. No publication under section 6 can be made unless the time is given as provided under section 5(3) of the Act. Mr. Moily said the guidelines enunciated by the Tribunal in the order and the order itself were contradictory. The Karnataka Government had told the centre that the Cauvery water disputes Tribunals interim order directing it to release

205 tmc. ft., to Tamil Nadu could not be gazetted as it was clearly not, one required under the inter-state water disputes Act, 1956. In a note to the centre, Karnataka said the Tribunal’s June 25, 1991 interim order could not be said to be a report contemplated under sec. 5(2) of the Act. "As it does not set out the facts as found by it". In the context of the reference made by the centre for adjudication by the Tribunal, such an order could not be referred to the Union Government for publication since it was outside the purview of the Act.

Mr. S.Bangarappa’s guarded reaction on the decision of the Union Government to seek the advice of the Supreme Court on the issues concerning the Cauvery disputes, said "let us legally examine under what terms and conditions the reference is sought to be made". Karnataka has filed a suit in the Supreme Court under Article 131 of the constitution challenging the interim orders of the Cauvery waters dispute Tribunal as being "without jurisdiction, null and void".

THE KARNATAKA CAUVERY BASIN IRRIGATION PROTECTION ORDINANCE, 1991

"Now, therefore, in exercise of the power conferred under clause (1) of Article 213 of Constitution of India, Khurshed Alam Khan, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely", a This Ordinance may be called the Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991. It extends to the whole of the State of Karnataka. It shall be the duty of the State Government to protect, preserve and maintain irrigation from the waters of the Cauvery river and its tributaries in the irrigable area

Government of Karnataka; The Karnataka Cauver basin irrigation protection ordinance, 1991; Bangalore; p.1.
under the various projects specified in the schedule. For the purpose of giving effect to sub-section (1), the state government may abstract or cause to be abstracted, during every water year, such quantity of water as it may deem requisite, from the flows of the Cauvery river and its tributaries, in such a manner and during such intervals as the state government or any officer not below the rank of an Engineer-in-Chief designated by it, may deem fit and proper.

The provisions of this ordinance, (and of any rules and orders made there under), shall have effect not with standing anything contained in any order, report or decision of any court or Tribunal (whether made before or after the commencement of this ordinance), save and except a final decision under the provisions of subsection (2) of section 5 read with section 6 of the Inter-State Disputes Act, 1956. If any difficulty arises in giving effect to the provisions of this ordinance, the state government may, by order, as occasion requires, do anything which appears to be necessary for the purpose of removing the difficulty. The State Government may notify in the Official Gazette and make rules to carry out the purpose of the Ordinance. Every rule made under this Ordinance shall be laid as may be after it is made, before each House of the State Legislature while it is in Session for a total period of thirty days which may be comprised in one session or in two or more session and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or order directs that any rule of order shall not have effect, and if the modification or direction is agreed to by the other House, such
rule or order shall thereafter have effect only in such modified form or be no effect, as the case may be.\textsuperscript{10}

SCHEDULE

Irrigable areas in Cauvery basin of Karnataka

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<th>Sl.No.</th>
<th>Name of the Project</th>
<th>Irrigable area (1000 hectares)</th>
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Source: Taken from the Karnataka Cauvery Basin Irrigation protection ordinance, 1991.
The action has evoked has begun to manifest itself in a variety of items, both on the political and Law and order fronts. The Centre’s decision has literally set the Cauvery on Centre, and the state governments and political parties organised a state-wide bandh on December 13, 1991 which turned violent. The beleaguered Chief Minister, Mr. S.Bangarappa, and his party had found themselves in an awkward position politically as the bandh was in effect a castigation of the centre run by the same party. Bangarappa, going through the worst phase of his political career, thundered at a press conference that the gazetting of the order would not make it enforceable as there were practical difficulties. Incidentally and intriguingly enough, the Bangarappa Government’s ordinance of July 25, 1991, keeping at bay the operation of the interim order. An ordinance to provide in the interest of the general public for the protection and preservation of irrigation in irrigable areas of Cauvery basin in Karnataka dependent on the waters of the Cauvery river and its tributaries.

Whereas the Karnataka Legislative Council is not in Session and the Government of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action, for the protection and preservation of irrigation in the irrigable areas of the Cauvery basin in Karnataka dependent on the water of Cauvery river and its tributaries.

The questions those were referred to the apex court by the President for its opinion are: Whether the Karnataka Cauvery basin irrigation (protection) ordinance, 1991 and provisions there of are in accordance with the provisions

of the constitution? (i) Whether the order of the Cauvery water dispute Tribunal date June 25th, 1991 constitutes a "report" and a decision within the meaning of section 5(2) of the inter-state water disputes Act (ISWD), 1956? (ii) Whether the order of the Tribunal is required to be published by the Central Government in order to make it effective. Whether a water disputes Tribunal constituted under the ISWD Act is competent to grant any interim relief to the parties under dispute? 12

The president, reference has been filed under Article 143 of the Constitution. According to this Article 143(i) if at any time it appears to the President that a question of Law or fact has arisen, or is likely to arise, which is of such matter and of such Public importance that is expedient to obtain the opinion of the Supreme Court upon it, he may refer to the question that count for consideration and the Court may, after such hearing as it thinks of it, report to the President its opinion thereon.

Requiring Karnataka to release 205 tmc. ft., of water to Tamil Nadu a year was still valid in Karnataka. Either the Supreme Court, which has held in unconstitutional, has to strike it down or the Karnataka Legislature has to repeat it. The other ground on which the notification is criticised is that it was issued just two days before the Tribunal was to hear (on 12th December, 1991) the Karnataka Government’s review petition. Hence the action is seen as hasty and motivated. It is interpreted as an outcome of the minority Government’s anxiety to placate the Tamil Nadu administration run by the All India Anna

12 Government of India; President Questionary on Cauvery water dispute; New Delhi; p. 1.
Dravida Munnetra Kazhagam (ADMK), its supporter in the Lok Sabha. Another interpretation is that it was Prime Minister Shri P.V. Narasimha Rao’s way of declaring Bangarappa persona non grata for his brand of politics. Did not Bangarappa bypass the Prime Minister in issuing the Cauvery ordinance and work up an atmosphere of confrontation? The Centre’s action has put Bangarappa on the mat, there are cries for his resignation, and the most vociferous are the Congress (I) dissidents. At an all-party meeting called by on December 11, 1991 the opposition leaders accused the Chief Minister of betraying their faith. They said the Chief Minister ought to have ‘gracefully’ resigned earlier, when the Centre announced its acceptance of the Supreme Court’s advisory opinion. The Centre had taken Karnataka for granted, they said, the bundh might be followed by an en mass resignation of legislators and MPs from the state. The situation is marked by recriminations and declarations of intent. Janata Dal leaders Ramakrishna Hegde and S.R.Bommai have been saying that during their regime they had tactfully managed Tamil Nadu by meeting its request for the release of Cauvery water from time to time. But their successors, Veerendra Patil and Bangarappa had, by their ‘Cussedness’, antagonised Tamil Nadu and brought ‘disaster to Karnataka’. As a mark of protest against the centre’s decision, Hegde and three of the Janata Dal Colleagues - leader of the opposition in the Assembly D.B.Chandra Gowda, Deputy Leader of the Janata Dal in the Assembly P.G.R.Scindia, and former Home Minister R.L.Jalappa resigned to their posts of M.L.As, setting the pace for the threatened resignation to their parts of M.L.A.s, setting the pace for the threatened resignation of people’s representatives. Their resignation letters, addressed to the speaker of the State Assembly, S.M.Krishna, were handed over to the State Janata Dal president, J.H.Patel, in a statement, Patel said the
party had directed all its (23) MLA to resign and ‘expose’ the role played by the Congress (I) Governments in the state and at the centre in the Cauvery affair. He said the presidents and Vice-presidents of the Zilla parishads controlled by the Janata Dal had also been asked to resign this decision of the J.D. would put the Congress (I) and the J.D. Government in an embarrassing position within the ruling party, the anti-Bangarappa Camp had been stridently demanding the Chief Minister’s resignation as an atonement for mishandling the Cauvery issue. The State Cabinet, at its meeting on December 12, passed a unanimous resolution seeking the intervention of Prime Minister P.V. Narasimha Rao in safeguarding the genuine interests and rights of the people of Karnataka in the Cauvery dispute. The resolution noted with regret that the interim order had been notified in haste, inspite of a resolution of the state legislature against it.

Bangarappa said the resolution, telexed to the Prime Minister, and had also made it clear that his Council of Ministers would take all possible measures to protect the interests of Karnataka and see that the farmers of the Cauvery basin were not deprived of the quantity of water they used now or required in the future. Bangarappa explained that though the Centre’s notification would give legal cover to the Tribunal’s order, the council of Ministers had pointed out to it that practical difficulties were bound to arise in implementing a ‘patently impracticable and unexecutable order’. The Centre’s notification represents the worst setback for Karnataka in the two-decade-old dispute. The state’s side began when the V.P. Singh Government appointed the Tribunal in June, 1990 despite Karnataka’s plea for a negotiated settlement.\textsuperscript{13} Despite the outburst of anger, anguish and despair all around, Bangarappa hoped that the Prime Minister

\textsuperscript{13} Government of India; The Parliamentary Affairs, June, 1990.
would come to the rescue of Karnataka. Leaders of other political parties also shared this view of December 3, 1991, itself the two Houses of the Karnataka Legislature struck an apparently conciliatory and pragmatic posture asking the centre to initiate bilateral talks between the two states for a negotiated settlement in the meantime, the centre should desist from gazetting the interim order. The very next day Bangarappa led an all-party delegation to Delhi to present the state’s case before the Prime Minister. The latter’s view at the meeting in favour of a negotiated settlement is seen as a silver lining. Karnataka’s high stakes in the issue are clear from the fact that it is demanding Central clearance for its three projects on the Cauvery, the Kabini, the Harangi and the Hemavathi dams. They have been constructed at a cost of nearly Rs.1,000 crores, raised by the state itself, after the centre’s refusal to clear them up. The credit for taking up the projects belongs to former Chief Minister Veerendra Patel, work on them began in 1969, after he made a statement in the state Assembly that his Government would construct them with or without central clearance. The Prime Minister’s statement in Parliament on December 13, announcing his intention to call the Chief Ministers of the four riparian states of Karnataka, Tamil Nadu, Kerala, Pondicherry to the negotiating table. Large number of many innocent lives were lost in three days after gazetting of the interim order. Kannadiga-Tamil animosity also was the fore in parts of Bangalore. Not surprising then that even while Governor Khurshid Alam Khan threatened to take charge if the Government failed to control the situation, Bangarappa presided over a meeting to compliment the state’s people for their co-operation in observing a ‘peaceful bandh’. He also commended the police for

14 Government of Karnataka; Karnataka Assembly Debates, Bangalore, Dec. 3, 1991
their co-operation in observing a 'peaceful bandh'. He also commended the police for 'containing the violence'.

The Cauvery water disputes Tribunal should itself initiate and pursue conciliatory and mediatory processes which will reduce conflict and facilitate a fair, equitable and sustainable solution to the farmers representatives, experts and citizens from Karnataka and Tamil Nadu urged. In a resolution, moved by Prof. M.D.Nanjundaswamy, president of the Karnataka Raithu Sangha (Farmers Association) and seconded by Mr.S.Ranganathan, joint secretary of the Tamil Nadu Cauvery Delta Farmers Welfare Association. The meeting noted that as the issues had remained unresolved through negotiations it was important for the parties to avoid provocative positions before the Tribunal, in legislatures or in public for forums and the media. Any such course will be counter-productive by increasing tension and bitterness and will undermine the sustainability of any settlement that may be eventually reached. It appealed to both the Governments to co-operate with each other and with the Tribunal to narrow the gap between their legal claims and riparian demands. The dispute could be solved in a co-operative framework, the resolution stated and mentioned several disputes that had been so resolved. The meeting, a follow up of the citizens joint appeal released simultaneously from Madras and Bangalore, expressed distress at the violent incidents in December, 1991 in Karnataka and Tamil Nadu. While condemning the anti-social elements for tarnishing the long history of good neighbourly relations between the two states, it appealed to the Governments and political parties to ensure that such incidents did not recur. The all said measures should be undertaken to augment the availability of water in the Cauvery basin and promote its optimum utilisation. The solution must
provide reasonably assured and timely availability of flows to each of the basin states, consistent with the phased implementation of such measures, the meeting said the surpluses in good years and deficits in lean years with reference to the average in normal year would have to be equitably and appropriately shared. Appropriate technical studies covering engineering, agricultural, economic and financial aspects for augmenting availability and maximising utilisation should be initiated. A suitable institutional mechanism to co-ordinate and oversee the implementation of any solution and the long term development of the basin states must be established. The meeting decided to organise exchanges of visits by farmers' groups, meetings, seminars and informative publications on the issue to promote mutual understanding of the problems.

The refrain at a seminar on "Cauvery waters" here that conciliatory and mediatory processes within and without the Cauvery water disputes Tribunal had to be set in motion to bring about an amicable settlement on the issue. Representatives from farmers' organisations, irrigation experts, journalists and other prominent citizens from Tamil Nadu and Karnataka, meeting under the aegis of pragati vedika, underscored the urgency to narrow the gap between the two states on the issue. Mr.V.R.Krishna Iyer, former Supreme Court Judge, said, given the goodwill and river-water patriotism the Cauvery issue could be solved and this called for initiatives from engineers, farmers and people at large. The Tribunal on its part instead of getting caught in the vortex of arguments and counter-arguments, should initiate conciliation to transform the atmosphere of hostility to mutual trust between the two states. The Tribunal had to look at the human side of the matter and the Award should be one which will unite the
people and promote prosperity. It should "not just remain a paper award". There was need to create inter-state water jurisprudence. Use of water can be regulated with the help of modern technology, he said and added that the services of technologists had to be harnessed. Mr. S. Guhan, former adviser to the former Chief Minister of Tamil Nadu, Mr. M. Karunanidhi, said the dispute could be solved if there was a 'give and take' policy between the two states. The "give and take policy envisaged three aspects that Tamil Nadu must recognise the legitimate aspirations of Karnataka to develop irrigation as it has been a late starter assurance on the part of Karnataka for reasonable and assured supply of water from farming operations on a timely basis; and efficient and economic usage of water, be it in Mandya or the Tanjore belt. Mr. Guhan further maintained nothing prevented the two Governments from entering into a new agreement. Mr. N. Ram, regretted the role of political leadership in widening and worsening the gap between the two states. Contradictory demands were put forth the centre which has "no capability to solve problems of this kind". There was no political will and the centre lacked Statesmanship in implementing reasonable solutions. While emphasising the need for bringing about an objective dimension to resolve the Cauvery dispute, Mr. Ram said there was scope for action on the part of the Governments, political parties and others in both the states. Mr. S. Ranganathan, joint Secretary of the Tamil Nadu Cauvery Delta Farmers welfare Association, said 205 TMC of water that Tamil Nadu was to get as per the interim award was far from the requirements of the state prior to 1986, the release from the Mettur reservoir was becoming difficult for continuing farming operations with regard to change in the cropping pattern.

suggested by the Raitha Sangha, Mr. Ranganathan said it would be difficult, considering the sheer number of small and marginal farmers. There were about four lakh small and marginal farmers having less than one acre each. In Thanjavur alone, nearly 38 lakh people of the population of 46 lakhs depended on farming. Dr. V. Duraimanikkam, joint Action Committee member of the Cauvery Delta in Tanjavur, said the Cauvery Delta was peculiar in the sense that it had 20 lakh acres under paddy alone on a single sheet of land. The labour potential in the region had come down from six months to three months after the dispute. There was misconception in Karnataka that farmers in the delta had three crops a year whereas the truth was that two crops were raised on about three to seven lakh acres and they remaining raised under single crop patter. If ‘Kuruvai’ crop is lost, then the loss would be paddy worth nearly Rs. 400 crores.

Mr. S. Nanavaalan, retired irrigation Chief Engineer, said the delegation from Tamil Nadu had come as emissary (a go between) to work out a compromise solution. He took exception to the statement in some quarters here in Karnataka that Tamil Nadu wasted a lot of water, Economy in use of water should be the key word. Mr. M. M. Narje Gowda, former MP who presided over the meeting, said whether it was in Mysore, Mandya or Tanjore, huge quantities of water were made to stand in deep ponds and even allowed to move out, expecting higher yield. Scientific data had proved that water levels could be reduced and yet maximum yields be achieved. On April 4, 1992 the Karnataka Government was awaiting the full text of the order of the Cauvery water dispute Tribunal yesterday and an official reaction was likely only after the order was studied in all its aspects. According to sources in the Chief Minister’s
secretariat, Mr. S. Bangarappa would give his reaction only after the full text of the order was available. The Chief Minister, was said to have begun consultations with some of his confidants on the Tribunal sticking to its interim order, and the option available to the state. He was also expected to consult all the opposition leaders as in the past about the line of action the state should adopt in meeting the situation arising out of the Tribunal’s latest order. The rejection by the Tribunal of Karnataka’s plea for a review of the interim order directing Karnataka to release 205 tmc. ft., of water to Tamil Nadu in a year and not to increase the area under irrigation by the Cauvery beyond 11.2 lakh acres has caused concern among the leaders and farmers in the Cauvery basin area.\(^\text{16}\) However, some see a ray of hope in the Tribunal’s order that the states should share ‘distress in a bad year on a pro-rata basis. However, the feasibility or practicability of implementing the Tribunal recommendation is being questioned by some experts Mr. S. G. Balekundry, an expert on irrigation matters, asked what was the mechanism for sharing the shortages in a distress year. The releases were to be made on weekly basis and any shortage in the stipulated releases would have to be made good in the coming week. When such was the order, how could the distress be shared? It is 100 per cent distress for Kranataka, he argued that the Tribunal, Mr. Balekundry said had created more problems than solving any. Their efforts to bring both sides closer had received a setback because of the Tribunal’s stance. The Tribunal, he said, "had missed a chance of undoing the harm its Interim order had caused to Kranataka."\(^\text{17}\).

\(^{16}\) Cauvery waters Tribunal; Proceedings on Karnataka writ petition rejected; August 91.

\(^{17}\) op cit 4th April, 1992
The then Karnataka Chief Minister Mr. S. Bangarappa said prima facie the observations made by the Cauvery water Dispute Tribunal disposing of the state’s application. Guarded in his reaction, he repeatedly stressed that the latest ruling of the Tribunal on the state’s civil miscellaneous petition was being examined by the legal and technical experts including some like Mr. F.S. Nariman from outside the Government. He made it clear that he would not like to go into the details and added that after the opinion of the experts of all political parties in the two houses of legislature and outside and discuss with them the future course of action. The meeting of the opposition leaders is likely to be held on 8th April, 1992. The Chief Minister said he would not say that the order was totally in favour of the state or against it. But it looked as if it might be helpful in protecting the interests of the farmers of the state. The four political parties leaders urged the state Government to boycott the proceedings before the Tribunal and said if the Government did this they would be with it as in the past. However, the Chief Minister who struck a hopeful note of carrying the opposition with him on the issue appealed to them not to jump to conclusions.\(^{18}\) Mr. S. Bangarappa agreed that the observations by the Tribunal but themselves to different interpretations. However, it gave him the feeling that some were intended to correct the ‘injustice’ done earlier to the state. The interim order had directed the release of 205 tmc. ft., of water to Tamil Nadu in a year, whether there was water or not in Karnataka the Tribunal’s observation that the states should share ‘distress’ in a bad year on pro-rata basis had changed the position. The earlier order was for releasing 205 tmc. from the state’s reservoirs; but it had been clarified that the total flow of 205 tmc. be

\(^{18}\) Ibid
maintained at Mettur point including 25 tmc., from the catchment areas below Biligundlu (at the Karnataka-Tamil Nadu border where the Central Water Commission maintains a ganging station) and above Mettur Dam. The net water to be released, according to the interim order, from the state would come to 180 tmc., regarding to referring to the Tribunal’s observations while disposing of Karnataka’s petition seeking clarification on its interim order, Mr. D. B. Chandra Gowda, of the Janata Dal, Mr. C. Byre Gowda (SJP), Mr. Ramachandra Gowda (BJP) and Mr. C. Byre Gowda (SJP), Mr. Ramachandra Gowda (BJP) and Mr. Vatal Nagaraj (Kanada Chaluvalli) alleged that the Centre had wronged the State Government and the people. Mr. Chandra Gowda alleged that at every stage the Tribunal had "Played the role of advocates for Tamil Nadu rather than of Judges". It had used the submissions made by Karnataka to substantiate Tamil Nadu’s case. The roster for release of water on a week to week basis had been retained. It had also refused to modify its order restraining Karnataka from extending its irrigated area in the Cauvery basin beyond 11.2 lakhs acres. Mr. Chandra Gowda said that if necessary they should be prepared to revive the resolution passed at the Mandya meeting sometime ago that all MP’s and legislators from Karnataka resign. He held the Supreme Court was responsible for the present state of the Cauvery dispute. Mr. Byre Gowda warned that if the centre did not take corrective action which could - the fallout might affect the federal structure. Karnataka would not get justice from the Tribunal Mr. Chandra Gowda said, both he and Mr. Vatal Nagaraj said it was better go before the "people’s court" through a peaceful agitation. Let then Chief Minister Mr. Bangarappa, take up the leadership, they said adding that they were firm in

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18 The Hindu, 5th April, 1992,
boycotting the Tribunal’s proceedings. Mr. S. Bangarappa said that so far all political parties in Karnataka had been united in regard to the Cauvery dispute and he was keen that it should continue. The question whether the latest ruling of the Tribunal could be implemented or not had to be discussed and he wanted to take every one into confidence. Referring to the co-operation extended by all political parties on the issue, he said they would have to proceed with the same common view in the interests of the state. "We put our heads together and come to a decision taking into consideration the views of experts", said Mr. Bangarappa. And he said they had also asked for a written opinion from Mr. P. S. Nariman who was counsel for Karnataka. When his attention was drawn to the criticism by some political leaders of his reaction to the Tribunal’s observation on April 3, 1992 Mr. Bangarappa pointed out that he had only said that Prima facie some of the points in the observation of the Tribunal appeared favourable. He had not said that the entire order was in favour of Karnataka. However, they were awaiting the opinion of the experts. He denied that the Prime Minister had advised him to see that the interim order and the clarifications now made by the Tribunal were implemented as claimed by some opposition leaders. Mr. Gurupadappa Nagamempally, M.L.A. from Aurad urged the Prime Minister to intervene immediately and convene the second round meeting of the Chief Ministers concerned to resolve the issue. In a statement, he also urged the Prime Minister to direct the authorities concerned not to implement the order. The Cauvery Rakshana Dalita Vedika regretted that the Cauvery dispute was being politicised by the two states and said if the two governments were really interested in the welfare of the people, they could have initiated joint action for linking the ganga with the Cauvery. The vedike demanded status
quo in the Cauvery basin till a national water policy was formulated and a
decision taken on linking rivers of the north and the south and also winding up
the Tribunal, was not wound up within ten days, the Vedike would hold a
demonstration before the Raj Bhavan to present to the Governor 205 empty
pots to be handed over to the President.

The all-party meeting here on 7.4.1992 had not cleared doubts of leaders
about the import and implications of some observations made by the Cauvery
water Disputes Tribunal on April 3. There seems to be sharp divergence of
opinion even among irrigation experts. Mr.S.G.Balakundy fears that the order
would sound the death-knell to Karnataka, Mr. Angadi former Chief Engineer,
feels that there is scope for getting relief from the Tribunal. The then Chief
Minister of Karnataka, Mr. S.Bangarappa, told the leaders at four-hour meeting
that they should continue to take a united stand on the Cauvery waters issue.
According to some, he indicated that he had an open mind on the course of
action. The doubts of some leaders who openly criticised the Tribunal for a
'raw deal' to Karnataka had have to be cleared. Technical experts would have
to convince them there was a scope for getting relief through the clarifications
issued by the Tribunal. Mr.H.N.Najee Gowda former irrigation Minister who had
submitted "the latest order is erroneous, impracticable, self contradictory and
detrimental and will perpetuate injustice to Karnataka for eternity". He said self-
deception that the Tribunal's observations might help the State's cause would
not help any body. Mr.Nanjee Gowda told that it was up to the Government to
file an affidavit expressing lack of confidence in the Tribunal. He pointed out
that Karnataka was anxious to get clarification on four points, limiting the
irrigation under the Cauvery to 11.2 lakh acres; release of 205 tmc. ft., of
water was on the high side, implementation of the roster for monthly releases was not practicable and adoption of separate Yardsticks-taking into account two blocks of 10 years - 1964-74 and 1989-90 for the release of water and also for calculating the yield.20

Mr. Nanje Gowda also said Karnataka’s use of 312 tmc. ft., was not protected. Instead, the Tribunal had fixed the state’s present use at 248 tmc. ft., in an average year in fixing the average, the Tribunal had taken the readings of the gauging site at Billigundlu which was upstream and had shown more inflow than downstream Mettur. Strangely, the Tribunal had either failed to take note of the discrepancy or had ‘deliberately explained’ it, he alleged it was strange that it did not occur to the Tribunal that yield at the lower point would always be higher than the upper point. Mr. Nanje Gowda said the Tribunal had refused to take into consideration that Karnataka had increased the utilisation through the new storage facilities and increased its irrigation area between 1980-90, if the monthly releases from the state based on the inflow pattern of 1964-74 was followed it would be impossible for the state to irrigate 11.20 lakh acres, and more water than 205 tmc. ft., would reach Mettur. There was no need for the clarification that 205 tmc. ft., Mr. Nanje Gowda pointed out that the diminishing free flow of the run-of the river scheme in the delta area was caused, mainly by the construction of storages at Mettur, Bhavani, Noyat and Amaravathi and also diversion weirs all in Tamil Nadu. It was surprising why the Tribunal thought it fit to put the entire burden on storage in Karnataka excluding those in Tamil Nadu.

1 The Economic Times, 10th April, 1992
Mr. Vatal Nagaraj (Karnataka Chaluvali) and C. Byra Gowda (Samajwadi Janata Party) who attended the meeting on 9.4.1992 said in a joint statement that their stand to boycott the Tribunal was final if the Tribunal observations were read carefully, there was no doubt that the Tribunals ruling was in favour of Tamil Nadu, it was meaningless to say that Karnataka had got justice from the clarification, they said and wondered why the Government was hesitating to declare that it would boycott the proceedings of the Tribunal. They demanded the Consititution of a Sub-committee to prepare a report for discussion on April, 13, 1992. The cabinet was reported to have discussed the situation and the Government stand was likely to be known after next meeting.

The second meeting of leaders of all political parties in Karnataka on 13.3.1993 failed to evolve a consensus on the course of action to be taken in the light of the latest observations made by the Cauvery waters dispute Tribunal. The main parties advocated boycotting of proceedings expressing lack of confidence in the Tribunal. However, there was a general agreement that the Prime Minister, Mr. P.V. Narasimha Rao, who had initiated steps to resolve the dispute through negotiations, should continue his efforts calling another meeting of the Chief Ministers of the riparian states. The then Chief Minister, Mr. S. Bangarappa, told that the Legal experts were of the opinion that Karnataka would have to go back to the Tribunal seeking clarifications on certain issues. There was also the view of the proceedings before the Tribunal should be boycotted, while some were of the opinion that it would be better to continue with the proceedings. The leader strongly felt that the interim order of the Tribunal was not in the interests of the state. Mr. S. Bangarappa told the leaders that the

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1 The Dina Mani, 13th April, 1992.
Government would take a decision keeping in view the opinion expressed by them. He would not sacrifice the interests of the farmers of the state. Mr. Bangarappa expresses he would apprise the Prime Minister of the view that he should continue the talks with the Chief Ministers. He would also tell him of the view, favouring boycott of the Tribunal. Mr. J.H. Patel, Janata Dal president, said that he would take the issue to the streets. However, ultimately agitation was the only solution, it was also an ultimatum to the Prime Minister. The State BJP President, Mr. B.S. Yedi Yurappa, pointed out that the Tribunal had not made any change in the interim order. There was no provision for increasing the irrigation area beyond 11.2 lakh acres. He warned of a 'greater danger' awaiting the State in the final verdict. If the Government did not take the opposition into confidence, perhaps that recent days meeting would be the last one with the Government on the Cauvery issue.

Mr. C. Byre Gowda of the SJP criticised the Tribunal for adopting one yard stick for Karnataka and another for Tamil Nadu. Its members were prejudiced against the state, and it would be proper to boycott the Tribunal which was to take up the main case on April 23, 1992. Mr. Vatal Nagaraj of the Manada Chaluvai said incalculable harm would be done to Karnataka by the interim order. The Karnataka Chaluvaiyars would launch an agitation against the Tribunal by burning a copy of its latest order in front of the Raj Bhavan on April 19, it was pointed out by the leaders that if the Government did not agree to boycotting the Tribunal, there would be parting of ways. The opposition parties in Karnataka Assembly decided that they would not participate in the
meetings on the Cauvery issue as far as proceedings before the Tribunal were concerned.\footnote{The Enadu, 14th April, 1992.}

In a joint statement, they said the Tribunal’s opinion on a review petition had raised doubts over its impartiality. The final award would be much more detrimental to the interests of the farmers of Karnataka. “They give a call to the Government to immediately accept their demand by making an application before the Tribunal for stopping all further proceedings”. The so called status quo ante interim order of the Tribunal had compounded the harm done to the cause of the farmers of Karnataka under the garb of giving a clarification. If the state Government did not boycott the proceedings of the Tribunal, “they will be left with no alternative but to go to the people to fight unitedly against the State Government and the Centre to achieve their legitimate share of Cauvery Waters”.

The Tribunal, the statement said, through its two orders had created “more problems calculated to harm the interest of the farmers of Karnataka”. It was time for the Prime Minister stepped in and prevented the Tribunal creating a further woeful situation which would be disastrous to the relations not only between the states concerned but also between the states and the centre. The statement urged the Prime Minister to stop all further proceedings before the Tribunal and to settle the issue amicably between Karnataka and Tamil Nadu. They also made it clear that if the Prime Minister did not act immediately, the situation in Karnataka might go out of control and if such a situation arose, the State and Central Governments would be responsible. It was decided to convene a meeting of all political parties including MPs, MLAs
and former MPs and legislators on April 19, 1992, in Bangalore to chalkout a
further programme. A preparatory committee had been appointed. It was
pointed out that the clarification had caused further setback to Karnataka
exploitation of two sets of figures would curtail water availability to the state
to 24.48 tmc. ft., The Tribunal had also indicated that it would allow more than
205 tmc. ft., at the Mettur point in its final allocation. The position that existed
in 1990 was not mentioned but the status quo was taken prior to the period
before 1924.

FOUR FORMER CHIEF MINISTERS OF KARNATAKA WANTED CAUVERY
TRIBUNALS WORK SUSPENDED

Four former Chief Ministers of Karnataka called on 19th April, 1992 for
the suspension of work of the Cauvery water disputes Tribunal until a national
water policy was framed and guidelines were formulated. The meeting was
convened by Mr. Ramakrishna Hegde at his residence and was also of "the
concurred opinion" that the best course in the present circumstance was to
settle the dispute through mutual discussion. The Prime Minister's intervention
was necessary at this juncture to avert any possible untoward happenings in
the states concerned said a statement. After the meeting which lasted for two
hours, Mr. Hegde told news persons that they had convened the meeting
following the developments arising out of the Tribunal's clarification on April 3,
1992 "they wanted to make their stand clear and if the Prime Minister wanted
they would meet him again". Mr. Hegde said and added that boycott of the
Tribunal should be the last resort. A prepared statement released to the press

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23 Former Chief Minister of Karnataka Memorandum; "The cauvery water dispute"; New Delhi; December 30, 1992.
said; they studied the implications of the clarificatory order (of the Tribunal) of April 3, 1992 they regretted that the clarifications had made matters worse complicated. The order actually implied a reduction in the existing utilisation of Cauvery waters by Karnataka to 241 tmc. ft., resulting in further reduction of the already irrigated area. Further, the Tribunal's clarification that they have gone by 1964-74 pattern of flow would amount to de-recognising the development that has taken place after 1974. This certainly is not preserving the status quo. This is bound to cause distress and anguish to the people of Karnataka, particularly to the Cauvery basin agriculturists. 24 It is pertinent to point out that there is no national water policy on the basis of which the Tribunal would allocate waters equitably. Therefore, it is imperative that the Government of India should formulate principles of equitable distribution of waters as part of the national water policy on the lines of the Helsinki rules which are accepted by all the participating countries in the world. Till such a law is enacted the Tribunal cannot function properly.

In the absence of clear cut guidelines, the Tribunal is likely to assume unfettered and arbitrary powers leading to avoidable injustice, it is more so because of the orders of Tribunal are final. Therefore, it stands to reason that the work of the Tribunal should be suspended until the national water policy is framed and suitable guidelines formulated by the Government of India. 24 They welcome the statement issued after the Chief Ministers (of the state concerned) conference on February 17, 1992 that the river waters must be treated as national property and should be utilised for the optimum good of the state. But

24 The Hindu, 19th April, 1992.
it must also be noted that Karnataka is a late starter of the legitimate claims of
the farmers of Cauvery basin has to be recognised. They appeal to the people
of the states of Karnataka and Tamil Nadu to keep peace and tranquility to
enable the Prime Minister to solve the dispute amicably. An all-party meeting
here that day threatened to launch a peaceful agitation if the state Government
did not file an affidavit before the Cauvery Water Tribunal declaring that it
would not participate in the proceedings of the Tribunal, commencing on April
23, 1992. A resolution of this effect adopted at the meeting also urged the
centre to find a negotiated solution on the issue in accordance with the
assurance given by the Prime Minister in Parliament. The meeting resolution
noted that the order of the Tribunal on the petition of the state government
seeking a review of the earlier interim order had done more harm to the state
than the interim order. The latest order, the meeting felt, would not do justice
to the state ultimately and hence no useful purpose would be served by
participating in the further proceedings before the Tribunal which was described
as incompetent and partial. The meeting also set up a 17 member co-ordination
committee which included the transport Minister, Mr. Azeem Salt and Minister
of State of Horticulture, Mr. M.S. Atmanandam to chalk out the further course of
action. Other prominent persons on the committee are Messrs G. Made Gowda,
Congress (I) MP who presided over the day’s meeting, Mr. H. D. Deva Gowda,
MP and SJP leader, B. S. Yadiyurappa, MLA and state BJP president
D. B. Chandra Gowda, opposition leader in the Assembly, Vetal Nagareja, MLA,
Mr. Siddaramaiah, general secretary of the Janata Dal and Mr. C. Eyre Gowda,
MLA. Though the resolution was adopted “unanimously”, the meeting was not
without its unseemly side with Mr. Deva Gowda, in his speech, defying the plea
of the chair not to make references to issues like communist parties and the Raita Sangha being not taken into confidence in the matter.  

Mr. Sait, who was one of the Ministers to attend the meeting of the legislators from the Cauvery basin, expressed disgust at the stand of the Raita Sangha and said if they worked as separate units, they would not be able to reach their goal. He asked the Raita Sangh to change its stand. Mr. Sait doubted if the state would get justice at the hands of the Tribunal because of politics and called for sincere and united efforts. Mr. Yediyurappa also felt that the state would not get justice at the hands of the Tribunal which was prejudiced and it might even get a worse verdict unless it was boycotted. Mr. Nagaraj said sincere attempts had been made to involve the two communist parties, but they had taken a diametrically opposite stand on the issue. Experts would be continued to involve the Raita Sangh. He said the members of the committee would not attend any meeting to be convened by the government unless it promised to accept the resolution passed that day.

Moving the resolution, H.N.Nanja Gowda, a former Minister of the State said the ultimatum to the Government would force the Tribunal members to "resign and pave the way for the centre to think why the state pleaded lack of faith in the Tribunal. The resolution was seconded by Mr.Siddaramaiah. Mr. Hegde saw nothing new in what the Tribunal had said in its order on the review petition. Referring to the proceedings of the meeting of former Chief Ministers convened by him. Mr. Hegde said the statement demanding a national water policy would be sent to the Prime Minister. Mr. R.Gundu Rao who felt that the

Indian Express, 19th April, 1992.
orders of the Tribunal should not be given effect to, until a national water policy was evolved, doubted if the technical experts and those who briefed the advocates before the Tribunal had done their job effectively. Mr. Made Gowda said the agitation would start on April 24 itself unless the state boycotted the proceedings before the Tribunal from April 23, 1992.

The then Chief Minister, Mr. S. Bangarappa said the state Government’s stand on the recent observations by the Cauvery water Disputes Tribunal would be finalised after examining all the views expressed by political parties, leaders and legal pandits. The Government had not taken a final decision yet, the Chief Minister told news persons and said "we are not all perturbed (about the Tamil Nadu Government’s decision to approach the Supreme Court for getting a direction on the Implementation of the Interim order). The Chief Minister asked how one could stop somebody who wanted to go to court, such a right was vested in an individual or a Government. "One will have to be mentally prepared to face it legally". Mr. Bangarappa who returned from Delhi said he had appraised the Prime Minister about the different views expressed by political parites and leaders on the Tribunal’s latest ruling. He also had a detailed discussion with Karnataka’s counsel on the Cauvery dispute, Mr. F.S. Nariman about the future course of action, the implications of the observations made by the Tribunal and other matters.

The Chief Minister said he had told the Prime Minister the view of political party leaders in the state that the latter should convene another meeting of the Chief Ministers concerned for finding a settlement through mutual discussions. Mr. Bangarappa asserted that the State Government would
take all possible steps necessary to safeguard the interests of the state. Asked whether any purpose would be served by the Prime Minister's convening a meeting of Chief Ministers when Tamil Nadu had said there was no need for any more talks and Karnataka had to implement the interim order, the Chief Minister said he would not like to comment on what his counterpart in Tamil Nadu, Ms. Jayalalitha had said. Since the Prime Minister had already had one round of talks with the Chief Ministers concerned all the political parties in the state were of the opinion that the Prime Minister should continue his efforts. Mr. Bangarappa said he had conveyed to the Prime Minister the demand of the Karnataka Raitha Sangha, and other parties for boycott of the Tribunal proceedings and the opinion of four former Chief Ministers of the state that the proceedings of the Tribunal should be suspended till a national water policy was formulated.

Mr. H.N. Naije Gowda, former Karnataka Minister of State for Medium Irrigation had filed a petition before the Cauvery Tribunal praying for rectifying the efforts in its clarification of April 3, 1992 last while rejecting Karnataka's view petition. The former M.P. from Hassan placed a public interest petition on behalf of the farmers of the state and requested the Tribunal to consider it on the grounds of equity, good conscience and justice bereft of technicalities. What is noteworthy about the petition is that it goes to the extent of requesting the Tribunal to mend its mistake and solemnly affirm by a clarification that the issue is open for fresh investigation. The Tribunal should also affirm that it had an open mind and would adopt the appropriate procedure to assess the status quo through a commission of independent international experts in the field of hydrology. In his 15 page petition, he said that the April 3 order of the Tribunal
had precluded Karnataka from adjusting the surplus water allowed in a week in the subsequent one. It would mean that the Mettur Reservoir in Tamil Nadu would be ensured a flow of 205 tmc. ft., in a normal year, constituting the surplus quantity. In 1992 the surplus would be over 150 tmc. ft., Karnataka would not be able to restrict the supply of water beyond 205 tmc. ft., to Mettur reservoir frustrating the very order (interim) of the Tribunal.

The petition says that in 1989-90, Tamil Nadu could manage with only 176 tmc. ft., realisation at Mettur and produced a record harvest of 23 lakh tonnes in the delta. Hence, its requirements should have been fixed at 176 tmc. ft., and not at 205 tmc. ft., which was erroneous. Since 1974, there has been no regulated supply to Tamil Nadu except on humanitarian grounds and on its requests which did not average more than nine tmc. ft., a year in the last decade. To safeguard the interests of Tamil Nadu in the interim period, the Tribunal could have placed a ceiling of 324 tmc. ft., on the uses Mettur (500 tmc. ft., the average gross yield at Mettur minus 176 tmc ft). Net yield at Mettur based on Billigundlu readings at 500 tmc. ft., while concluding that there was a 25 tmc. ft., of yield down stream of Billigundlu (in Karnataka), the Tribunal had gone by a table which had put the average annual yield at Billigundlu during 1980-1990 at 227 tmc. ft., and that at Mettur at 205 tmc. ft., Thus Billigundlu which was an upstream at Mettur. Mr. Nanje Gowda says that going by the conclusion of the Tribunal regarding yield downstream of Billigundlu, the average annual yield at that point should be 180 tmc. ft., and not 227 tmc. ft., Thus Karnataka's appropriation should have been fixed at 295 tmc. ft., and not 248 tmc. ft., Mr. Nanje Gowda said that the Tribunal had reduced the irrigable area in Karnataka from 11.2 lakh acres (a restriction placed
in the interim order of June 25, 1991) to seven lakh acres, which was the area irrigated before 1974.\textsuperscript{28}

The Karnataka Government was charged with stealthily releasing about 4.8 tmc. ft., of water to Tamil Nadu between May 20 and June 30. The charge was made by H.N. Nanje Gowda, former MP, Prof. Nanjundaswamy, president of the Raitha Sangha, Mr. Vatal Nagaraj, Kannada Chaluvali leader, and Mr. K. Channabasappa of the Janatha Dal. At a hurriedly convened press conference where the Sangha activists from Mandya district were present, Mr. Nanje Gowda and others cited as proof the fall in the levels of the Krishna Raja Sagar, Kabini, Hemavathl and Harangi was 4.9 tmc. ft., 5.87 tmc. ft., 2.40 tcm. ft., and 0.50 tmc. ft., respectively on May 20, 1992. The information was given at a meeting of the Karnataka Cauvery coordination committee held that day. The storage was 2.4 tmc. ft., 1.50 tmc. ft., and 0.58 tmc. ft., respectively on June 3, 1992 (no change in Harangl). Mr. Nanje Gowda accused the Karnataka Government of "deceiving the people of the state" and alleged that water had been released to Tamil Nadu on "political consideration" as Mr. Bangarappa wanted to 'please' the Prime Minister, Mr. P.V. Narasimha Rao, "The Prime Minister wanted to keep Tamil Nadu happy".

Mr. Nanje Gowda referred to reports that Tamil Nadu had storage of about 70 tmc. ft., of water which was sufficient for 50 days of Kuruvel Crop. The Tamil Nadu Government was to spend about Rs. 34 crores for raising Kuruvel crop in 40,000 hectares. The Centre was also reported to have given an assistance of Rs. 30 lakhs. How was this possible if there was doubt about

\textsuperscript{28} S. Guhan; "The Cauvery River Dispute", 1993, p.40.
having sufficient water for the crop. Prof. Nanjundaswamy said it was true that the Ralitha Sangha had announced its decision not to allow any water to Tamil Nadu from the state’s reservoirs. But the Government had blind folded the Sangha. He also said that the Ralitha Sangha would attend the next meeting of the Cauvery co-ordination committee to find out whether those concerned would be bound by the decision of the Mandya meeting some time ago that all legislators and MPs should resign en block on the Cauvery issue.

The Union water Resourences Minister, Mr. V.C. Shukla, told at a press conference that the National Water Development Agency had conducted a series of studies on inter-state river basins and prepared a pre-feasibility report on a few of them. In the peninsular basins alone 17 transfer links had been studied as part of the national perspective. The superintending Engineer, Kabini project, Mr. Shankaramurthy, has said that no water had been released from the Kabini reservoir to Tamil Nadu. The allegation made to this effect by the opposition parties is far from the truth. The usable quantity of water in the reservoir remained unaltered from May 20 till 7th June, 1992. Mr. Shankaramurthy told the Hindu that the statement provided to the opposition members on May 20 giving the "Total Capacity" had the figure of 5.78 lmc. ft., water, which also included the quantity of unusable water. The next column giving the usable water as nil was not noticed. Mr. Shankaramurthy pointed out that if the Medium Draw Down Level (MDDL) dropped from the level of the sluice, water could not be drawn for irrigation purposes. Only if the effective storage was above this level, it could be regarded as usable water, which in the statement of May 20 and June 3 provided to the opposition party members read as nil. Since there was no guaging station at the border to record the
quantity of water coming from the catchment areas in Kerala state, the increase or decrease in the water level at the reservoir would not indicate the variation in the water storage in the reservoir.

According to reliable source, the Chief Engineer and the Superintending Engineer of the Kabini project were contacted by the representatives of the Central Water Commission over telephone seeking details of the storage. This indicated that the CWC was monitoring the reservoir levels in the Cauvery basin. The faithful implementation of the interim order of the Cauvery Tribunal by Karnataka as confirmed by the statement of the union water Resources Minister, Mr. V.C. Shukla, has exposed the Karnataka Chief Minister, Mr. S. Bangarappa, who has "betrayed" his own people and has no moral right to continue in the office, several leaders said here today. Mr. Shukla's statement that the order was being implemented by both the states from the date it had been gazetted, showed that Mr. Bangarappa had hood winked by maintaining that no water had been released, they said and accused him of conspiring against the state "in his anxiety to please the Prime Minister, Mr. P.V. Narasimha Rao whose patronage he badly needs to remain in power". They told that Mr. Bangarappa was guilty of contempt of legislature because he had gone against the unanimous resolution of the House not to implement the interim order. The assertion of the Irrigation department officials that no water had been released from the Kabini reservoir to Tamil Nadu was "ridiculous and meaningless" in the light of Mr. Shukla's statement.

Karnataka stood betrayed by its own Government and even the Centre was playing hide and seek game with its people, they said, adding that the
Prime Minister's hurried meeting with the four Chief Ministers concerned, which, had produced nothing, had proved to be a play and his solicitude towards Tamil Nadu was beyond doubt now, instead of being non-partisan, the Prime Minister had allowed political considerations to supersede the interests of millions of farmers of Karnataka. Mr. Bangarappa had disregarded the opinion of the people of Karnataka, the opposition and even the legislature's decision they said and demanded that he step down or face a public agitation for his removal. The state's farmers of the Cauvery basin in particular would not take his 'betrayal' lying down.

Mr. Nanja Gowda said it was not clear that the Centre had given up negotiations as a way to solve the Cauvery dispute. The whole episode was a conspiracy against the people of Karnataka by both Mr. Bangarappa and Mr. Narasimha Rao. They appealed to the people to be aware of the gravity of the situation and speak up for justice as their continued inaction would be construed as either approval or helplessness. The leaders said it was time the Prime Minister and his Government met the long-pending demand for a national water policy with clear guidelines on how such inter-state disputes should be tackled. Any further delay in fulfilling this essential national obligation would be dangerous to the country as a whole. The legislators of Karnataka also had a responsibility in the matter and they could not afford to be silent spectators. The leaders urged the legislators to take steps to correct the 'injustice' done to the state by replacing the present state Government which had proved to be 'insensitive to the magnitude and implications of the Cauvery problem'. If they were unequal to the task the only alternative was for them to resign.
Mr. Justice S. Rajendra Babu of the Karnataka High Court issued emergent notices, based on the writ petition filed by Sri H.D.Deve Gowda, MP praying for a directive to disqualify the chairman and members of the Cauvery Water Disputes Tribunal. The petitioner said that from press reports and persons who accompanied the Tribunal members to Tamil Nadu, he understood that between March 17 and March 21 the two members participated in civic reception and public functions at various places in Tamil Nadu. Mr. Deve Gowda said special visits were arranged for the Tribunal members to temples, churches and other places of tourist importance. The Tribunal members' spouses were given gifts, he claimed and added that the members heard biased public speeches in support of the claim of Tamil Nadu. Mr. Deve Gowda contended the respondents' taking gifts and accepting special privileges would deprive them of any moral or legal right to adjudicate on the Cauvery issue. Mr. Deve Gowda wanted the Tribunal proceedings after March 27, 1992 declared illegal and void.

A group of opposition leaders in a statement accused the Karnataka Government of surreptiously releasing Cauvery water to Tamil Nadu from the Kabini reservoir from May last week to June first week. Mr. H.N.Nanjan Gowda, former Lok Sabha member from Hassan, Prof. M.D.Nanjunda Swamy, the Karnataka Raitha Sangha MLA, Mr. Vatal Nagaraj, an independent MLA, Mr. K. Channabasappa, Legal Advisor to the State Janata Dal and Prof. B.K.Chandrasekhar, Ex. MLC in a signed statement alleged that the Chief Minister Mr. Bangarappa, ignoring the state's and its farmers' interests had surreptitiously let out water to Tamil Nadu. They said Mr. Bangarappa had to appease the central leadership for his political survival and the minority Central
Government headed by Mr. N. R. Rao in turn was obliged to the Tamil Nadu Government for its own survival. Under these circumstances, they said, Mr. Bangarappa was not in a position to safeguard the interests of Karnataka and its farmers. How long would Mr. Bangarappa be protected by the Prime Minister in the face of the wrath of the people of Karnataka. The leaders said their earlier allegation that the Karnataka Government had released 4.5 tmc. ft., of water was based on adequate evidence. Even after the Chief Minister had denied that water had been let out, the officials in charge of the Kabini reservoir had admitted that some water had been released to Tamil Nadu.

The Karnataka Ministers of the State who attended a meeting of the Karnataka Cauvery co-ordination committee held in Bangalore, Mr. T. M. Manjunath (Small Savings and Lottery) and Mr. Atmananda (Horticulture) have disassociated themselves from the resolutions adopted by the Committee. The Committee had called on the MPs and MLAs to intensify agitation and condemned the Bangarappa Government on various counts. Mr. Manjunath said that he attended the meeting as he belonged to the Cauvery basin (he represents the Tiptur constituency in Tumkur district, while Mr. Atmananda, the Mandya Constituency). Mr. Manjunath maintained that while the interim report of the Cauvery Tribunal was unjust to Karnataka, the ‘injustice’ would be felt when the state implemented the order. The state had not released any Cauvery water to Tamil Nadu as stipulated by the Tribunal. He criticised the meeting for demanding the resignation of the Ministry. No purpose would be served by the resignation of the Chief Minister Mr. S. Bangarappa. He disapproved of the statement issued by the Congress (I) MP from Mandya, Mr. G. Mada Gowda, criticising the Chief Minister. Mr. Manjunath said the Chief Minister had left the
matter to the Prime Minister, Mr. P.V. Narasimha Rao, and they were confident that justice would be done to the state. He said the Chief Minister had not sought his resignation for attending the meeting and also said on the appointment of a Committee to implement the Tribunal's interim report.

The cabinet sub-committee on the Cauvery waters dispute which met on 18.6.1992 was understood to have taken the view that the Karnataka Government need not reply to the letter written by Union water Resources Minister, Mr.V.C.Shukla. Suggesting the creation of a monitoring body for implementation of the interim order of the Tribunal. Mr.Shukla, it is said, had sought the views of the State Government for appointment of Mr.Vaidyalingam, Chief Engineer in the Pondicherry Government, as the head of the monitoring body. The Cabinet sub-committee to which the matter had been referred to the Karnataka Cabinet had two meetings on 18th June and the day before and it is understood the view taken was that it was not necessary to consider Constitution of any such body when the Prime Minister, Mr. P.V.Narasimha Rao, had initiated talks among the Chief Ministers of the States concerned. One such meeting had been held\textsuperscript{27} when talks were being continued under the leadership of the Prime Minster there was no need for any correspondence on the suggestion made by the Union Minister, it was felt. The sub-committee was also understood to have felt that in future only the Chief Minister should speak about the Government's stand relating to the Cauvery waters dispute to avoid different views being aired in public on behalf of the Government. Meanwhile, in a joint statement that, Mr.H.N. Nanje Gowda, former M.P. the president of

\textsuperscript{27} Karnataka Government, Karnataka cabinet sub-committee proceedings, Bangalore; 19th June 1992.
the Karnataka Rajya Raitha Sangha, Prof. M.D. Nanjunda swamy, Mr. Vatal Nagaraj, MLA, Prof. B.K. Chandrasekhar, former MLC and Mr. K. Channabasappa, former Judge, said the State Government should forthwith explain its stand on the Cauvery Tribunal's order. If there were Ministers, conscious of their duty to protect the interest of the state, they should see that the Government boycotted the Tribunal. If the Tribunal was boycotted the question of appointing a monitoring body (as suggested by the Union Minister) would not arise at all. The statement saw in the Union Minister's letter another step by the Union Government to implement the interim order and Mr. Bangarappa Government's co-operation to it. The Chief Minister's belief, the statement said, appeared to be that he could digest anything as long as he enjoyed the 'protection' of Mr. Narasimha Rao and the Government which 'surreptitiously' released water to Tamil Nadu was still examining the letter of Mr. Shukla, if the Government had taken a bold stand that it would not accept the interim order of the Tribunal as resolved by the State Legislature the Union Government would not have sought the view of the Government on the creation of monitoring body that the Prime Minister was keen on 'appearing' the Tamil Nadu Chief Minister.

The then Chief Minister, Mr. S. Bangarappa ruled out the possibility of his Governments agreeing to the constitution of a monitoring body for implementing of the interim order of the Cauvery water dispute Tribunal. The Chief Minister said he would call a meeting of the leaders of the opposition parties for a discussion on the latest situation on the Cauvery issue. He did not agree with the demand of some opposition leaders for making the letter from Mr. V.C. Shukla, Union Minister for water Resources, Public. He would place all records before the opposition leaders, when his attention was drawn to the
stand of some leaders that they would not attend any meeting on Cauvery, the Chief Minister said that some had said so earlier also. He would invite all of them and he was hopeful that they would all come. The Chief Minister confirmed that the State Government had received a letter from the Minister along with a copy of the letter written to the centre by the Tamil Nadu Chief Minister, Ms. Jayalalitha, on implementing the interim order of the Tribunal and setting up of monitoring agency. Mr. Bangarappa said the State cabinet had discussed the letter and the matter was referred to a cabinet sub-committee for further consideration. They were still considering all aspects including legal. The basis on which they were proceeding was that the suggestion for the Constitution of a "monitoring body" was unacceptable even supposing that Mr. Shukla’s suggestion for a monitoring body was acceptable how could anybody to the dispute to head the body? "We are not going to agree to it" he said. He would inform "our thinking" to the centre. What the Government did would be in full conformity with the resolution passed by the two houses of the Karnataka Legislature some time ago rejecting the interim order. The Government would have to abide by it and had no powers to go against it. The Chief Minister said the Prime Minister was briefed of the matter and "let us hope for the best". He saw Ms. Jayalalitha on 19.6.1992 in Delhi in connection with the filing of the nomination papers by Dr. Shankar Dayal Sharma for the Presidential election. The Cauvery waters issue did not figure among some Congress (I) leaders and Ministers attending a meeting on the Cauvery issue where a resolution was passed demanding the resignation of the Government, Mr. Bangarappa said he had appraised the high command and it had taken a serious note of it. He had already called the persons concerned and had told
them that being in a political system and working within a framework they
should not be party to resolutions against their own party. When his attention
was drawn to the charge of some opposition leaders that he had been
condemned by Mr. Shukla for releasing water and implement the interim order,
Mr. Bangarappa remarked that it was a "white lie".28

Five political leaders in Karnataka on 19.6.1992 accused the centre and
Bangarappa Government of implementing step-by step the interim order of the
Cauvery Tribunal to release 205 tmc. water to Tamil Nadu, and alleged that the
people of Karnataka had been 'taken for a ride'. That the Centre had
constituted a panel for monitoring water release to Tamil Nadu and that the
Union Water Resources Minister had written a letter to the Karnataka
Government showed that the interim order was being implemented in a 'sly
manner', they said, adding the latter's comment that it was considering the
letter showed that it had not rejected it. Mr. Bangarappa had party sympathy so
that he could stay in the office. The Prime Minister was appeasing the Tamil
Nadu Chief Minister and giving prominence to Ms. Jayalalitha in the presidential
pool to win over AIADM MPs.

The all party Karnataka Cauvery co-ordination committee threatened to
launch an agitation, after the presidential election, demanding the resignation
of the Chief Minister, Mr. Bangarappa, if his government did not boycott the
proceedings of the Cauvery waters dispute Tribunal meeting scheduled for June
30, 1992. Otherwise, its members would keep away from all meetings
convened by the Government on the Cauvery water issue. The meeting put off
a decision on resignation of MPs and legislators stating that they were banned

28 The Hindu, 20th June, 1992
by party discipline and had to take part in the July 13, 1992 presidential
election. The insistence by the Karnataka Rajya Raita Sangha president,
Prof.M.D.Nanjundaswamy, MLA that the MPs and legislators resign to-day
itself, did not find favour and he and his party colleagues walked out.
Mr.G.Made Gowda, Congress (I) MP from Mandya, heartland of the Cauvery
basin of Karnataka, who came out openly against the Chief Minister, told press
persons that after the presidential election, pressure would be exerted on the
Prime Minister, Mr.P.V.Narasimha Rao, to settle the dispute, if the efforts failed,
an agitation demanding the resignation of Mr. Bangarappa would be started.
However, the opposition members, who attended the meeting, expressed lack
of confidence in Mr.Rao also. A good number of Congress (I) legislators
attended the meeting. They seemed to have ignored Mr. Bangarappa’s claim
that the Prime Minister and party high command had taken serious note of their
attendance at the June 16 meeting of the Committee at which a resolution was
adopted demanding the resignation of the Government for releasing Kabini
waters to Tamil Nadu. It was Mr. Bangarappa, and not he who flouted party
discipline, Mr.Mada Gowda said, the Cauvery dispute, was not a party issue.
However, the two Ministers of State who attended the last meeting and later
disassociated themselves from the resolution, Mr. Atmananda and Mr.
T.N.Manjunath, did not attend the meeting. Their attendance had drawn flak at
a cabinet meeting, Mr. Vatal Nagaraj, Kannada Chaluvaligar MLA, alleged that
the two Ministers had been threatened by the Chief Minister. The Committee
was of the view that advocates for Karnataka should not even file any objection
at the Tribunal meeting.
The Janata Dal leader of the opposition in the Legislative council, Mr. M.C. Nanaiah, charged the Prime Minister with being a party to the letter written by the Union Minister for water Resources. Mr. V.C. Shukla, on the setting up of a monitoring Committee on implementation of the interim order of the Tribunal. The Prime Minister had been guided by the consideration of the AIADMK support for the Congress (I) candidate in the presidential election. Mr. Nanaiah demanded that Mr. Bangarappa make the letter public. Some divergence of views on the issue of resignation was evident at the press conference. The State BJP president, Mr. B.S. Yediyurappa said the Cauvery issue was more "important than the party. The party legislators were bound by the decision to resign. However, he also said the first person to resign should be Mr. Bangarappa, who had been trying to protect his seat. The Samajwadi Janata Party MLA, Mr. C. Byre Gowda, said resignation would not be the end of the matter. The legislators present demanded that the Chief Minister convene an emergency session of the legislature. The meeting was attended by 21 legislatures including 10 belonging to the Congress (I) several former legislators and H.N. Nanje Gowda, former MP and former Minister of state for medium irrigation. Mr. Made Gowda was the only MP present.

The Centre has initiated proceedings for implementation of the interim order of the Cauvery water dispute Tribunal, it is learnt. It has set up a monitoring authority, headed by Mr. Vaidyalingam, Chief Engineer of Pondicherry, under the Inter-State water Disputes Act and sought the concurrence of contending States.29 The letter written by the Union water

29 The Indian Express, 25th June, 1992
Resources Minister V.C. Shukla to Karnataka in this regard is understood to have come up for discussion at the cabinet meeting held some Ministers argued that if the government agreed for the monitoring committee, it implies that the Government had accepted the interim order. After discussion the letter was referred to the cabinet sub-committee on Cauvery water dispute, for its comments, it is learnt. Karnataka Chief Minister Mr. S. Bangarappa said on 22.6.1992 that all party meeting convened by him to discuss the Cauvery water dispute on 23.6.92 would be held as scheduled despite the boycott by major opposition parties. He told news men on his return to Bangalore from Delhi that he still hoped that the opposition parties would reconsider their stand and attend the meeting since "we should stand united on this issue that was of vital importance to the state." The Janata Dal, the Samajwadi Janata Party and the Bharatiya Janata Party have decided to stay away from such meetings on the issue till the government announced its decision to boycott the Chittatosh Mookerjee Tribunal on the Cauvery water dispute. Asked about the purpose of holding the meeting despite the boycott by major opposition parties, the Chief Minister said on an issue like the Cauvery water dispute, the government had always taken the opposition into confidence. Asked whether the question of boycotting the Tribunal would be considered, he said all steps that were in the interest of the State would be considered. On the opposition demand that Union water Resource Minister V.C. Shukla's letter seeking the state's consent for setting up a forum to monitor the implementation of the
Tribunal award should be made public before the next intended meeting. He said the government would seek the views of the opposition at the meeting. Nothing prevented the opposition leaders from attending the meeting and expressing their views. Referring to the charge that even Mr. Shukla had admitted that Karnataka had let out water in the Cauvery, Mr. Bangarappa maintained that no such water was released from the state’s reservoirs to Tamil Nadu, water had flowed down due to floods in the Kabini river. He said he could not be held responsible for all the statements made by Mr. Shukla.

The Kannadigas who lost their properties in the violence on the Cauvery issue at Sholur village in Ooty of Nilgiris district of Tamil Nadu had represented to the Karnataka Government about the delay in compensating the losses by the Tamil Nadu Government. In a memorandum submitted to the Karnataka Government Chief secretary Mr. J. Alexander, the Kannadiga victims have pointed out that innocent Kannadigas, who were in minority there, were attacked during the violence in December, 1991. Besides looting houses, rioters caused heavy damages to properties by burning houses and vehicles. The memorandum stated that while the Karnataka Government recovered the looted properties and restored them to the rightful owners, its counterpart i.e. Tamil Nadu had neither recovered any property nor paid any compensation to the victims despite individual petitions submitted to the Tamil Nadu Government.
The victims appealed to the Karnataka Government to correspond with its counterpart Government Tamil Nadu and ensure full justice to them.

The troubles of the Karnataka Chief Minister, Mr. S. Bangarappa, over the Cauvery waters dispute took a new turn when the Union water Resources Minister, Mr. V.C. Shukla, announced in Madras on June 7, 1992 that the interim award of the Cauvery waters dispute Tribunal was being implemented by Karnataka. The Tribunal had directed in July last that Karnataka should release to Tamil Nadu 208 tmc. ft., of water a year until a final award was given by it. Mr. Shukla topped his surprise announcement with the remark that the Central Water Commission was ensuring that there was no letup in the implementation. "There was no report of any default so far on the implementation, and we should not allow any default to creep in". Earlier, several opposition leaders had alleged that the Karnataka Government had released 4.5 tmc. ft., of Cauvery water to Tamil Nadu in one week. On June 19, five state political leaders said the Prime Minister Mr. P.V. Narasimha Rao, was implementing the Cauvery Tribunal's order and that the Chief Minister's action. The signatories to the statement which included former Irrigation Minister, H.N. Nanga Gowda and Legislators vatal Nagaraj and M.D.

31 Ibid, August '92.
Nanjundaswamy, said that the Prime Minister was appealing the Tamil Nadu Chief Minister, Mrs. Jayalalitha as the Congress needed her support in the presidential election and Mr. Bangarappa needed the Prime Minister's support to remain in power. Apart from causing embarrassment to the Karnataka Chief Minister, Mr. Shukla's announcement added fuel to the controversy. Even the members of the Tribunal, headed by Mr. Justice Chittatash Mukherjee, have not escaped the heat. Mr. Bangarappa was doubly embarrassed when some of his Ministers and Congress MPs and MLAs attended a meeting of Cauvery basin legislatures convened by opposition leaders. The opposition parties are insisting on the revival of the Mandya resolution which calls upon all MLAs and MPs to resign their seats if the centre does not take a fresh initiative by a particular date. The former Chief Minister of Karnataka, Mr. Ramakrishna Hegde, expressing his view on the Cauvery water dispute Tribunal, that while he did not want to attribute any motive to the Tribunal, its interim order directing the Karnataka Government to release 205 tmc. of water to the Mettur reservoir in Tamil Nadu had "relevance to practical realities and issues of the situation." He rejected the Cauvery Delta Farmers Welfare Association’s plea that refusal to honour the order by Karnataka would amount to contempt of Court. The Interim order was not final and, hence, the question of content did not arise, he said.

As asked how the interim order was not practical, Mr. Hegde said Karnataka

reservoirs were not storage reservoirs for Tamil Nadu. How could a Tribunal order release of a specific quantity of water with weekly and monthly schedules without any relevance to the availability and storage in the Karnataka reservoirs. Emphasising that a solution could be hammered out only through bilateral negotiations, Mr. Hegde said there was no quarrel between Karnataka and Tamil Nadu when he was Chief Minister and, despite four successive droughts, he had responded to the request of ad hoc water release to Tamil Nadu.

The Tamil Nadu Chief Minister Jayalalitha’s fast to press for the release of Cauvery waters by Karnataka shattered a one-and-a-half-year truce between the two states on the issue. And a delicate truce it was, dictated less by the terms of the interim Cauvery Water Dispute Tribunal, as by two good monsoon seasons which ensured interim to monthly roster of releases laid down in the interim order. It has taken just one unpromising monsoon for tensions to escalate and for the essential limitations of the Interim order to be fully exposed. The promises, Ms. Jayalalitha extracted from the centre for calling off her fast, have been more than she asked for, assuming, of course, that they are kept. For Karnataka’s firm rejection of the agreement arrived at between Union Water Resources Minister V.C. Shukla and Jayalalitha, which envisages the setting up of two committees, one to implement and the other to monitor the
interim order, has complicated matters.\textsuperscript{33} The Centre's immediate task, was to see Jayalalitha to call off her fast, has been achieved and it remains to be seen how it deals with the aftermath situation. But, as the players in the Cauvery dispute have realised again and again, often at a heavy price, no decision or course of action can be enforced without the concurrence of all.

By opting for a showy and confrontationist mode of protest (with an eye doubtless on her sagging public image), Jayalalitha took everyone by surprise. Government circles in Karnataka were surprised because Tamil Nadu had not informed them about the state of its Kuruval Crop or about its water requirements. According to the Government sources in Bangalore, Tamil Nadu had not even raised the question before the Tribunal. It was only after Karnataka made a submission before it on 10th July, 1993. On the question of deficit rainfall in the catchment areas and its decision to adopt a pro-rata system of water-sharing that Tamil Nadu raised its concerns before the Tribunal.

The fast provoked an angry response in Karnataka where the Cauvery issue provided ready ammunition and a great deal of political mileage for all shades of political opinion including the chauvinist Kannada Chaluvaligas under Vital Nagaraj for whom this is a tailor-made issue to be used for inviting

\textsuperscript{33} Parvathi Menon "Charges, Counters on Cauvery river waters Dispute" "Frontline", August 13, 1993. P.29.
parochial passions. Chief Minister Veerappa Moily’s immediate reaction was a sober one. He said that owing to poor rainfall in the catchment areas, inflows into the Karnataka reservoirs had been poor. "In the interests of farmers of both the states" he called for an amicable settlement through talks rather than by fasting which would create tensions in both states". Moily, whose leadership has been under attack from a strong dissident group within his party in the last few months, is under pressure to take a hard line. That he is bowing to this pressure is clear from the tone of his more recent statements. For example, he went out of his way to clarify that the release of 4 tmc. ft., of water from the Kabini reservoir recently was "not an intentional release but due to a natural flow of downstream".

In Karnataka all opposition parties, in a joint statement issued on July 21, demanded that the Chief Minister convene an emergency session of the Assembly at the earliest. They asked the Government to clarify its stand on the interim order. According to them, the fact that Karnataka was releasing water on a pro-rata basis to Tamil Nadu as admitted in its deposition before the Tribunal on July 10 "betrayed" the Government’s stand, and was contrary to the unanimous resolution passed by the Legislature in December, 1991 rejecting the interim order in toto. They boycotted the July 22 meeting of the Apex Committee on the Cauvery, which was convened by the Chief Minister. All shades of political opinion condemned Jayalalitha’s fasting as a means of
coercion. According to D.B. Chandragowda, Janata Dal MLA and former leader of the opposition in the Assembly, the fast was a "Political gimmick" and "a grave violation of her constitutional duties". H.N. Nanje Gowda, former, M.P., who had been part of a group of conciliatory approach to the problem, told Frontline, "Jayalalitha is promoting Chauvinism. This whole thing is a design to fix the Tribunal and the Government of India".

The latest crisis arose over Tamil Nadu's charge that Karnataka had not implemented the interim order with respect to releases for June and July issued by the Cauvery water disputes Tribunal in June, 1991, the Interim order laid down a monthly timetable of releases totalling 205 tmc. ft., annually by Karnataka to Tamil Nadu. When promulgated, the order provoked widespread condemnation in Karnataka where it was seen as being against the state's interests. Political opposition to the interim order fuelled by an inept state Government snowballed, culminating in a spate of violence in December, 1991 in which 50 people, mainly Tamils, died and property worth crores of rupees was destroyed. Had it said nothing on distress-sharing the present controversy may not have arisen. However, its rather vague comments on this important question had left room for interpretation, which precipitated the crisis earlier.
THE COMPARISON

<table>
<thead>
<tr>
<th></th>
<th>Storage position (in tmc. ft.,)</th>
<th>In flow (in percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Krishna Raja Sagar</td>
<td>26.02</td>
<td>38.14</td>
</tr>
<tr>
<td>Kebini</td>
<td>16.94</td>
<td>18.45</td>
</tr>
<tr>
<td>Hemavathy</td>
<td>27.46</td>
<td>26.63</td>
</tr>
<tr>
<td>Harangi</td>
<td>4.29</td>
<td>8.05</td>
</tr>
</tbody>
</table>


The clarificatory order says "If in future a situation of distress is diminution in the supply of water for meeting the releases ordered, the similar method of pro-rata sharing of the distress can always be adopted". It goes on to say: "In case hereinafter there is any change of circumstance or under hardship is caused, in a particular year to any party, it will be open to such party to approach the Tribunal for appropriate orders".

How is 'distress' to be measured? and how is a pro-rata system to be worked out? There are questions the Tribunal did not think it necessary to address, with the result that both states are interpreting these unclear instructions in ways they feel are to their advantage. Thus, in a submission before the Tribunal on 16, Tamil Nadu said Karnataka had released only 4.82 tmc. ft., as against 10.16 tmc. ft., laid down for June. Till the end of the second
week of July, Karnataka had released only 12.22 tmc.ft., as against 31.54 tmc.ft., it was supposed to release by that time. "Karanataka has neither implemented the Tribunal’s orders nor has it taken up with Tribunal a plea of ‘undue hardship or distress ’having been caused to it during the year". Karnataka, on the other hand, has maintained that owing to the shortfall in rains this year it has been forced to resort to pro rata sharing (there is, proportionate sharing) in a July 10 submission to the Tribunal it is said that during June, the recorded flow at Biligundlu (which has a Central Water Commission recording station) was 26.47 tmc. ft., The share of Tamil Nadu on a pro rate basis works out to 7.41 tmc. ft., "against this, during June 8.65 tmc. ft., of water has flowed into Tamil Nadu at Biligundlu". Till the end of the second week of July, the share of Tamil Nadu on a pro-rata basis works out to 14.10 tmc. ft., as against 9.12 tmc. ft., which has flowed into Tamil Nadu. According to the submission by Karnataka’s layer Mohan V. Katarki to the Tribunal, "I may add, cumulatively, until July 15, 1993, 17.77 tmc. ft., for this period. The shortfall of 3.74 tmc. ft., accrued on a pro-rata basis will be made good in the subsequent weeks."

Karnataka also questioned the readings at Mettur. For June the reading of an independent authority, that is the Central Water Commission, for the flows at Biligundlu has shown a flow of 8.65 tmc. ft., Whereas in flows at Mettur are only 4.82 tmc. ft.. This is inexplicable except on the basis that
flows at Mettur are for some reason under estimated. Although there is still hope of a recovery in the monsoons, rainfall levels in the catchment areas in the three weeks from June 25 to July 15 were poor. According to estimates provided by the water Resources Development in the last three weeks has been around 13 per cent for the average for the last 50 years. The Harangi catchment received normal and the Krishnaraja Sagar (KRS) catchment received 30 per cent of the normal. According to Karnataka, Tamil Nadu has increased the area under Kuruval this year by one lakh hectares. In short, the one element that can ensure the workability of the interim order, the monsoon as is also the element that leads itself least to any kind of human control or prediction. It is for this reason that the Tribunal should work into the interim order a clear formula which can deal with a scarcity situation. And in its final award, it should be able to suggest ways and means by which the entire Cauvery basin can at least partially insulate itself from the whims of a truant monsoon.