

Dear Delegates,

My name is Amtesh Waraich and I will be your Chairperson for the Ad Hoc Committee: Cauvery Water Dispute at the 2018 Step By Step School Model United Nation Conference. I'm attending the third year of the bachelor's degree in Philosophy at St. Stephen's College, Delhi. I've been involved in Model UN since I was in school much like you.

Let's talk about the role you will play at this conference: as members of the Ad Hoc Committee you'll have to discuss pressing issues involving the needs of your states and the need for just and fair distribution of water. The topic we will discuss is 'The Cauvery River Water Dispute'. The Ad Hoc Committee is well equipped to address the issue at hand.

Delegates are expected to have accurately researched the position of their respective state/institution ahead of time. Background research is crucial for a realistic debate and for a successful committee. Like any form of negotiation, a good debate must draw on compromise and a wide range of knowledge, skills that any delegate needs. Of course, there are rules within this committee and the conference as a whole that must be followed. Proper parliamentary procedure and decorum must be maintained throughout all committee sessions. Whether you are new to MUNs or consider yourself a veteran, it is important to remember that this is a learning experience more than anything else.

I insist all delegates follow basic rules, since it makes the MUN experience more enjoyable for everyone. This conference is supposed to be fun, and it will be as long as delegates act respectfully. Delegates are encouraged to bring their most creative ideas to the conference, and to be prepared for some intricate debate. I will try my best to guide you through this conference, so please do not hesitate to contact me with any questions, clarifications or musings. You can easily reach me at amteshw@gmail.com. I will try to respond as promptly as possible.

Amtesh Waraich
Chairperson, Ad Hoc Committee

What are Ad Hoc and Special Committees?

Article 13, paragraph (1)(a), of the Charter of the United Nations mandates the General Assembly to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification. Pursuant to this mandate, the General Assembly has, on several occasions, established a number of ad hoc and special committees for the purpose of codifying and/or developing rules of international law on particular topics. The Codification Division of the United Nations Office of Legal Affairs has served as the Secretariat of those committees.

Committee Background

What is the dispute?

The Cauvery river originates in Karnataka Kodagu district, flows into Tamil Nadu and reaches the Bay of Bengal at Poompuhar. Parts of three Indian states – Tamil Nadu, Kerala, and Karnataka – and the Union Territory of Pondicherry lie in the Cauvery basin. Initially, the dispute was between Karnataka and Tamil Nadu, but later Kerala and Puducherry also entered the fray.

CONSTITUTION OF THE CAUVERY RIVER AUTHORITY

The Authority shall consist of the following:-

- (a) Prime Minister of India
- (b) Chief Minister of Karnataka
- (c) Chief Minister of Kerala
- (d) Chief Minister of Tamil Nadu
- (e) Chief Minister of Pondicherry

The Secretary in-charge of the Ministry if the
Central Government dealing with water resources

POWERS AND FUNCTIONS OF THE AUTHORITY:-

1. The role of the Authority shall be to give effect to the implementation of the interim order dated 25th June 1991 of the Tribunal and all its related subsequent orders.
2. The Authority shall frame rules and regulations for the conduct of its business.
3. The Authority may convene meetings as and when necessary.

MONITORING COMMITTEE:

Under the Authority, there shall be a Monitoring Committee with the following composition:

- (a) Secretary-in-charge of the Ministry of Central
Government dealing with water resources

- (b) The Chief Secretaries to the Governments of Karnataka, Kerala, Tamil Nadu and the Union Territory of Pondicherry
- (c) Chairman, Central Water Commission
- (d) One officer each, not below the rank of a Chief Members Engineer, to represent the State of Karnataka, Kerala and Tamil Nadu and the Union Territory of Pondicherry to be nominated by the respective State Governments or the Union Territory administration.
- (e) Chief Engineer, Central Water Commission

ROLE AND FUNCTIONS OF THE MONITORING COMMITTEE:

1. The role of the Monitoring Committee will be to render assistance to the Authority to enable it to take decisions on issues under consideration.
2. The Monitoring Committee shall assist the Authority in collecting information and data.
3. The Monitoring Committee shall assist the Authority in monitoring the implementation of the decisions of the Authority. In case, any difficulty arises in implementation, the Monitoring Committee shall report the position to the Authority.
4. The Monitoring Committee shall assist the Authority in setting up a well designed hydro meteorological network in Cauvery basin along with a modern communication system for transmission of data and a computer based control room for data processing to determine the hydrological conditions.

Financial Provisions

1. All the capital and revenue expenditure required to be incurred by the Authority shall be borne by the Central Government initially till the issue of sharing of cost among the party States or the Union territory is either decided by them through mutual discussions or till the Tribunal takes a decision on the above matter.
2. The accounts of the Authority shall be maintained and audited in such manner as may be provided in rules made by the Central Government, in consultation with the Comptroller and Auditor General of India, in this behalf.
By Order and in the name of the President of India.

Important Information and a Brief History

The River Cauvery

The river Cauvery rises in the Brahmagiri range of the western ghats in the Coorg district of Karnataka at an elevation of about 1340 m. Harangi, Hemavathi, Shimsha, Arkavathi, Lakshmanathirtha and Swarnavathi are the major tributaries joining the river Cauvery in the Karnataka territory. Kabini which drains the eastern slopes of the western ghats in the north Malabar district of Kerala State flows through Karnataka and joins the river Cauvery. At the place where Cauvery enters the Tamil Nadu State limits the Mettur Reservoir has been formed. Bhavani, Amaravathi and Noyil are the tributaries to the river in the Tamil Nadu State. Cauvery is thus an interstate river with an unique characteristic geographical layout in that its upper hilly catchment lying in the Karnataka and Kerala States is influenced by the dependable south-west monsoon during the months June to September, while its lower part lies in the plains of the Tamil Nadu State served by the not so dependable north-east monsoon during the months October to December. The two parts of the catchment may be taken as meeting at the Hogenekal falls just above the Mettur Reservoir, where the river narrows down to form a single defined neck.

State	Drainage Area (Sq. Km.)
Tamil Nadu	48730
Karnataka	36240
Kerala	2930
Total	87900

(Link: <http://mowr.gov.in/sites/default/files/VolII6365819269.pdf>)

While the 1892 Agreement relates to all the main rivers listed in Schedule 'A' and the minor streams listed in Schedule 'B' of the agreement, the 1924 Agreement was framed and agreed to by both Mysore and Madras Governments in order to define the terms under which the Mysore Government were to construct the Krishnarajasagar dam across the River Cauvery and to provide for extension of irrigation in both the States utilising the flows in the River Cauvery. While the 1892 Agreement is a general agreement relating to a number of interstate rivers, the 1924 Agreement relates to the irrigation development in the basin of the interstate river Cauvery alone. Both the 1892 and 1924 Agreements are permanent.

The basic tenet enshrined in both these interstate agreements is that no injury could be caused to the existing irrigation lower down by the construction of new works upstream. And when such works are planned, the prior consent of the State Government of the lower down area is to be obtained and the rules of regulation so framed as not to make any material diminution in supplies to the established irrigation downstream. This is to ensure that nothing shall be done in Mysore which will have the effect of curtailing the customary supply of waters for the ancient ayacut in the lower riparian State.

The makers of the 1924 Agreement have in their mature wisdom, on due consideration and study of the unique characteristics of the basin and the irrigation developments that had already taken place, provided for a fair and equitable utilisation of the available waters and for parallel development of the new ayacut in both the States and rules of regulation meant to achieve the basic objective defined above, were also agreed upon.

Thus, Mysore Government was permitted to complete the Krishnarajasagar of capacity 44,827 M.cft. with an ayacut of 1,25,000 acres and also have other reservoirs of an effective capacity of 45,000 M.cft. with an ayacut of 1,10,000 acres under them. As against this, the Madras Government was permitted to construct the Mettur dam to form a reservoir of 93,500 M.cft. effective capacity and have new irrigation for 3,01,000 acres. Besides this, clause 10(xiv) entitled the Mysore Government to construct new reservoirs, on the tributaries of Cauvery, of capacities not exceeding 60% of the capacities of the reservoirs the Madras Government may choose to form on the tributaries Bhavani, Amaravathi or Noyyal.

Clause 10(xii) gave freedom to either of the States to extend irrigation if effected solely by improvement of duty, without any increase of the quantity of water used.

Clause 10(xi) of the 1924 Agreement provided for the reconsideration of certain clauses of the Agreement relating to extensions of irrigation in Mysore and Tamil Nadu on the expiry of 50 years i.e. in 1974. Only certain clauses of the Agreement viz. clauses 10(iv) to (viii) which deal with the utilisation of surplus waters for further extension in both Mysore and Tamil Nadu beyond what was contemplated in the 1924 Agreement are subject to revision on a mutually acceptable basis and in the light of the experience gained in the working of the Agreement.

Violation of the Interstate Agreements of 1892 and 1924 by Karnataka:

Four new reservoirs have been formed by the Government of Karnataka by constructing dams across the tributaries of Cauvery. Though the Government of India and the Central Water Commission have not so far cleared these projects and the Planning Commission has also not approved these projects for plan assistance, the Government of Karnataka are proceeding with these projects in stages from their own funds under Non-Plan.

Name of the Reservoir	Capacity (TMC)	Year of commencement	Year of Completion	Ultimate Area to be Irrigated (Lak acres)
Harangi	8.0	1968	1979	1.64
Kabini	16.0	1958	1975	4.54
Hemavathi	34.0	1968	1978	7.00
Suvarnavathy	1.1	1967	1973	0.07
TOTAL	59.1			13.25

The extent of new ayacut proposed to be developed ultimately under these reservoirs totaling to about 13.25 lakh acres is far in excess of what was intended and permitted under the 1924 Agreement.

For none of these, they have obtained the prior consent of the Tamil Nadu Government. By this, they have violated the stipulation made in Clauses II and III of the 1892 Interstate Agreement. The rules for the working of these reservoirs which are to be framed as contemplated under Clause 10 (vii) and Clause 10 (xiv) of 1924 Agreement, so as to ensure that no material diminution occurs in the supplies due for Tamil Nadu and to keep such reduction within 5% during any impounding period have not been settled.

But the Karnataka Government started impounding the flows in all the above four new reservoirs from 1974 onwards acting unilaterally without any concern for the needs and rights of the Tamil Nadu Government and thereby have violated the terms and conditions stipulated in Clauses 10(vi), (vii), (viii) & (xiv) of the 1924 Agreement.

Tamil Nadu's concern:

In view of the grave threat which this unilateral action of the Mysore Government posed to the vast pre-existing irrigation in Tamil Nadu under the Cauvery, this Government in their letter dated as early as 16.4.1969 (Encl.II) appealed to the then Prime Minister of India to use her good offices in persuading the Mysore Government to conform to the Agreements between the two States and to desist from proceeding further with the execution of their schemes till interstate aspects were settled with this Government.

The then Prime Minister in her reply (Encl.III) dated 23.8.69 agreed that interstate aspects should be settled satisfactorily before these projects could be sanctioned and asked the Minister for Irrigation and Power to give a hand in amicably resolving the differences that had arisen. She even offered to intervene personally at a later stage if such intervention became necessary.

Tamil Nadu's first call for adjudication - September, 1969:

Seeing that the Government of Mysore were clearly not willing to honour their obligations under the interstate agreements and were bent upon proceeding with their major schemes, this Government in their letter dated 5th September, 1969 addressed to the Government of India, requested the Government of India to make it clear to the Government of Mysore that any construction which will later on be found to be in contravention of the interstate agreements and to the prejudice of this State's interests will be at

their own risk. In the same letter, we make the plea that if the Government of India are not able to ensure that the Government of Mysore honour their obligations as per the interstate agreements, the Tribunal would like the matter to be referred for arbitration as it considered that it is better to do this earlier to avoid the Government being faced with a fait accompli by Mysore by unilaterally proceeding with the execution of their projects.

Unfortunately, the suggestion was not acted upon by the Government of India in time.

Tamil Nadu's formal request for adjudication - February 1970

Mysore Minister for Labour and Law who attended the special conference convened by the Union Minister for Irrigation & Power Dr.K.L.Rao on 09.02.70 declined to give an assurance that the two Interstate Agreements will be honoured by Mysore

This confirmed that Mysore's violation of the two agreements was pre-planned, deliberate and intentional. This Government lost no time in making a formal request to the Government of India under Section 3 of the Interstate Water Disputes Act of 1956. The request to refer the dispute to adjudication under Section 4 of the Interstate Water Disputes Act of 1956 was made in letter No.79558/D/69 -36 dated 17-02-70.

Tamil Nadu's continued participation in the discussions and negotiations:

Despite the fact that it had become clear that the Mysore Government is intent on violating the interstate agreements, Tamil Nadu Government have been continuously participating the discussions and negotiations arranged through meetings convened by the Union Minister for Irrigation and Power in order to give a hand to the Union Minister in settling the issue that had arisen due to the violation by Mysore Government. Five such meetings were held in the year 1970 alone and in all these, Tamil Nadu have been pleading for the continued observance of the provisions of the interstate agreements. Kerala has also been participating in these interstate meetings as it acquired the status of a basin State with certain parts of the Cauvery catchment lying in the north Malabar area being included in Kerala through the States Reorganisation of 1956.

When the discussions held in the Chief Minister's meeting convened by the Union Minister on the 17th April and 16th May, 1970 and the discussions between the Chief Ministers of the States held in July' 70 under the Chairmanship of the Chairman, Central Water Commission proved that there was no meeting point and the Mysore Government were not willing to abide by the two interstate agreements, the then Chief Minister of Tamil Nadu wrote to the then Prime Minister of India in letter No.65638/D/70 - 9 dated 4.8.1970 (Enclosure VII) referring to the formal request already made on 17.2.70 for adjudication through Tribunal and requesting her to pass orders for the reference of the dispute to the Tribunal under the Interstate Water Disputes Act of 1956.

At this stage, the then Union Minister for Irrigation and Power, Dr.K.L.Rao in his letter Confl. D.O.No. 14(1)/70-WD dated 19.8.70 addressed to the then Chief Minister of Tamil Nadu categorically stated that the rules and regulations for the new Mysore projects should be worked out in accordance with the 1924 Agreement and requested him to permit his Engineers to attend a meeting on the 31st August, 1970. While gratefully acknowledging the letter and thanking him for the categorical assurance given therein, the then Chief Minister of Tamil Nadu in his letter D.O.No. 65638/D/70-II dated 25.08-1970 addressed to the Union Minister agreed to permit Tamil Nadu Engineers to attend the meeting, proposed for the 31st August, 1970. However this meeting ended fruitlessly.

At the conclusion of the series of talks ending with the last round on 27.10.1970, Dr. K.L. Rao, the then Union Minister for Irrigation and Power, announced that in his opinion, in view of the totally divergent stands taken by Mysore and Tamil Nadu, no settlement appeared possible and he would therefore report to the cabinet on the failure of the negotiations.

Following this, the then Chief Minister of Tamil Nadu in his D.O. letter No.65638/D/70-36 dated 8th November, 1970 addressed to the then Prime Minister of India explained that he had been attending these meetings with a view to explore the possibilities of a negotiated settlement and since these hopes were belied, he insisted on urgent and immediate action being taken in the matter of referring the dispute to a Tribunal.

Filing of Suit by Tamil Nadu in the Supreme Court:

The Prime Minister of India was reminded through D.O. letter No. 65638/D/70-39 dated 06.12.70, letter No. 65638/D/70-45 dated 23.12.70, letter No. 65638/D/70 dated 13 01.04.71 and letter No. 65638/D/70-56 dated 05.06.71 (Enclosures X to XIII) from the Chief Minister of Tamil Nadu on the reference of the dispute to a Tribunal giving adequate and convincing reasons for this move, as the only alternative available.

As a last resort, the Chief Minister of Tamil Nadu approached the Prime Minister with the resolution passed by the Tamil Nadu Legislative Assembly and Legislative Council on 8 th July 1971, and conveyed to the then Prime Minister in his letter No.65638/D/70, dated 11.07.71 (Enclosure XIII-A) the depth of feeling mounting in the State on the continued indifference to the plea for constitution of a Tribunal. This was also followed by another letter No. 65638/D/70-72 dated 19.07.71. (Enclosure XIII-B).

The Prime Minister however in her reply in letter No. 178-PMH/71 dated 19.07.71 (Enclosure XIII-C) referred to the Mysore State being then under the President's Rule and felt that it would not be proper to take steps committing the Mysore State when there was no popular Government.

Disappointed at the failure of all these efforts, the Tamil Nadu Government was driven to the situation of approaching the Supreme Court of India through Suit O.S.1/71 with a prayer to direct the Government of India to constitute a Tribunal as per the provisions of the Interstate Waters Disputes Act of 1956 and pending disposal of the Suit and till the disposal of the reference by the Tribunal, restrain the State of Karnataka by an injunction from proceeding in any manner with or executing their projects.

Prime Minister's Advice:

On the personal advice and assurance given by the then Prime Minister of India to the Chief Minister of Tamil Nadu that the Government of India would use their good offices and strive for a negotiated settlement, the Suit filed in the Supreme Court was withdrawn without prejudice to the right for filing a Suit again if it became necessary.

The Cauvery Fact Finding Committee (CFFC):

In the meeting of the Chief Ministers of Tamil Nadu, Mysore and Kerala convened by the Union Minister for Irrigation and Power from 29.05.72 to 31.05.72, it was decided that a Committee would be constituted to collect factual details on the yield and utilisation of waters in the Cauvery basin. The Chief Ministers also agreed that pending settlement of the problem, no State would take any steps to make the solution of the problem difficult either by impounding or by utilising the waters of the Cauvery beyond what it was on 31.05.72 (Encl.XIV). However this understanding was flouted by Karnataka by continuing

the work on their new projects and from 1974 onwards, they also started obstructing the flows due to Tamil Nadu.

The Government of India constituted the Cauvery Fact Finding Committee with experts in the field. This Government gave necessary co-operation and willingly submitted all the necessary data to the Cauvery Fact Finding Committee for compilation of its report which it submitted in December, 1972. This report was considered by the Chief Ministers of the three States on 19th April, 1973 at a meeting held at New Delhi. As desired by the Chief Ministers, the Government of India revived the Cauvery Fact Finding Committee for a further period of three months with a mandate that "the Committee shall review the data supplied to it earlier by the State Governments in respect of area cropped, net area irrigated, irrigated cropped area and other data relevant to water utilisation at different points of time and undertake such verification as is necessary, from other data available with the State Government especially those published".

Accordingly, the Cauvery Fact Finding Committee submitted its additional report on 14th August, 1973. The data compiled by this Committee were accepted by the Chief Ministers in the meetings convened on 29.04.73 and 09.10.73. Salient details of the findings of the Cauvery Fact.

From the data compiled and given by the committee, it can be seen that as on 1971 - 72, the combined utilisation of waters in the Cauvery river in all the basin States was even more than the total annual yield and there was no surplus. This should have led to the logical conclusion that the review intended under Clause 10(xi) of the 1924 Agreement at the end of the 50 year period has been done and since there was no surplus, there is no need for reconsideration of the limitations and arrangements embodied in the Clauses 10(iv) to 10(viii) of the agreement and it should have been held that with the review prescribed after 50 years having been done, the agreement continues as a permanent instrument. However, the Government of India came up with a suggestion that further extension of ayacut in the basin may be possible if savings in the present uses are affected.

Interstate discussions continued on this basis all these long years with no fruitful results.

A Detailed Account of the Dispute

The river Cauvery the largest in Southern India rises near Mercara in the Coorg at an elevation of 1,341m. (4400 ft.) above the sea-level towards the western Ghat and takes an easterly course passing through States of Mysore/Karnataka and Madras/Tamil Nadu before joining the Bay of Bengal. The first important tributary to join the Cauvery, practically on the border of Coorg and Karnataka Districts, is Harangi. Other smaller tributaries like Kakkabe, Kadamur and Kummanhole join and continue to flow eastwards. Two important tributaries i.e Hemavathy and Laxmanthirtha join Cauvery later. After it flows further eastwards below Krishnarajasagar it is joined by another important tributary i.e. Kabini. Thereafter, two tributaries i.e. Suvarnavathy from right and Shimsha from the left join the river Cauvery. After Sivasamudram it passes through the ghats and its width narrows down considerably. At places it has to pass through a gorge. After flowing through the gorge, the Cauvery continues its journey towards East and in that process it forms the boundary between Karnataka and Tamil Nadu for a distance of about 64 km. (40 miles). Yet another tributary i.e. Arkavathi joins the river just before it enters Tamil Nadu State.

At Hoganekal falls along the common border, the river takes its course towards South and enters the well-known Mettur reservoir in the State of Tamil Nadu. Thereafter its further journey continues. The

Bhavani river joins it on the right bank about 45 km. (28 miles) below the Mettur reservoir and it enters the plains of Tamil Nadu where more tributaries, the Noyil and the Amaravathy join. Immediately below the Upper Anicut, the river splits into two branches. The northern branch is called 'Coleroon' and the southern branch retains its original name. The Upper Anicut was constructed in the year 1886 to facilitate diversion of the low supplies of the river into Cauvery delta. The two branches join again forming Srirangam Island. It is said that Chola King constructed the Grand Anicut at the junction point below the island aforesaid which formed a great irrigation system in the Thanjavur district in the first century A.D. There is further split of the Cauvery; into two branches- one being called Cauvery and the other Vennar. The channels are used as canals for irrigating the fields in the Cauvery delta. Regulators have been provided to regulate the supply of water for distributing the Cauvery waters in the delta. The branches divide and subdivide into innumerable smaller branches. The branch which retains the name of the Cauvery throughout its course enters the Bay of Bengal. The northern branch known as Coleroon after the bifurcation at the Upper Anicut as mentioned above continues to flow in the north-easterly direction also to enter the Bay of Bengal.

State-wise distribution of the total length of the river from the head to its outfall into the sea is, about 320 km. (198 miles) in the State of Karnataka (the then State of Mysore), 416 km. (258 miles) in Tamil Nadu and the remaining length of 64 km. (40 miles) forms the common boundary between the States of Karnataka and Tamil Nadu. The total length of the river of Cauvery from the head to its outfall into the sea is 800 km. (496 miles). The total catchment of the Cauvery is 81,155 sq.km. of which the catchment of the river in Karnataka is about 34,273 sq. km., that in Kerala is about 2,866 sq. km. and the remaining area of 44,016 sq. km. in Tamil Nadu.

The river Cauvery which is a gift of nature to different States, through which it passes before reaching the Bay of Bengal, unfortunately has become a source of dispute and conflict between the State of Madras/Tamil Nadu and the State of Mysore/Karnataka for sharing its water for more than 150 years. In the middle of the nineteenth century, the Mysore Government while restoring their old irrigation works also wanted to build a number of new irrigation projects. This caused considerable anxiety to the then State of Madras, who were dependent on river Cauvery for their irrigation purposes. The Government of Madras took up the case with Mysore Government and the Government of India. Incidentally, it may be mentioned that the dispute also involved other rivers emanating from or flowing through Mysore into Madras Presidency. After great deal of discussions and correspondence an agreement was finally reached on 18th February 1892 covering interState rivers and it was framed in the form of Rules.

After the reorganisation of States in November 1956 part of the Cauvery catchment in erstwhile North Malabar district (present Wynad district) came under the Kerala State, along with part of Bhavani subbasin of then Madras and portion of Amravathy (Pambar) sub-basin, which was in Travancore State became part of Kerala because of which Kerala has now become a Cauvery basin State. Similarly, since part of the Cauvery delta command lies in the Karaikal region of the Union Territory of Pondicherry, Pondicherry has also been included in the group of Cauvery basin States.

Fresh disputes arose between States of Tamil Nadu and Mysore/Karnataka when according to the State of Tamil Nadu, the State of Karnataka unilaterally started construction of the following irrigation projects on the tributaries of the Cauvery:

The Kabini Reservoir Project
The Hemavathy Reservoir Project,
The Harangi Reservoir Project, and
The Suvarnavathy Reservoir Project.

The construction of the aforesaid projects by the State of Karnataka was objected by Tamil Nadu, on an apprehension that this will cause a danger to the existing irrigation system in Tamil Nadu. The objection was also raised on the ground that such action on the part of the State of Karnataka was against the terms and spirit of aforesaid agreements of the years 1892 and 1924. No consent or concurrence of Tamil Nadu had been obtained in terms of those agreements. It was also pointed out that the projects had not been cleared by the Government of India and were being executed unilaterally in contravention of the agreements. It appears that Government of India held several meetings and conferences to sort out the dispute between two States. When no solution came forward, the Tamil Nadu Government on 17.2.1970 made a formal request to the Government of India under Section 3 of the InterState Water Disputes Act of 1956 to refer the Cauvery Water Dispute to a Tribunal for adjudication. Even thereafter further meetings of the Chief Ministers and Union Minister for Irrigation and Power were held to sort out the differences. In August 1971 the State of Tamil Nadu filed a Suit (O.S.1 OF 71) before the Supreme Court of India with a prayer to direct the Government of India to constitute a Tribunal as per the provisions of the Inter-State Water Disputes Act of 1956 and pending disposal of the Suit to restrain the State of Karnataka by an injunction from proceeding with their projects which were under construction. It is reported that on assurance having been given by the then Prime Minister of the Government of India to negotiate settlement between the two States the Suit aforesaid was withdrawn in July 1972.

In the meeting of the Chief Ministers of the States of Tamil Nadu, Karnataka and Kerala which had been called by the Union Minister for Irrigation and Power in May 1972, it was decided that a Committee should be constituted to collect factual details in respect of the yield and utilisation of water in the Cauvery basin. The terms of the reference was as follows:

- (i) To collect all the connected data pertaining to Cauvery waters; its utilisation at different points of time; irrigation practices; as well as projects both existing, under construction, and proposed in the Cauvery basin.
- (ii) To examine adequacy of the present supplies or excessive use of water for irrigation purposes.
- (iii) To collect data relevant to the use of water in different States like the physical and other features; cultivated areas; existing and proposed uses for domestic and industrial water supply; hydroelectric power generation, navigation, salinity control and other non-irrigation purposes.
- (iv) Any other connected matters.

An agreement to that effect was put in the form of “Note on discussion regarding Cauvery held at New Delhi on 29th May 1972”. On basis of the report of the Cauvery Fact Finding Committee several discussions were held to arrive at a settlement. Draft proposals brought out by the Government of India were considered by the States of Karnataka and Tamil Nadu but no agreement could be arrived at.

According to the State of Tamil Nadu while negotiations and discussions were going on at different levels, the State of Karnataka went ahead with its projects under construction. It appears that in an interState meeting held in Bangalore in June 1986 a stand was taken by the Tamil Nadu Government that

all efforts to resolve the dispute having failed during the past 16 years the dispute be referred to a Tribunal in accordance with the provisions of the Inter-State Water Disputes Act, 1956. It may be mentioned that prior to that, Tamil Nadu Cauvery Neerppasana Vilaiporulgal Vivasayigal Nala Urimai Padhugappu Sangam had filed a Writ Petition No.13347 of 1983 under Article 32 of the Constitution of India for a writ of mandamus directing the Union of India to refer the dispute relating to the utilisation of the Cauvery river water for adjudication by the Tribunal to be constituted under the InterState Water Disputes Act 1956. By an order dated 4th May 1990 passed on the said Writ Petition the Supreme Court after giving brief background of the dispute directed 'the Central Government to fulfil its statutory obligation and notify in the official gazette the constitution of an appropriate tribunal for the adjudication of the water dispute' referred to in earlier part of the said order and judgment.

Claims by States

1. THE CLAIM OF THE STATE OF KERALA

According to the State of Kerala river Cauvery originates on the eastern slopes of the western ghats and has its huge catchment spread over the States of Kerala, Karnataka and Tamil Nadu. Three tributaries of the river, namely, Kabini, Bhavani and Pambar have portions of their catchments in the State of Kerala. It has been asserted that Kerala's contribution to the total runoff amounts to 20%, but the said State lags behind the others so far utilisation of the waters of the Cauvery are concerned.

There are some historical reasons as well for this situation. Before the re-organisation of the States in the year 1956, neither Travancore nor Travancore-Cochin State was recognised as an interested party in the dispute of sharing the water of Cauvery. After the re-organisation of the State, determined efforts have been made for improvement of the basin and diversion of the water in Cauvery basin for utilisation by the State, but their several claims had been objected to by other riparian States. Several claims have been prepared which have been found to be technically feasible and economically viable, but they could not be executed because of the attitude of other lower riparian States and ultimately the State of Kerala had to be dependent on single crop of paddy. There is much scope for raising second or even third crop with availability of irrigation facilities from the water available in Cauvery basin. The terrain is undulating and the groundwater potential is negligible in the State. Because of the special topographical feature of the Cauvery basin in the State of Kerala, the diversion of the water from Cauvery basin offers the scope for development of the cheap hydroelectric power in addition to meeting the need for consumption of water for irrigation purposes. In spite of several negotiations with the neighbouring States with the help of the Government of India the projects prepared for development of the State in respect of the water in the Cauvery basin within the State of Kerala could not materialise. According to the State of Kerala along with reorganisation the question of reallocation of Cauvery water among the basin States should have been settled or at least an interim allocation should have been made so that each State could plan its schemes while Kerala was barred from taking up any scheme in the basin, Tamil Nadu proceeded with new constructions utilising Cauvery water for extending irrigation. The Mettur canal project, Kattalai high level canal and the Pullambadi Canal Scheme were taken up and the Government of India cleared these projects.

Karnataka also embarked upon new irrigation projects utilising Cauvery water even without clearance from the Government of India.

2. THE CLAIM OF THE STATE OF KARNATAKA

The stand of the Karnataka is that until the end of the 19th century, utilisation of waters of the Cauvery in the States of Coorg and Mysore was primarily from channels drawn from the river bed and from tanks in small quantities not exceeding 2067 Mm³ (73 TMC) in aggregate. There was no facility of storage, agricultural operations depended on the rainfall. The efforts made by the State of Mysore to utilise the waters of Cauvery for purposes of irrigation were frustrated by the continued protests of the British Government of Madras. The State of Mysore being the upper riparian which contributed highest flow to the river was not allowed to exercise its powers so far utilisation of waters for irrigation was concerned, because of the protests made by the lower riparian Province of Madras. After lot of correspondence in the late part of 19th century and the early 20th century and the subsequent arbitration proceedings the scheme for storage of the water of Cauvery could be achieved only in 1931, after construction of the Krishnaraja Sagara Dam for the storage of 1269 Mm³ (44.8 TMC) of water. It has also been pointed out that by 1934, Madras had completed the work of Mettur Dam for storage of 2648 Mm³ (93.5 TMC) of water of Cauvery enabling the cultivation of over 1,21,457 ha (3,00,000 acres) of new area. It is said that after reorganisation of States and formation of the State of Karnataka covering the areas of the new State of Mysore and others 42.2% of the drainage area of the Cauvery basin is in Karnataka. 7. The principal tributaries of Cauvery in Karnataka are Harangi, the Hemavathy, the Lakshmanathirtha, the Kabini, the Shimsha and the Arkavathi. All these rivers except Kabini rise and flow fully in Karnataka. Another tributary, Suvarnavathy rises in Tamil Nadu and flows for a short length, in that State and then flows for the major length before joining the Cauvery above Sivasamudram in Karnataka. The Cauvery river valley receives varying degrees of rainfall. Western and Central parts of the basin receive rainfall in South-West monsoon starting from last week of May and ending in September. The eastern part is largely helped by North-East monsoon starting in September and ending in December. It has been pleaded that from the rainfall studies it shall appear that Karnataka suffers most, having large cultivable areas with inadequate rainfall. It has been pointed out that although in the hilly regions forming part of the Western Ghat system in Karnataka receive very heavy rainfall, yet other parts of the districts of Mysore, Mandya, Hassan, Tumkur, Bangalore and Kolar are severely plagued by successive droughts. Same is not the position of the basin falling in Tamil Nadu. The eastern part of the basin in Tamil Nadu receives heavy rainfall of North-East monsoon beginning from the end of September and ending in December. The Central part of the basin in Tamil Nadu receives both South-West monsoon and Northeast monsoon. On basis of report of Irrigation Commission, 1972 Vol. I, page 166 it has been alleged that Karnataka has the largest extent of drought prone area in the Cauvery basin, although it has very large areas of cultivable and cultivated lands in the Cauvery basin. There is an imperative need to give relief to such areas by providing proper irrigation facilities. The State has to depend on surface water allocation in the Cauvery basin because of uncertain ground water resources due to reduced recharge, general deep water table and low storage in the aquifer. In respect of the crop pattern in Karnataka, it has been stated that Ragi, Jowar, Sessamum, Groundnut, red gram and short duration pulses are the common kharif crops under rainfed conditions. In some areas, where there were pockets of retentive soils or where late rains occur, some Rabi crops like Jowar, Bengal Gram and cotton are cultivated. Precarious drought conditions can be met with irrigation facilities to ensure crops during the entire period from June to February. For this, the water from Cauvery is necessary.

3. THE CLAIM OF THE STATE OF TAMIL NADU

As already mentioned above because of the letter of complaint dated 6 th July 1986 addressed by the State of Tamil Nadu to the Government of India and direction given by the Supreme Court on a Writ Petition filed by Tamil Nadu Cauvery Neerppasana Vilaiporulgal Vivasayigal Nala Urimai Podhugappu Sangam, the reference of the dispute in respect of the apportionment of the water of river was made to the Tribunal constituted under the provisions of Inter-State Water Disputes Act, 1956. According to Tamil Nadu, the State of Karnataka has constructed Kabini Reservoir, Hemavathy Reser Reservoir, Suvarnavathy Reservoir and other projects for storing water of river Cauvery much more beyond the limit stipulated in the agreement of the year 1924 which has resulted materially in diminishing the supply of waters of Cauvery to Tamil Nadu. This has adversely affected the Ayacutdars in Tamil Nadu, who had been dependent on the water of river Cauvery for centuries. The Cauvery which is an east flowing river is the only major river flowing through the State of Tamil Nadu and the economy of the State and production of the crops are fully dependent on its water. Tamil Nadu and the Union Territory of Pondicherry are lower riparians on the said river. Because of the interference in the flow of the river Cauvery, disputes arose more than a century ago leading to the agreements of 1892 and 1924 between the erstwhile Governments of Madras and Mysore, whose successors in interest are the present State of Tamil Nadu and Karnataka. It has been pointed out that the agreements of the years 1892 and 1924 factually recognise and protect the prescriptive rights of Tamil Nadu over the water of Cauvery.

The State of Karnataka is at liberty to utilise the water of Cauvery, but not to the prejudice to the interest of the people of Tamil Nadu. Any claim for apportionment of the water of an inter-State river has to be judged on principle of equitable apportionment as well as by the common law of prescriptive rights. Wherever there is an agreement between the parties viz. between two or more States regarding the use, development and control of the waters of an inter-State river and the river valley thereof, they shall govern the claim of the parties. It has been alleged that construction of Kabini, Hemavathy, Harangi and Suvarnavathy projects by Karnataka without the consent of Tamil Nadu amounts to violation of the agreement of the year 1924 and amounts to taking advantage of Tamil Nadu being the lower riparian State. The Karnataka Government proceeded with the construction of Kabini Reservoir from 1958 onwards and completed in 1975. The reservoir as executed has a live capacity of 16 TMC; the ultimate Ayacut and utilisation under the reservoir are reported to be 4.54 lakhs acres and 57.7 TMC respectively. The irrigation from the reservoir has commenced from 1975-76 onwards. Because of the construction of the reservoirs, the inflows into the Mettur Reservoir have been substantially and materially diminished to the great prejudice of the State of Tamil Nadu. Reference has been made to clause 10(iv) of 1924 agreement under which the Karnataka Government is at liberty to carry out future extension of irrigation from the Cauvery and its tributaries limited to 1,10,000 acres, by means of reservoirs of an effective capacity of 45 TMC in aggregate. But as stipulated in clause 10(vii) of the same agreement the impounding therein shall be so regulated as not to make any substantial diminution in supplies from what has been detailed in clause 10(ii) by adoption of suitable impounding formula or such other means as may be settled from time to time. The State of Karnataka started its reservoir project on Hemavathy, a tributary of Cauvery in 1960 without consent or intimation to the Government of Tamil Nadu.

The Government of India on protest being lodged by the State of Tamil Nadu informed the State of Karnataka that there was no question of clearance of the project unless the inter-State aspects were settled in accordance with the agreement between the two States. Still the execution of the project commenced and was completed in 1978. It has been asserted that well established and settled principle is that the

upper riparian State does not have an absolute right to impound or to utilise the water of an inter-State river. The pre-existing right of the lower riparian State has to be cleared and preserved. The river Cauvery being the only major river in Tamil Nadu which has been contributing nearly 50% of the State's surface water use. The upper part of the Cauvery basin which is above Mettur is influenced by south-west monsoon, while the lower part is influenced by North-east monsoon. The flow of the river during the south west monsoon is, to a very great extent, dependent on the run-off from the hilly catchment above the Sivasamudram falls. The South West monsoon is more intensive, unfailing and dependable, spread over a long period. During this period, most of the catchment lying below the Mettur reservoir, gets practically no benefit excepting a small portion of the high ranges of the Bhavani and Amaravathi tributaries, as the catchment lies on the rain-shadow area of Western Ghats. This part which in the State of Tamil Nadu gets some benefit later during the North-East monsoon. But this is more often erratic and undependable, the coastal areas and the Delta occasionally receive heavy intense rains of very short duration, most of which can be neither conserved nor utilised in the delta. It has been pointed out that because of the unique geographical creation of Cauvery basin and also because of the hydrological characteristics, with the upper part in Karnataka steeply sloping, with lower part in Tamil Nadu having very vast, mildly sloping alluvial plains, Tamil Nadu is not in a position to avail the benefit of South-West monsoon fully and has to suffer the damage by the NorthEast monsoon. Tamil Nadu had to depend on the flows of river Cauvery since June onwards, during the South West monsoon and on local rainfall during the North-East monsoon. After the commissioning of Mettur Reservoir in 1934 it has been possible to impound the excess flows and send down regulated discharges to meet the needs of the river channels enroute and the delta. A number of regulatory controls have been built in the delta to regulate the canal supply. This, however, is dependent on the availability of supplies. In the delta a short-term crop called Kuruva is raised between the months of June and September followed by a medium crop Thaladi between October and February. In single crop lands which are large in extent, a long-term crop Samba is raised between July and January. Rice is the dominant crop in the delta especially in the Thanjavur District. The whole State largely depends on this District for rice which is the staple food of the people. The alluvial soil of the delta is ideal for growing rice subject to availability of water. In isolated pockets, sugarcane, banana and other crops are grown.

4. UNION TERRITORY OF PONDICHERRY

The Karaikal region of the Union Territory of Pondicherry is situated on the South Coromandel Coast. The three sides of Karaikal region are bounded by Thanjavur district of Tamil Nadu and on the East 61 there is Bay of Bengal. The total area of Karaikal region is 14,920 hectares of which 10,990 hectares are under cultivation. The sub-soil water is unsuitable for cultivation. The water supplied to Karaikal region from river Cauvery is made from the branches of the river below Grand Anicut. When the river Cauvery divides and sub-divides itself and serve both the irrigation and drainage channels in the Karaikal area. The water requirements for Karaikal region are as follows:

Sl. No.	Crop	Area (hectares)	Water Requirement (Mc.ft).
1.	Samba (single crop)	4760	3006

2.	Kuruvai (Kharif Double crop)	6230	2868
3.	Thaladi (Rabi Double crop)	6230	3366
	TOTAL:	17220 ha	9240 Mc.ft.

According to the Union Territory of Pondicherry, even under the French Administration, it had riparian rights in Cauvery waters. The interest of this territory was taken note of when the aforesaid agreements of 1892 and 1924 were entered into between the then Government of Madras and Government of Mysore in connection with the construction of Krishnarajasagar Dam. Even at the time of construction of Mettur Dam, French Administration passed its claim to the then Government of Madras for regulation of the supply of Cauvery water to Karaikal region. It has been alleged that after 1972 there has been short-fall in the actual release of water from various rivers. The short-fall has been varying from about 2 TMC to 6 TMC.

In recent times

The failure of monsoon leads to an escalated dispute since the amount of water available decreases but the demand is significantly higher. In 2016, Karnataka and Tamil Nadu received lower than normal rainfall during the monsoon. Karnataka said it cannot release water to Tamil Nadu for agriculture as it needs it for drinking water purposes.

In August 2016, the Tamil Nadu government said that there was a deficit of 50.0052 tmcft (thousand million cubic feet) of water released from Karnataka reservoirs, with respect to the minimum limit directed by the CDWT. The Karnataka government said it wouldn't be able to release any more Cauvery water, as low rainfall during the monsoon had left its reservoirs half-empty. Tamil Nadu then sought the apex court's intervention saying its farmers needed the water to begin cultivating samba crops.

On September 5, the Supreme Court ordered the Karnataka government to release 15,000 cusecs of water a day for 10 days, to Tamil Nadu. This led to widespread protests and bandhs in Karnataka.

The reason for this endless cycle of sporadic litigation and ad hoc adjudication is that both Karnataka and Tamil Nadu continue to avoid any mutual engagement to share the shortfall during distress years. And there is no permanent, independent mechanism to ensure this.

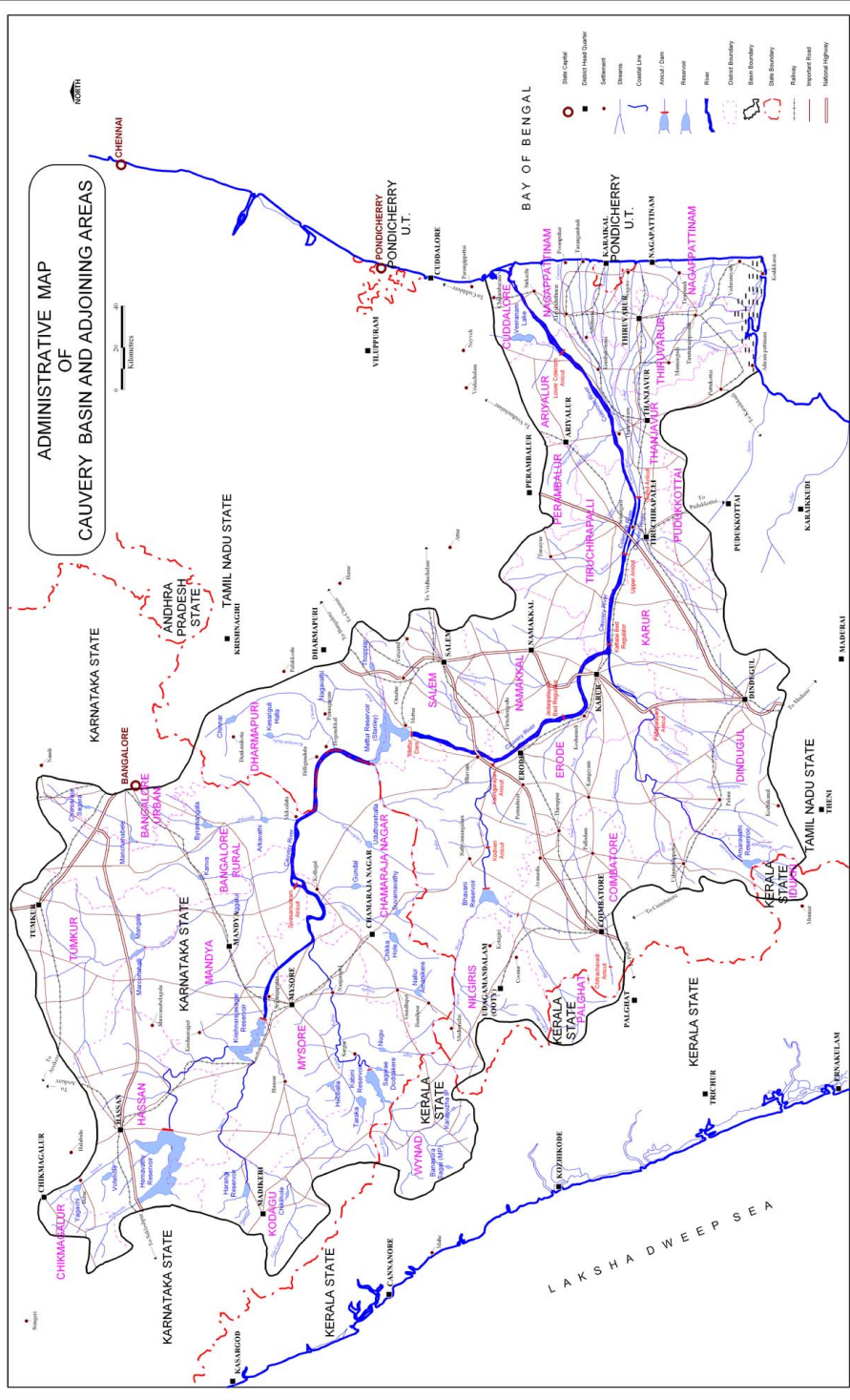
The Cauvery Water Disputes Tribunal, which gave its award in 2007, has asked the parties to share the deficiency on a pro rata basis. However, a major problem in implementing this aspect is the absence of a 'Cauvery Management Board' and a Regulatory Authority, which the Tribunal had wanted created to oversee implementation.

Instead, after notifying the final award in 2013, the Union government set up a Supervisory Committee comprising officials from the Union government and the Central Water Commission and representatives of both States. The court has now asked Tamil Nadu to approach the committee, which will decide on further releases.

Questions to Consider:

- How much water is available? How can different sources of water be divided and utilised?
- Is the only source of contention the surface flowing water?
- Is groundwater a viable alternative source of water?
- What are the Principles of Apportionment and Assessment of Irrigated areas in the States of Tamil Nadu and Karnataka? Are they adequate or impending modification?
- Are all water requirements to be treated with equal value or should there be some discrimination based on who is utilising the water for what?
- What is to be done in times of crisis when there is such shortage of water that it isn't enough for even one state?

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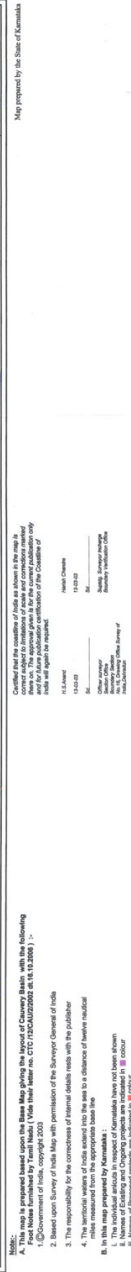
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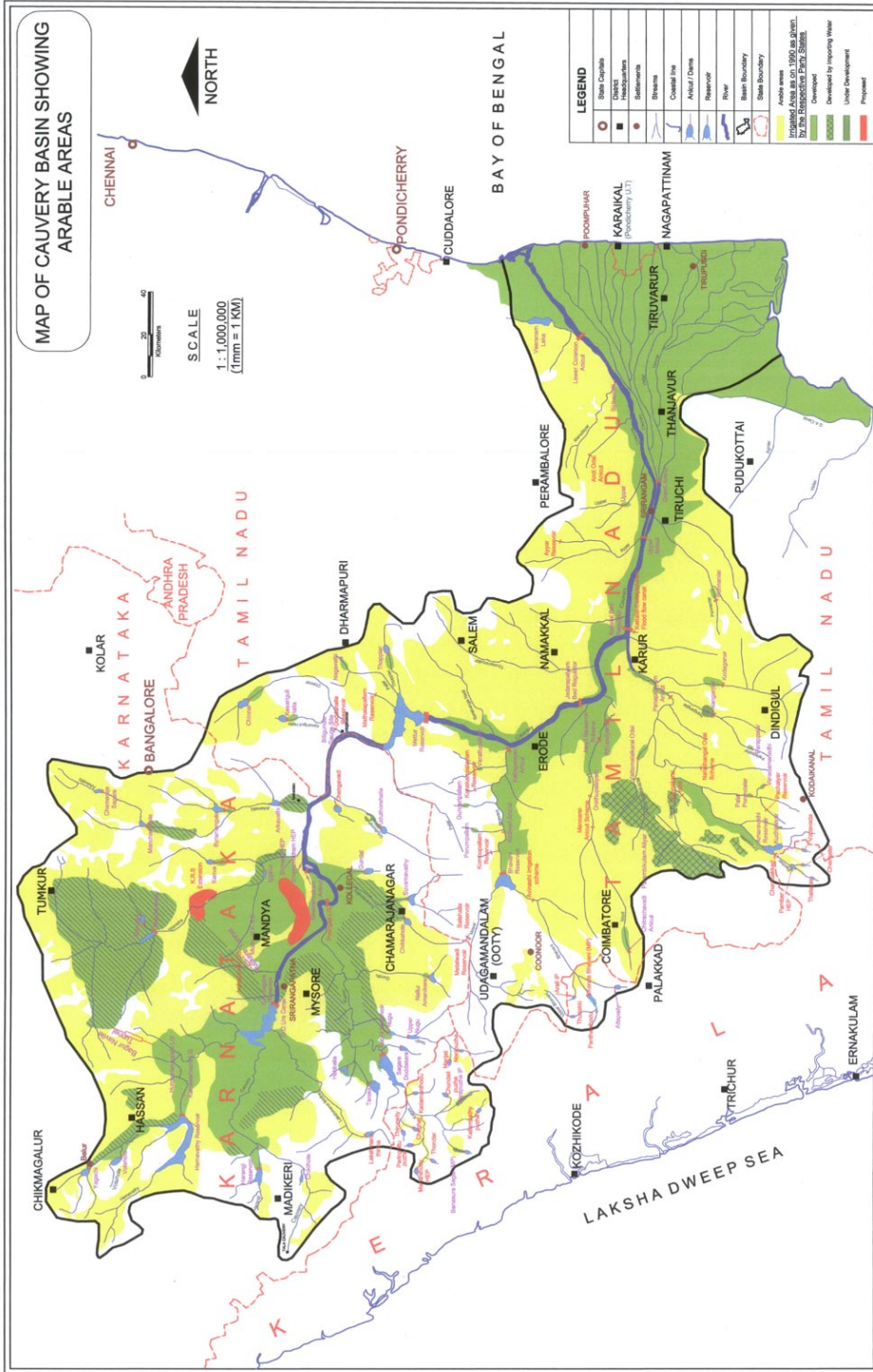
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			Section Office
			Boundary Section
			Boundary Section
			No.16, Drawing Office
			Survey of India, Dehradun

Harish Chandra	13-02-03	SI	Signld. Survivor Incharge Boundary
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Map Prepared by the State of Tamil Nadu





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 iv. Names of Proposed projects are indicated by blue colour

SOURCE: Report of the Irrigation Commission - Volume IV, Irrigation Atlas of India - 1972, (Plate Nos: 29 & 30) & Irrigation Atlas of India (Revised Edition) Volume - I, 1987, (Plate Nos: 12 & 13)



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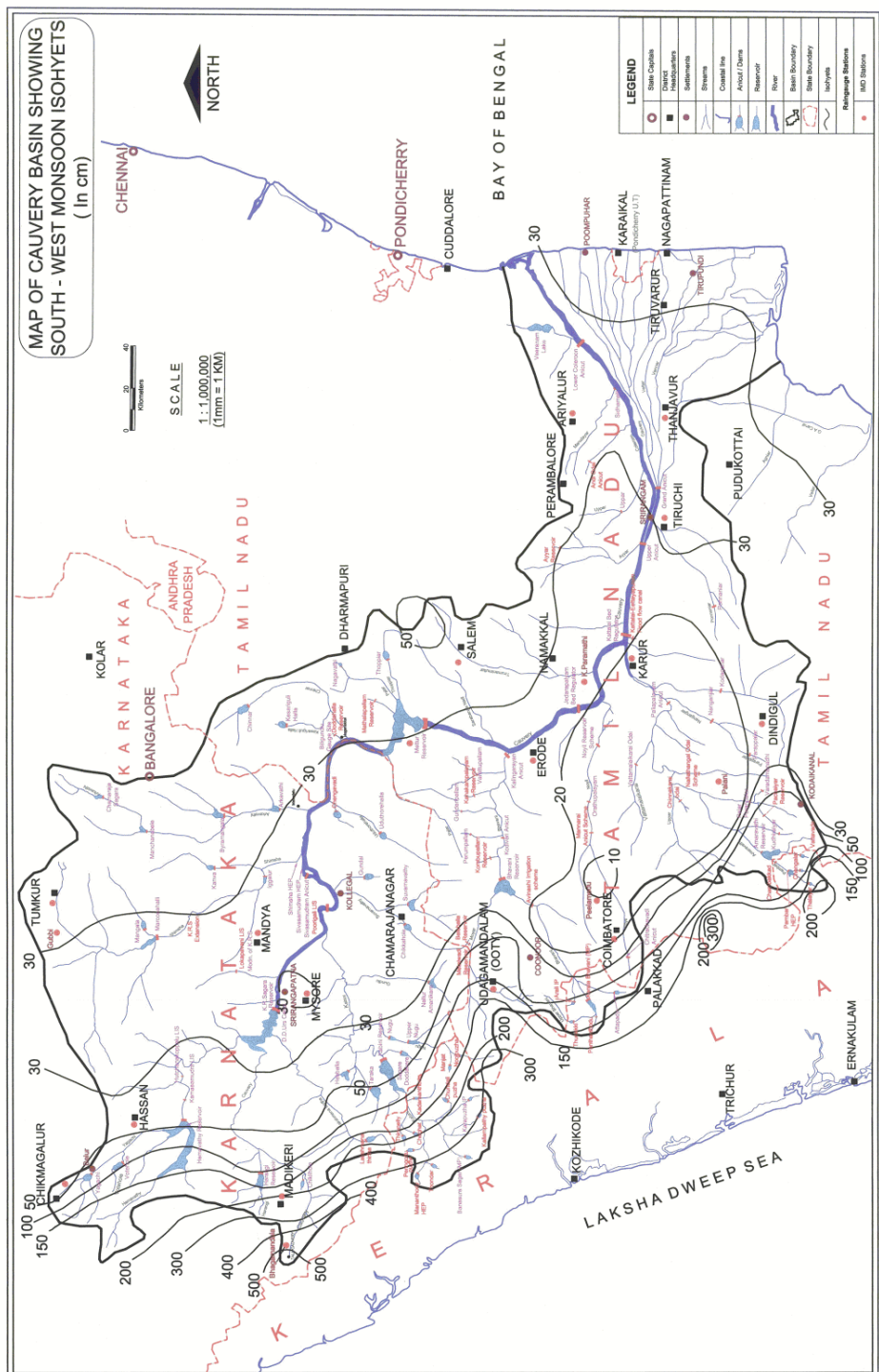
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- Names of Proposed projects are indicated in ■ colour

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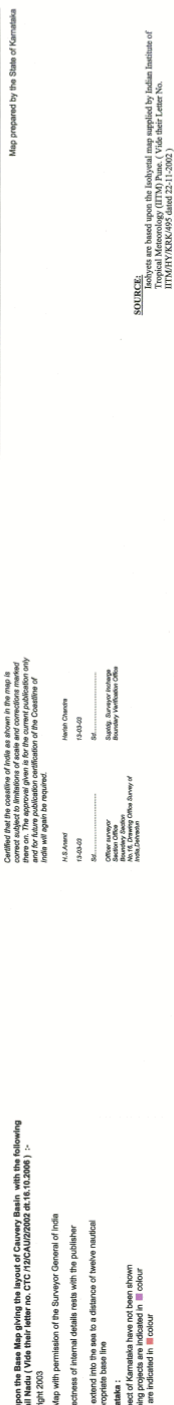
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miles measured from the appropriate base

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II, Names of Existing and Ongoing projects are indicated in colour

III. Names of Proposed Projects are indicated in ■ column



Bibliography and Links for Further Research

- https://en.wikipedia.org/wiki/Kaveri_River_water_dispute
- <https://economictimes.indiatimes.com/news/politics-and-nation/a-brief-history-of-the-cauvery-dispute/tale-of-two-states/slideshow/63698683.cms>
- <https://www.thehindu.com/news/national/the-cauvery-river-dispute-over-the-years/article22762788.ece>
- <http://www.india-wris.nrsc.gov.in/wrpinfo/index.php?title=Cauvery>
- <http://www.india-wris.nrsc.gov.in/Publications/BasinReports/Cauvery%20Basin.pdf>
- <http://lawmin.nic.in/ncrwc/finalreport/v2b3-6.htm>
- <http://wrmin.nic.in/writereaddata/Inter-StateWaterDisputes/FINALDECISIONOFCAUVERYWATERTRIBUNAL4612814121.pdf>
- <https://thewire.in/politics/who-should-karnataka-blame-in-the-cauvery-dispute-history-has-some-answers>
- <https://www.lenntech.com/calculators/conductivity/tds-engels.htm> - Conductivity Units Converter (Useful Tool)
- <https://www.scribd.com/document/109376331/Vol-v-1580536265>
- <http://www.thehindu.com/todays-paper/release-10000-cusecs-till-sunday-karnataka-told/article4169009.ece>
- <http://mowr.gov.in/acts-tribunals/current-inter-state-river-water-disputes-tribunals/cauvery-water-disputes>