

## Cauvery Water Sharing Issue

### Why in news?

The Tamil Nadu government has sought the Supreme Court's intervention to make Karnataka immediately release 24,000 cubic feet per second (cusecs) from its reservoirs.

### What is the history of Cauvery River Dispute?

- **Pre- independence period-** There were two agreements entered in 1892 and 1924 with respect to sharing of river water between the states of erstwhile Madras Presidency and the kingdom of Mysore.
- **1924 agreement-** Karnataka and Tamil Nadu signed an agreement effective for 50 years.
- The percentage of water sharing is
  - 75% - Tamil Nadu and Puducherry
  - 23% - Karnataka
  - 2% - Kerala
- **Post Independence-** On completing 50 years, the accord lapsed in 1974.
- Subsequently, Karnataka claimed that the agreement restricted its ability to develop farming activities along the Cauvery basin.
- It attempted to expand farming activities in the Cauvery basin by building reservoirs that has become a major water sharing dispute among ***Tamil Nadu, Karnataka, Puducherry and Kerala.***
- **Tribunal -** By Tamil Nadu's demand, the Union government formed the *Cauvery Water Disputes Tribunal* (CWDT) in 1990 that adjudicated the dispute in 2007.
- **New Bodies-** The following bodies were created in 2018, as per Supreme Court guidelines.
  - ***Cauvery Water Management Authority-*** Ministry of Jal Shakthi
  - ***Cauvery Water Regulation Committee***

## HISTORY OF THE LEGAL DISPUTE

**1892** | Madras and Mysore states mutually entered into an agreement for equitable share of water. The 1924 agreement allowed construction of Krishnarajasagar dam by Mysore and the Mettur by Madras

**1958** | Karnataka (Mysore) constructed Harangi, Kabini and Hemavathi dams in violation of 1892 and 1924 agreements. Several meetings between the

governments failed

**1970** | TN took up with the Centre about illegal construction of projects and sought the reference of the dispute to a tribunal under Inter-State Water Disputes Act, 1956. The following year, the state moved Supreme Court to set up a tribunal

**1973-1985** | Several meetings took place between the states and the Centre, but the dispute could not be settled amicably

**1986-1990** | 26 sittings took

place among the states, and officers of the Centre, but no amicable settlement could be reached. The SC directs Centre to constitute Cauvery Water Disputes Tribunal in 1990.

**1991** | The tribunal passed interim order directing Karnataka to ensure release of 205tmcft to Mettur dam in TN

**2007** | Final order given stipulating release of 192tmcft to TN during normal year, also holding the agreements of 1892 and 1984 valid and binding

### How did the CWDT evolve?

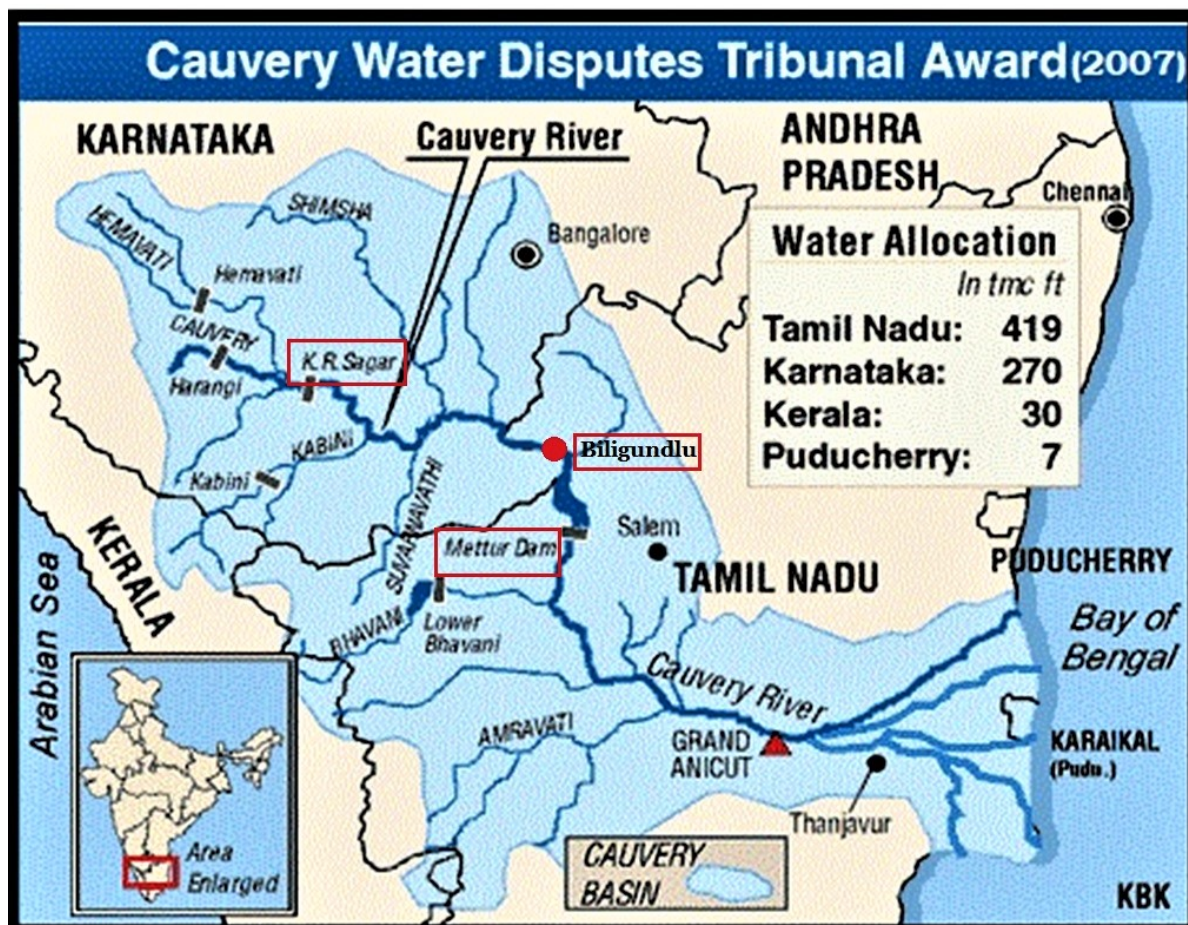
- **Article 262-** Adjudication of disputes relating to water of inter- State rivers or river valleys.
- **Power of Parliament-** Parliament can provide for adjudication of any dispute or complaint with respect to the use, distribution or control of the waters in inter-state river or river valley by law.
- It can provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- **Inter State Water Dispute Act, 1956-** Any State may request the Centre to refer an inter-State river dispute to a tribunal for adjudication.
- If the Centre feels that negotiations cannot settle the dispute, it may setup a Water Disputes Tribunal *within 1 year* of the complaint.
- Cauvery Water Dispute Tribunal was formed through this act in 1990.
- **Dispute resolution** - Tribunals has the *power of civil court* and its verdict is equivalent to *Supreme Court verdict* when pronounced under the ambit of the Inter State Water Dispute Act.
- The verdict of the tribunal can be challenged in Supreme Court via civil suits.
- **Amendment-** Tribunal award post 2002 can be altered by new tribunals.

To know about the Centre and State Powers over Water Resources, click [here](#)

### What was the tribunal's order?

- **Water availability-** According to the tribunal's order, the total availability of water in the 802-km long Cauvery basin is 740 thousand million cubic feet (TMC) in a normal year.
- **Water utilisation-** Of the total 740 TMC, water awarded includes
  - 419 TMC to Tamil Nadu
  - 270 TMC to Karnataka
  - 30 TMC to Kerala
  - 7 TMC to Puducherry

- The remaining 14 TMC was reserved for environmental protection.
- To achieve this sharing, the order stated that Karnataka must release 192 TMC of water from **Biligundlu Station** (inter-state dam) in normal monsoon years.
- The tribunal also noted that in case the yield was less in a distress year, the allocated shares shall be proportionately reduced.



### What is the current dispute?

- **Supreme Court** - Tamilnadu sought the intervention of SC
  - To make Karnataka immediately release 24,000 cubic feet per second (cusecs) from its reservoirs and
  - Ensure the availability of the specified quantity of water at Biligundlu on the inter-State border for the remainder of the month.
  - To stick with CWDT's final award.
- **Karnataka's stand**- It has contended that lower rainfall in the Cauvery catchment including in Kerala has led to the poor inflow to its own reservoirs.
  - According to data of the Meteorological Department, Kodagu district (Cauvery river origin) received 44% less rainfall during June 1-August 15 than what it was expected to experience.
- The state decided to appeal to Cauvery tribunal to reconsider order on releasing water to Tamilnadu.
- **Tamilnadu's stand** - Tamilnadu is in the favour to formulate distress sharing formula, which is not accepted by Karnataka.

Mekedatu, a multipurpose balancing reservoir project at the confluence of the River Cauvery and its tributary River Arkavathi in Karnataka has been contentious for years between Tamilnadu and Karnataka.

### What lies ahead?

- A distress-sharing formula, acceptable to all the stakeholders, seems to be the need of the hour.
- Government plans to create a single tribunal to deal with all inter State river disputes and reduce the complexity.
- Supreme Court is of the opinion to give water sharing on the basis of river basin and provide equitable sharing of water.

### About Cauvery River

- It is the *3rd largest river* in South India.
- Ponni was another name for it in Tamil literature.
- **Origin**- Talakaveri on Brahmagiri range in Western ghats.
- **States**- Karnataka, Tamilnadu, Kerala, Puducherry
- **Right tributaries**- Lakshmana Tirtha, Kabini, Bhavani, Noyyal, Amaravati, Moyar.
- **Left tributaries**- Harangi, Hemavati, Shimsha, Arkavathy
- **Basin**-
  - **Tamilnadu**- 44,000 square kms
  - **Karnataka** - 32,000 square kms
- **Drains**- In Bay of Bengal at Poompuhar in Tamil Nadu

### References

1. [The Hindu- Explained Cauvery river dispute](#)
2. [The News Minute- Karnataka to appeal the order](#)