

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES,
RIVER DEVELOPMENT & GANGA REJUVENATION
LOK SABHA
UNSTARRED QUESTION NO. †3442
ANSWERED ON 15.03.2018

CAUVERY WATER DISPUTE

†3442. SHRI JANARDAN MISHRA

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION be pleased to state:

- (a) whether Supreme Court has given any verdict on Cauvery water dispute;
- (b) if so, the details thereof;
- (c) the names of the States between which the Cauvery water dispute is mainly there; and
- (d) the legal efforts made to resolve this dispute so far?

ANSWER

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION & PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

- (a) Yes, Madam. Supreme Court has given its verdict on Cauvery Water Dispute on 16.02.2018.
- (b) The highlights of the verdict is attached at **Annexure-I**.
- (c) Cauvery water dispute is among the States of Tamil Nadu, Karnataka, Kerala and UT of Puducherry (Pondicherry).
- (d) The Cauvery Water Disputes Tribunal (CWDT) was constituted by the Government of India on 2nd June 1990 to adjudicate the water dispute regarding inter-state river Cauvery and the river valley thereof among the States of Tamil Nadu, Karnataka, Kerala and UT of Puducherry (then Pondicherry). The Tribunal passed an Interim Order in June, 1991. The Interim Order was not acceptable to Karnataka. It subsequently passed an Act in the same year to nullify the effect of Interim Order. The President of India made a reference to the Supreme Court under Article 143(1) of the Constitution on the various aspects of Interim Order and validity of the above Act. The opinion of the Supreme Court became available in November, 1991 and thereafter the Interim Order was published in the Official Gazette. The Cauvery Water Disputes Tribunal submitted its reports and decision under Section 5 (2) of Inter-State River Water Disputes Act, 1956 to Government on 5th February, 2007. The party States and the Central Government sought clarification and guidance under Section 5(3) of the Act. Further, the party States have also filed SLPs under Article 136 (1) of the Constitution in the Supreme Court against the report and decision of the Cauvery Water Disputes Tribunals. Maintainability of these Civil Appeals were taken up by the Supreme Court from September, 2016 onwards and was upheld in December, 2016. The Supreme Court pronounced its verdict in above Appeals on 16.02.2018. Supreme Court has slightly modified the order of Cauvery Water Dispute Tribunal (CWDT) published in year 2013. Supreme Court in its verdict has increased the share of Karnataka from 270 TMC to 284.75 TMC and reduced the share of Tamil Nadu to 404.25 TMC from 419 TMC. Supreme Court has also directed Central Government to frame a scheme to implement the award within a span of six weeks.

Annexure referred to in reply to part (b) of the Unstarred Q.No. †3442 to be answered in Lok Sabha on 15.03.2018 regarding “ Cauvery Water Dispute”

**HIGHLIGHTS OF THE SUPREME COURT ORDER DATED 16.02.2018 IN RESPECT OF
CAUVERY WATER DISPUTE TRIBUNAL AWARD**

- Supreme Court upheld the 1892 and 1924 Agreements between erstwhile Princely State of Mysore and the State of Madras. (ref: page 458 of SC Order)
- Supreme Court has held that waters of an inter-state river passing through corridors of the riparian states constitute a national asset and no single State can claim exclusive ownership of water. (ref: page 460 of SC Order)
- Drinking water requirement of the overall population of all the States has to be placed on a higher pedestal. (ref: page 461 of SC Order)
- Supreme Court revisited the water allocated by Cauvery Water Dispute Tribunal (CWDT) to the Karnataka and Tamil Nadu. It has enhanced the allocation to Karnataka by 14.75 TMC and consequently reduced 14.75 TMC of water from the allocation of Tamil Nadu State. Allocation to Kerala and Pondicherry has not been changed. This 14.75 TMC consists of 10 TMC on account of availability of ground water in Tamil Nadu and 4.75 TMC for drinking and domestic purpose for the city of Bengaluru. Accordingly, 14.75 TMC of water would be deducted from the quantum allocated by the Tribunal to Tamil Nadu. (ref: page 448 of SC Order)
- Final allocation of the Cauvery water as per Supreme Court Order in respect of four basin States are as under: (ref: page 448-49 of SC Order)

Karnataka	:	284.75 TMC (270 + 14.75)
Tamil Nadu	:	404.25 TMC(419 – 14.75)
Kerala	:	30 TMC
UT of Pondicherry	:	7 TMC
Environmental Protection	:	10 TMC
Inevitable escape into sea	:	4 TMC
Total	:	740 TMC

- As a consequence, the State of Karnataka would now be required to make available at the inter-state border with Tamil Nadu, i.e., at Billigundulu, 177.25 TMC (192 – 14.75) of water for the basin. (ref: page 449 of SC Order)
- In view of the reduction in the quantum of water, now required to be released by Karnataka at Billigundulu, there would be a proportionate decrease in the monthly releases as worked out by the Tribunal. (ref: page 451-52 of SC Order)
- Supreme Court directed that a scheme shall be framed under Section 6A of the ISRWD Act, 1956 by the Central Government within a span of six weeks from the date of its Order (i.e. 16.02.2018) to implement the Tribunal’s Award further modified by them. The Court further stated that no extension shall be granted for framing of the scheme on any ground. (ref: page 457 of SC Order)
- Allocation made to the basin States would be utilized for the purpose earmarked and accepted. (ref: page 464 of SC Order)
- Supreme Court found that other findings of the Tribunal are in order.
- The recommendations/directives of the Tribunal with regard to the monthly releases are endorsed for a period of 15 years. (ref: page 463-64 of SC Order)