

A STUDY ON BUREAUCRATIC APPROACH TO CAUVERY WATER DISPUTE

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ABSTRACT

The Cauvery river with its disputable position on water sharing between Tamil nadu and karnataka is the major scenario and concern under this paper. The age old tribunal set up under its constitutional mechanisms which deal with the water disputes and sharing of water reached a un-serendipitous result. The clear view of the dispute can only be brought into limelight through the historical significance of the river and its importance specifically to Tamil nadu and Karnataka among Pondicherry and Kerala. Tamil Nadu and Karnataka have been embroiled in disputes over sharing the Cauvery waters for more than a century. The other two parties to the disputes are Kerala and the Union Territory Of Puducherry. In the past, many attempts had been made to address this issue, but all of these efforts were unsuccessful. The researchers used descriptive methods for this research paper. A descriptive study is one in which information is collected without changing the environment (ie., nothing is manipulated) it is uses to obtain information concerning the current status of the phenomena to describe “ what exists” with respect to variables or conditions in a situations. The paper analyses the tribunals of the past, Constitutional mechanism existing, court rulings with special reference to the 2018 Judgement the main object of the study is to analyse the professional cum bureaucratic approach to the cauvery water distribution and to calculate the efficiency economy and effectiveness of bureaucratic approach. The question raised by the researchers was whether bureaucratic approach is adequate for distribution of cauvery water ?. the researchers also proved the null hypothesis and the bureaucratic approach which is not existing for peaceful distribution of Cauvery water.

Keywords: Tamil nadu, Karnataka, Management board, bureaucratic, water dispute.

INTRODUCTION

The Cauvery, or Kaveri River, originates from Talakaveri (Talakaveri) in Kodagu district in Karnataka. It has a drainage area of around 81,155 square kilometres which is spread across four states – Karnataka (34,273 square kilometres) Tamil Nadu (43,867 square kilometres), Kerala (2,866 square kilometres) and Puducherry (149 square kilometres).¹ Its main tributaries are the Harangi, Hemavati, Kabini, Arkavathy, Amravathi, Lakshmana and Tirtha. The river and its tributaries together form the Cauvery river system. There are around 86 dams on the Cauvery River and its tributaries. Of those dams, 37 have been constructed after 1974.²

The surplus waters after Upper and Grand Anicuts not required for irrigation are diverted into the Coleroon by means of regulators. Here the Lower Anicut regulates the water into three canals. The river continues (Rao) in a north-easterly direction. It discharges into the Bay of Bengal at a place, a little south of Porto-Novo.¹⁰ Rainfall and Agriculture During the south-west monsoon which starts in July-August, the samba cultivation begins. During the north-east monsoon, kuruvai sown in June-July would have been harvested and, the thaladi would begin. The variation in rainfall could damage the crops on account of the floods in certain years and lack of water in other years. This has been somewhat regulated following the construction of the Cauvery-Mettur Project. Rainfall has greatly influenced the agricultural operations of the peasants' in the Cauvery river basin as elsewhere in India. (Wood) Agriculture has been the principal occupation of the people living near the river bed since the dawn of civilization with paddy as the major crop of cultivation. There is therefore little wonder that rice has been the staple food in South India. There are three seasons for growing paddy in samba, kuruvai and thaladi. Samba is a six month crop. Kuruvai seeds are generally sown in June-July and Thaladi in September-October. Samba cultivation begins in August-September and is harvested in January-February. However, with the modern advances made in agriculture, kuruvai, samba and thaladi have lost all significance. The installation of bore wells has freed at least the enlightened farmers from depending on the vagaries of monsoon. Irrigational Importance of Cauvery River Since the Chola rule Thanjavur has been regarded as the granary of South India because the Cauvery fertilizes the cultivable lands in that area every year with its freshers. (Guhan) .

¹ "Profile of Rivers in Karnataka", Envis technical report 129: Nov 2017.

² "The 140-year-old conflict", Rajeshwari Ganesan & Sreeshan Venkatesh, Down to Earth. <http://www.downtoearth.org.in/feature/war-zone-cauvery-55848>. Accessed on 15 February 2018.

This paper aims to analyse the bureaucratic as well as the professional approach to this issue and tries to calculate the efficiency and effectiveness of this approach in the cauvery water management.

REVIEW OF LITERATURE

The researcher has been reviewed the various books, journal, article, magazine and etc. that has been given under the following: The book 'Regional politics of water sharing' authored by D. Hill talks about the water resource problems and per capita water decrease in water availability. Political economy under indus basin and federal dispute under the interstate water dispute 1956. 'Governance of water: Issue and challenges' authored by vishwa ballah points out national water policy NWP in an undemocratic way. Legal mechanism in the Tribunal by historical analysis of the 2007 verdict by heldenshi. The 'famine commission report' of 1867-1890 under the economic condition of the state during thoughts and families. Benefit cost evaluation of mettur dam by sonadalam(Anna Univ. 1961) speaks about the research programmes in the planning commision of India.

'Economic of irrigation and water under cauvery mettur, project 1961', which talks about understanding the agrarian structure as well as the particular point of seasoning. 'Hydroelectricity of Irrigation power report 1979', numbers all the development in broader arrangement in mysore and madras. India's water wealth, Vs2 projects, new delhi by K.L Rao explains the how cauvery is augmented through karangi, hemavathi, shimsha, akkavathi. The 'Agricultural economics research centre', Univ of Madras 1961, talks about the onset of south west monsoon with starts in July and the cauvery mettur dam. 'ISAS working paper 2018, South asian studies speaks on the construction of cauvery british raj madras and agreements made under it. 'The politics of water resource: narmada water controversy', wood, John consults with the implementation ad-hoc decision and year recommendations. 'Towards water wisdom: limits' by Ramasamy Iyer, Adjudication limitation of the Iswd act which are set seemingly dwelt process in working well. 'Water and identity' by anand explains about the factors influencing cooperation within the two riparian states.

RESEARCH METHOD:

The researchers used descriptive methods for this research paper. A descriptive study is one in which information is collected without changing the environment (ie., nothing is manipulated) it is uses to obtain information concerning the current status of the phenomena to describe " what exists" with respect to variables or conditions in a situations. The methods involved range from the survey which describes the status quo, the correlation study which investigation to find the

relationship between variables, to development studies which seek to determine changes over time.

RESEARCH QUESTION :

whether bureaucratic approach is adequate for distribution of cauvery water ?.

HYPOTHESIS

Null Hypothesis

The bureaucratic approach which is not existing for peaceful distribution of Cauvery water.

Alternate Hypothesis

The bureaucratic approach which is existing for peaceful distribution of Cauvery water.

HISTORY OF THE RIVER

The story of irrigation in Tamil Nadu takes us as far back as(Nair) period of Silappadikaram, the great Tamil epic. It is said that a Chola King, named Kanthaman, seeing his country suffer from drought took steps to bring the Cauvery water to his country. He was probably one of the earliest to have realized the importance of irrigating the lands with the river water. It was also claimed that the Chola kings understood the meaning of the proverb "Raise the ridges, the fields improve; cultivate the fields, kings prosper." This Tamil saying has great many meanings suitable for all times. Agriculture forms the basic and solid foundation of Indian economy. Agriculture without irrigation is beyond imagination. Therefore, right from the early times there have been schemes and methods to harness the waters of the Cauvery and utilize them to the fullest possible extent. It is claimed that the earliest among them was the crowning achievement of Karikala Chola (c. A.D. 50-95). It is stated that he was the first king to harness Cauvery waters purposefully for better use in his kingdom. It is also claimed that he constructed the Grand Anicut across the Cauvery which was subsequently strengthened by a later Chola ruler Vira Rajendra also called Karikala.

Thus it is clear from the above mentioned historical information that the Chola kings evinced a keen interest in protecting and promoting the irrigation system of the country. The Cholas, irrigation in these areas was badly neglected on account of wars and political changes. The condition remained one of inundation rather than controlled irrigation system. Therefore the irrigation system was subject to the vagaries of the river Cauvery. This sad state of affairs continued until the British rule. After taking over the administration of the Madras Presidency became concerned about the dwindling returns in the land (Binswanger et al.) revenue and attempted to take a few corrective steps to reestablish the satisfactory irrigation condition in order to improve the company's cash resource base. An Irrigation Commission under the Chairmanship

of Cohn Scott Moncrieff was appointed in the year 1901. The Commission led a number of projects. The Cauvery-Mettur project was one of them³.

PRIMARY YEARS OF DISPUTE

Tamil Nadu and Karnataka have been embroiled in disputes over sharing the Cauvery waters for more than a century. The other two parties to the disputes are Kerala and the Union Territory Of Puducherry. In the past, many attempts had been made to address this issue, but all of these efforts were unsuccessful. The most recent attempt culminated on 16 February 2018 when the Supreme Court of India delivered its verdict on the issue. In its verdict, taking into account the drinking water situation in Bengaluru city (earlier known as Bangalore), which is not part of the Cauvery basin, the Supreme Court allocated an additional 14.75 thousand million cubic feet of water to Karnataka. Of this, 4.75 thousand million cubic feet are to meet the drinking water demands of Bengaluru city. This induced the Cauvery management board to be instituted⁴.

In 1974, the water-sharing agreement of 1924 between Mysore and Madras lapsed. Consequently, their successor States in independent India, Karnataka and Tamil Nadu respectively, found themselves at loggerheads over the Cauvery waters. To look into the matter, Tamil Nadu wanted a tribunal to be set up under the Inter-State River Water Disputes Act, 1956 (amended in 2002). However, this was ruled out by the Union government (Iyer) After an intervention by then-Prime Minister of India, Indira Gandhi, Tamil Nadu withdrew its demand for a tribunal and started participating in negotiations with the riparian States. During the negotiations, the Union government presented two draft agreements in 1974 and 1976 respectively. Both were rejected by Tamil Nadu (Iyer; Wood). On its part, Karnataka allegedly dragged the negotiations by adopting dilatory tactics such as late responses to issues so that it could gain enough time to build new dams in the upstream region. At that time, a crisis management system was set up for the following 15 years.⁵ Under this system, Tamil Nadu annually demanded enough water to save its crops in the delta region, which Karnataka did not agree to initially, citing its own water needs.⁶

In 1990, while looking at a petition filed by a group of farmers from Tamil Nadu, the Supreme Court ordered that a tribunal be set up by the Union government to look into the water disputes between Tamil Nadu and Karnataka. Initially, the Union government, under Prime Minister V P

³ Report of the Irrigation Commission, Vol. I., New Delhi, 1972, pp. 5, 62.

⁴ <https://timesofindia.indiatimes.com/india/frame-draft-scheme-for-cauvery-judgment-implementation-by-may-3-supreme-court-to-centre/articleshow/63678960.cms>

⁵ Iyer 2003; Wood 2007, pg 71.

⁶ Iyer 2003; Wood 2007.

Singh was not interested in the issue. However, the Centre eventually appointed a tribunal,⁷ headed by a Supreme Court judge, Justice Chittatosh Mookerjee, as the chairman and Justices S D Agarwal and N S Rao as members. In 1996, Justice Mookerjee resigned from the tribunal. Justice N P Singh then assumed chairmanship of the tribunal in 1997. Presenting their cases before the tribunal, the disputants made the following points in support of their water-related demands:⁸

Tamil Nadu “The Central Fact-Finding Commission’s reports of 1972 and 1973 with regard to yield and utilisation should be revised. The average annual utilisation is already higher than the yield, even at 50 per cent availability, and hence there is no scope for savings. The 1892 and 1924 agreements are considered inviolable, binding on all the states. There is thus little to be gained from working out any fresh allocation of waters in terms of the actual amount or periodic releases.”

However, Karnataka delayed implementing the interim order sensing public outrage in the State against the decision. Karnataka’s withholding the waters had no impact on Tamil Nadu from 1992 to 1994 because, in those years, the State had good rainfall. However, in 1995, when the monsoon failed, the issue of implementation of the interim order came up. Following a plea by Tamil Nadu, the Supreme Court ordered Karnataka to release 30 thousand cubic feet of water immediately to save the rice crop in Tamil Nadu. The order was ignored by Karnataka. Consequently, the Supreme Court requested the then Prime Minister, P V Narasimha Rao, to mediate. After consultations with the chief ministers of Karnataka and Tamil Nadu, Rao called for the release of six thousand million cubic feet of water and set up a committee to see to its implementation.²¹ The continuous interference from the Supreme Court, interventions from the prime minister and non-compliance with the orders by Karnataka made the CWDT a toothless body.²² In 1998, then-Prime Minister, Atal Bihari Vajpayee, convened a meeting, first of the chief secretaries of the three States and the Union Territory in the Cauvery river basin. This was followed by a meeting of the chief ministers from the disputing States. After these meetings, Vajpayee was able to secure an agreement whereby there would be an ad hoc decision each year based on the recommendation of the monitoring committee headed by the Union cabinet secretary. A Cauvery River Authority was also set up, headed by the prime minister.

⁷ The politics of water resource development in India : Narmada Dam COntrovery; New Delhi; Sage publications.

⁸ Siddiqi, Toufiq A & Shirin Tahir-Kheli (2004). Water Conflicts in South Asia: Managing Water Resource Disputes Within and Between Countries of the Region, op cit.

Meanwhile, the CWDT continued its work and in February 2007 and delivered its final verdict on the dispute. In its order, the Supreme Court had calculated the total availability of water at 740 thousand million cubic feet (measured at Lower Coleroon Anicut site), at 50 per cent dependability. The CWDT allocated 30 thousand million cubic feet to Kerala, 270 thousand million cubic feet to Karnataka, 419 thousand million cubic feet to Tamil Nadu and seven thousand million cubic feet to Puducherry, while 10 thousand million cubic feet was set aside for environmental protection, and four thousand million cubic feet written off as inevitable escapes into the sea.⁹This allocation meant that Karnataka had to release 192 thousand million cubic feet of water to Tamil Nadu.²⁵ To implement its decision, the tribunal recommended that a Cauvery Management Board (CMB) be set up by the Union government. The CMB was entrusted with supervision of the operation of reservoirs and regulation of water releases with the assistance of the Cauvery Water Regulation Committee which was to be constituted by the CMB. The CMB was required to submit its annual report to the four disputing parties Karnataka, Tamil Nadu, Kerala and Puducherry before the 30th of September each year.

THE 2018 SUPREME COURT RULING ON CAUVERY WATER DISPUTE

The legal battle over the CWDT verdict continued in the Supreme Court. In January 2018, the bench of the Chief Justice of India, Dipak Misra, and Justices A M Khanwilkar and D Y Chandrachud found that enough confusion had been created over the Cauvery issue. The bench decided to deliver its final verdict within a month's time.¹⁰Subsequently, on 16 February 2018, the Supreme Court delivered its verdict on the issue. The bench, comprising Chief Justice Dipak Misra, and Justices Amitava Roy and A M Khanwilkar ordered Karnataka to release 177.25 thousand million cubic feet instead of 192 thousand million cubic feet of water to Tamil Nadu at the inter-state contact point at Biligundlu.¹¹

⁹ "The Report of the Cauvery Water Disputes Tribunal – With the Decision", Ministry of Water Resources, River Development & Ganga Rejuvenation, Government of India. http://www.thehinducentre.com/multimedia/archive/03225/Vol-V-1580536265_3225709a.pdf Accessed on 12 March 2016. P 238.

¹⁰ "Verdict in Cauvery disputes within four week, says SC", The Indian Express, 9 January 2018. <http://indianexpress.com/article/india/verdict-in-cauvery-water-dispute-tamil-nadu-karnataka-in-four-weekssays-sc-5017930/>. Accessed on 20 January 2018.

¹¹ "The State of Karnataka by its Chief Secretary Versus The State of Tamil Nadu by its Chief Secretary & Ors", The Supreme Court of India. supremecourtindia.nic.in/supremecourt/2007/11993/11993_2007_Judgement_16-Feb-2018.pdf. Accessed on 17 February 2018;

BUREAUCRATIC APPROACH AND CONCLUSION

Political and institutional factors determine whether the issue still remains a dispute or not. A draft cabinet note¹² will solve the issue. Several bureaucrats have been appointed from the side of both the tamil nadu and karnataka among other states. The farmers and water experts both agree on the point that the timely release of water will be done as in accordance to the Cauvery management board.

While the Tribunal's award may settle some of the legal disputes, many of the root causes of the dispute will still remain. There is need for developing a viable collective action institution to implement the award of the Tribunal. Various possibilities exist. Some of the priority actions are identified below. In both K and T states(Guhan), it is important to highlight the fact that in the constitutional scheme of things, allegiance to the constitution means the award of the tribunal must be accepted even if the award is not entirely to the liking of one or the other parties. Otherwise, a situation of constitutional breakdown can arise. There is a need to 'deemotionalise' the issue. The media and non-governmental organisations and international organisations can play an important role in this respect. The various attempts to organise people-to-people dialogues can also be useful. Finally, it is important to recognise and encourage a self-critical awareness in water organisations and policy makers. The paradigm of masculinity is inherent in a sector where engineering and technology aspects dominate management and decision making approaches. This cannot be countered or removed in one step. It is important recognise that such biases exist and these shape and influence the way societies conceive human-environment interactions and the responses developed. Evolving and learning organisations are crucial to achieve the goal of sustainable management of precious resources such as river waters. All this due the bureaucratic approach finetunes the process as it only makes way for a smooth functioning of grass-root level democracy.

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¹²<http://www.thehindu.com/news/national/tamil-nadu/why-cauvery-management-board-is-good-news-for-tn/article22792528.ece>

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