



CAUVERY RIVER WATER ISSUE

Hon'ble Chief Minister of Tamil Nadu
Selvi J Jayalalithaa's Speeches



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**OPENING REMARKS OF SELVI J JAYALALITHAA,
HON'BLE CHIEF MINISTER OF TAMIL NADU AT
THE 7TH MEETING OF THE CAUVERY RIVER
AUTHORITY HELD ON 19.9.2012 AT NEW DELHI**

Hon'ble Prime Minister Dr. Manmohan Singh,

Hon'ble Chief Minister of Karnataka
Shri Jagadish Shettar,

Hon'ble Chief Minister of Puducherry
Shri N. Rangasamy,

Ministers and Officers of the Central and
State Governments,

The 7th meeting of the Cauvery River Authority has been convened after a long gap of 9 years and that too only after my persistent efforts and after the intervention of the Supreme Court.

2. Mr. Prime Minister, Tamil Nadu as a lower riparian State has had to endure untold misery to get its lawful and entitled share of Cauvery Water over the years, pitted against a recalcitrant Karnataka which proclaims that it has all the right to Cauvery water till its reservoirs are full.

3. Mr. Prime Minister, I come to this meeting with a sense of déjàvu. This is not the first time that we were made

to oscillate between the Supreme Court and the Cauvery River Authority, desperately seeking release of water, while Karnataka fills its reservoirs and irrigates its crops and the Central Government turns a Nelson's eye to the plight of the farmers of Tamil Nadu. The implications of impounding an Inter-State river by an upper riparian State, in utter disregard of judicial pronouncements, will be far reaching and will affect the very roots of Federalism especially if the Central Government behaves like the proverbial Nero who was fiddling while Rome was burning. The Supreme Court in its opinion on 22.11.1991 in the Presidential Special Reference No.1 of 1991 has in its wisdom observed:-

“Though the waters of an Inter-State river pass through the territories of riparian States such waters cannot be said to be located in any one State. They are in a state of flow and no State can claim exclusive ownership of such waters so as to deprive the other States of their equitable share.”

4. Mr. Prime Minister, as you are aware, the River Cauvery is the lifeline of Tamil Nadu which contributes to about 45 percent of the total surface flows of the State and the farmers of the Cauvery Basin entirely depend upon the supply of water from Mettur Dam for cultivation. Cultivation on about 15 lakh acres is totally dependent on the release of water from Mettur Dam. The Cauvery Water Disputes

Tribunal had pronounced its Final Order on 5.2.2007 and despite my Government's repeated requests, the Final Order has not yet been notified by the Government of India. Therefore, till the Final Order is notified, the Interim Order of the Tribunal should be considered as the governing regime for all purposes. Indeed, the Cauvery Monitoring Committee has been mandated to meet once in three months to monitor the implementation of the Interim Order of the Tribunal.

5. During the crucial months of June, July, August and September, the Tribunal has mandated a total release of 137 T.M.C. ft. into Mettur Dam by Karnataka, breaking it down into monthly and weekly schedules. I am saddened to say that this part of the Order is repeatedly violated by Karnataka. Its stand that the total volume of water to be released will be computed at the end of December is inhuman and is a grave injustice to the rights of the lower riparian States. I am also pained to point out that the Government of India does not monitor this crucial aspect of calibrated release of water by Karnataka which has already resulted in the loss of one crop this year. Karnataka has unjustly utilized the water for summer irrigation and impounded all the flows it had received so far and as a result, Mettur Dam could not be opened for irrigation on the normal date of 12th June during this Irrigation Year. We have released water from Mettur Dam only on the 17th of September, i.e. the day before yesterday, to enable our

farmers to raise at least one single Samba Crop, in spite of insufficient storage. However, the current situation is extremely critical. Mettur Dam has a storage of about 45 TMC. ft. of water which is barely sufficient for 30 days, whereas the main reservoirs in Karnataka have about 80% of their total gross capacity. If the North-East monsoon plays truant as did the South-West monsoon, the entire hopes and aspirations of the Delta farmers will be dashed.

6. My repeated requests to the Government of India to restrain Karnataka from depleting its reservoirs for summer irrigation and to ensure the release of water to Tamil Nadu as per the Interim Order have been met with stoic silence. In fact, my letters to you, Mr. Prime Minister, have not been responded to properly, except for one. Is it too much, in a Federal set up, for a Chief Minister to expect a reasonable reply from the Prime Minister?

7. Be that as it may, Mr. Prime Minister, the need of the hour is to order immediate release of water from Karnataka, without any dithering or procrastination, so that the livelihood of our farmers and agricultural labourers is safeguarded.

8. Mr. Prime Minister, the pattern of flows to be ensured monthwise at Mettur has been fixed with reference to the crop water requirements of the downstream States by

the Cauvery Water Disputes Tribunal and the Tribunal had made this explicit, when the State of Karnataka raised its objections. Karnataka has not been honouring either the Interim Order of the Cauvery Water Disputes Tribunal dated 25.6.1991 which is in force, or the Final Order of the Tribunal dated 5.2.2007 in toto, but is harping on the purported Final Order selectively. Karnataka has declared in its affidavit dated 24.8.2012 filed before the Hon'ble Supreme Court that it has no obligation to release water till December, in utter contempt of the orders of the Cauvery Water Disputes Tribunal, and yet the Government of India is a mute spectator to this injustice. Thus, it is evident that Karnataka is holding the downstream States to ransom, declaring that all the waters that flow through its territory are its own and further declaring that it has no responsibility or commitment to cater to the needs of the age old ayacuts that have been developed over the centuries in the downstream State of Tamil Nadu. The failure of Karnataka to ensure the release of the stipulated flows to Tamil Nadu during the crucial months of June to September in every irrigation year adversely affects agricultural operations in the State, besides affecting the total food grain supply in Tamil Nadu and consequently, in the country as a whole.

9. As on 1st February, 2012, the combined gross storage in the 4 major reservoirs of Karnataka was 58.50 T.M.C. ft. It had been drastically reduced to 22.20 T.M.C.

ft. as of 1st June, 2012. Karnataka had utilized about 36.30 T.M.C. ft. of water for summer irrigation, besides utilizing all the inflows during those months, contrary to the orders of the Cauvery Water Disputes Tribunal. Having depleted the reservoirs during the summer months, Karnataka then impounds all the waters received in the South-West monsoon period until its reservoirs surplus, thereby creating an artificial drought in Tamil Nadu. We are made to suffer merely because of the geographical fact of being a lower riparian State. During the current year, as on 15.9.2012, Tamil Nadu should have received 122.32 T.M.C. ft. of water at Mettur Dam, as per the Interim Order of the Cauvery Water Disputes Tribunal, whereas, we only received 19.40 T.M.C. ft. Consequently, the entire Kuruvai cultivation was thrown into disarray. Even assuming that there is distress in Karnataka, we should have received an additional 48.50 T.M.C. ft. up to 15.9.2012, as per the Distress Sharing Formula devised by the Central Water Commission. There might have been a shortfall in precipitation in Karnataka in June but currently, three of its four reservoirs, namely, Kabini, Hemavathy and Harangi are full and the fourth one Krishnaraja Sagar is fast filling up. I, therefore, expect that the Hon'ble Prime Minister would order release of our due share of water immediately.

10. Sir, an important issue on which a decision needs to be taken in this meeting is about sharing of water in a distress situation. As you are aware, I have in my letter dated

18.5.2012 written to you about the distress situation that had arisen in Tamil Nadu. The Cauvery Water Disputes Tribunal in its order dated 3.4.1992 had made it clear that if, in future, a situation of distress is caused by diminution in the supply of water for meeting the releases ordered by it, the method of pro rata sharing of the distress could always be adopted, which has also been reiterated in the Final Order. The Cauvery River Authority in its 3rd meeting held on 10.10.2001 decided to work out an acceptable and equitable procedure for pro-rata sharing of the distress and requested the Basin States to put forward their specific suggestions for consideration by the Cauvery River Authority. Pursuant to this, the Central Water Commission evolved an acceptable and equitable procedure for pro rata sharing of distress and in the 4th meeting of the Cauvery River Authority held on 27.8.2002, the then Chairman of the Cauvery River Authority suggested that the Cauvery Monitoring Committee functioning under the Cauvery River Authority should meet and finalise before 15.9.2002 a specific formula for distress sharing. Subsequently, the Supreme Court in its Order dated 3.9.2002 had directed the Cauvery River Authority to finally decide the dispute between the States with regard to the pro rata sharing of the water by the Cauvery Basin States especially in times of distress. The Distress Sharing Formula evolved by the Central Water Commission and accepted by the Cauvery Monitoring Committee as early as in 2003, is yet to

be approved by the Cauvery River Authority. Tamil Nadu has already given its consent to the Distress Sharing Formula. The formula envisages releases on pro rata basis, based on the flows into the Karnataka reservoirs in a distress year. Since a situation of distress has now arisen, there is an imperative need to approve the Distress Sharing Formula so as to ensure that Karnataka shares the flows it receives in its 4 major reservoirs. I, therefore, urge the Hon'ble Prime Minister that in this meeting itself the Distress Sharing Formula should be approved and the water already due to Tamil Nadu should be ordered to be released forthwith.

11. Mr. Prime Minister, yet another issue which requires immediate consideration by the Cauvery River Authority is about the area under irrigation by Karnataka. The Cauvery Water Disputes Tribunal, in its Interim Order dated 25.6.1991, has directed that the State of Karnataka shall not increase its area under irrigation by the waters of the River Cauvery beyond 11.20 lakh acres. Karnataka does not furnish details of the project wise annual irrigated area to the Cauvery Monitoring Committee. I, therefore, request you to direct the Government of Karnataka to furnish the project wise area irrigated annually, to monitor whether it has exceeded this stipulation made in the Interim Order which is in force.

12. Mr. Prime Minister, the people of Tamil Nadu expect positive and firm action on your part for the release

of water from Karnataka. The Supreme Court on 10.9.2012 had directed Karnataka to release 10000 cusecs each day till 20th September, 2012. It will also not be out of place to point out here that, as per the Business Rules of the Cauvery River Authority, if consensus is elusive, the Chairperson's decision is final. Therefore, I request you to direct Karnataka to immediately release 48 T.M.C. ft. at the rate of 2 T.M.C. ft. of water every day for the next 24 days which is due to Tamil Nadu in accordance with the Distress Sharing Formula and thereafter continuously, as per the Interim Order of the Tribunal, so that the Samba crop can be sustained in the Cauvery Basin and food crisis in Tamil Nadu is averted.



HON'BLE CHIEF MINISTER
SELVI J JAYALALITHAA'S REPLY
TO A SPECIAL CALL
ATTENTION NOTICE IN THE TAMIL NADU
LEGISLATIVE ASSEMBLY
ON 2.11.2012 (*English Translation*)

Hon'ble Speaker Sir,

The Cauvery water issue is a life and death issue for Tamil Nadu. The 1892 and 1924 agreements very clearly point out Tamil Nadu's rights on the Cauvery waters.

Without honouring the conditions spelt out in the 1924 agreement, without Central Government sanction and without consulting the riparian States of Cauvery, the Karnataka Government unilaterally constructed reservoirs in the late 1960's and early 1970's. It is also expanding the ayacut areas every year.

Following this, the Tamil Nadu Government wrote a letter to the Centre in 1986 requesting the setting up of a tribunal under the Inter-State Water Disputes Act of 1956. The Central Government did not initiate any action on the letter. Purachi Thalaivar MGR was ruling the state at that time.

The Supreme Court directed the Centre in 1990 to appoint a tribunal on this sensitive issue on a petition filed by the Tamil Nadu Cauvery Irrigated Produce Farmers' Welfare Protection Committee.

Following the court's directive and by way of activating the letter sent by Tamil Nadu Government in 1986 during Puratchi Thalaivar MGR's regime, the Central Government set up a Tribunal in June 1990. The Tribunal gave an interim award on 25.6.1991. As per this order, Karnataka should release water from its reservoirs in such a way, as to ensure the receipt of 205 TMC ft water at Mettur reservoir, that it should not expand the ayacut beyond 11.20 lakh acres and that the release of water should be on monthly and weekly basis as mentioned in the interim order. The interim order will be in force till the final award is given.

Though the interim order is not favourable to Tamil Nadu, it accepted the award in the interests of the Cauvery Delta farmers immediately, for the promotion of good relations among States and in the hope that the final award will allot more water to Tamil Nadu. But the Karnataka Government declared that the interim award would not bind it and promulgated an ordinance disrespecting the award. My Government filed a petition in the Supreme Court against the

ordinance. The Supreme Court upheld the Interim award, struck down the ordinance and advised the Centre so, on 22.11.1991. Due to my Government's firmness, the Central Government Gazetted the interim award on 10.12.1991.

However, Karnataka has not released water as per the interim award even once. It has been releasing only the surplus water. Due to Karnataka Government's intransigence, Tamil Nadu, on several occasions had to strongly demand and get waters in the Cauvery for irrigation that were its due as per tradition and natural flows, to approach courts and get orders and to compel the Centre to grant us our rights for saving the crops, when the court orders were disregarded.

In this situation, the Cauvery Tribunal gave its final award on 5.2.2007 and recommended the setting up of a Cauvery River Authority and a Cauvery Water Regulatory Committee for facilitating the implementation of the final award.

After I assumed office as Chief Minister, I met the Hon'ble Prime Minister at Delhi on 14.6.2011 and demanded the Gazetting of the final award of the Cauvery Water Disputes Tribunal and the setting up of the Cauvery River Authority and the Cauvery Water Regulatory Committee for executing

the award. Also through letters to the Hon'ble Prime Minister, I have stressed these points several times. When there was no hindrance for the publication of the final award in the Gazette, the Central Government took the stand that the publication was possible only after the appeals (against the final award) were disposed of by the court. In these circumstances, a petition was filed in the Supreme Court seeking a direction to the Centre to Gazette the final award and constitute the Cauvery River Authority and the Cauvery Water Regulatory Committee. Steps are also being taken to expedite the hearing of the appeal pending in the court. It is regrettable that the Centre has not taken any step to fill the vacant Chairman's post of the Cauvery Water Disputes Tribunal despite underscoring its importance several times.

Karnataka has been using the waters in the Krishnarajasagar, Kabini, Hemavathy and Herangi reservoirs for its summer irrigation. Taking into account that this action of Karnataka will deprive water for Kuruvai cultivation in Tamil Nadu, my Government filed an interim petition in the Supreme Court on 21.3.2012. The petition prays that the Karnataka Government should be prohibited from releasing water from these 4 reservoirs for its summer irrigation and prohibit Karnataka from using more than 103.24 TMC ft of water from these 4 reservoirs as decreed in the final award

of the Tribunal. Also, I requested the Prime Minister through a letter dated 18.5.2012 to immediately convene a meeting of the Cauvery River Water Commission, pointing out that Karnataka has been releasing water for its summer irrigation from 1.2.2012 and that it releases water to Tamil Nadu only when its reservoirs are about to surplus and this practice results in reduced flows into Mettur reservoir, affecting the Kuruvai cultivation. But the Prime Minister has not heeded to this request.

My Government filed an interim petition in the Supreme Court on 21.7.2012 praying for a direction to Karnataka Government to share the water with Tamil Nadu on a pro-rata basis and the convening of the Cauvery River Water Commission for giving approval to the distress formula, that was finalised by the Cauvery Monitoring Committee.

I again requested the Hon'ble Prime Minister by a letter of 23.8.2012 to advise Karnataka to release to Tamil Nadu its due share of water, pointing out the prevailing hardship in the State and to enable farmers, who have already lost the Kuruvai crop, to take up cultivation of one Samba crop atleast.

Following the firm action taken by my Government and the intervention of the Supreme Court, a meeting of the

Cauvery River Water commission was held at New Delhi on 19.9.2012. The Supreme Court, by its order of 10.9.2012, directed Karnataka to release to Tamil Nadu 10,000 cusecs of water daily from 12.9.2012 to the day the Commission held its meeting.

At the Commission's meeting at New Delhi on 19.9.2012, I stressed that Karnataka should release 48 TMC ft of water calculated as per the distress formula, at the rate of 2 TMC ft of water per day for 24 days immediately and for a direction to Karnataka to continue to release water as per the Tribunal's interim award. Karnataka opposed. The Chairman of the Cauvery River Water Commission, the Hon'ble Prime Minister, directed Karnataka, to release to Tamil Nadu, in the absence of a consensus, 9,000 cusecs of water every day from 20.9.2012 to 15.10.2012 and that further release of water could be decided upon by the Cauvery Monitoring Committee in consultation with the States concerned at its meeting convened on 15.10.2012. Karnataka rejected the proposal. Taking into account that the Hon'ble Prime Minister's decision is not favourable to Tamil Nadu and that Karnataka has refused to release even that meagre quantum of water proposed by the Hon'ble Prime Minister, I voiced my opposition and announced that Tamil Nadu had no option but to approach the Supreme Court once again.

Following this, a petition was filed in the Supreme Court on behalf of Tamil Nadu Government stressing that Karnataka should release to Tamil Nadu the deficit 48 TMC ft of water at the rate of 2 TMC ft per day for 24 days and also as per the interim award of the Cauvery Water Disputes Tribunal. The Supreme Court ordered on 28.9.2012 that Karnataka should implement the order passed by the Chairman of the Cauvery River Water Commission. As per this order, Karnataka started releasing water from 29.9.2012, but suddenly stopped it unilaterally on 8.10.2012. My Government filed a contempt petition in the Supreme Court on 10.10.2012 against Karnataka whose action injured the policy of federalism and constituted a direct contempt of the court.

In these circumstances, the Cauvery Monitoring Committee met at New Delhi on 11.10.2012. The Chief Secretary to Government and other high officials participated on behalf of Tamil Nadu. The State pressed at this meeting, for its demand of 48 TMC ft of water calculated as per the Distress formula which is to be released at the rate of 2 TMC ft of water a day, for 24 days. It explained Tamil Nadu had to approach the Supreme Court as Karnataka had refused to honour the Supreme Court's order. It informed the meeting that Karnataka had released water from its reservoirs for its

own use even in the distress year. It was emphasised that Tamil Nadu would need 145 TMC ft of water from 15.10.2012 to 16.2.2013 for its Samba crop. Though the 4 Karnataka reservoirs had enough storage, it was said on behalf of Karnataka that it could not release water any more. The Chairman of the Monitoring Committee gave his verdict that Karnataka should release 8.85 TMC ft of water for the period 16.10.2012 to 31.10.2012. Tamil Nadu, represented that the verdict went against Tamil Nadu and it was not proper to direct Karnataka to release water for 15 days alone without taking into account the distress quantum of water of 48 TMC ft to which Tamil Nadu was entitled to. But Karnataka refused to release even this minimum quantum of water.

When the petition, filed on behalf of Tamil Nadu against the intransigent attitude of Karnataka, came up for hearing on 30.10.2012, the Supreme Court directed the Cauvery Monitoring Committee to examine all aspects of the dispute and forward its recommendations.

At the Cauvery Monitoring Committee's meeting at New Delhi on 31.10.2012, Tamil Nadu represented that there was a deficit of 2.15 TMC ft of water in the 8.85 TMC ft of water asked to be released to Tamil Nadu by the Monitoring Committee on 11.10.2012 and that Karnataka should be ordered to release water as per the Tribunal's interim award

from November 2012 to February 2013. After hearing both the sides, the Monitoring Committee ordered Karnataka to make good the deficit of 2.15 TMC ft of water by 4.11.2012 and release 3.94 TMC ft of water for the period 1.11.2012 to 15.11.2012, a total of 6.09 TMC ft of water. The Monitoring Committee also stated, that the 15.11.2012 meeting of the committee would decide on the requests to be made by Tamil Nadu to the committee and on the water to be released further to Tamil Nadu.

At a time when the Kuruvai cultivation remained affected, My Government is taking several steps to somehow save the Samba cultivation and get back Tamil Nadu's rights on the waters of Cauvery. I would like to state at this juncture that due to my persistent efforts and the intervention of the Supreme Court Karnataka has been compelled to release water to some extent and Tamil Nadu got waters.

Steps are taken to get water from Karnataka to Tamil Nadu as per its entitlements. I am confident that through the intervention of Supreme Court Tamil Nadu will get water to meet its needs.



OPENING REMARKS OF
SELVI J JAYALALITHAA,
HON'BLE CHIEF MINISTER OF TAMIL NADU
DURING THE MEETING
HELD ON 29.11.2012 WITH
SHRI JAGADISH SHETtar
HON'BLE CHIEF MINISTER OF KARNATAKA
AT BANGALORE ON
CAUVERY RIVER WATER ISSUE

Hon'ble Chief Minister of Karnataka,

Ministers and Officials of the Government of Karnataka,

We are meeting here as per the suggestion of the Hon'ble Supreme Court, which has opined that the Chief Ministers of both Tamil Nadu and Karnataka should have a meaningful dialogue in the interests of the farmers of both the States.

During the 7th meeting of the Cauvery River Authority held on 19th September, 2012, I pointed out to the Prime Minister that Tamil Nadu should have received a quantity of 137 TMC ft. at Mettur Reservoir during the crucial months of June to September, as per the Interim Order of the Cauvery Water Disputes Tribunal dated 25th June, 1991. I had also brought out the facts that, during this distress year, Tamil Nadu was deprived of its due share of 48.50 TMC ft. up to 15th September, 2012, as per the Distress Sharing Formula of the Central Water Commission.

I, therefore, urged the Prime Minister to order release of water every day at the rate of 2 TMC ft. for 24 days, so as to enable the farmers of Tamil Nadu to cultivate at least one single Samba Crop on an extent of 14.93 lakh acres, as the Delta farmers had already lost the Kuruvai crop. I requested that Karnataka should be advised to release water as per the binding Interim Order of the Cauvery Water Disputes Tribunal dated 25th June, 1991.

I wish to bring to your notice that the present storage in Mettur reservoir is very alarming and the prospect for bringing the Samba crop to maturity is very bleak. The North-East Monsoon has failed the farmers of Tamil Nadu. The effective storage available in Mettur reservoir as on 27th November, 2012, is 6.34 TMC ft. only, after accounting for dead storage and domestic water supply requirements.

I have come here with the hope that this meeting will justify the faith placed by the Supreme Court in both the States, to find an amicable solution to the present water crisis, and will help alleviate the misery of the farmers of Tamil Nadu.

In the current year, as you are aware, Mettur Reservoir was opened for irrigation only on 17th September, 2012, as against the normal opening in June every year, and water is required to be provided till the middle of February, 2013.

The present storage is wholly inadequate and in the absence of releases from Karnataka, a large section of the farming community will be put to immense suffering. Having already lost the Kuruwai crop, the farmers will not be able to save even the single Samba crop if the water shortage continues.

During this year, the deficit in inflows in the Cauvery basin is as much as 40%, as assessed by the Cauvery Monitoring Committee (CMC).

As per the Interim Order and subsequent Orders and the Final Order passed by the Tribunal, the distress should have been shared proportionately by all the party States and consequently, as per the directions of the Tribunal, at least 60% of the water should have been released by Karnataka and received at the Mettur reservoir.

As per the Interim Order of the Tribunal, Tamil Nadu should have received about 167.16 TMC ft. during the period from June to October, against which we have received only about 47.31 TMC ft., the shortfall being about 119.85 TMC ft. However, adopting the pro-rata sharing of distress, as envisaged by the Cauvery Monitoring Committee, in its meeting held on 15th November, 2012, we should have received about 100.85 TMC ft., and there is a shortfall to the extent of about 53.4 TMC ft. at the Mettur reservoir.

As on 27th November, 2012, Tamil Nadu has an effective storage of only 6.34 TMC ft. at Mettur reservoir. As the State is facing an unsatisfactory, inadequate North-East Monsoon, the situation is further aggravated and Tamil Nadu needs at least an additional 65 days of irrigation supply to support the present standing Samba crops on about 14.93 lakh acres. The standing Samba crops in Tamil Nadu are facing a grave situation of total failure.

I would like to draw attention to the statement of the Hon'ble Chief Minister of Karnataka, in the Memorandum dated 19th September, 2012, presented to the Prime Minister in the meeting of the CRA on 19.9.2012, in which it has been stated as follows:

“The pattern of flows in the Cauvery basin indicates that the deficits that occur till the end of September are always made good between October and December. In the last 5 water years, the deficits that occurred before September were cleared with surpluses...”

I, therefore, expect that the deficit of 53.4 TMC ft. will be made good by Karnataka in any case before December, 2012. As an interim measure, I request you to order an immediate release of 30 TMC ft. in the next 15 days.

I request the Hon'ble Chief Minister of Karnataka to consider the plight of the farmers of the State of Tamil Nadu and justify the faith reposed by the Hon'ble Supreme Court and order the immediate release of 30 TMC ft. in the next 15 days, and to further release 23.4 TMC ft before the end of December, 2012.



TEXT OF THE D.O. LETTER DATED 23.8.2012
ADDRESSED BY SELVI J JAYALALITHAA,
HON'BLE CHIEF MINISTER OF TAMIL NADU
TO DR. MANMOHAN SINGH,
HON'BLE PRIME MINISTER OF INDIA

“I had, in my letter dated 18.5.2012, brought to your notice the urgent need for convening a meeting of the Cauvery River Authority to decide certain specific issues. My request is yet to be acceded to.

The Interlocutory Application filed by the Government of Tamil Nadu before the Supreme Court in July 2012, came up for hearing on 13.8.2012. The Government of Tamil Nadu sought a direction to the Union of India to convene a meeting of the Cauvery River Authority. The Hon'ble Supreme Court sought the views of the Government of India regarding convening a meeting of the Cauvery River Authority.

You are aware that, according to the Rules and Regulations for the conduct of the business of the Cauvery River Authority, the quorum for the meeting shall be 3 members in addition to the Chairperson and further, the decision shall ordinarily be by consensus and that, in case no consensus is reached, the decision may be left to the Chairperson. You may recall that the Hon'ble Supreme Court

in its order dated 6.2.2003 in an I.A. filed by the State of Tamil Nadu (I.A. No. 3/2003 in O.S. No.3/2002), inter-alia, had directed that in the absence of unanimity or consensus, the decision of the Hon'ble Prime Minister who is the Chairperson of the Cauvery River Authority shall be decisive. Therefore, without prejudice to the pending proceedings in the Supreme Court, the Hon'ble Prime Minister as the Chairperson may convene a meeting of the Cauvery River Authority and the Distress Sharing Formula can be adopted as a situation of distress has arisen now.

I wish to bring to your notice that the Government of Karnataka has not released any water from its reservoirs during the irrigation year of 2012-2013, while it has opened the reservoir for its irrigation. However, the Mettur Dam could not be opened till date due to the reluctance of the Government of Karnataka even to share minimum flows. According to the Interim Order of the Cauvery Water Disputes Tribunal which is in force, as on 23.8.2012 Mettur Dam should have realised 95.480 TMC ft. against which only a meagre quantity of 9.187 TMC ft. has been realised. Further, according to the Distress Sharing Formula evolved by the Central Water Commission, Mettur Dam should have realised about 43.837 TMC ft. as on 23.8.2012. The farmers in the Cauvery Delta, having lost the Kuruvai crop, are hoping at least to raise one single Samba crop for their livelihood. It is, therefore, imperative that the

Government of Karnataka is advised to release water to make good the shortfall quantity as per the Distress Sharing Formula and also to share the flows in this distress situation.

May I, therefore, once again request you to kindly convene a meeting of the Cauvery River Authority forthwith.

I, further, request that pending convening the meeting of the Cauvery River Authority, the Government of Karnataka may be advised to release water for raising the Samba crop in the Cauvery Basin of Tamil Nadu.”



The Supreme Court in its opinion on 22.11.1991 in the Presidential Special Reference No.1 of 1991 has in its wisdom observed:-

“Though the waters of an Inter-State river pass through the territories of riparian States such waters cannot be said to be located in any one State. They are in a state of flow and no State can claim exclusive ownership of such waters so as to deprive the other States of their equitable share.”

- Hon'ble Chief Minister
Selvi J JAYALALITHAA