

PRESS RELEASE

Text of the D.O. letter No.29005/C.Spl.I/2013, dated 3.10.2016 addressed by Dr. P. Rama Mohana Rao, IAS., Chief Secretary, Government of Tamil Nadu to Thiru Shashi Shekhar, IAS., Secretary to Government of India, Ministry of Water Resources, River Development and Ganga Rejuvenation, New Delhi is reproduced below:

"You may recall that the Hon'ble Supreme Court in I.A. No.5/2013 in Civil Appeal No.2456/2007 on 10.5.2013, while constituting a Supervisory Committee purely as *pro tem* measure for the purpose of ensuring implementation of the notified Final Order of the Cauvery Water Disputes Tribunal, dated 5.2.2007, had taken on record, the averment made by the then Additional Solicitor General as follows:

"Mr. Sidharth Luthra, learned Additional Solicitor General, submits that the follow up action pursuant to the notification dated February, 19, 2013, is under active consideration of the Central Government."

The Government of Tamil Nadu has consistently been urging the Government of India for the constitution of a permanent mechanism, namely, the Cauvery Management Board and the Cauvery Water Regulation Committee for the effective implementation of the Final Order of the Cauvery Water Disputes Tribunal as envisaged in that Order.

On 20.9.2016, the Hon'ble Supreme Court modified its earlier orders dated 5/6.9.2016 and 12.9.2016 and directed the release of 6000 cusecs of water from 21.9.2016 to 27.9.2016. In addition, the Hon'ble Supreme Court also ordered that the Union of India shall constitute the Cauvery Management Board within 4 weeks. The Union of India was also ordered to produce after 4 weeks the notification indicating that the Cauvery Management Board has been constituted.

The Hon'ble Chief Minister in her speech to the meeting on 29.9.2016 (read by me) stated: "I have repeatedly urged the Government of India that the Cauvery Management Board must be constituted. I have always believed that only a professionally managed, neutral, technical body in the form of the Cauvery Management Board mandated by the Cauvery Water Disputes Tribunal, can address the concerns of the riparian States. I urge the Government of India to constitute the body immediately without waiting for the four weeks time stipulated by the Hon'ble Supreme Court."

The Hon'ble Supreme Court in its order dated 30.9.2016 recorded the submission of Mr Mukul Rohatgi, Attorney General of India, that the Cauvery Management Board can be constituted on or before 4.10.2016. The Attorney General further submitted that the 3 States of Karnataka, Tamil Nadu and

Kerala and Union Territory of Puducherry have to nominate their respective representatives as per the Final Order passed by the Cauvery Water Disputes Tribunal. Based on this submission by the Attorney General, the Hon'ble Supreme Court further directed the 3 States and the Union Territory of Puducherry to nominate their members on or before 4 pm on 1.10.2016. The Attorney General had further submitted that after the Cauvery Management Board is constituted, it can proceed to the site forthwith to take a prima facie view of the ground reality.

The Joint Secretary, Ministry of Water Resources wrote to the Chief Secretary, Government of Tamil Nadu on 30.9.2016, requesting that the Government of Tamil Nadu may nominate its representative on the Cauvery Management Board. The Joint Secretary's letter enclosed a copy of the D.O. letter of the Attorney General addressed to the Secretary, Ministry of Water Resources, in which after summarising the directions of the Hon'ble Supreme Court dated 30.9.2016, advised that the Central Government should immediately nominate the members of the Board, who are required to be nominated by the Central Government. He further stated that "In any case, the Board must visit the site, if possible, on Monday 3rd October, 2016 itself so that they can prepare their report by Wednesday, i.e. 5th October, 2016 and submit the same to the court on Thursday 6th October, 2016".

As requested by the Government of India vide reference No.R-12011/6/2016 Pen River, dated 30.9.2016, the Government of Tamil Nadu has nominated Thiru R. Subramanian, Chairman, Cauvery Technical Cell, as the representative of Tamil Nadu in the Cauvery Management Board in terms of the Final Order of the Tribunal.

It is learnt that the Government of India has today (3.10.2016) filed an Interlocutory Application (I.A) in the Hon'ble Supreme Court seeking modification to the order dated 30.9.2016 stating that the Cauvery Management Board cannot be constituted now. The I.A. filed by the Government of India is against the assurance given by the learned Attorney General to the Hon'ble Supreme Court. We are unable to understand what caused this sudden reversal in Government of India's stand.

In the circumstances, I request you to kindly take action to withdraw the I.A. filed by the Government of India forthwith and constitute the Cauvery Management Board on or before 4th October, 2016, as directed by the Hon'ble Supreme Court in its Order dated 30.9.2016 and render justice to Tamil Nadu."

Issued by: Director, Information and Public Relations, Chennai-9.
Date : 4.10.2016