

PRESS RELEASE

Text of the D.O. letter dated 17.10.2011 addressed to Dr.Manmohan Singh, Hon'ble Prime Minister of India by Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu is reproduced below:-

"As you are aware, the river Cauvery which is the life line of Tamil Nadu, feeds more than 80% of canal irrigation in Tamil Nadu. The quality of life and the food security of the State of Tamil Nadu depend on the timely release of Cauvery water for irrigation. The Government of Karnataka, which is the upper riparian State, is duty bound to ensure the stipulated monthly flows during the irrigation season every year and failure to do so adversely affects the agriculture and consequently the economy of the State.

The dispute over the sharing of waters of the river Cauvery arose in the 1960s, when Karnataka started to execute irrigation projects without the concurrence of the Government of Tamil Nadu. The Government of India, on the directions of the Supreme Court, constituted the Cauvery Water Disputes Tribunal in 1990 and forwarded the complaint of the Government of Tamil Nadu to the Cauvery Water Disputes Tribunal for adjudication. The Cauvery Water Disputes Tribunal gave its Interim Order on 25.6.1991 which was gazetted by the Government of India on 10.12.1991 based on the opinion rendered by the Supreme Court on 22.11.1991 in Special Reference No.1 of 1991, even though a Section 5(3) Petition seeking explanation or guidance from the Tribunal as well as the Suit and Special Leave-Petitions of the Government of Karnataka were pending before the Supreme Court.

The Cauvery Water Disputes Tribunal under section 5(2) of the Inter-State River Water Disputes Act, 1956, has given its Final Order on 5.2.2007 allocating the waters of the river Cauvery among the States of Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry for their beneficial use.

The Governments of Karnataka and Kerala have challenged the Final Order in the Supreme Court and Tamil Nadu has gone on appeal to the Supreme Court on certain aspects of the Final Order of the Tribunal. Later on, the Government of India also impleaded itself in the appeals pending in the Supreme Court. Further, the Governments of Karnataka, Kerala, Tamil Nadu, Union Territory of Puducherry and the Government of India have also filed applications under section 5(3) of the Act of 1956 seeking explanation or guidance from the Tribunal and they are all pending since May, 2007.

The Government of Karnataka has consistently taken the stand that, after the Final Order of the Cauvery Water Disputes Tribunal, there

is no enforceable governing regime, since the Interim Order has ceased to exist after final adjudication and though the Final Order has not been gazetted, the purported Final Order dated 5.2.2007 should be considered as protem governing regime on all matters including distress sharing and irrigated areas in Karnataka. The Government of Karnataka has also further stated that this suggestion of Karnataka should not be understood as acceptance of the correctness of the Final Order of the Cauvery Water Disputes Tribunal.

In these circumstances, it is incumbent on the Government of India to notify the Final Order of the Tribunal in the Gazette of India for it to become effective and binding on the parties to the dispute and a mechanism for the implementation of the Final Order to be established.

You may recall the Memorandum I had presented to you in person on 14.6.2011 requesting you to instruct the Ministry of Water Resources to publish the Final Order of the Cauvery Water Disputes Tribunal in the Gazette of India and place in position the Cauvery Management Board.

I am of the considered view that notwithstanding the pendency of the Civil Appeals and Reference Petitions and without prejudice to the outcome of these Petitions in the Supreme Court and the Tribunal, the Final Order of the Cauvery Water Disputes Tribunal dated 5.2.2007 should be published in the Gazette of India as required under section 6(1) of the Inter-State River Water Disputes Act, 1956.

May, I, therefore, request you to kindly issue instructions to the Ministry of Water Resources to publish the Final Order of the Cauvery Water Disputes Tribunal dated 5.2.2007 in the Gazette of India and place the Cauvery Management Board in position immediately?

I will be grateful for early action in this regard."

Issued by : Director of Information & Public Relations, Chennai - 9.

Date : 17.10.2011