

PRESS RELEASE

SPEECH OF HON'BLE CHIEF MINISTER OF TAMIL NADU **SELVI J JAYALALITHAA** AT THE MEETING CONVENED ON THE DIRECTIONS OF SUPREME COURT BY THE MINISTRY OF WATER RESOURCES, GOVERNMENT OF INDIA ON THE CAUVERY ISSUE, READ OUT BY DR. P.RAMA MOHANA RAO, IAS., CHIEF SECRETARY, GOVERNMENT OF TAMIL NADU ON 29.9.2016 AT NEW DELHI IS GIVEN BELOW:

Hon'ble Union Minister of Water Resources, River Development & Ganga Rejuvenation,

Hon'ble Chief Minister of Karnataka,

Hon'ble Minister for Public Works, Highways and Minor Ports, Government of Tamil Nadu,

Hon'ble Minister for Water Resources, Government of Karnataka,

Secretary, Ministry of Water Resources, River Development & Ganga Rejuvenation,

Senior Officials of Government of India, Government of Karnataka and Government of Tamil Nadu,

This meeting is taking place in pursuance of the directions of the Hon'ble Supreme Court of India that a meeting may be facilitated by the Government of India between the Executive Heads of the States of Karnataka and Tamil Nadu to end the impasse relating to non-release of water by Karnataka in compliance with the orders of the Hon'ble Supreme Court. As I am hospitalised and unable to attend the meeting in person, I have deputed the Minister for Public Works, Highways and Minor Ports, Government of Tamil Nadu to attend this meeting along with the officials of the Government of Tamil Nadu.

At the outset, I would like to highlight that Tamil Nadu has scrupulously adhered to every Order of the Hon'ble Supreme Court and we are adhering to the latest Order of the Hon'ble Supreme Court and participating in this meeting with the hope that Tamil Nadu would get its legitimate share in Cauvery water. By contrast, the State of Karnataka has treated the Orders of the Hon'ble Supreme Court with utter contempt. Successive Orders of the Hon'ble Supreme Court have been deliberately and systematically defied.

Tamil Nadu had a shortfall of 60.983 TMC ft. of water for the period up to 31.8.2016, as per the Final Order of the Cauvery Water Disputes Tribunal. It was in the context of this huge shortfall in the release of the water due to Tamil Nadu and with the intention of saving at least a single Samba crop in the Cauvery Delta, that Tamil Nadu was forced to approach the Hon'ble Supreme Court for interim directions.

The Hon'ble Supreme Court had initially ordered on 5/6.9.2016, the release of 15000 cusecs of water for 10 days which was subsequently modified on 12.9.2016 as 12000 cusecs of water per day up to 20.9.2016, totalling to 17.366 TMC ft. The Government of Karnataka failed to release the requisite quantity of water. This Order of the Hon'ble Supreme Court was also not obeyed by Karnataka. On 20.9.2016, the Hon'ble Supreme Court further modified its orders and directed the release of 6000 cusecs of water from 21.9.2016 to 27.9.2016, amounting to 3.629 TMC ft. In utter disregard and in complete contempt of the orders of the Hon'ble Supreme Court, Karnataka failed to release the stipulated quantity of water to Tamil Nadu and in addition failed to make good the shortfall as per the earlier orders of the Hon'ble Supreme Court. **This deliberate defiance goes against the spirit of the Constitution itself and amounts to contempt of the Apex Court of the Country. Karnataka has not followed the orders of the Hon'ble Supreme Court and has on the other hand permitted unruly elements to create law and order issues.**

It is very unfortunate that not only was water not released as stipulated, but also ever since the first interim directions of the Hon'ble Supreme Court dated 5.9.2016, an orchestrated spate of arson and violence was unleashed, directed at Tamils living in Karnataka many of whom are poor labourers eking out a meagre living in a neighbouring State. Many large and small properties and establishments owned by Tamils were systematically targeted, ransacked and burnt. A large number of vehicles bearing Tamil Nadu registration were burnt and vandalized. Tamils living in Karnataka and stranded while travelling in the State were reduced to living in fear. Tamils had been persecuted and attacked with impunity by frenzied mobs with little or no effective restraint or action by the Karnataka authorities. We are led to believe that many of these instances of mob violence were deliberately fanned by various political formations and high level instigators charged with maintaining law and order, who watched the incidents with glee.

In contrast, despite the dire provocation, on my directions and supervision, the Government of Tamil Nadu had taken every effort to ensure that law and order is maintained perfectly. No person from Karnataka or institutions, commercial establishments, educational bodies, properties belonging to persons from Karnataka were affected in Tamil Nadu in any way. Absolute restraint was observed by all sections in Tamil Nadu including farmers. Even one or two very minor incidents were acted on promptly and cases registered and miscreants arrested. On the other hand, in Karnataka the situation was grave.

The Government of Tamil Nadu after a prolonged legal battle obtained an Interim Order from the Cauvery Water Disputes Tribunal on 25.6.1991. The Government of Karnataka did not honour the Interim Order of the Tribunal and promulgated an ordinance on 25.7.1991, nullifying the Interim Order and arrogating to itself all the waters of the river Cauvery in blatant violation of the federal principles enshrined in the Constitution. When the President of India referred the Ordinance to the Hon'ble Supreme Court under Article 143(1) of the Constitution, the Hon'ble Supreme Court struck down the Ordinance as unconstitutional.

Even in 1991, when the Interim Order of the Cauvery Water Disputes Tribunal was passed, a reign of terror was unleashed and Tamils in Karnataka were targeted and forced to flee becoming refugees in their own country. **Tamil people living in Karnataka have been living in fear whenever Tamil Nadu has claimed its rightful share of water in judicial forums, though all judicial forums have seen merit and justice in our case.**

The Government of Karnataka did not at any time honour the Interim Order of the Tribunal. Only the surplus flood waters which its reservoirs could not hold, flowed to Tamil Nadu. The Tribunal after 16 years of proceedings pronounced its Final Order. The Tribunal has allocated 419 TMC ft. of water to Tamil Nadu of which an annual quantity of 192 TMC ft. has to be ensured at the Inter-State border. This quantity of 192 TMC ft. is far below the actual requirement of Tamil Nadu. Karnataka has not released the stipulated quantity of 192 TMC ft. in any of the years except, when the reservoirs in Karnataka could not hold the surplus flows.

As soon as I assumed office in 2011, I took vigorous and spirited efforts to get the Final Order of the Tribunal notified and after a protracted legal battle, Tamil Nadu got justice from the Hon'ble Supreme Court and the Final Order was notified on 19.2.2013 in the official Gazette of the Government of India. It must not be forgotten that the Final Order now has the status of a decree of the Hon'ble Supreme Court and therefore is the law of the land. The Final Order of the Cauvery Water Disputes Tribunal mandates the formation of the Cauvery Management Board. I have been relentlessly taking up this issue with the Government of India and in this again, it is the Hon'ble Supreme Court which has done justice to Tamil Nadu by directing the Government of India to constitute the Cauvery Management Board within four weeks from 20.9.2016.

This forum must recognise this pattern of Karnataka arrogating to itself the waters of the inter-State Cauvery River in defiance of the Hon'ble Supreme Court's orders. It would not be out of place to quote from the observations of the Constitution Bench of the Supreme Court on the Presidential Reference in 1991, wherein the Hon'ble Supreme Court stated, "Though the water of an inter-State river pass through the territories of the 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". Tamil Nadu is a lower riparian State with long established irrigation systems based on unhindered flow of water in the Cauvery River. The agricultural patterns in Tamil Nadu have been adversely affected by systematic actions by Karnataka to deprive Tamil Nadu of its legitimate share of water. After Tamil Nadu's pleas to Karnataka and to the Government of India fell on deaf ears, Tamil Nadu had no option but to approach the Hon'ble Supreme Court to secure its riparian rights. The Hon'ble Supreme Court has consistently seen merit and justice in Tamil Nadu's case.

Even now, the Hon'ble Supreme Court has seen justice in Tamil Nadu's plea and has provided interim relief by directing immediate release of some water, although this is well below Tamil Nadu's expectations. Even this stipulated quantity has not been released and Karnataka is flouting the Orders of the Hon'ble Supreme Court. Yet, the Hon'ble Supreme Court has been very magnanimous in its latest directions to direct that a meeting may be held at the level of Executive Heads of the two State Governments to find a way out of the present impasse. However, as Karnataka continues to take a defiant stance, I wonder whether the meeting would serve its intended purpose unless Karnataka can be prevailed upon to honour the Hon'ble Supreme Court's directions. Tamil Nadu has made its pleadings and submissions clearly before the Hon'ble Supreme Court and in the meetings of the Supervisory Committee which were held in the month of September, 2016.

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.

It must not be forgotten that the Hon'ble Supreme Court has observed that they have asked for this meeting "not because this Court cannot adjudicate or pass appropriate Orders in accordance with law to maintain and sustain the rule of law and majesty of law which are elan vital of our Constitutional law, but prior to that we have thought it appropriate that there has to be discussion regard being had to the conceptual federalism prevalent in our democratic body polity". **We are in dire need of water in Tamil Nadu. In the spirit of the Orders of the Hon'ble Supreme Court, I urge the Government of India to ensure that Karnataka complies with the Orders of the Hon'ble Supreme Court forthwith and releases water to Tamil Nadu in accordance with the Orders dated 5/6.9.2016, 12.9.2016, 20.9.2016 and 27.9.2016. Further, Karnataka should release the stipulated quantity of water as per the Final Order of the Cauvery Water Disputes Tribunal including the backlog of 76.042 TMC ft. as on 26.9.2016.** This is absolutely vital for the survival of at least a single Samba crop in the Cauvery Delta which is the granary of Tamil Nadu as well as to meet the drinking water needs of large number of towns and villages.

I also reiterate my request that the Government of India must immediately constitute the Cauvery Management Board as ordered by the Hon'ble Supreme Court.

Nanri, Vanakkam.

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