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Interview



Prime Minister should intervene to amicably settle the Cauvery issue says H.K. Patil

S. Rajendran

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A view of Brindavan Garden at Krishna Raja Sagara (KRS) in Mandya District during a media study tour to Cauvery water rain catchment area which reached its lowest levels ever, on September 26, 2016. Photo: V Sreenivasa Murthy

*Karnataka's Minister for Rural Development and Panchayati Raj, **H.K. Patil** speaks to The Hindu Centre for Politics and Public Policy's Karnataka Resident Representative, **S. Rajendran**, on the difficulties in finding a lasting solution to sharing of the waters of the Cauvery, particularly during years of distress, and is of the opinion that the Prime Minister and the Union Government have important roles to play rather than push the riparian States to opt for a legal battle.*

Sixty three year old H.K. Patil has been in public life for over three decades and he regards it as an humble effort for the betterment of the lives of the people of Karnataka. He is a person who feels the need of the hour is to carve a caring system of governance, which will govern with a name to secure, preserve, protect and defend the quality of life of all sections of people.

In what he calls the disturbing contemporary political scenario in India, Patil, who is presently the Minister for Rural Development and Panchayat Raj, has emerged as a statesman. Being instrumental in bringing in the Karnataka Transparency in Public Procurement Act he has changed the system of public procurement in the state. His onslaught on corruption with all sensitivity and humility at his command is commendable. He also established a vigilance department under Water Resources department to check the menace of corruption in the department. This was also another pioneering effort in the direction of checking corruption.

Patil did commendable job in the completion of the giant Almatti dam (across the River Krishna) upto fixing of gates to level of 519.6 metres. He is also remembered by people for his efforts in making projects for leftover of the 729 tmc ft. (thousand million cubic feet) allocated to Karnataka and in finalising scheme 'B' of Krishna River. His idea of formation of cooperatives for participatory water management was unique and truly democratic.

In this interview, Patil speaks to **The Hindu Centre for Politics and Public Policy's Karnataka Resident Representative, S. Rajendran**, on the difficulties in finding a lasting solution to sharing of the waters of the Cauvery, particularly during years of distress and is of the opinion that the Prime Minister and the Union Government have an important role to play rather than push the riparian States to opt for a legal battle. It should be noted that his visionary approach in handling Inter State Water Disputes (when he served as the Water Resources Minister in the Government of S.M Krishna) was lauded even by the opposition parties. Excerpts:

The Cauvery crisis is back again thanks to the poor storage in the Cauvery basin reservoirs in both Karnataka and Tamil Nadu. Can bilateral talks help in resolving the problem than a legal battle?

River disputes between countries or between States within a country are always complex in nature and it is not practical to resolve them bilaterally even in the best of situations. Most of the times, the solutions evolved do not satisfy the parties concerned, as they affect a large number of people. Such an involvement of people invariably leads to politicisation of the issue. In the present context , the crisis is essentially due to scanty rains in the catchment areas of the River Cauvery and its tributaries that has resulted in poor storage in the reservoirs.

In order to ensure that bilateral discussions to succeed, the leadership of both the states should come together with a conviction that after all farmers of both the States along the Cauvery are one family and the solution should be for the common good. Leadership of both the states should convince their people that both prosperity and distress will be shared equitably and in a transparent manner.

Tribunals are said to be constituted only after bilateral discussions have not yielded the desired results. But in practice tribunals are constituted almost in all cases and they invariably take an inordinate time to give their order, for various reasons. Moreover, the tribunals themselves do not have clear set of rules to fall back upon while giving their verdicts.

While the National Water Policy 2012 very clearly accords primacy to drinking water over all other usages, this has been ignored with impunity by all, be it the Union Government or the Courts, time and again. Karnataka has been pleading with utmost humility to allow it to retain minimum levels of water in the reservoirs for drinking purposes for its cities, including Bengaluru, one of the premier cities of the Country.

It is grossly unfair for the Courts to preach to the State to uphold the majesty of law while ordering it to release water to irrigate fields of lower riparian States from the precious little water retained for drinking purposes of the people. Whatever be the formula adopted by the tribunal for sharing of water, provision for drinking water has to be non-negotiable, which is clearly the spirit of the National Water Policy. While it may be easy for a tribunal to give an award for the distribution in normal times, it has failed miserably in providing any implementable solution for sharing in distress years. It may perhaps not be wrong to say that tribunals and Courts have largely added to the acrimony between States by not taking into consideration the sentiments of people in both Karnataka and Tamil Nadu.



Report of the Cauvery Water Disputes Tribunal with the Decision

- **Volume I - [Background of Dispute and framing of Issues](#)**
- **Volume II - [Agreements of 1892 And 1924](#)**
- **Volume III - [Availability of Water](#)**
- **Volume IV- [Principles of Apportionment and Assessment of Irrigated Areas In The States of Tamil Nadu And Karnataka](#)**
- **Volume V- [Apportionment of the Waters of the Inter-State River Cauvery](#)**
- **Final order- [Final Order of Cauvery Water Disputes Tribunal](#)**

[The Helsinki Rules on the Uses of the Waters of International Rivers](#)

The final order of the Cauvery Water Disputes Tribunal (announced in 2007) is pending implementation given the fact that the riparian States have challenged the order in the Supreme Court. What is the way out?

It may not be appropriate to say that Cauvery water disputes tribunal's final award is pending implementation. The award was notified in 2013 by the Union Government in spite of strong opposition and consequently the Cauvery supervisory committee has come into existence in 2013 and Karnataka has been releasing 192 tmc ft. of water on the monthly basis as stipulated in the final award of the Tribunal.

During the period of implementation of the interim and the final award of the CWDT, it was only four times, that we had crisis. They were during 1996, 2002, 2012 and now in 2016. In all the previous years, crisis situation was managed thanks to the the intervention of the Prime Minister. However, in the present crisis there has been no intervention by the Prime Minister, so far, in spite of repeated appeals to him.

Guidelines for adjudication of river water disputes are to be finalised keeping in view the climate change, erratic rainfall drinking water scarcity on one side and changed system of agriculture, water saving technologies such as drip irrigation and sprinkler irrigation covering of crops, green house, poly house farming and cropping pattern on the other. The Union Government must make concerted efforts to reopen the dialogue between the riparian states where the disputes are not finally settled. The most important submission of Karnataka is that the Cauvery water disputes tribunal has not even taken into consideration the drinking water needs of the upper riparian state.

To recall:

- i. The tribunal, in its final award, has allocated 1.72 tmc ft. of water as against the State's demand before the tribunal for 30 tmc ft. for drinking water alone.
- ii. It has emphasised to use underground water, whereas it is a common knowledge that ground water in the entire region is getting depleted at an alarming rate.
- iii. The tribunal has issued a *diktat* to use recycled water for drinking and domestic purpose, which is not practical. Such *diktat*s serve no purpose and are like general suggestions.
- iv. The increasing population and addition of floating population in towns like Bengaluru, and Mysuru have not been taken into account by the tribunal.

The simple fact that once the storage in the reservoirs of the upper riparian State is empty by release to the lower riparian State the water cannot be taken back has to be appreciated by any judicial authority, In such a situation a State like Karnataka will be in a helpless position.

Drinking water is a basic human need and a right and cannot be fundamentally denied. The tribunal should have very specifically addressed this point and in detail. Unfortunately even the Supreme Court has not pointed out this and has also downplayed the importance of the drinking water aspect. In the present crisis there is also no appreciation to the fact that Karnataka has denied water to its farmers in and around the reservoirs saying that the residual water is being conserved for drinking purposes. In the present scenario we will be creating an explosive situation by releasing the residual water to the lower riparian state for their farmers as directed by the Supreme Court. Such a situation arises since the Court has not applied its mind fully to evolving acceptable and equitable distress formula.

Unfortunately, though we have travelled a very long distance in trying to solve a problem that affects the day to day lives of millions of people in both the states through legal solutions, we have not been able to even remotely say that we have succeeded. It is therefore time that we sink the differences and find solution in the spirit of brotherhood and cooperation. The Centre and all the affected States cannot shy away from working out distinctly separate short term and long term road maps to solve the problem. The Centre must allocate funds to implement the long term solution and the States also must share the cost involved.

The people of the two important States of South India have been put to immense suffering on every occasion there is a shortage of water in the Cauvery. Are there ways of harnessing the available water for optimum use including stepping up the storage during years when there is a surplus quantum of water available?

Yes, it is a fact that we must take steps to stop this cycle of suffering particularly of small and marginal farmers, arising out of the crisis which could be said to be partially man made.

It cannot be denied that the pressure on States to set aside water for drinking purposes will keep on increasing every year. Presently, only people of Karnataka are suffering because of acute shortage of water for even for drinking purposes. Perception and reality is that Tamil Nadu is blessed with two monsoons unlike Karnataka which depends only on south west monsoon. North-east monsoon in Tamil Nadu sets in during October and remains active till mid January. Whenever there is a water crisis, Karnataka is the only sufferer even in worst distress years since Tamil Nadu has adequate water for its standing crops.

The distress sharing formula is not fool proof and has not dealt with the same parameters to both the States. Tamil Nadu generally does not decrease its cropping area as is done by Karnataka during distress years. Tamil Nadu protects its *achakat* even in worst distress years and Karnataka suffers. Such very visible injustice is naturally unacceptable to the people of Karnataka and is also not conducive to strengthening our federal setup.

The concept of optimum utilisation of available water is relative. Take for example the proposed storage to be created in Mekedatu. Here Tamil Nadu does not have any storage downstream Mekedatu. But still efforts to construct a project near Mekedatu are unnecessarily being objected to. Some spot should be identified to build a reservoir for the drinking water requirements of Bangalore.

In Tamil Nadu, the available water during the second monsoon is just allowed to go to sea which is a criminal waste of water. The concept of building balancing reservoirs in the cultivable area is one of the important ways to store water that can be utilised during times of distress. There are many ways of harnessing surplus water of good monsoon years, but unfortunately all water saving measures have not been given importance either by the Centre or by the States.

The CWDT and in the latest instance, the Supreme Court, has directed the constitution of the Cauvery Water Management Board. In other words, the management of all the Cauvery basin reservoirs in all the riparian States will be taken over by the board which will have representatives of the States concerned apart from the Central Water Commission. Will it help in evolving a lasting solution for the equitable distribution of the available water in any given year?

We as a State have not been in favour of the CWMB concept as it could give rise to disputes on a day-to-day basis and repeated intervention of the Union Government and the law and order enforcing authorities. During the years of distress any feel good factor for both Karnataka and Tamil Nadu will get affected and further this will harm the interest of these states.

The National Water Policy finalised during 2002 and modified during 2012 has no guidelines to adjudicate river water disputes by a tribunal. It has been long since Karnataka has been advocating for framing of guidelines for the same. Mere formation of a board to implement a tribunal's award on the absence of strict policy guidelines for the tribunals is unscientific and it would be a futile exercise to have such management board at this juncture. Such boards will only pave way for escalation of disputes instead finding a solution. It is not that there is no mechanism to find solution during years of distress.

The Cauvery supervisory committee is also a creature of the tribunal. Actually it is an expert committee comprising of technical representatives. But, unfortunately absence of proper approach to the issue has become impediment. The ambivalent and inconsistent stance adopted by these expert committees will only aggravate the situation. The experts and their opinions should infact have been a boon to resolve the issues such as during the present crisis. To prevent political issues cropping up people at the helm need to be pragmatic and caring.

Karnataka has decided to delay the implementation of the order of the Supreme Court . What are the reasons that have led to the State Government deciding to go against the Supreme Court and perhaps attract the wrath of the court?

Our decision is not regarding attracting the wrath of the Supreme Court. It is the question of implementability of the order. Karnataka has always been a law abiding state and has always been implementing the judicial orders. It is imperative to mention here that the Government of Karnataka had appointed a committee to oversee the implementation of all judicial orders during the regime of Dharam Singh when I was the Law Minister. We have never defied the orders of the Supreme Court even in present situation.. Any order which cannot be implementable is a different issue.

The Supreme Court should have taken into consideration the ground reality of Karnataka the availability of water in its reservoirs. When Karnataka had storage of 24 TMC Ft of water and its actual requirement of water for drinking purposes was 27 tmcft the Supreme Court directs to release 15000 cusecs of water a day. If such ground realities are not appreciated by highest judicial forum of the country then who else can we represent the case. All states should be seen as equal by the Judiciary which is a necessary condition rather than ignoring the requirement of one state and honouring the claims of another state without getting a proper assessment. It is unfortunate situation.

What is your view on nationalising all the rivers in the country and ensuring that the available water is equitably distributed among all the States of the country, more so, since inter-State river disputes is a major issue in several States.

Nationalisation of all the rivers of the country is conceptually vague. If it means the Central government managing the rivers, then it is impractical and is definitely not a solution to the problem. Presently, we have seen that the Union government is not in a position to take judicious and impartial decisions in the major water disputes.

Centralisation of management of such people-centric issues like usage of water is not in the spirit of federal structure and it is a sure recipe for failure. We have National Water Policy that should serve as guiding document for all States. To put it strongly, this destructive concept in solving river water disputes will disturb the peace in federal structure and prove disastrous to the system. Giving credence to the expert opinions of bodies such as NEERI and NIO and to the assessment of water made by the Central Water Commission have to be mandatorily accepted by judicial body appointed to adjudicate any particular issue on water. Nationalisation is no solution.

Linking all the rivers in the country is another way out to ensure the optimum use of the available water. Can the Union Government step in to the benefit of the States.

Theoretically it is a good idea. Ambitious projects like linking Ganga-Cauvery may neither be economically viable nor is it easy to evaluate their long term ecological impact and repercussions. However we must make a beginning with smaller projects that are basically intra-State in nature.

Rivers like Mahadayi and Malaprabha, Kali and Malaprabha and other inter basin transfer proposals can be cleared by the Union Government in order to end the scarcity of water. Inter basin transfers should be allowed. In Karnataka alone, a total of 2,000 tmc ft. of west-flowing rivers and 200 tmc ft. of Mahadayi basin drain into the sea.. During 1999-2004 when I had an opportunity of serving the state as Minister for Water Resources, we in Karnataka, had thought of diversion of west-flowing rivers towards east. Things had started taking shape but political situations ended the efforts following declaration of election. But the scientific studies conducted are available and Nethravathi diversion may be a reality if efforts are made.

During your term as the Minister for Water Resources you had pushed for Cloud Seeding in a big way apart from recharging of ground water. What is the scope for such programs particularly during years when there is deficit rain?

Use of science and technology in finding solutions to the water issues should be order of the day. Science and technology [should] be properly employed and appropriately put to use. The planners, administrators and political executives fail to appreciate the use of technology. Miracles may not happen but we can learn from experiments. After all It is physics, it is science. Sixty six countries in the world conduct cloud seeding operations in order to increase precipitations. It is to be understood that the clouding enhances precipitations supposing if we are getting 20 per cent rains it may be increased to 50 per cent or so in the present situation such things may also help. Cloud seeding technology is like an army which is pressed into service as security during defense. It is not that it will change the situation but it is certain to provide solace of some sort. Adoption of sound and proven technology should be basic principle of all our decisions, The recharge of ground water can only happen by surface storage of water and proper technologies have to be used.

During the years of deficit rainfall it is necessary to take technological support. In the previous year when northern part of our State was reeling under the drought. the department of Rural Development and Panchyati Raj used space technology to locate underground drinking water. I, as Minister for Rural Development called on ISRO Chairman, A. S. Kirankumar, to help find the solution. Our efforts yielded fruits and we got water in around 60 per cent of the total bore wells drilled in Indi Taluk of Bijapur district. Our efforts may at times fail but we should not fail to make efforts.

Would de-politicizing the Cauvery waters issue help in working towards a solution that will be of mutual benefit to the two States?

If the allocation of water is equitable, fair and systematic then that is the right strategy for depoliticising the water issue. When the interest of the State itself is affected how can any leader or politician keep quiet seeing the interest of his /her own state being sacrificed? It is worth to mention that for any citizen of any State it is the interest of his/her State to be paramount than any other consideration. The question of politicising and depoliticising does not arise because the regional necessity is important factor.

There is criticism that while there are no problems in sharing international waters, Cauvery is a persistent issue. What is your response to such criticism?

It is not practical to compare the international river water dispute to that of Cauvery or any other Indian river. It is known fact that the Helsinki rules and guidelines have settled on broad lines the international river disputes. We are in federal structure and absence of guidelines is the main cause for persistent crisis in Cauvery issues. The criticism of like this question has no answer. If the riparian problems are addressed in their right earnest it will help in obtaining a resolution.

As a Minister of an upper-riparian State, which also suffers during deficit seasons, what was your approach to the sharing of the waters when you were Minister and what are the lessons, which you think would be of help in resolving the dispute?

In all the cases of Cauvery dispute during distress years there was no solution without the intervention of the Union Government. Either [because of] lack of proper understanding or briefing, the apex court order has led to the present situation. In a federal system it is the Centre that has to intervene and it should be apolitical. When I was the Water Resources Minister during the S. M. Krishna government, a similar situation arose and the National

Democratic Alliance (NDA) government was ruling the country. Chief Minister (the then) and me called on all the NDA leaders from the State and they did help to resolve the issues.

Now it is high time, in dispute of such a magnitude, that the Prime Minister intervenes and helps in finding a solution.

Related Article: [Bhattacharya, S. 2016. "The available Cauvery waters will have to be divided on a pro rata basis: Duraimurugan", *The Hindu Centre for Politics and Public Policy*, September 26.](#)

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In a journalistic career of over 35 years with The Hindu in Karnataka, he has extensively reported on and analysed various facets of life in the State. He holds a Master's degree from the Bangalore University. The Government of Karnataka, in recognition of his services, presented him the Rajyotsava Award — the highest honour in the State — in 2010.)

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