

## Major river water disputes of Karnataka special reference to Kavery river water dispute: A brief study

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**Abstract:** *The British controlled both Mysore and Madras for a short period in the middle of the 19th century. During their regime, numerous plans were drawn up for the utilization of the Cauvery waters by both states. However, the drought and subsequent famine in the mid-1870 put a hold on the implementation of these plans. The plans were revived by Mysore in 1881, by which time Mysore was back in the hands of the Mysore kings, while present day Tamil Nadu continued to remain a part of the Madras Presidency. Started about 30 years ago after independence.*

*Mysore's plans to revive the irrigation projects met with resistance from the Madras Presidency. Mysore state made a representation to the Madras Presidency then British government; as a result of which, a conference was held in 1890 with the objective of agreeing "...on the principles of a modus vivendi, which would on the one hand allow to Mysore in dealing with irrigation works, and on the other, give to Madras practical security against injury to interests" and eventually the Agreement of 1892 was signed.*

*Things came to a head in 1910 when Mysore, under Nalvadi Krishnaraja Wodeyar as the king and Capt. Dawes as Chief Engineer came up with a plan to construct a dam at Kannambadi village to hold up to 41.5 TMC of water. The dam was planned to be built in two stages. In the first stage a capacity of 11 TMC was envisioned, while in the second stage the full capacity was set to be realized. Madras however, refused to give its consent for this move as it had its own plans to build a storage dam at Mettur with a capacity of 80 TMC.*

*After a reference to the Government of India, permission was accorded to Mysore, but for a reduced storage of 11TMC. During construction, however, the foundation was laid to suit the earlier desired full storage. This raised Madras' hackles and the dispute continued. As a result, the then British Government of India referred the matter to arbitration under Rule IV of the 1892 Agreement. The Cauvery dispute thus had come up for arbitration for the first time.*

*Sir H D Griffin was appointed arbitrator and M. Nethersole, the Inspector General of Irrigation in India, was made the Assessor. They entered into proceedings on 16 July 1913 and the Award was given on 12 May 1914. The award upheld the earlier decision of the Government of India and allowed Mysore to go ahead with the construction of the dam up to 11 TMC.*

**Key Words:** *Kaveri water dispute, Kirshna water dispute, Malaprabha water dispute, Mahadaai river water dispute.*

### 1. INTRODUCTION:

Madras appealed against the award and negotiations continued. Eventually an agreement was arrived at in 1924 and a couple of minor agreements were also signed in 1929 and 1933. Clause 8 of Final agreement between the Mysore and the Madras Governments in regard to the construction of a dam and reservoir at Krishna Raja Sagara 18 February 1924.

"The limitations and arrangements laid down in certain specified clauses of the agreement were open to reconsideration at the expiry of 50 years from the date of its execution. The reconsideration was to be in the light of experience gained and of an examination of the possibilities of the further extension of irrigation within the territories of the respective governments and to such modification and additions as may be mutually agreed upon"

In 1947, India attained independence from the British. Further in 1956, the reorganization of the states of India took place and state boundaries were redrawn based on linguistic demographics. Kodagu or Coorg (the birthplace of

the Cauvery), became a part of Mysore state.<sup>[12]</sup> Parts of Malabar which earlier formed part of Madras Presidency went to Kerala.<sup>[13]</sup> Puducherry had already become a de facto Union territory in 1954.

Redrawing of state boundaries caused parts of Kerala and Puducherry to be in the Cauvery River basin and therefore become stakeholders in the sharing of its waters. Kerala staked its claim as one of the major tributaries of the Cauvery since the Kabini River, now originated in Kerala. The Karaikal region of Puducherry at the tail end of the river demanded the waters that it claimed to have always been using for drinking and some minimal agriculture. While these additional claims complicated matters greatly at a technical level, Mysore state and Tamil Nadu still remained the major parties to the dispute.

By the late 1960s, both states and the Central government began to realize the gravity of the situation as the 50-year run of the 1924 agreement was soon coming to an end. Negotiations were started in right earnest and discussions continued for almost 10 years.

Government of India constituted a common tribunal on 10 April 1969 to adjudicate the river water utilization disputes among the river basin states of Krishna and Godavari rivers under the provisions of Interstate River Water Disputes Act – 1956. The common tribunal was headed by Sri RS Bachawat as its chairman with Sri DM Bhandari and Sri DM Sen as its members. Krishna river basin states Maharashtra, Karnataka and old Andhra Pradesh insisted on the quicker verdict as it had become more expedient for the construction of irrigation projects in Krishna basin. So the proceedings of Krishna Water Disputes Tribunal (KWDT) were taken up first separately and its final verdict was submitted to GoI on 27 May 1976.

After 1956 the people of linguistic states became more and more provincial minded in various fields especially agricultural and irrigational developments. They ignored the national interest in sharing river water. They went on constructing barrages, minor dams without caring for the neighboring states. Such schemes led to river water disputes namely:

- 1.Kavery Water Dispute
- 2.Krishna River Water Dispute
- 3.Mahadaai River Water Dispute
- 4.Malaprabha River Water Dispute

## **2. KAVERI RIVER WATER DISPUTE:**

Kavery river originates in Brahmagiri Hills at Talakaveri in Coorg District. It flows for 400 km in Karnataka and another 400kms in Tamilnadu.It join the sea Bey of Bengal.There are 20 tributaries which join Kavery river in Karnataka state. Among them Hemavathi, Suvernvathi, Kapila, Laxman teertha, Haarangi, Bedthi hole, Kakkabe hole, Uduthore, Chiruvu hole etc.Similarly about 7 tributaries join the Kavery river in Tamilnadu. These are Bhavani, Moyar, Chinnar, Thirumangattar, Pannaniyar, Paalar,Vayar etc.

During the Vijayanagara and Mysore rulers several small dams built across Kavery and its tributaries at Kattipura in Hassan District, Talakadu, Holale katte, Chunchan Katte, Hadaguru Katte, etc., in Mysore District. In 1701 Kannambadi dam was constructed first by Chikka Devaraja Wodeyar. It was about 30 feet in height. But it was damaged by Tamilians who thought that Kannambadi dam was responsible for the shortage of water for them

In 1798 Tipu Sultan tried to rebuild the dam at Kannambadi and laid a foundation stone. It was aimed at 70 feet in height. But due to the fourth Anglo-Mysore war it was not completed.

Due to failure of rains there were water disputes between Mysore and Madras states in 1807,1840, 1892. Every time Mysore Government dismissed the allegetions made by Tamilnadu Government as Kannambadi dam had been demolished long back by Tamilians themselves.

In the days of Mysore Dewan Sheshadri Iyer Mysore Government wrote a letter to the British Resident stating that farmers of Tanjore District were utilizing the Kavery water since ancient times doesnot mean belong to them alone. They can use the water as long as the farmers of Mysore in the Kavery valley did not want to store Kavery water. Moreover, they cannot take away the right of the Mysore farmers over the Kavery water. He planned a new dam at Kannambadi and sought permission from the Resident who represented the British Paramonunty over Mysore. A new dam was permitted in 1909. Construction of Dam began in 1911 under the supervision of chief engineer M. Vishweshwaraiah during Dewan T. Ananda Rao. But the Madras Government objected to the dam. Madars Government came forward to restrict the height of the dam which was aimed at 130 feet. At that time central British Government restricted the dam to 80 feet which could store 11000 TMC water. Mysore could share 40% and Madras 60% of stored water.

This decision was against the interest of the Mysore. In that context Vishweshwaraiah could convince the Viceroy, Madras Government and engineers that there would be no shortage of water for Madras if the dam was constructed upto 130 feet, but water could be stored at 124 feet only. Warrer gates were constructed at that level. The construction was completed after 11 years in 1922. About 25 villages were drowned or submerged under the resevrvoir. About 24000 acres of land was covered by water. I was built with stone and mortar, cement was not used. Then the cost was about 6 crores only. Two years later Kavery Agreement was made in 1924 to share the water.

### 2.1 Provisions of The Kavery Water Agreement 1924:

1. The storage capacity of Reservoir was fixed at 49.2. This water could irrigate 1,25,000 acres of land.
2. Dams could be constructed in future across Kavery and its tributaries to store additional 45 TMC feet of water to irrigate another 1,10,000 acres of land.
3. About 60% of water had to release to Tamilnadu which had proposed to counstruct a dam at Mettur in Tamilnadu. This Unfavorable agreement was signed by Mysore Dewan A.R.Banarji and Madras PWD Secretary Hawkins. Even the Maharaja of Mysore could not object this agreement because this stand was taken by British Resident of Mysore Sir William Barton. The term of this agreement was for 50 years. Then it had to be revised.

Two years before expiry date there was shortage of water in KRS dam due to the failure of rains. Tamilnadu raised the water dispute and demanded the release of water from KRS dam to save the standing crop in the Tanjore region. Due to this dispute the agreement was not revised in 1974 after the expiry of the Agreement of 1924. Therefore, a special Kavery Tribunal was appointed by the Central Government during Indira Gandhi. Fortunately, there was no shortage of water until 1982.

Thereafter due to the failure of rains in time and shortage of water disputes repeated in 1983, 1990 and 1991 between Karnataka and Tamilnadu. In 1991 Prime Minister P.V.Narasimha Rao was the president of the Kavery river water Tribunal. The Tribunal members made aerial survey of the drought areas. On their report the Tribunal issued interim decision issued on 25<sup>th</sup> June 1991.

Accordingly, water had to be shared as follows:

Karnataka to get	-----	53%
Tamilnadu	-----	33%
Kerala	-----	14%

But Karnataka Government did not accept the decision. Because this interim order had objected to the construction of any more mini dams in the Kavery valley. As a result, disturbances accord in Bengaluru, Mandya, Mysore and other towns between Tamilians and Kannadigas. Whenever KRS was full 790 TMC feet of water could be distributed according to the interim order of the Kavery Tribunal. Pondicherry city state did not get any share of water as it did not come under the rivery valley region.

In 1993 Tamilnadu farmers again raised their voice to release the water from KRS to save the standing crop. At that time Jayalalitha chief Minister of Tamilnadu went on hunger strike for 4 days. On the 4<sup>th</sup> day a special tribunal was appointed with Prime Minister as the President. Narasimha Rao President of the Tribunal order to release 6 TMC feet of water to save the crop.

In 1995 again water dispute arose. The Kavery Tribunal took the average of water available between 1982 and 1990 and ordered release of 230 TMC of water to Tamilnadu. In the same order it was said that Karnataka should not extend its irrigation projects. But the same time condition was not imposed on Tamilnadu. It is to be noted that Tamilnadu had extended its irrigated area from 16,00,000 to 28,00,000 acres between 1924 and 1994, while Karnataka had extended irrigated area from 3,00,000 to 6,00,000 acres between the same period. Thus Tamilnadu is going on extending irrigated area without caring for Karnataka or Central Tribunal. By the 1995 order more injustice was done to Karnataka than the agreement of 1924. In this backround it is not good to appoint the Tribunals. It is always better to appoint impartial judges to such Tribunals. Karnataka, had to release water to Tamilnadu at the cost of farmers of Karnataka, who had a shortage of 61% of water in KRS.

In 1996 once again Tamilnadu Government demanded release of 30 TMC of water to the Mettur dam. At that time KRS had only 40 TMC water Just above the reserve level.

Then the order was revised to release 11TMC of water. Karnataka Government expressed its inability to release so much of water. At the mediation of the Prime Minister 6 TMC feet of water was released to Tamilnadu in 1996.

Once again in 1997 Karunanidhi Chief Minister of Tamilnadu demanded 50% instead of 33% of water from KRS. In this Background Kavery Monitoring panel was appointed. It repeated the decision of 1991 which allowed 33% of water to Tamilnadu. Karunanidhi went to the Supreme court upheld the same decision. In meantime Kerala and Pandichery approached the Supreme court for their share of Kavery water. The Supreme Court gave the following decision.

State	TMC of water	Percentage
Karnataka	425	53
Tamilnadu	252	33
Kerala	113	14
Pandichary	00	00
	790	100

In 2002 Tamilnadu Government approached the Central Government the Central Government for release of water. Kavery Monitoring Panel headed by Justice Kirpal gave the interim decision to realse 7 TMC feet of water. Government of Karnataka headed by S.M.Krishna had to obey the decision and released water.

### 3. KRISHNA RIVER WATER DISPUTE:

Government of India constituted a common tribunal on 10 April 1969 to adjudicate the river water utilization disputes among the river basin states of Krishna and Godavari rivers under the provisions of Interstate River Water Disputes Act – 1956. The common tribunal was headed by Sri RS Bachawat as its chairman with Sri DM Bhandari and Sri DM Sen as its members. Krishna river basin states Maharashtra, Karnataka and old Andhra Pradesh insisted on the quicker verdict as it had become more expedient for the construction of irrigation projects in Krishna basin. So the proceedings of Krishna Water Disputes Tribunal (KWDT) were taken up first separately and its final verdict was submitted to GoI on 27 May 1976.

The Krishna River is the second biggest river in peninsular India. It originates near Mahabaleshwar in Maharashtra and runs for a distance of 303 km in Maharashtra, 480 km through the breadth of North Karnataka and the rest of its 1300 km journey in Telangana and Andhra Pradesh before it empties into the Bay of Bengal.

The river basin is 257,000 km<sup>2</sup> and the States of Maharashtra, Karnataka and Andhra Pradesh contributes 68,800 km<sup>2</sup> (26.8%), 112,600 km<sup>2</sup> (43.8%) and 75,600 km<sup>2</sup> (29.4%) respectively.

Krishna river is so called because this river water appears black as it flows through black soil in Maharastra, Karnataka and Andra. This river divides Deccan from Southren India. It rises in the Mahabaleshwara hills in western ghats of Maharastra. It flows towards the east through Karnataka and Andra and joins the Bay of Bengal near Guntur.it is about 1300km in length. It flows for 300km in Maharastra, 480km in Karnataka and 520km in Andra. In 1956 Krishna Water Tribunal was appointed to decide the disputes between these states.

In 1969 Karanataka Government under took the Almatti Dam Project in Baagewadi Taluk of Bijapura District. At that time dispute arise between Karnataka, Maharastra and Andra to share the Krishna River water. For that purpose, a Commission was appointed. It was headed by Justice R.N.Bachaavat.

The Commission recommended the following proposals for the distributing water.

State	Flow of the River	TMC Ft
Maharastra	300km	500
Karnataka	480km	700
Andhra Pradesh	520km	800
Total	1300km	2000

According to Bachavat Report the height of the Alamatti dam was fixed at 512 meters above the sea level instead of 580 meters claimed by the State. As a result, the construction was suspended for some time. In 1996 Andhra Government brought pressure on Central Government not to increase the height of the dam. This dispute was taken to Supreme Court. Chief Justice Majumdar fixed the height of the dam to 519 meters and permission was granted to construct the dam.

Criticism:

Regarding the irrigation Projects states must be wise in fixed the height of the dam. Because as the height increased more fertile lands will be submerged under the reservoir. By doing so the concerned state must save the land by storing

required quantity of water. There is no use in storing more water and releasing it to the neighbouring lower states. Otherwise the lower states will get the stored water without submerged of their fertile lands. It is better to build small dams in the present context, where ever necessary in the concerned states. Thereby there will be no water dispute.

#### **4. MAHADAAI RIVER WATER DISPUTE:**

Mahaadai is a small tributary of the Malaprabha river. It flows for about 35kms in Karnataka and then enters Goa State and joins Arabian Sea. A project was prepared by Karnataka Government to connect Mahaadai river with Malaprabha near Kannur in Belgaum District. For this purpose, a channel was to be made between Kalasa and Banduri villages. It was aimed at providing 7 TMC feet of Kanakumbi and Versay villages and drinking water to Hubli-Dharwad. But Goa Government objected this project as it would cause shortage of water for that state. For five years the dispute was in cold storage. In 2007 Karnataka Government took initiative and approached the Central Government for mediation between the two states. But the Goa Government is not co-operating. As a result, the dispute is unsettled.

#### **5. MALAPRABHA RIVER WATER DISPUTE:**

Malaprabha river originates in Maharastra flows through Belgaum District in Karnataka. Then flows through Goa and joins the Arabian Sea. In 1088 Malaprabha river was to be connected with Mahadaai river through a channel across Kalasa and Banduri villages. In 2006 water was to be supplied through this channel to Hubli and Dharwad for drinking purposes. But the Goa Government objected to the project saying that it would harm the environment, its flora and fauna. The dispute was taken to the Central Water Board. It said that there is no truth in the argument of Goa. About 200 TMC feet of water flows to Goa from Mahadaai river.

Out of which 45 TMC of water will be enjoyed by Goa. The Central water board said that, da between Kalasa and Banduri villages will provide 9 TMC of water. Out of 9 TMC of water 7.5 TMC of water should be released to Malaprabha river. In that year Karnataka Government brought pressure on Central Government to implement the plan. Central Irrigation Minister Syf ud din transferred the dispute to a separate Tribunal. This was objected by Chief Minister B.S. Yaddyurappa in 2008. He had requested Central Minister to implement the decision given by Central Water Board. This dispute is also yet to be decided.

#### **6. CONCLUSION:**

After the reorganization of linguistic states such disputes are on the increase. According to the Chief Justice of India, the Constitution has not given powers to the Supreme Court over river water disputes. Therefore, special tribunals were appointed with politicians as members.

In 1987 Central Government had announced its National Water Policy. But according to Mr. Balekundri Chief Engineer of Karnataka this policy is not clear in its guidelines. Therefore, it is better to give real powers to the Supreme Court by an amendment. Till then Judges must be appointed to the tribunals instead of politicians. Otherwise tribunals will work as political panels.

Kavery water is utilized to the maximum by zamindars of Tamilnaadu who are mostly Iyers, Iyangars, Muddaliyars and high officers. Even the British Commissioners like Mark Cubbon and Bouring had warned Mysorians to be careful about the wolves of Madras. This came true in the later years. Karnataka Government has spent more than 22 crores of rupees over the river water disputes in recent years. Still Tamilnadu gets maximum water for its 2800000 acres of land brought under irrigation, while Karnataka has 600000 of acres of irrigated land.

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