

Pre-Independence pacts 'not an unconscionable bargain'

The Supreme Court on Friday junked Karnataka's long-pending grouse that the 1892 and 1924 agreements between Mysore and the Madras Presidency on the allocation of Cauvery river waters was an "unconscionable bargain." The three-judge Bench led by Chief Justice Dipak Misra, instead, asked Karnataka why it did not rise like the 'phoenix' and challenge the agreements after Independence and the coming into existence of the Constitution. "The bargaining power may not have existed in 1892 or 1924, but definitely, the said power to bargain or to choose came alive after the 1947 Act and, undoubtedly, after the Constitution came into being. However, the State of Karnataka chose not to do so. If we allow ourselves to say so, it chose not to rise like a phoenix but, on the contrary, it maintained sphinx-like silence at the relevant time," the Supreme Court observed.

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