

**'Cauvery a national asset, no exclusive ownership'****Supreme Court**

An inter-State river like Cauvery is a 'national asset', and being in a state of flow, no State can claim exclusive ownership of its waters or assert a prescriptive right so as to deprive other States of their equitable share, the Supreme Court held on Friday.

Basing its judgment on the equitable utilisation of inter-State river waters, the court said the precious right should be equally and reasonably shared by all States concerned.

"While it is common and equal to all through whose land it (river) runs and no one can obstruct or divert it, yet as one of the beneficial gifts of Nature, each beneficiary has a right to just and reasonable use of it," Chief Justice Dipak Misra wrote in the judgment.

**Fair share**

This principle of equitable apportionment, as is now intrinsically embedded generally in a pursuit for apportionment of water of an international drainage basin straddling over two or more States, predicates that every riparian State is entitled to a fair share of the water according to its need, and is imbued with the philosophy that a river has been provided by nature for the common benefit of the community as a whole through whose territory it flows even though those territories may be divided by frontiers as postulated in law.

However, the court said the "principle of equality" among the riparian States does not imply equal division of water. The apex court said, equality here means "equal consideration and equal economic opportunity of the co-basin States."

"To conceive that equality rests on equal sharing of water within an arithmetical formula, would be fundamentally violative of the established conception of equitable apportionment," the Supreme Court observed.

The court compared the sharing of inter-State river waters in India to the practices of sharing of international rivers among nations.

**Helsinki example**

The Supreme Court referred to the Helsinki Rules of 1966, which recognise equitable use of water by each basin State taking into consideration the geography and hydrology of the basin, the climate, past utilisation of waters, economic and social needs, dependent population and availability of resources.

The judgment also refers to the Campione Rules in the context of the Cauvery dispute. These Rules hold that basin States would in their respective territories manage the waters of an international drainage basin in an equitable and reasonable manner.

The court referred to the National Water Policy, which had reiterated time and again that water is a "scarce and precious national asset."

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