

Water equity: On Cauvery verdict

By upholding the approach of the Cauvery Water Dispute Tribunal, while slightly modifying its award, the Supreme Court has boosted the prospects of a viable water-sharing arrangement among the riparian States. That it has reduced the Tribunal's allocation for Tamil Nadu and raised Karnataka's share does detract from the fairness of the decision. It has underscored that no single State has primacy in accessing water resources and that rivers are national assets. This is a significant recognition of the principle of equitable distribution of inter-State rivers. The Supreme Court's message is that the Centre should get down to creating a legal and technical framework to implement the Tribunal's award, as modified by the judgment. This is the strongest affirmation so far of a basin State's right to its share of water on a regular basis without having to rush to the court for *ad hoc* orders to open the sluices of reservoirs during monsoon-deficit years. It may be possible for either side to cavil at the judgment, questioning the reduction in quantum or the obligation to adhere to specified monthly release targets, but these would be exercises in political partisanship rather than legitimate grievances warranting legal redress. Tamil Nadu, as a State that has seen agrarian distress in its delta districts, ought to be satisfied with any prescribed allocation being met as per a schedule. Karnataka can take heart from the reduction in its mandatory release target and the additional share for Bengaluru. Neither State, in any case, should be aggrieved by the stipulation that equity is at the heart of a water-sharing arrangement.

Resolving an inter-State water dispute is mainly about balancing the competing genuine demands and interests of each State and coming up with a pragmatic sharing arrangement. Rather than looking at the court's decision from the narrow prism of the quantum of allocation, the parties would do well to see this as the culmination of a fair and scientific adjudicative process. They should pose no further impediment to the smooth implementation of the order and be prepared, for the next 15 years, to share both the bounty and distress caused by nature. By dithering, the Centre has not covered itself in glory throughout this protracted dispute. It took six years to notify the award, and even in the final hearing argued it was not obliged to frame a scheme for implementation. The argument was deservedly rejected. It should comply with the court's direction and set up the Cauvery Management Board and Water Regulation Committee as part of the scheme. It will be unfortunate if the States and the Centre are reluctant to accept this verdict and refuse to acknowledge its finality. There is ample judicial wisdom in the country to adjudicate complex and emotive inter-State disputes, but the question is whether there are enough conscientious and cooperative parties to make judgments work.

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