

## Limits to dialogue

“There have been at least a couple of civil society dialogue initiatives over the Cauvery dispute in the past.” Water being released from the Cauvery for 'Aadi Perukku', the monsoon festival in the month of Aadi, at the Mettur reservoir in Tamil Nadu on August 3, 1991. | Photo Credit: [THE HINDU ARCHIVES](#)

Makkal Needhi Maiam founder Kamal Haasan's joint press interaction on June 4 with Karnataka Chief Minister H.D. Kumaraswamy has triggered a huge controversy. What did Mr. Haasan say that was so provocative? He said that the court should be the last resort for dispute resolution and that people-to-people contact should be promoted to find the way forward. Various political leaders have asked: “What is Mr. Haasan's locus standi? Won't it weaken Tamil Nadu's case, particularly in a situation where there is a stiff resistance towards the formation of the Cauvery Water Management Authority (CWMA) from the Karnataka Chief Minister?”

Ever since the Supreme Court delivered its final judgment on February 16, the situation in both States has been broiling. Although the final judgment brought some initial celebration in Karnataka, it was accompanied by apprehension that constituting the CWMA would be against Karnataka's interest. At the moment, the CWMA is not fully constituted because three full-time members have not been appointed and there are no nominations from Kerala and Karnataka. The Water Resources Secretary, who is the temporary Chair of the Authority, has indicated that it might take some time before the CWMA becomes a comprehensive body. But the Authority should have been fully formal and functional, according to court's final verdict, before the start of the irrigation year, which is June 1. If one goes resolutely by the law, the long-pending Cauvery dispute should come to a close after the final verdict and after the CWMA becomes fully and legally functional. But doubts still linger in people's minds. The situation in Karnataka before and after the verdict has changed very little, which can be gauged from the fact that actor and Rajini Makkal Mandram founder Rajinikanth's movie *Kaala* is being resisted severely by Kannada chauvinistic groups and has been banned by the Karnataka Film Chamber of Commerce, which has been supported unofficially by Mr. Kumaraswamy. Therefore, the question is, will Tamil Nadu farmers get water as per the schedule prescribed in the final award upheld by the apex court?

It needs to be acknowledged that the Cauvery dispute is the longest and most bitter inter-State water dispute that has been fought post-Independence. It has been almost three decades since the Cauvery Water Disputes Tribunal was constituted. We have gone through a full legal cycle; yet, uncertainty and tension remain in both States. So, is this an appropriate time to initiate people-to-people contact, as suggested by Mr. Haasan?

If we recall, there have been at least a couple of civil society dialogue initiatives in the past (what is regarded as Track II diplomacy). The first such dialogue took place in 1992. It was initiated by S. Guhan, a distinguished civil servant and former Secretary, Finance and Planning, Tamil Nadu government. The meeting was held in Bengaluru and was attended by S. Ranganathan, S. Manavalan and N. Ram. From the Karnataka side, the meeting was attended by H.N. Nanje Gowda, M.D. Nanjundaswami and B.K. Chandrashekhara. It is important to remember that this unofficial dialogue was organised after the declaration of the interim award in 1991, which was followed by unprecedented violence in Karnataka. The total number of Tamilians killed in the 1991 violence was 18 and an estimated 2 lakh Tamilians left Karnataka in a month. Against this background, this dialogue opened up a new chapter in dispute resolution and was appreciated as a positive approach by people in both States.

The second civil society dialogue, which I initiated in 2003, followed the eruption of violence in 2002. As an initial measure, two farmers' dialogue workshops — one in Tamil Nadu (held on April

4 and 5) and the other in Karnataka (June 2 and 3) — were organised. Many prominent people and scholars, besides over 100 farmers and farmers' leaders from both States, participated in the initial two meetings. After the initial meetings, a committee was formed with 15 members from each State. This committee later came to be known as the Cauvery Family. It had advisers such as Ramaswamy R. Iyer, B.S. Bhavani Shankar, and Gangappa. The Cauvery Family met 18 times in Tamil Nadu and Karnataka, alternatively, between 2003 and 2012 and finally evolved five water-sharing formulae. There continued to be differences of opinion, especially on sharing water during deficit years. The most significant feature of this dialogue initiative was that the members of the Cauvery Family developed a long-term perspective and affirmed their faith in caring, sharing and promoting a feeling of fraternity. What the Cauvery Family could contribute was best described by Ramaswamy Iyer: "The one positive element in this entire unedifying spectacle of State against State and people against people has been the Cauvery Family — a loose and informal group of Cauvery basin farmers from both Karnataka and Tamil Nadu — which is now known internationally. Unfortunately, while it has brought about remarkable mutual understanding and goodwill between the farmers of the two States, it has not so far been able — in spite of several meetings — to arrive at an agreed settlement, including a distress-sharing formula, which can be presented to the Tribunal and the Supreme Court. Even the understanding and goodwill achieved by it is under threat in the present situation of conflict and hostility between the two States, at both official and non-official levels." ("Bridge over the river Cauvery", October 16, 2012, *The Hindu*.)

The Cauvery Family last met in 2012. It did not meet after that due to lack of recognition and patronage from political parties and other official institutions. Curiously, after the 2016 violence and after the declaration of the Supreme Court's final verdict this year, several people from Karnataka and a few in Tamil Nadu approached me for reviving the Cauvery Family. I took a strong negative position because the legal recourse has taken a full cycle (and it took nearly 40 years) and the stage is set to see the value of the legal route in resolving the dispute. The nation is waiting to see the dispute coming to an end, though not to everyone's pleasure.

Mr. Haasan's press statement with Mr. Kumaraswamy, advocating people-to-people contact, needs to be seen in this context. He could have waited for at least a year to see how effectively the CWMA functions before making such a statement. Under the present conditions, seeking people-to-people contact for a social dialogue is unwise, untimely and uncalled for.

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