The Conflict Resolution Programme of the National Institute of Advanced Studies (NIAS) organised a discussion on the Cauvery water conflict on October 24, 2016. The discussion titled ‘Fire over Water: Issues in the Cauvery Conflict’, was led by Professor Narendar Pani, Head of the Conflict Resolution Programme with major interventions from Professor S. Settar and Professor Sundar Sarukkai.

Prof. Narendar Pani outlined multiple dynamics and issues relating to the Cauvery water conflict where as Prof. Settar highlighted the historical and cultural aspects of the Cauvery river in Karnataka and Tamil Nadu. Prof. Sundar Sarrukai’s interventions were from a philosophical perspective pertaining to rights, in particular the right to water. The discussion was well attended by scholars representing multiple disciplines from NIAS and outside.

Following are the highlights of the discussion.

Cauvery Water Conflict: Multiple Dynamics

Prof. Narendar Pani, leading the discussion, highlighted multiple dynamics and complexities relating to the Cauvery water conflict. Two major issues he conceptualized include: a conflict between Equity (equitable distribution) and Prescriptive Rights. Equity with regards to whether the actors involved in the conflict should get equal share to the resources and Prescriptive Rights which ideates on a party’s ability to continue with their culturally embedded historical practices. Apart from the above two, Prof. Pani drew attention pertaining to the rights of other living organisms, and the very right for the river’s existence.

The nature of the river consisting of the terrain through which the river flows has its own contribution to the ongoing conflict. The very nature of the river permits the greater
utilization of river only at certain pockets in its entire course. The socio-economic aspects at these pockets contribute to the aforementioned conceptual notions of the conflict.

Highlighting the history of the conflict resolution mechanisms involved in the Cauvery issue, Prof. Pani outlined the agreements and deeds signed between the then Madras Presidency (parts of what became Tamil Nadu) and the Kingdom of Mysore (which became a part of Karnataka). It was felt that the agreements favored the state of Tamil Nadu considering the close proximity of Madras Presidency with the British in India. The skewed negotiation of those times, arguably, has snowballed to create the conditions of conflicts in the contemporary stage. Often the debates on Cauvery dispute challenge the validity of the deeds from the colonial era. The deeds signed earlier failed to include regions like Coorg, Pudukottai, Travancore, Pondicherry and Karaikal, and hence is not perceived to be all inclusive in its nature. This has created a situation for a proper review of the earlier deeds.

The parties to the conflict have strong self-interests. Tamil Nadu is concerned that the issue will lead to yield reduction and livelihood challenges to agriculture, thereby contributing to an increase in farmer suicides. Karnataka’s Bengaluru centric development is a contributor to the conflict since the threat to the availability of drinking water in Bengaluru is a cause of worry for Karnataka.

The other aspect which contributes to the conflict is the optimistic estimates by the Tribunal of the availability of water in the river. The Tribunal has treated as normal the levels of water that will be available in only half the number of years. This ensures that, on an average, every second year will be a distress year. Sharing this distress is made difficult by the fact that Karnataka depends on the earlier Southwest monsoon while Tamil Nadu gets most of its rain from the later Northeast monsoon. Consequently, if the distress in the Southwest monsoon is shared proportionately, and the Northeast monsoon turns out to be normal, Tamil Nadu will get more than its due share of the water. If on the other hand, the distress in the Southwest monsoon is not shared, Tamil Nadu will lose much of one of its first crop.

Cauvery River: A Historical discourse

Prof. Settar presenting a historical narrative underlined the Cauvery river, as a major factor determining the regimes of three important dynasties that ruled Tamil Nadu (the Cholas, the Pandyas and the Cheras). The Cauvery river and its tributaries for a long period of time have been associated with the identities of the people living around
these rivers. On the water resources of Cauvery, Prof. Settar mentioned that the traditional notion of ownership is an issue. Traditionally, regions currently in Tamil Nadu used to utilize the river for cultivation since there was no control over its free flow.

Today, any sort of regulation on the water resources creates conflict like situations as the people from the Tamil Nadu side enjoyed uninterrupted and unregulated free flow of Cauvery water for centuries.

According to Prof. Settar, the uneven power equation between the Madras Presidency and Mysore state was an important historical factor sustaining the conflict. The power vested in the Madras Presidency also influenced the negotiation over the utilization of the river.

**The Right to Water: Philosophical dimensions**

Prof. Sundar Sarukkai offered a philosophical understanding of the issue of the right to water. According to him, there exists a difficulty in finding the philosophical arguments between ‘right to life’ and ‘right to livelihood’ as they compete against each other in establishing one’s importance over the other. Even though the right to water is not a fundamental right in the Indian constitution, it is often interpreted through the Right to Life.

Right to water, when interpreted through Right to Life, as fundamental right encounters serious challenges as the State claims ownership over the water as a resource. The ownership of State on the water resources induces conflict since, in most of the cases, the State fails to make equitable distribution thereby compromises on Right to Water as a fundamental right.

The idea of water as a natural resource and being compared as identified mass is a possible cause to the issue. The dynamics of understanding the river in its essential characteristics, as an element which flows and the rights surrounding it, should be considered in the picture of discussions and shouldn’t be equated similar lines to the underground water and its relationship to the right of land.

**Interventions from the Audience**

Prof. Meenakshi Sundaram made important interventions highlighting lack of political will from both the states in managing the conflict. According to him, the failure in political
leadership in addressing the public emotions is an important factor responsible for the recent conflicts on Cauvery waters. He cited many instances in the past when the political leaders from both the states would have informal meetings to deal with the conflict. In the recent years, he mentioned, political leadership from both the sates have failed in negotiating with each other both formally and informally. Another issue that has complicated the conflict, he highlighted, is the intervention of judiciary. The verdict of the judiciary has not been able to address the popular emotions attached to the conflict from both the states.

Other interventions from the audience focused on the judicious use of water resources by both the states. One major recommendation in this regard was on building consensus among the farmers from both the States regarding options for less water intensive crops. Dependence on heavy water intensive crops will further sustain the conflict.

The issues of water abuse and misuse were also raised during the discussion. Misuse of Cauvery water for industrial and other purposes needs strict scrutiny. Skewed distribution of Cauvery water with in Karnataka state was also raised during the discussion.