

11th August 2016

Dear Shri Siddaramaiah avare,

This has reference to the ongoing Mahadayi river water dispute and the situation affecting the citizens of some districts in North Karnataka.

The recent order by the tribunal to the Government of Karnataka's IA is clearly a setback to the people. This leads to two broad issues

a. Government of Karnataka (GoK) has let down state and people with its bungled Legal strategy

Questions that need to be asked and answered by your Governments handling of the legal case. The Government and the Government alone is responsible for managing all aspects of this case and therefore the outcomes of the case. There is enough legal opinion that the GoKs IA was a badly thought out and badly drafted legal petition. That the drinking water requirements of the region was put as the last requirement itself raises serious questions about the Government's negligence on the handling of the legal case. Since the matter is sub-judice, this kind of legal setback also weakens the state's efforts at conciliation or any negotiated settlement.

Cursory reading of the Tribunal order and news reports, it has become increasingly clear that the state government had failed to come up with a sound legal strategy and ended up presenting the case clumsily. The Tribunal pointed out, in embarrassing detail, the State Government's inability to convince 200 tmc ft water is being wasted in the sea. The failure to assert there is sufficient water in three notified places from where the Karnataka government intends to get water. The government's failure is amplified from the Tribunal's instruction to the advocates from Karnataka to study the Potamology (physical science of rivers) before claiming that the Mahadayi's waters are being wasted into the ocean!

The interim order points our no less than a dozen points where the state government failed to present convincing arguments including not providing details of the schemes it proposed, how these schemes were temporary; how it did not secure requisite clearances; and why it did not assess or allude to impact on Mahadayi River but stuck to references on reservoir inflow terminology to underline the scarcity at the dam site and not the river basin itself.

The Tribunal's observations prove government's poor legal strategy and mishandling of the matter. This being the case, it is amusing to see some in your Government attempting to give the issue political colour and trying to shift the blame of its failings elsewhere.

The inescapable fact remains that state government failed to present a comprehensive and a compelling case in support of the just needs of Karnataka and did not have any legal thought or strategy behind an important matter before the Tribunal. The GoK owes an explanation as to why it chose to ignore its own legal team's advice against filing an interim application as the Tribunal?

b. GoK must stop politics and do more to help People

North Karnataka region suffers from severe droughts and drinking water deficiency is well documented. Therefore, even if for an insensitive Government, the needs of people of North Karnataka to adequate drinking water must be addressed. Even the Supreme Court has referred to drinking water requirements be treated as humanitarian.

But the Government of Karnataka has made no efforts at solving the people's problem with any Interim solution while the case is being heard. There are several ways of helping the people of North Karnataka's where drinking water shortages are being experienced. Eg State can take the initiative in arranging Water Trains like the Maharashtra Government arranged for drought ridden regions of Latur etc.

Interim Financial relief should be provided to families and farmers in affected districts immediately. There has been no effort at conserving water in other parts of the state and planning irrigation projects to ensure that suffering of that regions farmers are addressed.

This question has to be asked – why has the Government of Karnataka done nothing, except organize all-party meetings and not attempt any real solution to meet needs of the people affected and only play politics with the issue.?

With due respect, I submit that handling of water bodies like Lakes in Bengaluru are evidence that your Government has no real strategy or plan for water anywhere in the state – including that there is no real interest or effort in addressing this long standing problems of Drinking water shortages, conservation and irrigation whilst pushing for our states legitimate shares from Mahadayi river.

Our state deserves its fair share of water and must fight legally for it, but that doesn't absolve the Government from its solemn responsibility to address people's concerns while the matter is being resolved in the tribunal.

Lastly, It is most unfortunate that police resorted lathi-charge against emotionally charged protestors. I urge the state government to order release of the over 200 arrested of whom 5 are hospitalised; and withdrawal of cases against all those were arrested.

Playing politics with people's sufferings is not what elected governments must do. In interests of people of North Karnataka, I urge you to review your legal strategy whilst working immediately resolve the urgent water problems of the region and the people.

Very truly yours,

RAJEEV CHANDRASEKHAR

Shri Siddramaiah
Hon'ble Chief Minister
Government of Karnataka
Vidhana Soudha
Bengaluru