



File No. 1/15/Pennaiyar/ISM-1/2020/ **337-348**

Dated: 14.07.2020

To,

1. Engineer-in-Chief,  
Water Resources Organization,  
Govt. of Tamil Nadu,  
P.W.D., Chepauk, Chennai-600005
2. Engineer-in-Chief,  
Water Resources Department,  
Govt. of Karnataka,  
Vikas Soudha, Bangalore – 560001
3. Engineer-in-Chief,  
Water Resources Department,  
Govt. of Andhra Pradesh,  
Vijaywada, Andhra Pradesh.
4. Chief Engineer, Public Works Department,  
Govt. of Puducherry,  
34, Lal Bahadur Shastri Street,  
Puducherry – 605001
5. Joint Secretary,  
Ministry of Agriculture,  
Govt. of India,  
New Moti Bagh, New Delhi.
6. Joint Secretary,  
Ministry of Env't. Forest & Climate Change,  
Govt. of India,  
Jor Bagh, New Delhi.
7. Director,  
National Institute of Hydrology,  
DoWR, RD & GR, Min. of Jal Shakti,  
Govt. of India, Roorkee, Uttarakhand – 247667

**Subject:** - Summary record of the discussion of the Second Meeting of the Negotiation Committee w.r.t. complaint of State of Tamil Nadu under Section 3 of ISRWD Act, 1956 on Pennaiyar river water-reg.

Sir,

A copy of summary record of the discussion of Second Meeting of the Negotiation Committee held on 7<sup>th</sup> July, 2020 under the Chairmanship of Chairman, CWC w.r.t. complaint of State of Tamil Nadu under Section 3 of ISRWD Act, 1956 on Pennaiyar river water is enclosed herewith for information and further necessary action.

This issues with the approval of Chairman, CWC.

Encl.: As above

Your faithfully

(Vijai Saran)

Member Secretary & CE (IMO)

Copy to:

1. PPS to Chairman, CWC, New Delhi.
2. PPS to Member (WP&P), CWC, New Delhi.
3. PPS to Member (RM), CWC, New Delhi.
4. Chief Engineer, CSRO, Coimbatore.
5. PPS to Chief Engineer (IMO) & Member Secretary of the Committee.



## **MINUTES OF 2<sup>ND</sup> MEETING OF THE NEGOTIATION COMMITTEE ON PENNAIYAR RIVER WATER HELD ON 07<sup>TH</sup> JULY, 2020 AT 11.00 HRS THROUGH VEDIO CONFERENCING**

The 2<sup>nd</sup> meeting of the Negotiation Committee on Pennaiyar basin was held on 07<sup>th</sup> July, 2020, under the chairmanship of Shri Rajendra Kumar Jain, Chairman, Central Water Commission through video conferencing. The representatives of State of Tamil Nadu, Karnataka and Andhra Pradesh along with officials of Central Government attended the meeting. The list of participants is given at **Annexure – 2.1**

**2.2** The Chairman welcomed the Members of the Committee and other participants from State and Central Governments to the meeting. He expressed hope that the matter will be amicably resolved and there will not be any need to set up the Tribunal. After a brief round of introduction, Chairman requested the representative of Tamil Nadu to present their views.

**2.3** Shri R. Subramaniam, Chief Engineer, Cauvery Technical Cell cum Inter State Waters Wing (ISWW), Govt. of Tamil Nadu read his opening remarks. In his opening remarks, he expressed that the delay in constitution of Tribunal would only enable Karnataka to proceed with the projects in Pennaiyar basin and claim *fait accompli* situation, which would be detrimental to the interest of the inhabitants of the State of Tamil Nadu. He further articulated that there is no need for the National Institute of Hydrology, Roorkee to conduct any hydrological study of the basin at this stage, as it will only delay the process of submitting the report of Negotiation Committee to the Government of India, Ministry of Jal Shakti. He requested the Committee to recommend for constitution of Tribunal to the Ministry of Jal Shakti at the earliest.

A copy of opening remarks is enclosed as **Annexure 2.2**.

**2.4** Representative of Karnataka made a power-point presentation covering brief of Pennaiyar River and its dispute, TOR of Negotiation Committee, clauses of Agreements, issues raised by Government of Tamil Nadu etc. Karnataka, in its presentation, responded on the issues raised by Govt. of Tamil Nadu in their letter dated 30.11.2019 regarding pumping of water through various projects/schemes which are stated to be in violation of 1892 agreement and categorically put forth their observation on the issues. State of Karnataka stated that it has not violated the 1892/1933 agreements as being pointed out by Tamil Nadu. State of Karnataka further stated that it is constructing only drinking water project to cater to the need of drinking water requirements of parched towns and villages in Kolar District. No permission from Tamil Nadu is required under 1892/1933 agreements for constructing drinking water project.

A Copy of the presentation of Karnataka is enclosed as **Annexure 2.3**.

**2.5** Representative of Tamil Nadu responded on the presentation made by State of Karnataka. They stated that the water being transferred to Hoskote tank is being used for irrigation also. He further mentioned that the Markanyenadi project is not only a drinking water project but a Multi-Purpose Project, in which Karnataka will store treated sewage, runoff and will recharge the ground water which is going to be used for irrigation. The project will intercept surface water of Markendayanadi, which will adversely affect interest of people of Tamil Nadu. He further stated that in the agreement, construction of anicut has been allowed, which are used to divert only small quantity of water but Karnataka is constructing a dam of 35 m height, which, cannot be considered as an anicut. He further stated that as per agreement 1892, State of Karnataka has to submit full information with regard to construction of any “New Irrigation Reservoir” or any new anicut. In the meeting held on 25.09.2018 under the chairmanship of Secretary, DoWR, RD & GR, MoJS, it was also decided that full information about the water resources projects constructed for various purpose in Pennaiyar basin may be exchanged by the basin States among themselves and also with the Central Government. However, till date, aforesaid information has not been provided by State of Karnataka.

**2.6** The Representative of Andhra Pradesh stated that they have very small catchment area and located almost near the ridge, on the left side of the basin. There is no effect on the water availability in their catchment, with respect to the present dispute between Karnataka and Tamil Nadu. He further stated that any study if undertaken by NIH Roorkee in future, they will cooperate and provide necessary data for assessment of yield in the basin. He also mentioned that the catchment area of Pennaiyar basin which lies in Andhra Pradesh is 186.16 Sq. Km instead of 133 Sq. Km as stated in power point presentation made by Karnataka.



**2.7** Chairman, CWC requested that State of Tamil Nadu may come out with some suggestions to carry forward the negotiation or they can spell out their demand, if any, on which negotiation committee may request consideration by State of Karnataka to avert setting-up of the Tribunal.

In response to it, State of Tamil Nadu stated that any path of negotiation will only delay the constitution of Tribunal, which will help State of Karnataka to go ahead with the projects, Representative of Karnataka stated that as per the decision taken during the I<sup>st</sup> meeting of the Committee, the Committee members may plan a visit to the basin and the sites of the projects in question in the Pennaiyar basin before finalization of its report. Also, study may be conducted by NIH, Roorkee, as decided in the first meeting and also as per terms of reference of the Committee.

**2.8** Shri M.K. Goel, Scientist 'G', NIH Roorkee, suggested long term and short term action. He suggested to carry out the study which may take a year or so depending on the availability of data and other factors. However, as a short term action, he suggested that a combined visit by the Negotiation Committee may be made to assess the ground situation. In addition to it, it was suggested to workout the rule curve for the Markendayanadi reservoir (which is main reason of the dispute) as per the drinking water requirement of Karnataka, so that Karnataka may use the water as required only for drinking purpose and any excess water will flow down to the lower riparian State ie., Tamil Nadu. Thus, Tamil Nadu's apprehension of blockage of water and its utilization for any purpose other than drinking water can be sorted out.

**2.9** Dr. S. Kerkatta, Director (River Valley Project), MoEF & CC suggested that the state of Karnataka may share the data with NIH Roorkee. In addition to it, he stated that State of Karnataka should reveal the land use pattern of all these projects and submit the proposal for the clearance of MoEF & CC.

**2.10** Chairman requested representative of Karnataka to give their views on the suggestions made by Shri M.K. Goel, Scientist 'G', NIH Roorkee, regarding preparation of rule curve for the purpose of meeting the drinking water requirements from Markendayanadi project and their commitment to strictly adhere to the same. Karnataka insisted for the visit of the Negotiation Committee to the basin and project sites and informed that their comments regarding rule curve will be furnished by them within 15 days after obtaining approval from their Government.

**2.11** Member, WP & P, CWC requested representative of Tamil Nadu to respond on the suggestions made by Shri M.K. Goel, Scientist 'G', NIH Roorkee. They stated that whether long term study or short term study, both will take time. If any study is to be done then status quo ante is to be in place for the projects in question in Pennaiyar basin. He further stated that if any study is to be done, the same may be done by the Tribunal. They expressed their reservations to any action by the Committee which could delay constitution of the Tribunal and strongly desired that the Committee should recommend constitution of the Tribunal without any further negotiations.

**2.12** After seeking views of all concerned basin States and Committee members, Chairman expressed his thanks to all the participants and informed that further action will be taken in the matter keeping in view the deliberations held in the meeting of the Negotiation Committee.

**2.13** The meeting ended with a vote of thanks to the Chair.

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**Annexure 2.1**

**List of participants in the Second Meeting of the Negotiation Committee of Pennaiyar River Water Dispute held on 07.07.2020 under the Chairmanship of Shri R.K.Jain, Chairman, CWC & Negotiation Committee.**

**Officers from Central Water Commission:**

1. Shri R.K. Jain, Chairman, CWC & Chairman of Negotiation Committee of Pennaiyar River Water Dispute.
2. Shri S.K. Halder, Member, WP&P, CWC.
3. Shri Krishnanunni. N.M., Chief Engineer, CSRO, Coimbatore.
4. Shri Vijay Saran, Chief Engineer, IMO, CWC.
5. Shri Vimal Kumar, Director, ISM-1 Dte., CWC
6. Smt. Preeti Choudhary, Dy. Director, ISM-1 Dte., CWC
7. Shri A.K. Pandey, Dy. Director, ISM-1 Dte., CWC.
8. Shri Swadeep Singh, A.D., ISM-1 Dte., CWC.

**A. Officers from MoEF & CC, New Delhi:**

1. Dr. S. Kerketta, Director (RVP), MoEF & CC, New Delhi.
2. Shri Manjeet Singh, Consultant, MoEF & CC, New Delhi

**B. Officers from NIH, Roorkee:**

1. Shri M.K. Goel, Scientist "G", NIH, Roorkee

**C. Officers from State of Tamil Nadu:**

1. Shri R. Subramanian, Chief Engineer, Cauvery Technical Cell cum ISWW
2. Shri K. Ashokan, Chief Engineer, PWD/WRD, Chennai Region.

**D. Officers from State of Karnataka:**

1. Shri Aijaz Hussain, Chief Engineer, ISW, WRDO, Bangalore, Karnataka.
2. Shri Sriramaiah, Principal Technical Advisor, WRD, Govt. of Karnataka.
3. Shri M. Bangaraswamy, Co-ordinator & Advisor, ISW, Govt. of Karnataka, WRD, Bengaluru.

**E. Officers from State of Andhra Pradesh:**

1. Shri B. Venkataswamy, Deputy Director (P&A), ISWR, Andhra Pradesh, Vijayawada.

**PENNAIYAR NEGOTIATION COMMITTEE – SECOND MEETING  
OPENING REMARKS OF TAMIL NADU**


The Chairman of the Negotiation Committee and the Members of the Negotiation Committee from the States of Karnataka and Andhra Pradesh and Union Territory of Puducherry and other officers, who are participating in this second Negotiation Committee meeting. In fact this is the 4<sup>th</sup> meeting on this issue, 2 in 2018 and 2 in 2020.  
Good morning to all of you.

Tamil Nadu has already furnished its comments on the minutes of the first meeting of Negotiation Committee held on 24.02.2020. It was communicated by Government of Tamil Nadu, in its letter dated 29.06.2020. In that Tamil Nadu categorically expressed that the delay in constitution of Tribunal would only enable Karnataka to proceed with the projects in Pennaiyar basin and claim *fait accompli* situation, which would be detrimental to the interest of the inhabitants of the State of Tamil Nadu.

Tamil Nadu is also of the opinion that there is no need for the National Institute of Hydrology, Roorkee, to conduct a hydrology study of Pennaiyar basin at this stage, as it will only delay the process of submitting the report of the Negotiation Committee to the Government of India, Ministry of Jal Shakti. More than 6 months passed since the Hon'ble Supreme Court delivered its Order on this issue, and almost 6 months now since the constitution of this Negotiation Committee. Therefore, the request of Tamil Nadu is to recommend early to the Ministry of Jal Shakti to constitute the Tribunal as directed by the Hon'ble Supreme Court, in its Order dated 14.11.2019.

Tamil Nadu will respond to the agenda items in the course of the meeting.

Thanking you,

  
Chairman,  
CTC-cum-ISWW,  
WRD, GoTN.