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# Continue to release 2,000 cusecs of water daily to TN: SC to Karnataka

TIMES NEWS NETWORK

**New Delhi:** The Supreme Court asked Karnataka on Tuesday to keep releasing 2000 cusecs water to Tamil Nadu on daily basis till further order and directed governments of both states to take measures to control public agitation on water dispute and maintain law and order.

A bench of Justices Dipak Misra, Amitava Roy and A M Khanwilkar said both states are suffering from

**The apex court also directed the state governments to take measures to control agitation on water dispute and maintain law and order**

shortage of water and the interim arrangement of releasing 2000 cusecs of water should continue.

"At this stage, we are compelled to reiterate our earlier order in which we had ex-

pressed with certitude that the Executive of both states shall see to it that the peace and harmony is maintained and citizens do not become law unto themselves," it said.

"It will be the obligation of the Executive to see that when the matter is heard and the interim order has been passed and Karnataka is complying with the order and is bound to comply, mutuality of respect between both states and the citizens should be maintained," the

court said.

The bench said it would first decide whether the apex court had jurisdiction to entertain appeal of Tamil Nadu, Karnataka and Kerala challenging the award of the Cauvery Water Tribunal after Attorney General Mukul Rohatgi contended that the apex court had no jurisdiction to entertain the appeals and water sharing arrangement must be decided by Parliament and the governments.



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## Continue release of water to TN, SC tells Karnataka

KRISHNADAS RAJAGOPAL

NEW DELHI: The Supreme Court on Tuesday acknowledged that both Karnataka and Tamil Nadu are in dire need of water, but warned the State governments that it will not tolerate any acts of violence from its citizens over the Cauvery water dispute.

"Common sense should prevail, especially when the dispute is before us and we are trying to resolve the crisis. We warn you with absolute seriousness that citizens cannot be a law unto themselves. Peace and harmony must be maintained. Mutual respect between both States

"We warn you with absolute seriousness that citizens cannot be a law unto themselves"

and its citizens should prevail," the Supreme Court said.

A three-judge Bench, led by Justice Dipak Misra, extended its October 4, 2016 order, directing Karnataka to release 2,000 cusecs to Tamil Nadu. This interim arrangement will continue till the court gives further orders.

The Bench, also comprising Justices Amitava

Roy and A.M. Khanwilkar, will continue to hear the question of maintainability of the appeals filed by Tamil Nadu, Karnataka and Kerala against the 2007 final award of the Cauvery Water Disputes Tribunal. The next hearing is scheduled for October 19.

The Bench said it would first pronounce judgment on the maintainability of these appeals —which it said was the fulcrum of the litigation before it — before delving into other issues regarding the water dispute.



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MDMK general secretary Vaiko tries to enter Egmore Railway Station during a protest in Chennai on Tuesday. Protests over Cauvery water continued for the second day with farmers and Opposition parties stopping trains all over Tamil Nadu.

PTI PHOTO

## Supreme Court asks Karnataka to continue releasing water to TN

HT Correspondent

■ letters@hindustantimes.com

**NEW DELHI:** The Supreme Court asked Karnataka on Tuesday to continue releasing 2,000 cusecs of Cauvery every day to Tamil Nadu till further orders, ordering the two states to ensure peace and harmony.

"Citizens should not become law unto themselves," a bench headed by Justice Dipak Misra said and indicated that it would first adjudicate the appeals filed by the two governments and Kerala against the Cauvery tribunal's 2013 award.

"We first intend to decide the maintainability of appeals filed by Karnataka, Tamil Nadu and Kerala. At this juncture, the interim order dated October 4 directing Karnataka to release 2,000 cusecs of water per day to

Tamil Nadu will continue till further orders," said the bench. It ordered: "Morality of respect for both the states, among people of both the states and properties, should be maintained."

Both states told the bench they were in dire need of water. Attorney General Mukul Rohatgi placed before the court the supervisory committee's report. He also contested the appeals filed by the states and said they were not maintainable under the inter-state River Water Disputes Act, 1956. According to him the tribunal award is final and akin to a SC decree.

Senior advocate and noted jurist Fali S Nariman, appearing for Karnataka, said the appeals are maintainable as SC is the only forum to adjudicate disputes between states.



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# 'Decision of Cauvery tribunal final'

## Supreme Court cannot entertain appeals: Centre

KRISHNADAS RAJAGOPAL

NEW DELHI: The Centre on Tuesday said the decision of the Cauvery Water Dispute Tribunal in 2007 was final and the Supreme Court had no jurisdiction to entertain appeals filed by Tamil Nadu, Karnataka and Kerala challenging the tribunal award.

A three-judge Bench, led by Justice Dipak Misra, is deciding on the maintainability of the appeals even as the litigant States want their case to be heard by a Constitution Bench of at least five judges of the Supreme Court.

### Constitutional curbs

Attorney-General Mukul Rohatgi, for the Centre, first highlighted how Article 131 of the Constitution — dealing with the Supreme Court's exclusive jurisdiction to adjudicate disputes between States — is not an unrestricted one.

Mr. Rohatgi argued that the top court could exercise its jurisdiction under Article



A file picture of farmers in Lower Bhavani Project ayacut staging a protest demanding strict implementation of the Cauvery Water Tribunal directive. — PHOTO: M. GOVARTHAN

131 in an inter-State dispute, provided other Articles in the Constitution allowed it to do so. "Article 131 begins by saying 'subject to other provisions of this Constitution...'," Mr. Rohatgi submitted.

Then, the Attorney-General pointed to Article 262 (2) of the Constitution. Mr. Rohatgi submitted that this particular Article actually allowed Parliament, by law, to bar the Supreme Court from interfering in an inter-State water dispute.

This meant that if a tribunal was appointed under a law to resolve an inter-State water dispute, as in the Cauvery case, the award of this tribunal would be final and deemed to have the force of a Supreme Court order or decree, Mr. Rohatgi submitted.

He argued that the award of the tribunal formed under the Inter-State Water Disputes Act of 1956 in the Cauvery case had "eclipsed" the Supreme Court's jurisdiction.

"The award of the tribunal is deemed to be an order of the Supreme Court itself. If the Supreme Court hears these appeals, it will be like the Supreme Court hearing an appeal against its own decision," Mr. Rohatgi submitted.

But Justice Misra differed with the Centre's argument, saying the "Cauvery tribunal's order does not 'become' the decree of the Supreme Court. It's only that the tribunal award has the same enforceability as that of a Supreme Court order. There is a saying that oversimplification of law is a dangerous phenomenon."

Senior advocate Fali Nariman, appearing for Karnataka, also disagreed with the Centre's position that the Supreme Court had no jurisdiction over these appeals. He said the apex court's powers to admit appeals was a discretionary power and part of the basic structure of the Constitution.

Parliament could not, by law, curtail the Supreme Court's power to hear an appeal against a tribunal decision which violated the principles of natural justice.



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# CAUVERY ROW: SC RETAINS ORDERS TO K'TAKA

## KARNATAKA TOLD TO RELEASE 2,000 CUSECS OF WATER TO TN TILL FURTHER NOTICE, BOTH STATES ASKED TO MAINTAIN PEACE

PTI  
Chennai, 18 October

Supreme Court today gave its direction to Karnataka to release 2,000 cusecs of Cauvery water per day to Tamil Nadu till further orders. The court asked the two governments to ensure peace and harmony, saying citizens should not become law unto themselves.

The apex court said a secular citizenry must prevail between the two states, and that 'morality of the law' should exist among people.

A high-level panel has been constituted that "outdated, unscientific water allocation techniques" must be discarded to resolve the issue, saying both Karnataka and Tamil Nadu were facing water shortage, unemployment and hardship for the people.

A three-judge Bench headed by Justice Dipak Misra, which commenced the crucial hearing on various issues arising out of the dispute between Tamil Nadu and Karnataka over sharing of Cauvery waters, said it first intended to adjudicate the issue of maintainability of appeals filed by both the states and Kerala against the tribunal's 2013 award.

The apex court-appointed Supervisory Committee, formed to inspect the Cauvery basin to assess the ground realities in the region, had said the neighbouring riparian states needed to appreciate the interest of Tamil Nadu and Puducherry to protect their established irrigation and Karnataka's aspirations for development and educate their people accordingly.

The panel in its 40-page report had noted that farmers in both states were in

severe distress and adequate crop compensation must be provided to them. This was even supported by Attorney General Mukul Rohatgi. The court also noted the submission of Karnataka that it has complied with the earlier order of releasing 2,000 cusecs of water to Tamil Nadu.

The Bench said it would first go into the issue of maintainability of appeals filed by Karnataka, Tamil Nadu, Kerala and Puducherry against the tribunal's awarding and then hear the arguments on the report filed by the committee.

The Attorney General said the appeals filed by the states were not maintainable as per article 131 and 262 of the Constitution and the provisions of Inter-state River Water Disputes Act, 1956. He said as per the constitutional provisions, a

decree passed by a tribunal will be like a decree of Supreme Court, which cannot hear the appeals against its own order. Senior advocate Fali S Nariman, appearing for Karnataka, said the appeals are maintainable as Supreme Court can only adjudicate the disputes between two states.

The committee report said "the infrastructure to deliver water to the farmers is century old and has very low conveyance efficiency. This needs to be modernised for optimal use of scarce water. The conveyance efficiency can be further improved by piped distribution network and application efficiency by micro irrigation and precision irrigation."

"In addition, on-farm development works may be provided to ensure equitable distribution of water to indi-

vidual farmer's field," the report said.

The hearing remained inconclusive and will continue tomorrow when Tamil Nadu will advance its arguments on maintainability of appeals. The Supreme Court had on 4 October directed Karnataka to release 2,000 cusecs of Cauvery water every day to Tamil Nadu from 7 October 18 and deferred its earlier order asking the Centre to set up Cauvery Water Management Board (CWMB) till it finally decided on appeals relating to the age-old water dispute.

The apex court had agreed to the suggestion that a Supervisory Committee, comprising officials and technical experts from the Centre, Tamil Nadu, Karnataka, Kerala and Puducherry, be set up to inspect Cauvery basin for assessing ground realities.

## After BJP, DMK targets K'taka Cong

PRESS TRUST OF INDIA  
Chennai, 18 October

A day after accusing BJP of raking up the Cauvery issue for electoral gains in Karnataka, DMK today made a similar charge against the ruling Congress in the neighbouring state.

Referring to Karnataka chief minister Siddaramiah's insistence on building a dam across Cauvery river at Mekedatu, DMK president M Karunanidhi said both Congress and BJP were doing such things with an eye on the 2018 Assembly election.

While the Mekedatu project was initially proposed for the drinking water needs of

Bengaluru, "Siddaramiah now says there are plans to produce 400 MW of power also," he said, adding, "Congress and BJP have started fighting to win the polls and Congress' activities are only a part of that," he said.

Criticising the BJP-led NDA government at the Centre on the issue of constituting the Cauvery Management Board, Karunanidhi said it had not acted in Tamil Nadu's favour in this matter, adding "How can it be expected to act fairly on the Mekedatu issue."

The Centre has come under criticism in after it sought modification of a Supreme Court directive on constitution of the CMB.



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## कर्नाटक अगले आदेश तक पानी छोड़ना जारी रखेगा

कावेरी जल विवाद

तमिलनाडु में रेल  
रोको आंदोलन जारी

नई दिल्ली | एजेंसियां

19-10-16

सुप्रीम कोर्ट ने मंगलवार को कर्नाटक को अगले आदेश तक कावेरी नदी से रोजाना दो हजार क्यूसेक पानी तमिलनाडु के लिए छोड़ने का अपना आदेश बरकरार रखा। इसके साथ ही अदालत ने दोनों राज्य सरकारों से शांति एवं सौहार्द सुनिश्चित करने को कहा। साथ ही सख्त टिप्पणी करते हुए कहा कि नागरिकों को खुद ही कानून नहीं बनना चाहिए।

न्यायमूर्ति दीपक मिश्रा की अध्यक्षता वाली तीन जजों की पीठ ने कहा कि उसका पहला इरादा न्यायाधिकरण के 2013 के फैसले के खिलाफ केरल, तमिलनाडु और कर्नाटक की अपीलों को विचारार्थ स्वीकार करने के मुद्दे पर फैसला करने का है। इसके बाद वह कावेरी बेसिन के निरीक्षण के लिए गठित समिति की रिपोर्ट पर दलीलें सुनेगा। फिलहाल, 4 अक्टूबर का कर्नाटक को तमिलनाडु के लिए प्रति दिन दो हजार क्यूसेक पानी छोड़ने के निर्देश का अंतरिम आदेश अगले

चेन्नई। कावेरी नदी से पानी छोड़ने के मुद्दे पर मंगलवार को लगातार दूसरे दिन तमिलनाडु के कई स्थानों पर रेल रोको आंदोलन जारी रहा।

पुलिस ने विरोध प्रदर्शन कर रहे तमिल मनीला कांग्रेस के नेता जी. के. वासन सहित 300 किसानों को हिरासत में लिया। चेन्नई में आंदोलन का नेतृत्व कर रहे एमडीएम के महासचिव वाइको व वीसीके प्रमुख टी. थिरमवलवन ने कई कार्यकर्ताओं के साथ एम्पोर स्टेशन पर ट्रेन रोकी।

आदेश तक जारी रहेगा। इससे पहले अटॉर्नी जनरल मुकुल रोहतगी ने कोर्ट को बताया क्षेत्र की जमीनी वास्तविकताओं के आकलन को लेकर कावेरी बेसिन के निरीक्षण के लिए गठित निगरानी समिति ने अपनी रिपोर्ट सौंप दी है। साथ ही उन्होंने तर्क दिया कि राज्यों द्वारा दायर अपीलें संविधान के अनुच्छेद 131 और 262 तथा अंतरराज्यीय नदी जल विवाद निपटारा कानून 1956 के प्रावधानों के तहत विचारणीय नहीं हैं।



दिनांक ..... को निम्नलिखित समाचार पत्र में प्रकाशित मानसून/ बाढ़ सम्बन्धी समाचार

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हिन्दुस्तान ( पटना )

The Deccan Herald ( Bengluru )

The Deccan Chronical ( Hyderabad )

Central Chronical ( Bhopal )

Opposition parties stopping trains all over India  
Hindustan Times, 19/10/16

## Supreme Court asks Karnataka to continue releasing water to TN

HT Correspondent

letters@hindustantimes.com

**NEW DELHI:** The Supreme Court asked Karnataka on Tuesday to continue releasing 2,000 cusecs of Cauvery every day to Tamil Nadu till further orders, ordering the two states to ensure peace and harmony.

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Tamil Nadu will continue till further orders," said the bench. It ordered: "Morality of respect for both the states, among people of both the states and properties, should be maintained."

Both states told the bench they were in dire need of water. Attorney General Mukul Rohatgi placed before the court the supervisory committee's report. He also contested the appeals filed by the states and said they were not maintainable under the inter-state River Water Disputes Act, 1956. According to him the tribunal award is final and akin to a SC decree.

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The State gets most of its rain from the Northeast monsoon. — FILE PHOTO

## Northeast monsoon may not arrive till October 23

Change in wind pattern conducive for rain yet to happen, says Met official

K. LAKSHMI

**CHENNAI:** The northeast monsoon might miss its normal date of arrival - October 20 - this year, and is unlikely to set in at least till October 23, meteorologists say.

With the southwest monsoon still lingering in some parts, the change in wind pattern conducive for the onset of the next monsoon has not happened yet. However, setting in of the monsoon seven days before or after October 20 is still considered 'normal' by the Meteorological Department. The northeast monsoon is crucial to the State as it accounts for the lion's share of the annual rainfall.

S. Balachandran, director, Area Cyclone Warning Cen-

tre, said: "We have north-westerly or westerly winds blowing over the region now. We need the wind pattern to change to easterly winds that herald the onset of the northeast monsoon. While easterly winds stretching up to a height of 1.5 km is needed, a fairly widespread rainfall over the State is another requisite weather condition for the arrival of the monsoon."

Most parts of the State are likely to experience dry weather for the next few days, except for light showers in one or two places. Chennai too will experience a day temperature of 34 degrees Celsius till Wednesday. Light showers are likely during evenings in one or two places in the city due to convective activity.

A weather system brewing over the Bay of Bengal is moving in the northeast direction and this means the westerly winds will remain

for a few more days, meteorologists say.

However, the time of the onset of the northeast monsoon does not matter for good or poor rainfall as an intense weather system is enough to bridge the gap. Some weather models indicate that monsoon may not arrive till October 27, weather experts say.

Y.E.A.Raj, former Deputy Director-general of meteorology, said the monsoon is not likely to set in at least for the next five days. "We have had years when the monsoon had arrived ahead or on time but gave poor rainfall. Chennai has had copious rain even on years when the monsoon was delayed. 2011 and 2015 were the classic examples," he said.

In the past century, about 10 per cent of the years had the monsoon setting in only in November. Last year, the monsoon arrived on October 28.



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# Krishna water likely to reach Chennai today

Inflow to boost dismal storage level at reservoirs



**FINAL LEG:** Water released from the Kandaleru Poondi reservoir will travel 152 km in the KP canal to reach Uthukottai, the entry point of the canal in Tamil Nadu. —PHOTO: B. JOTHI RAMALINGAM

K. LAKSHMI

**CHENNAI:** Chennai is likely to receive Krishna water from Andhra Pradesh early on Tuesday. With the city reservoirs going nearly dry, Krishna water is crucial for the supply of drinking water in the city.

According to officials in the Water Resources Department, Krishna water, which was released into the Kandaleru Poondi reservoir on October 10, has travelled nearly 135 km so far.

"Normally, water discharged into the KP canal reaches the inter-state limit in two or three days. But this time, it is delayed by over a week as the canal bed has been dry for a few months now," said an official.

A wet bed facilitates faster flow of water, while a dry one will absorb water and also

The volume of water released from the KP reservoir has increased from 200 cusecs to 500 cusecs

impede the flow, officials explained. Water released from the reservoir will travel 152 km through the KP canal to reach Uthukottai, the entry point of the canal in Tamil Nadu.

The authorities in Andhra Pradesh have increased the rate of water from the reservoir from the initial 200 cubic feet per second (cusecs) to 500 cusecs.

Water discharge to the city will be stepped up gradually, sources added.

From Uthukottai, the water will have to travel another 25 km to reach the Poondi reservoir, where it will be

stored and distributed in different parts of the city.

## At 15 per cent capacity

At present, the city's four reservoirs hold only 15 per cent of total capacity, which is only enough for supply for a little over a month. Many households are already complaining of a marginal dip in the piped-water supply.

"Krishna water will help replenish the reservoirs and augment water supply until northeast monsoon activity picks up in the region," an official said. The water is expected to reach Poondi reservoir in 15 hours from Uthukottai.

With repair works completed in the KP canal in Tamil Nadu, officials are confident that maximum volume of water will flow into the reservoir without much seepage loss.