

## **B.PAC's petition – Right to drinking water, aids in getting Bengaluru extra water from Cauvery river**

The special bench of Supreme Court pronounced the verdict on Feb 16<sup>th</sup> on the appeals filed by Tamil Nadu, Karnataka and Kerala against the final award of the Cauvery Waters Tribunal in 2007 on the allocation of water to them and it has been a welcome judgement for Karnataka for getting additional 14.75 tmcft and extremely positive for Bengaluru as the SC has specifically **allocated 4.75 tmcft for “drinking and domestic purposes including such need for the whole city of Bengaluru”**.

B.PAC had approached Hon'ble Supreme court seeking priority to be accorded to drinking water on the **“principle of hierarchy of drinking water”** over all other uses. We are extremely pleased that the judgement accorded by the Supreme Court while acknowledging Bengaluru city's global status has clearly articulated the **“priority for drinking water”** over all other uses. This judgement will set a key precedent for inter-state water sharing disputes in future.

Below are some of key submissions by B.PAC in the petition followed by Hon'ble Supreme Court's key observations and judgement.

### **B.PAC's Prayer in the petition:**

#### **Drinking water is a right of every citizen:**

- Because the apprehension of citizens of Bengaluru is that there will be a severe shortage of water (present water year 2016-17) in meeting the drinking water requirements of Bengaluru city and that the Right to get water being a part of the right to life guaranteed by Article 21 of the Constitution of India would be affected.
- Right of access to drinking water”, The right of access to drinking water under the title “right of persons” is considered separately in Chapter IV, whereas equitable apportionment including the equitable shares of basin states is considered under Chapter III. The distinction is intended to clarify that right of persons including right of access to drinking water is independent of equitable share of a State in the Inter-State River.
- Brought to the notice of Hon'ble SC that water allocation priorities and the drinking water should get priority over Irrigation, Hydropower and other requirements. Since Right to drinking water is a part of the Right to Life and as protected by Article 21 of the Constitution cannot be denied by letting water to be used for agricultural purposes.
- United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean water and sanitation are essential to the realization of all human rights.
- International water law accords priority for the drinking water. Berlin Rules of 2004, which is an updated version of the Helsinki rules of 1966 has considered “right of access to drinking water”, The right of access to drinking water under the title “right of persons”

### **B.PAC's Prayer:**

- The population of Bengaluru is about one crore or more (approximately) and ever growing. The total residential households in Bengaluru has grown at a CAGR (Compounded annual growth rate) of 6 % from 2008-2012, with an average of 94,000 new households added every year. Urbanization, migration from other parts of India, along with rising middle-class consumers are tending to populate the Bengaluru Urban Zones-which are considered to drive the demand for water supply.

- Order the State of Karnataka to ensure that the drinking water requirements of the city of Bengaluru and the Cauvery Basin districts are fully met to the extent of 26 TMC in the present water year of 2016-17 from the reservoirs of Karnataka in Cauvery basin

**Hon'ble Supreme Court's key observations and Judgment:**

- This Court in **In Re: Presidential Reference (Cauvery Water Disputes Tribunal)** has held that waters of an inter-state river passing through corridors of the riparian states constitute a national asset and no single State can claim exclusive ownership of its water. In this context, the principle of equitable apportionment internationally recognized by the Helsinki Rules, Compione Rules and Berlin Rules which have also been incorporated in the 1987 to 2002 National Water Policies, have been regarded to be the guiding factor for resolving disputes qua apportionment of water of an interstate river.
- Drinking water requirement of the overall population of all the States has to be placed on a higher pedestal as we treat it as a hierarchically fundamental principle of equitable distribution
- The Tribunal had drastically reduced the share of Karnataka towards Domestic and Industrial purpose for the reason being that only 1/3rd of the city of Bangaluru falls within the river basin and also on the presumption that 50% of the drinking water requirement would be met from ground water supply. The said view taken by the Tribunal ignores the basic principle pertaining to drinking water and is, thus unsustainable. Keeping in mind the global status that the city has attained, an addition of 4.75 TMC is awarded to Karnataka
- In totality, we deem it appropriate to award to the State of Karnataka an additional 14.75 TMC of water, i.e., 10 TMC (on account of availability of ground water in Tamil Nadu) + 4.75 TMC (for drinking and domestic purposes including such need for the whole city of Bengaluru).

B.PAC's case was heard during Sept 2017 by three judge bench of the Hon'ble Supreme Court. The case was represented by respected attorney Mr Harish Salve and we are very grateful for his effort to get the citizens of Bengaluru their right to life.

B.PAC is truly indebted to the Supreme Court for considering B.PAC's petition and passing such a positive judgement and providing much needed relief to citizens of Bengaluru.