

भी राज्य सरकारों ने ऐसे कानून बनाए हैं। महोदय, मैं एक मिनट में अपनी बात समाप्त करूँगा।

महोदय, आमतौर पर यह तर्क दिया जाता है कि वधशालाओं में जो गौ-हत्या हो रही है वह उन गायों की हो रही है जो गायें बूढ़ी हो जाती हैं, रियायत हो जाती हैं। क्योंकि बूढ़ी होने पर वे समाज के ऊपर एक बोझ बन जाती हैं, उनकी कोई उपयोगिता नहीं होती इसलिए उनकी हत्या कर देनी चाहिए ऐसा तर्क हमेशा दिया जाता है। मेरा स्वाल सिर्फ इतना है कि बूढ़े तो हमारे मां-बाप भी हो जाते हैं, वह भी बोझ हो जाते हैं तो क्या उनकी हत्या कर देनी चाहिए। महोदय, मैं आपको यह बताना चाहता हूँ कि सच बात यह नहीं है। वधशालाओं में जिन गायों की हत्या होती है वे बूढ़ी होती हैं या रियायत होती है, ऐसा नहीं है। जो जवान गायें होती हैं, जो अच्छी खासी स्थिति में होती हैं, जो दुधारू पशु होते हैं उनकी भी हत्या होती है। हमारे देश में ऐसी कई संस्थायें हैं जो इस प्रकार की बूढ़ी गायों के पुनर्वसन के लिए काम कर रही हैं। इसलिए कानून बनाने के साथ-साथ मैं इस सदन के माध्यम से सरकार से यह भी अनुरोध करूँगा कि ऐसी संस्थाओं को प्रमोट करने के लिए उन्हें ज्यादा से ज्यादा आर्थिक सहायता देने के लिए सरकार कोई प्रबंध करे और ऐसी गायें जो बेचारी बूढ़ी हो गई हैं, रियायत हो गई हैं उनको पुनर्वासित किया जाए। उनकी हत्या न हो और उनके मांस को बाजार में न बेचा जाए, इसको रोकने के लिए प्रबंध किए जाने चाहिए। धन्यवाद।

Government's Commitment to Supreme Court to Bring About a Scheme to Settle Cauvery Water Dispute

SHRI R. MARGABANDU (Tamil Nadu): Sir, I would like to raise a burning issue, the Cauvery water dispute pending for the past 30 years, since 1971. Water potentiality in Cauvery is 800 TMC for Tamil Nadu and 500 TMC for Karnataka. Out of the 500 TMC, 6 TMC has to be given to Pondicherry, Sir, the Cauvery Water Dispute Tribunal was constituted in the year 1990 and an interim award was passed on 25.6.1991 directing the Karnataka Government to release 205 TMC for Tamil Nadu, but the Tribunal has no executive power. Afterwards, it was notified under the Water Disputes Act on 10.12.1995 and the same is binding on both the parties

but the Karnataka Government refused to implement it. The Tamil Nadu Government filed a suit on 4.5.1992, an important day, demanding the Central Government to frame a scheme to issue notification in the official gazette. My leader, Dr. Puratchi Thalaivi had resorted to fasting for four days and then at the intervention of Shri V.C. Shukla, who came and pacified her, she broke the fast. He had assured her on setting up a monitoring and implementing agency but so far it has not been done. So, the suit was filed in 1992 and it came before a Constitution Bench of the Supreme Court on 9.4.97. The Attorney-General gave the following assurance: "The Union of India is agreeable to frame a scheme under section 6 (A) of the Act for an effective implementation of the interim award of the Tribunal. The scheme will be sent within the next eight weeks to the party States for their comments and thereafter it will be finalised by the Union of India and placed before the Parliament in accordance with law."

So, Sir, the Government of India framed the scheme namely, the Cauvery Water Scheme, 1997 and this was forwarded to both the States on 30.5.97. The Government of Tamil Nadu gave its approval on 23.6.97 and also wrote several letters in this regard. This scheme proposes the constitution of a Cauvery River Authority to give effect to three points. Firstly, ensuring flow of 205 TMC of water from Karnataka reservoirs into Mettur reservoir of Tamil Nadu month-wise and week-wise. Secondly, ensuring six TMC of water for Union Territory of Pondicherry. Thirdly, ensuring that the State of Karnataka does not increase its area under irrigation by waters of the river Cauvery beyond the existing 11.2 lakh acres. Sir, the Authority has to constitute a Regulatory Committee to ensure the implementation of all the provisions of the interim order. The said scheme also provides for continuation of the Cauvery River Authority even after the final adjudication. The case is coming

up before the Supreme Court for hearing on 21.7.98. Sir, I submit that this scheme was accepted by the Government of Tamil Nadu on 23.6.97. But, they have taken 15 months and the case is still pending and eight adjournments have taken place so far. The Central Government has not filed any counter. I appeal to the Central Government that it should file a counter and present the said scheme before the Supreme Court to get its approval. After it has been approved by the Supreme Court, it should be notified, it is to be placed before the Parliament. Sir, I may be pardoned for saying certain things. This should not offend people from Karnataka. It is not a question of offending anybody. But, I would only say that the Karnataka Government has been resorting to dilatory tactics to drag on the proceedings from 1971 to till this date. This can be seen from the statement made by the Chief Minister of Karnataka in June 1990. He said, "The Government of Karnataka has successfully stalled the constitution of a Tribunal for 20 years. This is not a small achievement." Then consequent upon the interim order challenging the earlier order, the Karnataka Government passed an Ordinance called the Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991 with a purpose to nullify the effect of the interim order stating that the Cauvery Water Dispute Tribunal has no power to pass any interim order or grant interim relief, the interim order of 25.6.91 is "without jurisdiction, and, therefore, the interim order is not binding. Then, Sir, it was sent to the President and the President forwarded it to the Supreme Court. The Supreme Court in its judgement which is reported in AIR 1992 SC at pages 522, 524 and 525 held the Karnataka Cauvery Irrigation Protection Ordinance, 1991 as unconstitutional. The Supreme Court also stated that it is in direct conflict with article 262 and is against the judicial power of a State and bad for having extra-territorial operation.

...(Interruptions)... Sir, that Ordinance was struck down by the Supreme Court and the Supreme Court also passed strictures against the Karnataka Government. After having failed in this matter, the Karnataka Government again filed a petition on 25.11.91 before the Tribunal for a 'clarification on the interim award'. The Tribunal in its order on 3.4.92 stated, "There would be no hardship for Karnataka to ensure 205 TMC on the information and statistics furnished by Karnataka itself." So, Sir, the scheme was framed and accepted by Tamil Nadu. The attitude of the Government of Karnataka is that instead of accepting the scheme they say that there should be a consultative committee which can monitor it. This will only have an advisory capacity. It will not have any power for implementation.

...(Interruptions)...

MR. CHAIRMAN: That is all right.

...(Interruptions)...

SHRI R. MARGABANDU: Now, the latest position is, recently, a week back, I can challenge this, the Members of Parliament from the B.J.P. have assured the Chief Minister of Karnataka saying that they would see to it that on 21.07.1998 the case will not be taken up...(Interruptions)...

MR. CHAIRMAN: Please, sit down. Everybody will be given a chance to speak. Nobody should interfere in between...(Interruptions)...

SHRI R. MARGABANDU: Wait for a minute. I am giving you the facts. Sir, hon. Members of Parliament from the B.J.P. met the Chief Minister of Karnataka and assured him that they will see to it that the case will not be taken up and the Central Government will not file a counter on 21.07.1998 before the Supreme Court. This is the conspiracy between the Members of Parliament from the B.J.P. of that area and the Central Government. This case is pending since 1971. About thirty-three negotiation meetings took place between the

Governments of Karnataka and Tamil Nadu. Nothing has come out and still they wanted to get it on. So, I request, the Central Government, with its *bona fide* contention, if it is true in its commitment, must file a counter before the Supreme Court on 21.07.1998 without taking any adjournment and see that this scheme is approved and is sent to the Parliament. This is my request. Sir, I am not casting any aspersions against any Government at all. It is a riparian issue pending since 1807. ...*(Interruptions)*... The first agreement took place in 1924. ...*(Interruptions)*...

MR. CHAIRMAN: You have already said all those things.

SHRI R. MARGABANDU: The first agreement was entered into in 1924. ...*(Interruptions)*... The Government of Karnataka has said in 1971 that the agreement of 1924 had lapsed. ...*(Interruptions)*...

MR. CHAIRMAN: You have already said all these things. You are repeating...*(Interruptions)*... You have already said. ...*(Interruptions)*...

SHRI R. MARGABANDU: I pray that the Central Government should not take an adjournment on 21.07.1998. They should file a counter and they should see to it that the scheme is placed before the court.

MR. CHAIRMAN: Please, Please, sit down. I am going to give a chance to both the sides. I am happy that while Mr. Margabandu was speaking, nobody from Karnataka interrupted. I am very happy. This is the best decorum of this House. Now, Members from both the sides will speak and in the highest tradition of this House, both the sides would be able to put forth their point of view and nobody should interfere in between. First, I will call those Members who have given notice. Smt. Jayanthi Natarajan. She is not there. Mr. Virumbi.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, on this Cauvery issue, cutting across party lines, all Members of

Parliament hailing from Tamil Nadu stood as one man. The main issue is, from 1971...

MR. CHAIRMAN: Mr. Virumbi, you have to speak only for one minute.

SHRI S. VIDUTHALAI VIRUMBI: Now, I am coming directly to the subject. The present position is, after the interim order passed by the Cauvery Tribunal, the implementation of the award is in question. When it is so, finally, the Supreme Court has instructed the Central Government to submit a scheme. A draft scheme was prepared by the Central Government but for reasons best known to the Central Government, it has not been submitted to the Supreme Court. Sir, in spite of repeated reminders from the Government of Tamil Nadu, the Central Government, so far, has not submitted any scheme to the Supreme Court. It totally affects the State of Tamil Nadu. Therefore, I am appealing to say that we do not want to affect the legitimate rights of the farming community either in Tamil Nadu or in Karnataka. Even though we are entitled for more than 500 tmc, the interim award is only for 205 tmc. Even for releasing those 205 tmc, the Government of Karnataka has been pursuing delaying tactics since 1991 in many ways. Therefore, what I request you is, please instruct the Government, the Treasury Benches, to submit the scheme without fail, as has been said by my learned friend, on 21.07.1998 to the Supreme Court. Failing which, what I feel is, unnecessary agitation would be provoked in Tamil Nadu and both Karnataka and Tamil Nadu will be affected. As far as this draft scheme is concerned, I am saying that the Central Government is not at all taking any action. Sir, more than eight hearings took place. Whenever there is a hearing, they wanted to postpone it by one reason or the other. Finally, my request is, there should not be any postponement on 21.07.1998.

In case it is postponed on 21.7.98 also, it would clearly show that the Central Government is not acting as a Central Government, it is biased. With this accusation I say that the Government should look into the matter. The Chief Minister of Tamil Nadu, Dr. Kalam, has sent repeated reminders in this respect with full justification. The scheme submitted by the Centre, has been accepted by Tamil Nadu. A draft scheme was sent to all the States, and it has been accepted by all the States barring one. But, unless the Central Government exercises its authority, the Award cannot be implemented. If they want to implement the Interim Award, they must see to it that at first the scheme is submitted to the Supreme Court. Thank you.

SHRI S.R. BOMMAI (Karnataka): Sir, the Cauvery water problem ...*(Interruptions)*...

MR. CHAIRMAN: You have got only one minute ...*(Interruptions)*...

SHRI S.R. BOMMAI: No, Sir. If I have got only one minute, then I do not want to speak. I should state here the case of Karnataka...*(Interruptions)*...

MR. CHAIRMAN: Okay, two minutes...*(Interruptions)*... I think, we have set a very good practice...*(Interruptions)*... All right, you can speak for three minutes.

SHRI S. VIDUTHALAI VIRUMBI: Then, Sir, you should allow me also to speak more. I had confined myself to the time limit and abided by your orders... *(Interruptions)*...

SHRI S.R. BOMMAI: Sir, the 1924 Agreement took place when Mysore State was under the British raj, and now, after the reorganization, the State consists of a part of Madras, a part of Bombay, a part of Hyderabad, and a part of Kodagu. It is a different State. Therefore, it is not binding...*(Interruptions)*...

MR. CHAIRMAN: Please do not interfere. We have started a new practice. That is a very good practice. Please do not interfere...*(Interruptions)*...

SHRI S.R. BOMMAI: Sir, in 1971 there was an understanding between the Tamil Nadu Government and the Karnataka Government. Therefore, the 1924 agreement had lapsed. Then, I shall only narrate in short that when Shri MGR was the Chief Minister of Tamil Nadu and Shri Hegde was the Chief Minister of Karnataka, we had seven meetings and we had come to a final agreement. But, due to sickness of Shri MGR that agreement could not be implemented. Then, the second incident, which my DMK friends will know, was that in January 1989 Shri Karunanidhi was the Chief Minister of Tamil Nadu and I was the Chief Minister of Karnataka, we had openly declared in a meeting—where there was a gathering of about five lakh people—that this matter would be settled by an agreement between the two States and we would not go to the court or the tribunal in the larger interests of farmers of both the States.

Now, so far as the question of interim order is concerned, the Karnataka Government has been releasing more than 205 TMC of water every year, except for one year. In fact, it has been releasing more than that. It is on record.

Then, so far as setting up a scheme is concerned, the Karnataka Government has filed its objections. The Central Government will have to ...*(Interruptions)*...

MR. CHAIRMAN: Please do not interfere. None of the Karnataka Members interfered...*(Interruptions)*... When you have to say something, we will see to it. Let there be a balance.

SHRI S.R. BOMMAI: The stand of the Karnataka Government is, let National Water Policy be declared because there are a number of disputes pending in the country. That will give a basis for the solution. We are for an amicable solution. Tamil Nadu farmers are taking three crops every year, but the Karnataka farmers are taking only one crop. Therefore, Sir, the Tamil Nadu Government is taking undue advantage. I am not coming

in the way of farmers. Both, the farmers of Tamil Nadu and the farmers of Karnataka should be given justice. We are the upper riparian. We have got certain rights. They must be preserved according to the national law. The matter is pending with the Supreme Court. Therefore, it cannot be discussed here. Thank you.

श्री सी०एम० इब्राहीम (कर्नाटक): सभापति जी, मैं आप का आभारी हूँ कि आप ने मुझे बोलने के लिए समय दिया। मैं सब से पहले तो सदन को याद दिलाना चाहता हूँ कि मसला कर्नाटक का हो या तमिलनाडु का हो, हमें यह याद रखना चाहिए कि हम को भारत की एकता और अखंडता को हमेशा बचाए रखना है। महोदय, आप जानते हैं कि पिछले कई सालों में कई बार इस मुद्दे को लेकर शांति कर्नाटक के अंदर बिगड़ी है। मेरा अनुरोध है कि अभी जैसे बोम्बई जी ने बताया कि कवेरी कर्नाटक में पैदा होती है और जहाँ वह पैदा होती है वहाँ के किसान साल में एक फसल नहीं ले पाते। तो पानी बहकर जाए हमारे यहाँ से, डैम बने हमारे यहाँ, जमीन डूबे हमारे, घर बरबाद हुए हमारे, घर से बेघर हुए लोग हमारे, इस सब के बावजूद पानी तमिलनाडु को जा रहा है। महोदय, हमें एक बात और याद रखनी चाहिए कि जो लोग आज 205 टी०एम०सी० पानी की बात कर रहे हैं तो आज कर्नाटक राज्य में जितने लोग तमिलनाडु के हैं, जितने लोग आंध्र प्रदेश के हैं, जितने लोग केरल के हैं और बाहर के लोग जो पानी पी रहे हैं, अगर उस पानी का हिसाब लगाएँ तो 400 टी०एम०सी० से ज्यादा वह पानी पीने के लिए इस्तेमाल हो रहा है। इसलिए मेरा अनुरोध है कि यह मसला कोर्ट में न जाए बल्कि कोर्ट के बाहर दोनों राज्य के मुख्य मंत्री एक साथ बैठकर चर्चा करें तो यह मसला हल हो सकता है। महोदय, कर्नाटक में कन्नड़ लोग, तमिलनाडु में तमिल लोग भाई-भाई की तरह जीवन बसर कर रहे हैं। अब अन्न तम्पा का तमिलनाडु का जो झगड़ा है, उस झगड़े की गर्मी को आप यहाँ मत निकालिए। आप का भीतर का झगड़ा तमिलनाडु तक सीमित रहे। महोदय, कर्नाटक के लोग आपसी सहयोग और भाईचारे के साथ जिंदगी बसर कर रहे हैं। इसलिए मेरा अनुरोध है कि आप कोर्ट से अपनी याचिका को वापिस ले लें। दोनों राज्यों के मुख्य मंत्री एक साथ बैठें, अगर चाहें तो दोनों राज्यों के किसानों के प्रतिनिधियों को भी शामिल कर लें और केन्द्र सरकार इस बारे में एक बैठक बुलाकर इस मसले को हल करे, यही मेरा अनुरोध है।

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): Not only the people of Tamil Nadu, but the people of Pondicherry are also affected, since Cauvery passes through Pondicherry. My friend has said and I also say that a list is pending before the Supreme Court. The Ministers met 30 times, and yet they are not able to solve the problem. The reason is obvious that every citizen wants his State to have all the conservation.

MR. CHAIRMAN: You are given one minute.

SHRI C.P. THIRUNAVUKKARASU: I should be given two minutes, Sir.

MR. CHAIRMAN: No, only one minute will be given to each Member.

SHRI C.P. THIRUNAVUKKARASU: Sir, I have just now begun. Tamil Nadu is the biggest State. We are having seven Members. The Tribunal passed an interim Award. That Award has to be implemented by virtue of Section 6 of the Act. Even though the Award has been passed, it has not been implemented for several years. Then, we made a request before the Supreme Court to frame a scheme and implement it. The Government of India participated in the proceedings and said, 'We are ready to frame a scheme and present it before the Supreme Court.' And for that they obtained eight hearing adjournments. The matter is pending for 15 months for want of filing of the scheme. The Supreme Court is going on granting adjournments, they are entitled to do that. My submission is that, if the Government is interested in disposing of the matter at the earliest and to settle the dispute between the two States, the scheme ought to have been filed at the earliest possible opportunity. The final hearing of the case is in the month of 27th July. If it is not filed, there will be no settlement. On the one side Karnataka Members will be speaking and on the other side Pondicherry and Tamil Nadu Members will be speaking. This will go on creating another pandemonium in this august body. The Chief

Minister of Tamil Nadu had also written a letter on 29.9.1997. He met Mr. I.K. Gujral, the former Prime Minister of India and apprised him about the position. He also wrote several DO letters—on 9.7.96, 23.7.97, 1.11.97, 6.11.97, 28.3.98, 6.4.98 and 31.5.98.

MR. CHAIRMAN: You have made your point.

SHRI C.P. THIRUNAVUKKARASU: I am concluding. In spite of these letters, there is a total lack of response on the part of the Government of India. It is a wilful, wanton, negligence, probably. There is, probably, callous and supine indifference.

I pray. I request that the Central Government should immediately frame a scheme and place it before the Supreme Court at the earliest possible opportunity. Subsequent to that, it should be placed before Parliament to give a legal effect to the scheme framed by the Government of India.

MR. CHAIRMAN: Mr. Janardhana Poojary. One minute.

SHRI JANARDHANA POOJARY (Karnataka): Sir, the place where the Cauvery originates is a holy place. Pilgrims from Tamil Nadu as well as from Karnataka...

MR. CHAIRMAN: I consider both the places as holy.

SHRI JANARDHANA POOJARY: They come. They offer prayers.

SHRI VAYALAR RAVI (Kerala): Sir, Kerala also.

MR. CHAIRMAN: Kerala also is a holy place.

SHRI JANARDHANA POOJARY: Sir, the people of Karnataka and the people of Tamil Nadu have been living in harmony and they have been using the waters of the Cauvery. Unfortunately, a political element has been introduced here. We are politicising it.

The people of Karnataka have been helping their brethren who are living in

Tamil Nadu, i.e. the farmers. We have been giving water to them in sufficient quantity. We are not coming in the way. They are also a part of India.

Sir, from the debate which has taken place, I find that some sort of pressure tactics is being adopted, when it is pending before the Supreme Court. The matter is *sub judice*. The matter is pending before the Supreme Court. Therefore, let us wait. Let us know what the Supreme Court says.

The hon. Members from Karnataka as well as from Tamil Nadu have said that it should be settled amicably. I fully endorse the view of the Karnataka MPs., as I also belong to Karnataka. Sir, this place is part of my constituency. I represented this constituency for four terms. I have also been asking for an amicable settlement of this problem. Therefore, I request the Members of the concerned States to appeal to their farmers to settle this dispute outside the court, outside the Tribunal.

Thank you, Sir.

MR. CHAIRMAN: Mr. Hanumanthappa. One minute.

SHRI H. HANUMANTHAPPA (Karnataka): Sir, I will try to finish in one minute.

SHRI S. VIDUTHALAI VIRUMBI: Sir, a point of order.

MR. CHAIRMAN: No point of order.

SHRI S. VIDUTHALAI VIRUMBI: Only one minute, Sir.

MR. CHAIRMAN: No.

SHRI S. VIDUTHALAI VIRUMBI: Just one minute, Sir. It is a very important issue. The hon. Member, Mr. Bommai, has said, while talking about the Cauvery issue, that the agreement had lapsed. It is not true. I would just quote the relevant portion from the 1924 Agreement. It says: "The Mysore Government and the Madras Government further agree that the limitations and arrangements embodied in clauses (iv) to

(viii) *supra* shall, at the expiry of fifty years from the date of the execution of these presents be open to reconsideration in the light of the experience gained and of an examination of the possibilities of the further extension of irrigation within the territories of the respective Governments and to such modification and additions as may be mutually agreed upon as the result of such reconsideration".

Therefore, Sir, what the hon. Member has said is not correct. It has not lapsed.

MR. CHAIRMAN: Mr. Hanumanthappa, please.

SHRI S.R. BOMMAI: Sir, just one point. He said that it has not lapsed.

MR. CHAIRMAN: It is all right. Don't start this thing.

SHRI S.R. BOMMAI: Sir, I stand by what I said.

MR. CHAIRMAN: Okay. You stand by it. Let us keep up the cool atmosphere. Mr Hanumanthappa. One minute.

SHRI H. HANUMANTHAPPA: I will try to finish in one minute, Sir.

MR. CHAIRMAN: No trying. Only one minute.

SHRI H. HANUMANTHAPPA: Sir, India became independent in 1947. From that time onwards, all the agreements between the British and the earlier Indian Government have lapsed. This was an agreement between the British Government and the then Madras and Mysore Governments.

Now, the matter is *sub judice*. Apart from this, I do not know why this point should be raised now. This subject should have come up when there is no water. Now there is a lot of water flowing into Tamil Nadu from the Cauvery. I think this point is being raised because there are differences among the alliance partners of the ruling coalition.

He has openly come out that the BJP Members from Karnataka have said this. So, it is only an internal problem, and they have made use of this forum.

Secondly, when the matter is in the Court, how can this House direct somebody not to take adjournment or to direct somebody else to file an affidavit or to direct somebody else to implement it? Are we directing from this House the functioning of the Supreme Court or the Tribunal constituted under law?(Interruptions).....

SHRI S. VIDUTHALAI VIRUMBI: Not the Supreme Court, but the Government.(Interruptions).....

MR. CHAIRMAN: Please sit down. I will tell you. No, no, no.(Interruptions).....

I will clarify this. When it has been admitted, they have a right to appeal to the Government. That is what they are doing. So, please don't take it that way. Let us not clash.

SHRI H. HANUMANTHAPPA: This House or the Government of India cannot decide to ask the Karnataka Government not to take adjournment. It is the Court which has to decide on an adjournment.

About the interim order on 205 TMC, as our former Chief Minister, Shri Bommai, has said, we have no grouse on that. But there is a calendar attached to this Tribunal order which says that you have to give water during this month when there is no water in the country. How can it be implemented? They insist on giving so many TMC in May and so many TMC in June. Actually, in June, we don't have monsoon at all. There will be no water flowing in the river. These are our difficulties. We have given 205 TMC of water all these years, except in 1995-96. We have no grouse in giving it. We do not have a storage facility. When the Cauvery is in floods, all the water goes to Madras only. But the Tribunal order is to give water in the month of May when there is not water.(Interruptions).....

MR. CHAIRMAN: Please, please don't interfere.

Mr. Sundaram will get a chance to speak.

SHRI H. HANUMANTHAPPA: The calender says that you have to give so many TMC in May, so many TMC in June etc. There is a difficulty in implementing it, number one.

Number two, the interim order has not been accepted by the four States. The stage of creating an authority and gazetting it has not come. Differences are there. The four States have not accepted it. The four States will have to meet and accept it. The Central Government is not a headmaster to dictate to the State Governments. They are also equally elected Government. The Central Government is also an elected Government. This is a federal State. The feelings of each State have to be respected. The four States have not agreed to this. There are disputes. The disputes are pending before the Tribunal. When the matter is before the Tribunal, creation of an authority or gazetting it does not arise.

MR. CHAIRMAN: That is all right. Thank You.

Mr. Sundaram, one minute.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Thank you, Mr. Chairman, Sir, for giving me the opportunity to speak on the Cauvery issue.

My learned friends, Shri Hanumanthappa, Shri Ibrahim and the former Chief Minister are asking for withdrawal of the suit. For a long time we have had interaction with the State Government of Karnataka, but there was no solution. So, we went to the Court. The case has been posted for 21-7-1998. The request of the people and the Government of Tamil Nadu and my party and my request to the Union Government is to frame a scheme and submit it before the Supreme Court.

We are seeking the help of the Union Government to frame a scheme and submit it before the Supreme Court. We are

not asking the Karnataka Government to do anything.

The former Chief Minister of Karnataka says that they are releasing water from Karnataka. I charge the former Chief Minister. We are getting no water from Karnataka. If there is a natural calamity, we get water from Karnataka. Otherwise, they are releasing no water. Till date they have released no water.

My learned friends, Shri Ibrahim and Shri Poojary are asking us to withdraw the suit. Why? What is the reason for withdrawing the case? It has not yet been settled. It is not a political issue. We got the interim order from the Tribunal. We request the BJP Government to comply with the order.

SHRI NILOTPAL BASU: It is an alliance Government.

SHRI N. THALAVAI SUNDARAM: The matter has been posted for hearing on 21-7-1998. The matter is coming up before the Supreme Court.

We urge upon the Central Government to comply with the order because there was a statement made by the Chief Minister of Karnataka which says: The Chief Minister, Shri J.H. Patel, will soon lead an all-party delegation from the State to the Prime Minister to apprise him of facts in view of the interim award of the Cauvery Water Dispute Tribunal and to urge the Union Government not to take any hasty action in implementing the interim award of the Cauvery Tribunal."

What was the case decision? There was no case decision. There was an Order passed by the Tribunal. The Order was complied with by the Union Government. In the last hearing, the Attorney General said the Union Government had agreed to frame the scheme under Section 68 or 58. This Section deals with the power of the Union Government to frame the scheme to implement the decision of the Tribunal established under an authority. My point is that AIADMK and all the

other parties request the Karnataka party Members. Both of them are brothers sitting in Karnataka or in Tamil Nadu. We want an immediate settlement of the dispute.

MR. CHAIRMAN: We all are brother Indians.

SHRI N. THALAVI SUNDARAM: I request the Union Government not to take any adjournment before the Supreme Court. The Union Government must give a direction to the Attorney General to file a pre-emptive before the Supreme Court.

SHRI VAYALAR RAVI: My complaint from Kerala is that in the dispute between the two States.

The case of Kerala is being ignored. Kerala has stated more than once that it must also be involved in the discussions. It is not a dispute between Tamil Nadu and Karnataka. Interests of Kerala are also involved. Sir, Kerala has taken a position that it should not develop as a conflict between the people of Kerala, people of Karnataka and the people of Tamil Nadu. We shall not take the whole issue as a conflict between the people. In that context Kerala is adopting a very low key approach. But, that does not mean that we have surrendered our interests. I, appeal to the Government of India that Kerala must also be involved in the discussions.

SHRI M. VENKATIAH NAIDU (Karnataka): First of all I would like to say that my friend from AIADMK has brought in the name of the BJP. He should have avoided it. I would like to make it very clear for the information of the House and my friends that BJP has not given any such assurance to anybody.

Secondly, as representatives of Karnataka, MPs from Karnataka, including myself, have got every right to highlight and also support the cause of Karnataka. Similarly, MPs from Tamil Nadu, whether they belong to AIADMK, DMK, CPI, CPI(M), they naturally have to argue the case of their own State. So,

there is nothing wrong in it. After all, both Karnataka and Tamil Nadu are part of India and we all are brothers and we have to settle the issue. The issue between India and Bangladesh on the Farakka waters has been settled and we have come to an understanding. That being the case, I do not think it is very difficult to come an amicable settlement between the two States. The Centre should take an initiative, call both the Chief Ministers and see to it that both of them see reason and agree to some broad formula.

Thirdly, I say that it is high time the Government of India, in consultation with the States, evolves a national river water policy so that these sorts of disputes are tackled effectively at the earliest stage itself.

SHRI R. MARGABANDU: Sir, on the question of calling the Chief Ministers and having a dialogue, I would like to say that 33 times the Chief Ministers have discussed on the issue and nothing has happened. It is only the court which can decide the issue. Why can't my learned friend, who is a member of the party which heads the Government, request the Government to send a scheme before the Supreme Court.

SHRI S. VIDUTHALAI VIRUMBI: Sir, we have spoken with the Karnataka Chief Minister at least 30 times. No more talks are required. It is only through the Supreme Court that a settlement can be reached.

SHRI KAPIL SIBAL (Bihar): Sir, in this short time of one minute, I can only say that our experience of the past has been that any river water dispute between the States has never been resolved in any constructive way. If you look at the river water dispute between Punjab and Haryana, the Award relating to that dispute has still not been implemented. Any adjudication on a matter of this nature, will lead us nowhere. I think, each political party must rise above partisan political

considerations and treat water as a national asset. I suggest and pray to the Central Government that the distribution of water consistent with water jurisprudence should always be on the basis of need. The Government of India must evolve a national policy. If necessary amend Entry 17 of the list II, amend Entry 56 of List I, amend Article 262 of the Constitution. Let us put our heads together and ensure that water is supplied to every citizen of this country on the basis of need and nothing more.

MR. CHAIRMAN. Mr. K.M. Khan, not there, Mr. Drupad Borgohain, please take only two minutes because we have to finish other Special Mentions.

SHRI K. RAHMAN KHAN: (Karnataka) Sir, please give me only one minute.

MR. CHAIRMAN: I am not calling every Member. ...*(Interruptions)*... No. that is all right. ...*(Interruptions)*... No. that is all right. Points have been made. Mr. Kapil Sibal, has very well submitted the point.

SHRI S.R. BOMMAI: Sir, AIADMK party is a part of this Government. It is an ally of the BJP. So, it is a part of the Union Government. ...*(Interruptions)*... So, they have no right ...*(Interruptions)*...

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Please sit down.

SHRI S.R. BOMMAI: They are part of the Government.

MR. CHAIRMAN: Please sit down. ...*(Interruptions)*... Shri Bommai, please sit down. Please sit down. Please sit down. Shri Bommai, you had kept a very good tenor. Everything was going on smoothly. What was the necessity for you to interrupt? ...*(Interruptions)*... There is no need. Please sit down. Both have kept the tenor. Why are you creating confusion? ...*(Interruptions)*... That is all right. Everybody knows everything. Why should you repeat? We have to keep a

good tenor. Mr. Drupad Borgohain, please take two minutes.

Need for Central Assistance to Flood-Affected State of Assam

SHRI DRUPAD BORGOHAIN (Assam): Mr. Chairman, Sir, it will be very difficult for me to place all the facts of flood-affected State of Assam.

MR. CHAIRMAN: We have to take up other Special Mentions also. We have to finish by 1 o'clock.

SHRI DRUPAD BORGOHAIN: Mr. Chairman, Sir, I am raising a serious issue of floods in Assam. The people of Assam are languishing under floods. They are reeling under floods. Under such conditions, how can I place all the facts in two minutes?

This year also Assam has been seriously affected by floods. Actually crops worth crores of rupees have been destroyed. This time also lakhs of people have been affected by the fury of floods. These floods have hit the State not only this year but year after year. Every year Assam is hit by floods because of the monsoon rainfall in this Region. These floods have created hardship not only to the people of Assam, but to the people of the entire North East Region like Arunachal Pradesh. There are certain rivers which have caused inundation in the low-lying areas. They are reeling under floods. In view of this serious situation, the Government of India should come to the rescue of the State of Assam. The Government of Assam requires Rs. 500 crores to tackle the situation. The Government of India should release this money immediately to tackle the situation. The Central Government should depute a high-powered team to the State of Assam to assess the actual damage and the difficulties being faced by the people there. If the Central Government deposes a team and if they assess the situation properly and necessary financial help is given to the people of Assam, then, only