

माथे पर पाखाना उठाना। आजादी मिल तो चालीस वर्ष हो गए, लेकिन अभी तक ड्राप लेटरीन बहुत अधिक हैं। मैंने पिछली सरकार से भी, जिस सरकार का समर्थन हम करते थे, कहा था कि डा. अम्बेडकर जयंती का वर्ष है, इसके अन्दर इसको समाप्त कर दीजिए, एक साल के अन्दर कोई कालबद्ध योजना बनाइए। उन्होंने भी इसको नहीं किया और आज भी हम देखते हैं आपने इसमें कुछ फंड दिया है यानी माथे पर पाखाना ढोने के लिए पचास वर्ष और चाहिए। फिर आप कहिए, हम कैसे सम्भ्य कहलाते हैं? इसलिए इसे एक साल में खतम करें।

उपसभापति महोदया, एक और काम है, जिसको मैं कहना चाहूंगा। हम देखते हैं कि शहर के अंदर बड़े-बड़े लोगों के यहां जो शादी होती है। तो वह लोग तो कार से जाते हैं और गरीब लोग माथे पर बेटरी की लगी हुई रोशनी लेकर चलते हैं। आप लोगों ने भी देखा होगा कि माथे पर गरीब लोग रोशनी लेकर चलते हैं। आप बताइए कि क्या यह अमानवीय काम नहीं है? एक आदमी गाड़ी पर, कार पर चल रहा है और दूसरा माथे पर रोशनी लेकर चल रहा है, क्या यह लज्जाजनक बात नहीं है? अगर आपको टैक्स ही चाहिए तो ऐसा कर दीजिए कि जो बरत में ऐसे लोगों से माथे पर रोशनी लेकर जाएगा तो उसको 50,000/- रुपये टैक्स देना होगा। इतना तो आप कर दीजिए। इस तरह बोर्डेड लेबर का कुछ काम है। आपने जो तरीका अख्तियार किया है, उस तरीके से वह कभी आजाद नहीं हो सकते हैं। अभी अन्तर्राष्ट्रीय श्रम संगठन ने बंधुआ मजदूरों के लिए कमीशन बनाने को कहा है। इसीलिए मैं आपसे फिर कहूंगा नियोजन की बात, कि राष्ट्रीय नियोजन स्कीम का कुछ कीजिए। (समय की घंटी)...

इसी तरह राष्ट्रीय पेंशन योजना बनाइए ताकि बड़े लोग भीख न मांगें। आप बहुत दिन से कहते हैं कि लोग बदमाश होते जा रहे हैं। लोग देख रहे हैं हम लोग जिस राज को चलाते हैं, उसमें बड़े लोग अगर भीख मांगते हैं तो उन का क्या होगा? वे हमारी बात क्यों सुनेंगे? आजादी मिले चालीस-पचास वर्ष भी हो गए और यह स्थिति

है। इसलिए कामगं जनरेशन उदबुध हो रही है, बंदूक उठ रही है और आपसे मुकाबला कर रही है, जिससे पुलिस का और भी खर्चा बढ़ता है।.. (समय की घंटी)...

तो मैं आपसे कहूंगा कि यह बजट जिस ढंग से आया है वह बिल्कुल गलत है, राष्ट्र के हित में नहीं है। इसलिए मैं आपको वक्त पर चेतावनी देता हूँ कि बदल दीजिए और जो नेहरू जी ने रास्ता दिखाया था, अगर उसको कुछ सही करना हो तो उसके लिए हम तैयार हैं, लेकिन मूलतया वह नीति सही है, उसका आप परित्याग मत कीजिए वरना यह देश सर्वनाश के कगार पर जाएगा। यही मैं कहना चाहता था। धन्यवाद।

STATEMENT BY MINISTER CAUVERY WATER DISPUTE

THE MINISTER OF WATER RESOURCES (SHRI VIDYACHARAN SHUKLA): Madam, exercising the powers conferred by the Inter State Water Disputes Act, 1956, a Tribunal was constituted by issuing Notification on 2nd June, 1990 and the request made by Tamil Nadu Government on 6th July, 1986 was referred to the Tribunal for adjudication.

After the Cauvery Water Disputes Tribunal issued their Interim Order on 25th June, 1991 there have been various representations against the Order and the issues involved. Government of Karnataka also promulgated an Ordinance on 25th July, 1991 making certain provisions for the protection of irrigation in the Cauvery Basin areas of Karnataka.

The Government considered the matter carefully in all its aspects and decided to refer the legal questions associated with the Tribunals Interim Order and the Ordinance of the Government of Karnataka to the Supreme Court. On the advice of the Government, the President of India has made a reference to the Supreme Court under clause (1) of Article 143 of the Constitution of India which has been

[Shri Vidya Charan Shukla] delivered to the Registrar General of the Supreme Court on 28th July, 1991. The following questions have been referred to the Supreme Court of India for consideration and report thereon namely:

- (1) Whether the Ordinance and the provisions thereof are in accordance with the provisions of the Constitution;
- (2) (i) Whether the Order of the Tribunal constitutes a report and a decision within the meaning of Section 5(2) of the Act; and
(ii) Whether the Order of the Tribunal is required to be published by the Central Government in order to make it effective;
- (3) Whether a Water Disputes Tribunal constituted under the act is competent to grant any interim relief to the parties to the dispute.

THE DEPUTY CHAIRMAN: As it was decided, in the Business Advisory Committee that one Member from each party and two Members from the Congress Party would speak...

SHRI VISHVJIT P. SINGH (Maharashtra): The Congress Party has not agreed to any such thing. This is the right of the Members. This is not a right of the Party, Madam. This has never been done party-wise. This is the right of the Members. Members have sought clarifications on their own names. We have given our names. We are allowed according to the time that is fixed and according to that, this is done. Madam, this is not a right that we must surrender very easily... (Interruptions)...

THE DEPUTY CHAIRMAN: The difficulty is if you surrender, then I will try that way... (Interruptions)... Let me put it... (Interruptions)... Mr. Vishavjit Singh, you are a very sensible Member of Parliament...

SHRI VISHVJIT P. SINGH: Yes, Madam.

THE DEPUTY CHAIRMAN: So others are... (Interruptions)... Just a minute. Will you please sit down? I will explain. (Interruptions) It is now my problem because I have to sit in the House till the House rises. I have no problem. The problem is that we have the Budget to discuss and then you can seek clarifications. If we look at the Rules book... (Interruptions) ... Just a minute. Will you please keep quiet and listen to me for a minute?

SHRI VISHVJIT P. SINGH: There are conventions, Madam. I can show you the debates right from Independence till today and never in the Rajya Sabha Members have been disallowed to speak...

THE DEPUTY CHAIRMAN: I say, "Don't interrupt." Is it also a convention that you interrupt the Chair? Is it part of the convention?

SHRI VISHVJIT P. SINGH: No, Madam.

THE DEPUTY CHAIRMAN: Then please let me tell you that this problem was raised that we discussed this Statement for two days. Now, the Parliamentary Affairs Minister has also agreed and it is sorted out by the leaders of various groups and parties and it was decided that because the Congress Party has a large number of Members two or three Members from them be allowed. Everybody has agreed to it. Now we have to run this House and I need your cooperation to run it properly; ^ (Interruptions)... otherwise we will have to cut down the speakers on the Budget because we cannot expand the time.

श्री विश्वजीत पृथ्वीजीत सिंह : अगर मेरा नेता गुजरा, मेरे नेता को मारा गया और अगर यह डिस्कशन इस हाऊस में दो दिन के लिये चला... (व्यवधान)... अगर वह

सब लोगों को नागवार लगा तो मैं यहाँ रहने के लिये तैयार नहीं हूँ... (व्यवधान)...

[तब परान्त माननीय सदस्य सदन से चले गये]

THE DEPUTY CHAIRMAN: Don't dramatise. (Interruptions).. Now don't dramatise. (Interruptions).. It is not that. Don't dramatise the whole thing. It is not that only. (Interruptions)... Please don't sooram. (Interruptions).. There are many occasions when we have had a long discussion. I remember on one statement... (Interruptions)...

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश)
मैडम, हमारे टाइम को इस तरह से करटे किया जाता है, हर सेशन में किया जाता है कन्वेंशन आपका कहाँ है... (व्यवधान) .
ऐसा काम क्यों किया जाता है ?

उपसभापति : प्लीज, बैठिये । डॉ. आरम्भ । आप बैठिये तो, आप तशरी रखिये । आपकी पार्टी के लीडर भी : उसमें, सब लोगों ने बातें की थीं । मुझे को एनराज नहीं है ।

कुमारी सईदा खातून (मध्य प्रदेश)
मैडम... (व्यवधान)...

उपसभापति : सईदा बहन, जरा एक् मिनट चूप हो सकती हैं । बिजनेस एडवाइजर

(Interruptions)... This is the decision of the Business Advisory Committee. It is up to the Business Advisory Committee to decide. I am nobody to bother about it. (Intemptions)...

डा० रत्नाकर पाण्डेय : मैडम, हर सेशन में ऐसा होता है... (व्यवधान) ... ह सेशन में कन्वेंशन आप बनाते हैं और ह सेशन में यह टूटता है ।

SHRI A. G. KULKARNI (Maharashtra) : Madam, I am on a point of order. (Interruptions)...

THE DEPUTY CHAIRMAN: I am not bothered. I am not concerned, please. (Interruptions).. If you implement the Business Advisory Com-

mittee's decision, okay. Shrimati Jayanthi Natarajan (Interruptions)...

SHRI A. G. KULKARNI: Madam, I am on a point of order. (Interruptions)...

THE DEPUTY CHAIRMAN: No, no. (Interruptions)...

SHRI A. G. KULKARNI: Madam, I am on a point of order. Let me submit what I want to say. Please allow me two minutes. (Interruptions)...

THE DEPUTY CHAIRMAN: Just a minute. (Interruptions)...

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Madam, allow me one minute. (Interruptions) ...

THE DEPUTY CHAIRMAN: Just a minute. I will allow you. Don't get agitated. (Interruptions)... There is no difference. (Interruptions) ...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I have never got agitated. (Interruptions)...

THE DEPUTY CHAIRMAN: So, please let him speak or amongst yourselves decide as to who would like to speak first. (Interruptions)...

आप बोलेंगे या वह बोलेंगे तय कर लीजिए ।

SHRI A. G. KULKARNI: Madam Deputy Chairman, the conventions of this House on statements and clarifications are established not from the Rule book but by Shri Venkataraman who was the Chairman of this House and at that time... (Interruptions)...

THE DEPUTY CHAIRMAN: No, at that time only one member from each party. I was the Deputy Chairman then also. (Interruptions)...

SHRI A. G. KULKARNI: Please listen to me. (Interruptions)...

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THE DEPUTY CHAIRMAN: No, I know it. (Interruptions)....

SHRI A. G. KULKARNI: So Shri Venkataraman persuaded in the

[Shri A. G. Kulkarni]

Business Advisory Committee, wherein: r was a member, all these political parties to agree to one member from each party. That was the convention. Then you know this proliferation took place during the interim period. Today we have seen that on the Shanmugam statement, etc. (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Not only on that, in the past years also. (*Interruptions*)...

SHRI A. G. KULKARNI: It is there. Today just now the Parliamentary Affairs Minister advised us that we have *now* decided so and has agreed to that in the Business Advisory Committee. I am second to Shrimati Jayanthi Natarajan. My name is there. I am prepared to withdraw my name because the problem is that if two Members from the Congress Party are permitted, one from Tamil Nadu and one from Karnataka, I have no role to play. So I withdraw. (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Thank you very much, Shri Kulkarni. (*Interruptions*)... Now let me call Shrimati Jayanthi Natarajan. I will call every name. It is not my problem. (*Interruptions*) _____

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, at all times it is our primary duty to assist the Chair to dispose of the business as expeditiously as possible and we are not going to make a big issue out of what the Business Advisory Committee decides on such matters. But please remember, today we are discussing a very, very politically sensitive issue of inter-State water dispute. You are permitting two Members from the Congress. One will be from Karnataka and the other will be from Tamil Nadu. A highly partisan debate will emerge for which I will not blame you. We will lose an opportunity for other Members from different States, appealing to Karnataka and Tamil Nadu for restraints and co-operation. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Okay, don't now interrupt. Please. By this time we would have finished everything and another 10 minutes *A* have gone. Shrimati Jayanthi Natarajan (*Interruptions*) ... If you don't agree to what the Business Advisory Committee has said, all right; I agree. Forget it. It is not my problem.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: These are matters which involve high constitutional issues. Even the framing of this reference is doubtful. If a Member wants to make suggestions and if he is shut out, I bow down to your discretion in the matter. But I am against curtailing any right of any Member because that sets a very, very dangerous precedent in this House. We may observe restraint but if we totally refrain from or we are shut out from expressing ourselves, it will generate a climate where inter-State disputes will persist. This is Council of States and we must exercise our right to make suggestions....

THE DEPUTY CHAIRMAN: Please listen.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: You interrupted me four times.

THE DEPUTY CHAIRMAN: Mr. Bhandare, you are a senior Member. There are several devices under which you can make a longer discussion and I have no objection to it. Let us change those rules. I don't mind if you have a full-day debate ^ on Cauvery Waters because it is a { serious matter. Members are agitated..

SHRI MURLIDHAR CHANDRAKANT BHANDARE: So we must be allowed to exercise our right.

THE DEPUTY CHAIRMAN: Now you are interrupting me. Please listen. That day when everybody was agitated I went out of my way to request the Prime Minister to come before the House and listen to the

Members. Now you are thinking that I am curtailing. That is absolutely not correct.

SHRI MURLIDHAR CHANDRA-
KANT BHANDARE: May I say one thing?

THE DEPUTY CHAIRMAN: Now that is over. Mrs. Jayanthi Natarajan, please speak.

SHRI S. S. AHLUWALIA (Bihar): *

THE DEPUTY CHAIRMAN: No, no; that will not go on record.

SHRI S. S. AHLUWALIA: *

THE DEPUTY CHAIRMAN: I didn't say that. No. I didn't say that about Shanmugam. I said about everything.

SHRI S. S. AHLUWALIA: *

THE DEPUTY CHAIRMAN: Please sit down. Don't argue it. I never said anything about Shanmugam. *(Interruptions)* Please sit down. Nothing is going on record without my permission.

SHRI S. S. AHLUWALIA: *

DR. RATNAKAR PANDEY: *

THE DEPUTY CHAIRMAN: It is not going on record. You discuss the matter with the Chairman, not with me. It is not going on record. It won't be reported.

SHRI S. S. AHLUWALIA: *

DR. RATNAKAR PANDEY: *

THE DEPUTY CHAIRMAN: Please take your seats. I say please sit down.

SHRI S. S. AHLUWALIA: *

THE DEPUTY CHAIRMAN: I don't make any Jeanoaln. Don't get agitated. Please take your seats. *(Interruptions)* Please don't argue with the Chair.

SHRI VISHVJIT P. SINGH: *

*Not recorded.

THE DEPUTY CHAIRMAN: Mr. Vishvjit, please don't dramatise. I am sorry. *(Interruptions)* I have no objection, not on Shanmugam alone. If you want to have clarifications, if you want to have a long discussion, I have no objection. Go ahead and do it. Jayanthi Natarajan now.

SHRI S. S. AHLUWALIA: *

THE DEPUTY CHAIRMAN: You ask the Business Advisory Committee, not me. *(Interruptions)* You ask the Parliamentary Affairs Minister. It is not my duty. Please sit down. If you don't want to discuss Cauvery, then let her speak.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am also withdrawing my name to cooperate... *(Interruptions)* Not in this spirit but in the spirit in which the Council of States should function. I strongly resent the spirit which is shown here.

THE DEPUTY CHAIRMAN: Mr. Jacob, will you please explain what has happened? It is your duty and not mine... *(Interruptions)*... Mr. Jacob will announce and inform the House that it is not my decision. It is his duty to inform what happens in the Business Advisory Committee meeting... *(Interruptions)*. . Please, let him speak... *(Interruptions)*... Many leaders who are members of the Committee are present here. Mr. Jacob was present. Ask him. It is not my decision... *(Interruptions)*...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Madam, when the Business Advisory Committee met, the Chairman introduced this topic. He said that most of the Members were not able to speak because long speeches were made and he had been receiving complaints in this regard and so, some method needed to be found so as to allow all the Members to speak.

"[Shri M. M. Jacob] There were many suggestions and the general demand was that one Member from each party be allowed to speak while seeking clarifications. Then some of the Members of the Congress party objected to it saying that the Congress party being the biggest party, there were a large number of Members who would want to speak and hence at least 4 Members from that party should be allowed to speak. Finally the Chairman asked the Members to consult the Leader of the House and come back to him with their suggestions. I am reporting exactly what happened. I have been requesting our Members and I have been telling them that it is not the Government part of the business alone but the Private Members' business i.^ also there. It has been a practice in this House that while seeking clarifications, Members make long speeches instead of just asking one or two questions. The whole problem arises when Members continue to speak for 20 to 30 minutes. Then the business of the House is derailed and the Government business gets stuck. We do not want to prevent any Member from speaking. If there is a good suggestion coming from any Member, we welcome it. But the point, is how we contain the time factor. This time factor is not considered while drawing up the business pf the House. When we are planning of the business,, we j,-, not plan for special mentions and clarifications and yet these are necessary and we would want everyone to speak. Hence, to accommodate everyone we have to make compromises. Mr. Ghulam Nabi Azad had talks with the Congress Members and asked some of them to withdraw and let only those Members speak Who are more concerned with the problem. Some Members withdrew on his request and 4 Members have been left who would want to talk on the subject, did not say anything as I have yet to organise myself i,s my mind T would want to talk to the Leader of the House in the light of what the Chairman suggested.

The Chairman will be informed by the Leader of the House and we will come back to the House with some definite policy on the matter. Mean while, i leave the matter to the Chair.

THE DEPUTY CHAIRMAN: I have no objection to any Member speaking. It is not my idea. I want everybody to speak. What am I losing? I have no objection. It is not the problem of the Chair, but it is the problem of the business of the House. That is all. Yes, Mrs. Jayanthi Natarajan.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, thank you very much for letting me speak on this today. But before that, I want to endorse what my friends have just now said. It is an invaluable guidance to ask for clarifications and you cannot curtail that right. It is not on party lines. Everything else is on party lines—the debates are on party lines and the other discussions are on party lines. But, on statements, Madam. Members should be allowed to speak and seek clarifications

Coming to the statement of the Minister, it reflects a lack of seriousness on the part of the Government in tackling this issue. This is a matter of vital concern to the whole country and I want to bring it into focus. Now, Tamil Nadu is on fire and since you have already said that I must ask only pointed questions^ I would not go into the entire history of the issue. The point is that we are standing in the eye of a tremendous storm. We are in the midst of an unprecedented Constitutional crisis. The inter-State water dispute is not just a matter of the inter-State waters, but it is a question of the unity of the country, the structure of federalism that we have and how we are going to live with each other amicably and with amity. This is the question now.

Madam, water is precious national resource and no uncoer riparian

State has got the right to take all the waters for itself. If you extend this argument logically, what would » happen If you say that a river begins in a particular State and that State has the sole right over the

waters of that river, then as far as Tamil Nadu is concerned—I am talking specifically of Tamil Nadu—we should! be allowed to mine all our lignite. Why does not the Central Government allow it? Why should we ask the Central Government for it? Today, Karnataka is almost declaring itself as a sovereign State and that is why I am asking this question.

Today, Madam, in the papers we find that over twenty villages in Karnataka are under water and they are completely submerged. There is about seven feet of water around the river and many shops are submerged. Suppose we extend this argument to its logical conclusion, what will happen? if we put a barrier on the borders, the whole of Karnataka will be full of water. Tamil Nadu is not the drainage area for Karnataka. If you are not allowing the use of the waters of the Cauvery, if the Government is not going into this matter and arbitrate and settle it and if Tamil Nadu puts up barriers—it is not going to happen; we have a sense of national unity and national integration—asking why we should be the drainage area for Karnataka, why we should be the drainage area whenever floods come in Karnataka, what will happen? The whole of Karnataka will be in floods.

THE DEPUTY CHAIRMAN: The whole of Tamil Nadu.

SHRIMATI JAYANTHI NATARAJAN: No, I am talking of Karnataka ...*(Interruptions)*...! am just saying that this is the reality.

Madam, this is not a recent problem, but I am not going into it just now. Now, everybody is saying that we should come to the negotiating table. I just to want to say only one thing, utter only one sentence. We have had twenty years of discussions,

fruitless discussion, 27 rounds of bilateral and multilateral talks and yet nothing has come out of them and Karnataka thinks that it is conferring a grace on us. I want to tell the Government that it is not a matter of grace, but it is a matter of right. The time has come now when decisive action has to be taken and there is no use of talking of our coming to the negotiating table.

Madam, the position is clear under the Constitution. Entry 56 of the Union List deals with inter-State waters. Now, the river, Cauvery, begins in Karnataka, but does not end in Karnataka. It flows through Karnataka as well as Tamil Nadu. As I said, Entry 56 of the Union List deals with the regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest. Therefore, this forum is very relevant. Now, see Entry 17 of the State List under which Karnataka claims that it has the right to promulgate the illegal and unconstitutional ordinance which it has issued. So Entry 17 under which Karnataka is claiming its right is clearly subject to Entry 56.

Madam, Entry 56 is an entry under which the Inter-State Water Disputes Act was enacted by Parliament in 1956, and it was under that Act that the Tribunal was set up. As far as the Tribunal is concerned, this Tribunal was appointed by the Central Government. And, therefore, the award to the Tribunal is binding on all the States and also the Central Government is bound to see that the award is implemented.

Madam, the Ordinance promulgated is clearly unconstitutional. And when the Government of Karnataka has by passed the Award of the Tribunal which itself, I want to remind the House, was passed by the Supreme Court giving direction. Madam,

[Shrimati Jayanthi Natarajan]

the Tribunal itself had a doubt whether it had the right to pass an Interim Award. When the Tribunal had this doubt, the State of Tamil Nadu went to the Supreme Court and asked whether the Tribunal had the right. The Supreme Court, I want to repeat, directed the Tribunal to pass an Interim Award on merits. And this is what the Tribunal did. Therefore, to say that to refer to the Supreme Court, as the Minister stated, whether Tribunal constituted under the Act is competent to grant any interim relief is clearly irrelevant and unnecessary because the Tribunal acted under the order of the Supreme Court. What the Central Government is doing is just putting the issue into cold storage. This action is irrelevant. The Supreme Court, having given the direction to the Tribunal can't go back now and tell that the Tribunal did not have the right. The Tribunal is merely carrying out the order of the Supreme Court.

I just want the clarification. What has the Central Government done is very simple. They could have easily acted...
(Interruptions)

THE LEADER OF THE OPPOSITION
(SHRI S. JAIPAL REDDY): Let the House be called to order.

THE DEPUTY CHAIRMAN: Never mind. She is making the point. You just hear. The Minister is here to answer.

SHRIMATI JAYANTHI NATARAJAN:
Madam, the power to grant an Award which is given by the Tribunal under the Act includes the power to grant an Interim Award. That is very clear.

Madam, the Central Government had very clear options before it. The Central Government might have been reluctant to use the powers under section 256, but the fact remains that under Entry 56 the Central Government has already legislated under the Water Disputes Act. Here Mr. Bangarappa's argument was

clearly unconstitutional. Nothing prevented the Central Government from issuing an executive order under the Inter-State Water Disputes Act asking the Karnataka Government to honour the Award of the Tribunal. And the reason is very important, because when Karnataka will not even honour the Award of the Tribunal which is binding upon it, where is the guarantee that Karnataka is going to honour the advice given by the Supreme Court under 143, although the Supreme Court can give its advice? Where is the guarantee that Karnataka is going to honour its advice? Will they pass another law declaring that what the Supreme Court has said is wrong, in view of the fact that this Order was passed on the advice of the Supreme Court?

Therefore, the Central Government had a very clear option. I am making this suggestion to the hon. Minister that it is not too late even now. They had the power to issue an executive order under the power given to them under Entry 56 directing Karnataka to implement the Award.

Madam, according to the Central Government there is no need even to notify the Award. The Award becomes binding immediately. The moment the Award is given the Award becomes binding immediately. So here you have a situation that the Supreme Court directs the Tribunal to give an Interim Award, the Tribunal gives an interim Award, the Tribunal is constituted by the Central Government, and here Karnataka says that it will not listen to what the Supreme Court says, they will not listen to what the Tribunal says, they declare themselves as a Sovereign, Independent State, free of the Union of India and Karnataka is just nullifying the Order of the Supreme Court and the Tribunal. and the Centre is just a silent spectator. Madam, instead of enforcing the law of the land, it is just passing on the buck to the Supreme Court. (Time bell rings).

My points of clarifications are: First of all, I would like to ask the hon. Minister, is it a fact that the Attorney-General was consulted on the Ordinance passed by Karnataka? And is it a fact—I want a very * specific answer—that in the opinion of the Attorney-General and the law officers of the Government the Ordinance issued by Karnataka is illegal, unconstitutional and nobody is bound to follow it.

6.00 P.M.

We want a clear answer on that, Madam. I do not want any ambiguity on the issue. Secondly, in the opinion of the Government, is it that the Interim Award is binding on Karnataka because when we were talking about it to various people, when we were asking for the Award to be notified before Karnataka, passed the Ordinance, we were told that there is no need to notify it because it takes effect immediately. There is only a need to notify the final award. And the Interim Awards have been passed under Direction 142... (Time bell rings) I have two more clarifications. Under 142, the direction given by the Supreme Court has a far greater enforceability than the advice rendered by the Supreme Court, which may be under 142 which they now asked for. Therefore, in that view of the matter, is the Award of the Tribunal binding on Karnataka or not? Thirdly, does the Central Government have the power to issue an executive order to Karnataka because the stand of the Supreme Court is very clear. They " give the direction. Fourthly, what is the view of the Government, specifically on the Ordinance issue by Kar-L nataka? Finally, Madam, in the opinion of the hon. Minister, how long will the Supreme Court take to give its advice under 142? There is no time limit set to this at all. And the question is, if it takes months, then the whole purpose of constituting the Tribunal will be completely lost because the time would have passed for the cultivation of the crops and Karna-

taka would have achieved its purpose by adopting every dilatory tactic. Thank you, Madam. I just wanted to say that I strongly condemn the attitude of the Government because it has failed in its mandatory duty to act under the Inter-State Water Disputes Act.

THE DEPUTY CHAIRMAN Shri G. Swaminathan.

SHRI S. K. T. RAMACHANDRAN
(Tam:1 Nadu): Madam... (Interruptions)

THE DEPUTY CHAIRMAN: I am calling your name later on. Let Mr. Swaminathan speak.

SHRI G. SWAMINATHAN (Tamil Nadu): Madam, I just wanted to say that we are disappointed about the attitude of the Union Government. After the Tribunal has given the Award, we wanted the Union Government to intervene in the matter, and if necessary to gazette the order at least to issue an executive direction to the Karnataka Government to implement the order. But instead...

THE DEPUTY CHAIRMAN: You kindly speak into the mike because I don't think you can be heard.

SHRI CHATURANAN MISHRA (Bihar):
The voice of Tamil Nadu should be heard clearly by everybody.

SHRI G. SWAMINATHAN: The Union Government, instead of taking a clear stand on the matter, thought it fit to represent the matter to the Supreme Court. And we are thoroughly disappointed by the attitude of the Central Government. And we feel that the Government has become so indecisive that they cannot take any firm action. Most probably, politically they find that the position is not very interesting to them in the sense that Karnataka is ruled by the Congress and it is known that we are also an alliance party to the Government. But,

[Shri G. Swaminathan] Madam, political decisions could not be made under this Inter-State Water Disputes Act. As has already been said, for 27 years the discussions went on. Bipartite and tripartite talks went on. And after the breakdown of these talks only, we went to the Tribunal. And after we went to the Tribunal, the Tribunal has given an order. I find, Madam, very strange the statement issued by the Minister. Nearly three questions have been asked by the Minister. I wish to read one question which is about the Ordinance and the provision thereof. 'Is it in accordance with the provisions of the Constitution?'

Madam, the Minister of State for Commerce, Mr. P. Chidambaram has issued a statement to the press and I have a copy of the statement of the hon. Minister wherein he says: "[w]e have shown copies of the letters written by the Chief Minister of Karnataka and the Chief Minister of Tamil Nadu as well as the legal advice received by the Government." After going through the papers, that is, the papers of the legal advice given to the Government, I understand that the Minister has clearly stated that it is unconstitutional. "After going through all these papers, I made it clear to the Prime Minister that in my view, the Ordinance promulgated by the Government of Karnataka was plainly unconstitutional and void." This is what one Minister, a very important Minister, Mr. P. Chidambaram states in his statement. And after this has been clearly stated by the law officers and also by the Minister to whom the Prime Minister has referred, the Government has come to refer the matter to the Supreme Court. I do not know why they should refer to Supreme Court for advice on this matter, and even if the advice is given by the Supreme Court, it is not going to be binding either on Karnataka or on Tamil Nadu. Again, Karnataka Government will take upon themselves and protest against the advice given by the Supreme Court.

The second point which I want to raise is very important, and that is regarding the Constitution. I wish to read a paragraph from what Mr. H. M. J. Seerwai has stated in the second edition of the Constitution of Law of India: "On well-settled principles of international federal laws relating to waters of international and Inter-State rivers, no State can claim exclusive ownership of such waters so as to deprive the other States of their equitable rights. In respect of waters of an Inter-State river, no State can effectively legislate for the beneficial use of such waters, first because its legislative power does not extend beyond the territory of the State, and secondly, because quantum of water available to each of the States depends upon equitable sharing of the States." He mentions again: "It is for these reasons that Inter-State rivers and river valleys are mentioned in Entry 56, List I, Schedule 7 and determination of the disputes relating to them is provided under article 268/262." It is axiomatic that this is the position of Inter-State waters and it is very clear to everybody, even to a person who is not a lawyer, that this matter is unconstitutional and it is not necessary for the Government to take it up to the Supreme Court for opinion.

Madam, whereas the order of the Tribunal constitutes a report and a decision within the meaning of section 52 of the Act, I wish to submit that under the order passed by the Supreme Court dated 26-4-91, the State of Karnataka committed to the jurisdiction of the Cauvery Water Tribunal, filed documents and also argued its case through a counsel. No objection[^] regarding jurisdiction of the Tribunal^{*}, was raised by the State of Karnataka before the Tribunal subsequent to the order of the Supreme Court. It is only after the present order was passed by the Tribunal on 25-6-91 that the State of Karnataka is raising untenable objections and also promulgating an ordinance on this matter.

Thirdly, it is very strange because the Minister himself replied to a question in the Rajya Sabha. On the question: whether the order of the Tribunal is required to be published by the Central Government in order to make it effective, my esteemed colleague, Mr. Narayanasamy, asked a question on the 26th for which the Hon. Minister for Water Resources replied. The question was: "If so, what action Government of India is proposing for implementation of Water Tribunal Act and ask the Government of Karnataka to implement the award" for which the Minister stated: Tribunal has laid down that that the order is to be effective from 1st July 1991; Notification of the order is not considered necessary to make the order effective. This is the answer given by the hon. Minister. And after this answer, I do not know why the hon. Minister is again raising the question.

Coming to my last point, whether Water Tribunal constituted under this Act is competent to grant an interim relief to the parties to the dispute, I wish to State, the Supreme Court by its order dated 26-4-91 held that relief prayed for by the Tamil Nadu Government clearly comes within the purview of the disputes referred to the Tribunal by the Central Government under section 5 of the Act. This finding of the Supreme Court is now being questioned by the Karnataka Government. It is binding on the Karnataka Government.

It is very clear from all these facts that it is quite unnecessary and it is against the interest of the people of Tamil Nadu and is prejudicial to the interest of Tamil Nadu that the Union Government thought it fit to refer the matter to the Supreme Court.

Finally, I ask one thing. Suppose the interim order is now referred. In fact, they have referred the Ordinance also. I only want to know when the advice of the Supreme Court will be received. They have to serve notices to the States and then everybody would represent. It may perhaps take

months before they give their advice, and we will not be able to complete our agricultural operations. It is said that there is enough water in Mettur and Krishna Sagar Dam but that will not be sufficient for our second and third crop. We were so nappy when the interim award came but now Tamil Nadu is disappointed. I want to know whether it will be expedited. We met hon. President yesterday who said that within a month advice will come from Supreme Court. But he only expects it. I want, to be clear whether this advice will be received within a month's time so that people of Tamil Nadu will know the real position. I can't express my disappointment and disillusionment with the Union Government for referring this matter to the Supreme Court, I request the Government to take a decision on this matter.

श्रीमती सुषमा स्वराज : (हस्त्रियाणा) आप सबको बुलाएंगी यह आपका निर्णय है ही क्योंकि बिजनेस एडवाइजरी कमेटी के निर्णय से हाऊस ने एक अलग निर्णय लिया है। लेकिन बेहतर यह होगा कि आप दोनों चीजों में एक संतुलन जरूर बैठा लें। एक ही दल के लोगों को एक साथ बुलाने के बजाए पहले अलग अलग दलों के लोगों को बुला लें फिर कांग्रेस के जितने मर्जी आप बुलवाती रहिए।

उपसभापति : जो मेरे पास लिस्ट आई है मैं उसी हिसाब से जाऊंगी।

श्रीमती सुषमा स्वराज : इक्वटा प्वाइंट आफ न्यू आ जाए, दोनों चीजों का संतुलन हो मैं यह कह रही हूँ आप एक को भी न बुलवाइये यह नहीं है, आप सबको बुलवाइये, लेकिन सभी दलों के लोगों को एक एक बार बुलवा लें तो फिर बाकी जो सेकंड राऊंड है उसमें सबको बुलवा लीजिए।

THE DEPUTY CHAIRMAN: I am going to go according to the list which I have received.

श्री बलुरामन मिश्र : नहीं तो जैसे नाम दिये गये हैं वैसे बुलवा लीजिए।

उपसभापति : जैसे नाम दिये गये हैं वैसे ही बुला रहो हूँ । जिस टाइमिंग से नाम आये हैं उसी लिहाज से बुलवा रहा हूँ ।
I agree with your suggestion. But we will not change the convention.

SHRI V. NARAYANASAMY (Pondicherry): Thank you for giving me the opportunity. The Ordinance promulgated by the Government of Karnataka dearly shows that they are vindictive! towards Tamil Nadu and my State. Pondicherry, and they are not willing to settle the dispute that is existing.

SHRI CHATURANAN MISHRA: Use sober language. Why create heat here? Water is not flowing here. Let us be calm and cool. Moreover, it is the Upper House and you are supposed to be an elder. Let us have a cool discussion.

SHRI V. NARAYANASAMY: I am very politely speaking.

THE DEPUTY CHAIRMAN: He is in turbulent waters and the House is getting drowned every day in Cauvery.

SHRI V. NARAYANASAMY: Madam, the reason is that the Krishna-raja Sagar Dam is overflowing and they could not store the water. Therefore, the overflowing water is washed away everyday. That is the trouble.

The Karnataka Government was dillydallying right from '72. It is a known fact to everybody. Several Chief Ministers had discussions, and ultimately, even the case which was filed by the DMK Government was withdrawn in 1974. Then, it is not on the direction of the Central Government or the State Governments that the Tribunal was appointed. The Tribunal was appointed on the finding given by the Supreme Court. Only on the basis of the finding given by the Supreme Court, the Central Govern-

ment acted and the Tribunal was appointed when the V. P. Singh Government was in power. The interim award was also passed only on the intervention of the Supreme Court. Therefore, the Central Government has, right from the beginning, shirked its responsibility. I would like to say that the matter that have been referred by the Central Government to the Supreme Court were all issues that have been decided by the Supreme Court earlier. I would like to ask whether the Water Dispute Tribunal constituted under the Act is competent to grant any interim relief to the affected parties. This issue arose before the Tribunal. The Tamil Nadu and the Karnataka Government have agitated relating to that point. Both the Tamil Nadu and the Pondicherry Governments wanted an interim relief by way of an award by the Tribunal. It was objected to by the Karnataka Government saying that the Tribunal has no authority or Jurisdiction to pass an interim award. Then, the matter was referred to the Supreme Court. The Supreme Court gave the ruling that the Tribunal has the power and authority to pass an interim award when the Authority was constituted under the Inter-State Water Disputes Act. Then, what is the necessity to refer the same point to the Supreme Court which has already been decided by it? I would like the Water Resources Minister to clarify this. What is the necessity for referring it again to the Supreme Court when it has already given its judgement on it?

The second point is about the notification of the award. There are two conflicting views on this. According to the Inter-State Water Disputes Act, section 5, the Central Government shall—it is mandatory on the part of the Central Government—publish the decision of the Tribunal in the Official Gazette. The decision shall be final and binding on the parties to the dis-

pute and shall be given effect to by them. Therefore, Madam, this is a mandatory provision which empowers the Central Government to publish the interim award. Whether it is award or interim award, the decision which was given by the Tribunal should be accepted. Then, there is another provision, section 6.. Mandatory obligation on the Central Government to publish. There is no specific timeframe for publication of the award. The normal time is three months. But the Central Government has not exercised this power by notifying the award. It says that if this is notified, it is binding on the parties, the parties to the dispute. What is happening because of this? The Karnataka Government is buying time and is not allowing Tamil Nadu and my State to get water as per the terms of the interim award. If the matter is referred to the Supreme Court now, we are afraid that it will take another twenty years. Look at the conduct of the Karnataka Government. Mr. Chaturanan Mishra objected to my using the word 'vindictiveness'. I am justifying why I said that Karnataka Government is vindictive towards Tamil Nadu and Pondicherry. Look at the Ordinance which they have promulgated. It has got overriding powers. All decisions, orders, awards, everything, can be nullified by this Ordinance. Can a State Government promulgate such an Ordinance which can override even Supreme Court Judgements, even the award given by the Tribunal? You can see the greediness with which the Karnataka Government is functioning. They do not want to see Tamil Nadu and Pondicherry to get even a single drop of water. That is their policy.

* SHRI K. G. MAHESWARAPPA (Karnataka): We are not stopping the flow.

SHRI V. NARAYANASAMY: If you could stop the flow, you will do it. But you cannot do it. Your dams will burst.

My point is, with due respect to the decision of the Central Government, the points which have been raised in the reference to the Supreme Court, have already been answered by the Supreme Court. Therefore, there is no necessity to refer the same to the Supreme Court again. The hon. Minister should clarify this.

Then, Madam, there was a *bandh* in Tamil Nadu and Pondicherry which paralysed the entire system.

SHRI HANUMANTHAPPA (Karnataka): In Karnataka also.

SHRI V. NARAYANASAMY: In Karnataka, normal functioning was there. In my two States, Madam, the people...

THE DEPUTY CHAIRMAN: How can you say 'in my two States'? Only one State.

SHRI V. NARAYANASAMY: In my State also, there was a *bandh*. In Karnataka, on the other hand, the *bandh* fizzled out. The State Government wanted support, but the people did 'not respond. Therefore, it is a clear indication of the people's feelings.

SHRI H. HANUMANTHAPPA: Elders should have responsibility.

SHRI V. NARAYANASAMY: I speak with responsibility.

SHRI H. HANUMANTHAPPA: You are not an elder.

SHRI V. NARAYANASAMY: You must show reciprocity.

Madam, one should understand the feelings of the people of Tamil Nadu and Pondicherry. This is the season for raising crops. If water is not released by Karnataka, we will be losing more than Rs. 500 crores in a month for which the Central Government is responsible.

THE DEPUTY CHAIRMAN: Dr. Ratnakar Pandey. He is not here Shri Sukomal Sen.

SHRI SUKOMAL SEN (West Bengal): Madam, we are fixed with a very sad and painful episode. For the last few days, the country is witnessing very unseemly things. Within the precincts of Parliament, Members belonging to the same Party are attacking each other on this Cauvery water dispute. And that was unexpected. When the Government ultimately referred the matter to the Supreme Court, we find with astonishment that four Ministers from Tamil Nadu in the Central Government are taking contrary stand. Two Ministers have welcomed it, one is silent and the fourth one who is also a member of the Council of Ministers at the Central level, has openly condemned it. This is what we are confronted with. This is a new problem. This dispute has been continuing since 1974 when the 1924 Agreement between the Madras Presidency and the Mysore State Government expired, but since then the Government—at the time the Congress Government was in power—did not take any effective steps to solve the dispute.

Already we are witnessing rise of separatist and chauvinist forces in different parts of the country. This attitude of the Government in regard to the Cauvery water dispute is further opening up new areas of chauvinism and separatism. The symptoms are already there inside the Parliament and the Central Cabinet. I condemn this whole episode and attitude of the Government and also the behaviour we are witnessing from the people who are taking interest in this dispute.

Now the Government has referred the matter to the Supreme Court. But Madam, in our Constitution there is a provision for forming Inter-State Councils. Why was that provision not implemented by the Congress Government? When Shri V. P. Singh came to power, his Government formed Inter-State Council. Secondly, when the Tribunal has given an interim order, what action has the

I Government taken for bilateral solution of the dispute even after the interim order was given by the Tribunal? Did they try to refer the matter to Inter-State Council to solve the dispute? Did they try to discuss with the concerned parties to solve the dispute? Did they have any round-the-table discussions with the concerned parties? They have not made any attempt. I would like to know why they have not made any attempt.

Again, while referring the matter to the Tribunal, was there any provision for issuing an interim order by the Tribunal? If so, is the interim order binding on all the parties? That point has to be clarified by the hon. Minister.

Another question raised by the hon. Member is, now that the matter has been referred to the Supreme Court, has the Government any time-frame within which the Supreme Court has to make its award? The other relevant point is, if even then the dispute continues, what does the Government contemplate to tackle the situation?

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): Madam, it appears that the Central Government is shirking its responsibility and transferring the burden to the Supreme Court. When the interim award is there, the State Government is not implementing it. Similarly, if the Supreme Court gives an award and any State Government does not implement it, what steps the Central Government going to take to get the award implemented? Will it send the -CRPF, Border Security Force or * Army to draw water from Karnataka which is in the upper stretch? I am saying this because it is not the first time, similar problem arose on Telugu Ganga also. When Mrs. Gandhi laid the foundation stone for Telugu Ganga, all the three Chief Ministers of Karnataka, Maharashtra and Andhra Pradesh were present. The then Chief Minister of Madras, Shri M. G. Ramachandran, MGR, handed over a cheque of Rs. 25 crore to Shri

N. T. Kama Rao, Chief Minister of Andhra Pradesh. Later the Karnataka Government picked up the quarrel in regard to sharing of the river Krishna water.

SHRI H. HANUMANTHAPPA: There can be a separate discussion on this.

DR. YELAMANCHILI SIVAJI: It is inter-connected.

SHRI MIGA R. GANESAN (Tamil Nadu): He is talking of the Karnataka Government's attitude.

THE DEPUTY CHAIRMAN: It reminds me of the quotation, "Water water everywhere, not, a drop to drink." Everybody is coming out with water problem.

DR. YELAMANCHILI SIVAJI: As far as Telugu Ganga was concerned, it was agreed upon to share the Krishna river water as per the Bachawat Tribunal award. **All** the surplus water in the river Krishna... (*Interruptions*).

THE DEPUTY CHAIRMAN: We are discussing still Cauvery.

DR. YELAMANCHILI SIVAJI: It is connected with that problem.

THE DEPUTY CHAIRMAN: No, it is not connected. I wish it was.

DR. YELAMANCHILI SIVAJI: Same issue, same problem—inter-State water problem. ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: You can discuss a National Water Grid Scheme, if you like.

DR. YELAMANCHILI SIVAJI: So, as per the Bachawat Tribunal, Andhra Pradesh is entitled to enjoy the surplus water because Karnataka is at the upper stream. But, at **the** same time, they are not prepared to allow the water to go into Telugu Ganga so that it can be utilized for the drinking purposes of Madras city. Likewise, Karnataka is picking up quarrels with each and every State on sharing of river waters. ... (*Interruptions*)...

SHRI H. HANUMANTHAPPA: I am on a point of order. Actually, the House is discussing the statement of the Minister on Cauvery. If you enlarge it into Krishna, Godavari, Narmada and all the rivers, there our attitude is totally different. ... (*Interruptions*) ... Mrs. Jayanthi Natarajan should remember that without permission Mr. N. T. Rama Rao went ahead with Telugu Ganga... (*Interruptions*) ... I have no objection to discussing Telugu Ganga. If it is enlarged, then the Minister should be ready to answer questions. I am prepared for a discussion on Telugu Ganga. ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Order, order. Honourable Members, please take your seats. We are not discussing the quarrel of Karnataka with anyone else. We are only discussing the Cauvery waters. So, confine yourself to Cauvery only.

SHRI R. S. NAIK (Karnataka): You are going out of the way.

THE DEPUTY CHAIRMAN: Question only about Cauvery. Otherwise it won't go on record. Until and unless the word "Cauvery" comes; I won't allow it.

DR. YELAMANCHILI SIVAJI: Unfortunately, the funniest part of **the** Central Government is that they are sitting pretty. Not only are they sitting pretty but they are also opening fresh quarrels amongst the various States in the settlement of inter-State water disputes. For example, the Bachawat Tribunal award was binding on all the States, as far as Krishna waters are concerned, up to 2000 A.D.

THE DEPUTY CHAIRMAN: Cauvery!

DR. YELAMANCHILI SIVAJI: As for example.

THE DEPUTY CHAIRMAN: Give for example, only Cauvery. ... (*Interruptions*)... Shri" Chaturanan Mishra. Dr. Sivaji, you are changing your track. So I am allowing Mr. Chaturanan Mishra.

DR. YELAMANCHILI SIVAJI: So I would like to seek some clarifications from the honourable Minister.

SHRI R. S. NAIK: You are confused,

DR. YELAMANCHILI SIVAJI: I am not confused; I am very firmly on the ground. Madam, I would like to know from the honourable Minister, these few clarifications: How much time does it take for the Government to see that issues that are already settled are not reopened, as far as the inter-State water disputes are concerned, whether it is Cauvery, Krishna or some other river? What steps have been taken by the Government to see that the proposal of linking Ganga and Cauvery is implemented? Unless that is done, it is not possible for the Union Government to solve small problems like Cauvery and others. Madam, I would like these points to be clarified. Thank you.

THE DEPUTY CHAIRMAN: Actually, the debate is overflowing into many rivers!

श्री चतुरानन मिश्र : उपसभापति महोदया, रीवर वाटर का सवाल अपने देश में टेढ़ा होता जा रहा है वैसे पानी का सवाल तो बहुत संवेदनशील है, लेकिन मैं इस सदन के लोगों से अपेक्षा करूँगा, जोकि काउंसिल ऑफ स्टेट्स के हैं, कि इस पर ऐसा हंगामा खड़ा किया जाय कि जल का विवाद जन-विवाद में बदल जाय... (व्यवधान)... जनता में टकराव हो जाये। अब जैसे बन्द का काल दिया, आगे सेंट्रल का मिनिस्टर किसी कार्यक्रम में जाये तो उसके साथ मिलना जुलना नहीं और कल को कहेंगे कि 'बीसा' होगा तभी स्टेट में जा सकेंगे। जब तक स्टेट गवर्नमेंट 'बीसा' नहीं देगी तब तक वह नहीं जायेगा। आखिर यह कहा हो रहा है, इसका सभी को ध्यान रखना चाहिये और पहली कोशिश तो यह होनी चाहिये कि इस पर ठंडे दिल से विचार करें।

मैं चाहूँगा कि इस पर जल्द से जल्द निर्णय लिया जाय क्योंकि खतो बर्बाद होती है। जहाँ तक यह मामला सुप्रीम कोर्ट को देने का सवाल है, दिया तो जाता है, लेकिन एक सवाल बहुत टढ़ा होगा। कि अगर सुप्रीमकोर्ट के फैसले के वक्त भी दो सरकार नहीं मानेंगी और इसी तरह लड़ाई लड़ेंगी तो सुप्रीम कोर्ट की भी प्रतिष्ठा चली जायेगी। अब हर जगह हम लोग आर्मी भर्जेंगे तो बड़ा मुश्किल होगा। फिर यह देश कैसे चलेगा। इसलिये हमारा खयाल है, कि माननीय सदस्य सुकुमल सेन जी ने जो सुझाव दिया है कि इंटरस्टेट कोन्सिल की बैठक बुलाकर के उसमें जल्द इस पर कोई निर्णय निकाला जाय, ठीक है प्रधानमंत्री जी को चाहिये कि दोनों चीफमिनिस्टर को बुलाकर कम से कम बात तो कर लें और सभी पोलिटिकल पार्टियों के लोगों को बुलाकर भी बात करनी चाहिये थी कि वह क्या कहते हैं और कैसे ठंडे दिल से इसका हल निकाला जा सकता है। अब कांग्रेस पार्टी के डिसेपिलिन के बारे में तो कुछ कहना है। हमारे बुते में तो नजर नहीं है:

श्रीमती जयंती नटराजन (तमिलनाडु)।
मैंने सोचा आप बोण्डेड लेबर कह देंगे। जब आप डेमोक्रेसी की बात करते हैं... (व्यवधान)...

श्री चतुरानन मिश्र : हमने कहा कि आपकी पार्टी के डिसेपिलिन के बारे में हम नहीं बोल सकते। आप बोण्डेड न रहिए वह आपकी बात है। (व्यवधान)

SHRI SUKOMAL SEN: We are happy.

SHRI CHATURANAN MISHRA: I am not at all happy. It is the ruling party at the Centre.

THE DEPUTY CHAIRMAN: Please, no interruptions.

तो एक हमारा यह है। दूसरा, हमने कई बार कहा इस सदन में और सरकार ने भी कई बार मान लिया कि वाटर का नेशनल प्रिड कायम किया जाय और उस दिशा में हमको बढ़ना चाहिये क्योंकि अनेक राज्यों में ऐसा हो रहा है। लेकिन, इसको लिक्विड नहीं करना चाहिये लिगेनाइट से, कोल से या स्टील से। अगर ऐसा कीजियेगा तो बिहार में बड़ा संकट होगा, कहीं कुछ जाने ही नहीं देंगे।

श्री सुकोमल सेन : बिहार तो बहुत सख्त है। .. (व्यवधान)...

श्री चतुरानन मिश्र : नहीं, हमारे पास बहुत वाटर है।

श्री सुकोमल सेन : इसलिये तो देना पड़ेगा।

श्री चतुरानन मिश्र : हम देने के लिये तैयार हैं। अगर वह पानी चाहते हैं तो बिहार देने को तैयार है। लेकिन ले जाना पड़ेगा अपने कंधों पर, हमारे कंधों पर नहीं। असम भी बहुत दे देगा (व्यवधान)...

श्रीमती विजया चक्रवर्ती (असम) : अभी कुछ भी नहीं देंगे। ...

श्री चतुरानन मिश्र : आप नहीं देंगे? चलिए, एक तो वहां पर अगस्त मुनि की संज्ञा है, जो न देने को तैयार है। लेकिन, हमारा ख्याल है कि इसको ठंडा दिल से बैठकर तय करना चाहिये। सेंट्रल गवर्नमेंट की यह नेगोसिजेंस है कि जब सब कुछ हो जाता है तो उसके बाद एक स्टेटमेंट लेकर आ जाते हैं। बुलाकर, बात करके प्रधानमंत्री जी को कुछ करना चाहिये। ऐसा हमारा कहना है।

THE DEPUTY CHAIRMAN: Shri S. K. T. Ramachandran.

SHRI S. JAIPAL REDDY: What about Janata Dal. Madam?

THE DEPUTY CHAIRMAN: Slowly it is coming.

SHRI S. JAIPAL REDDY: You go by the parties mentioned.

THE DEPUTY CHAIRMAN: I do not go by parties, I am sorry. You do not know the tradition. Whichever way the number comes according to time, we go by that. If anybody is more active, he will come early. First come first served.

SHRI S. K. T. RAMACHANDRAN: Madam, I am very much thankful to you for giving me this opportunity.

Water is not produced or provided by any Government. It is the bounty of nature as mother's milk. Nature's bounty should be shared with large heart and love. Water is not a football to be tossed, hit and thrown as the please. The painful Cauvery is now shouting and crying while we are discussing the issue now.

Coming to the point, the grievance of the Karnataka Government is that the Tribunal has no power to issue an interim order. I think that that is the bone of contention in this matter. The Karnataka Government could have challenged this interim order of the Tribunal. Why did the Karnataka Government not seek a judicial remedy to stay the Tribunal's interim order? That is the question. The Minister should have got some explanation for it. I think that Karnataka's case is weak. So, they might not have gone for that.

Secondly, Madam, since the dispute is going on for a long time, there should be a settlement immediately. Somebody said that the dispute was there for the past twenty years. That is not correct, Madam. The dispute is there for the past 65 years. So, we cannot expect a very amicable solution soon for such a long dispute. Anyhow considering the significance of this particular issues the Government should seek quick remedies. Otherwise I fear this will lead to some chaos. If such disputes

[Shri S. K. T. Ramachandra]

are not settled, chauvinistic elements will take such issues in their hands and that may lead to disunity or disintegration of the whole country. So, in this background also we should consider the issue.

I would now like to seek a clarification. My first clarification is: has the Government stipulated any time limit while referring this issue to the Supreme Court so that the Supreme Court quickly gives some orders that could help the Central Government to settle the issue? With these words I conclude.

SHRIMATI BIJOYA CHAKRAVARTY: It is very unfortunate that the two States have to go to a war path to have a share of water in a river. But the most unfortunate part of this is that the Central Government, which was formed here more than a month ago, waited for a month. I have nothing to say on whatever decision it has taken, but the delay has led the situation to a very dangerous course. Because of the delay both the States are calling *Bandhs* against each other. So, I think if proper action was taken at a proper time, the situation would never have come to this point.

My second point is: did the Central Minister talk to the Chief Ministers of both Karnataka and Tamil Nadu before referring the issue to the Supreme Court? What prompted the Central Government to go to the court at this juncture? This is a dangerous situation and this creates a bad precedent. Moreover, the delay harmed the Centre-State relationship. That worries me the most. From yesterday's papers I came to know that the Tamil Nadu Chief Minister, Jayalalitha decided to call a meeting of the Chief Ministers of the States to have a discussion on the ruling of the Central Government. I think there is a Constitutional question also in this. I do not know in which way the hon. Minister is going to deal with the situation. It is our

hope that the hon. Minister will try to ease the situation and stop the tension between the two States.

SHRI H. HANUMANTHAPPA: Unfortunately, Karnataka has been painted by both Tamil Nadu and ^ Andhra as a quarrelsome State. Actually I wanted to limit myself only to the clarifications, but I seek your indulgence. Some of the distorted facts have come to the record. So, I want to set the record straight. Karnataka is not at all a quarrelsome State. Now, what is the State of Karnataka? Let us study the Cauvery Basin. Cauvery Basin area is 34,000 square kilometres in Karnataka, 2,866 square kilometres, in Kerala. 43,868 square kilometres in Tamil Nadu and 148 square kilometres in Pondicherry. Total area is 81,000 square kilometres. Percentage of Karnataka is 42.2, of Kerala 3.5, of Tamil Nadu 54.2 and of Pondicherry 0.1. Our contribution of water to the Cauvery is: Karnataka 425 t.m.c., Kerala 113 t.m.c., Tamil Nadu 252 t.m.c., Total 790 t.m.c.

THB DEPUTE CHAIRMAN: And Pondicherry?

SHRI H. HANUMANTHAPPA: Pondicherry is not contributing anything. It is only a drinking man and it makes so much noise. Not a single paisa is its contribution.

THE DEPUTY CHAIRMAN: It is lucky. For you that he is not here.

SHRI H. HANUMANTHAPPA: The number of taluks under drought in the Basin is 28. Other Members have argued for developing the area. They said that the weakest man, the most backward area should get priority. The hon. Member, Mr. Chaturanan Mishra coming from Bihar would have certainly supported me but he is not here at the moment. So 28 taluks in the Cauvery Basin of Karnataka are under severe drought where as only 14 taluks of Tamil Nadu are under drought. It is almost double the number of taluks which are under severe drought in the Cauvery Basin of Karnataka.

The area under drought in Cauvery Basin of Karnataka is 21,870 square kilometres. But we are not using the water. The area under drought in Tamil Nadu is 12,719 square kilometres.

SHRI M. PALANIYANDI (Tamil Nadu): You come to the acreage point also.

SHRI H. HANUMANTHAPPA; I am coming to that.

SHRI M. VINCENT (Tamil Nadu): Then, why are you constructing reservoirs?

THE DEPUTY CHAIRMAN: Don't interrupt him. I am not permitting any interruptions.

SHRI M. VINCENT: * THE DEPUTY CHAIRMAN: It will not go on record.

SHRI M. VINCENT:

THE DEPUTY CHAIRMAN: Let him speak... (*Interruptions*) .. It is entirely up to the Chair to decide about it. You should lower your voice. Please behave, well in this House. You are not sitting in Tamil Nadu somewhere near the Cauvery Basin. You are sitting in the Rajya Sabha which is supposed to be a very senior House, House of Elders. So please lower your voice. I can hear you without making it very loud. I will not allow anybody to interrupt him. He has a right to defend his case. Similarly, you have a right to put your case. He never interrupted anybody. So let him speak. Why are you getting agitated?

SHRI M. M. JACOB: He is comparatively young.

THE DEPUTY CHAIRMAN: I agree he is comparatively young but he is supposed to be an elder Member because he is a Rajya Sabha Member.

SHRI H. HANUMANTHAPPA: Vadam, I have all respect for my friend, Mr. Vincent. I only wanted to

*Not recorded.

wash the paint on our State which has been painted as "quarrel some" Karnataka and taking away water o everybody." Unfortunately the Leader of the Opposition came just now. That is the situation. I have been painted as "quarrelsome". I have just now given the facts and figures. This House has witnessed as to who are quarrelsome. It is not Karnataka which is quarrelsome but it is somebody else... (*Interruptions*) ...I have to answer my young friend, Mr. Vincent. He said "Why are you constructing reservoirs? With whose permission are you constructing them?" That was an agreement of 1924.

SHRI M. VINCENT: Madam, may I know whether my speech is on record or not?

THE DEPUTY CHAIRMAN; I will see the record, it was not a speech.

SHRI M. VINCENT: He is replying to my point. So I wanted to know whether it is on record or not.

THE DEPUTY CHAIRMAN; It was not a speech. It was an interruption.

SHRI H. HANUMANTHAPPA: X am not answering anybody. I am making my point,

The agreement of 1924 has been referred to by my previous speakers. They said that W is sacrosanct, it is the *Gita*, it is the Bible, it is the *Quran* and it everything.

SHRI SUKOMAL SEN: How can it be sacrosanct?

SHRI H. HANUMANTHAPPA: I will tell you. They have referred to the agreement. They have said that the agreement still exists and only two clauses are to be interpreted. That was their argument. You were not present that time.

SHRI SUKOMAL SEN; I was present.

SHRI H. HANUMANTHAPPA: That agreement was reached between the British Governor sitting in Madras and the subordinate Resident sitting in the State of Mysore.

[Shri H. Hanumanthappa]

The subordinate Resident was working under a top boss at Madras. That was the agreement between the two unequalst the superior and the inferior. There was a condition that we should not start construction of any projects. The Governor was sitting in Madras under the British India period. A subordinate Resident was sitting in the small State. He had ordered "don't construct any projects." Is it binding even after 1927?... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Please do not interrupt him. Let him speak.

SHRI M. VINCENT: *

THE DEPUTY CHAIRMAN: I do not know why from the British period you are going to pre-historic period. It will take a lot of time if we start that. So let us come back to the present.

SHRI H. HANUMANTHAPPA: Madam, that agreement, supposed to be one, itself has a clause that after 50 years, the whole thing will be reviewed. After 50 years, Karnataka started saying, "Come on, let us sit across." My friends have vehemently stated that negotiations have failed 27 times. But out of these 27 times, how many times have they refused to come to the table? It is on record. Even today, what is the attitude of the Chief Minister of Tamil Nadu? My friends even now say, "Call them. Sit with them." But they say, "No. We are not going to come. Implement the order."

Madam, Karnataka has planned certain projects. Hemavathy, Kabini, Cauvery. Harangi and Krishnarajasa-gar. All these projects totally included, even including the projects that are going to be completed in the further 20 years, the total amount of water that we can impound is only 160 tmc wherein our contribution is 425 tmc of water. Where is the justification? We want to develop a

*Not recorded.

drought-affected area, 28,000 kilometres, in the Cauvery Basin. Water goes from my land, water goes in my J street, but I have not been able to irrigate my land. This is the situation. We want to develop our land. To develop that land, up to 28 lakhs of acres, we want only 160 tmc of water. We have planned to store only 160 tmc of water. And 425 tmc of water is our contribution. Yes, it is an inter-State river. We do not want to stop it.

THE DEPUTY CHAIRMAN: Now, will you please ask your questions?

SHRI H. HANUMANTHAPPA: Yes, Madam. I am coming to that. Because I was standing painted as a criminal, I just wanted to clarify.

We wanted to develop that. Even after the completion of all these things, we will impound only 160 tmc of water. The other waters will go on. Even today, my friends showed 'The Hindu' to say that there is so much of water. All these waters are going to Tamil Nadu. We cannot hold them also because our tanks will break. We are sending that water o

SHRI M. PALANIYANDI: Madam, with your permission I would like to say this. Even though there is ample water—there was heavy rain there—they are not letting the water in all anicuts. That is the pity. Today's 'The Hindu' reads, "In the northern side of the gardens, the entire portion near the pond lies submerged...". Even today, lands are submerged, but they are not letting the water go. JJ

THE DEPUTY CHAIRMAN: Please do not interrupt. Let him speak. *(Interruptions)*. This is not the way. please. Let him finish. Mr. Hanumanthappa, please ask your questions and let me go on to another party.

SHRI H. HANUMANTHAPPA: I am just framing my questions. Now, a lot of things are being shouted about the arbitration and the interim order.

SHRI V. NARAYANASAMY: Not shouted, spoken.

SHRI H. HANUMANTHAPPA: Shouted and spoken, both. When Mr. , Narayanasamy speaks, it becomes shouting. When others speak, it becomes speaking.

SHRI V. NARAYANASAMY: Mr. Hanumanthappa I s speaking.

SHRI H. HANUMANTHAPPA: Madam, actually it is said that Karnataka is flouting the order of the Supreme Court. Where is the order of the Supreme Court? Where is a court order at all? Is the Tribunal a court? A tribunal is not a court. The order of a tribunal is not binding, I am telling you why. The order of the tribunal has to be followed up by somebody. Some thing has to be done in pursuance of the order of the Tribunal. So, an order of the Tribunal, as it is, is not binding, under the Act.

SHRI V. NARAYANASAMY: Please read section 6.

SHRI H. HANUMANTHAPPA: I have read everything. I will come to that also. The Tribunal order is not binding on the parties as it is, on its own. The Tribunal order has to be followed by somebody else.

SHRI V. NARAYANASAMY: What is that?

SHRI H. HANUMANTHAPPA: I will come to that. Please wait.

THE DEPUTY CHAIRMAN: I think, this somebody is not Narayanasamy.

SHRI H. HANUMANTHAPPA: No, he is not. Our question is, whether ~ this Tribunal has got the power to pass an interim order? Now here in the Act, it has been mentioned. The Tribunal- is a creation under the Inter-State Water Disputes Act, 1956. Nowhere in the Act, it has been mentioned that the Tribunal has got the powers to pass an interim order,

SHRI V. NARAYANASAMY: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: Let the Minister answer. Why should you answer it? You are still not a Minister. Let the Minister answer.

SHRI H. HANUMANTHAPPA: Madam, I know what he wants to say. I will put the same thing before you and he will accept it and I will answer that also. His question is, the interim order is under the direction of the Supreme Court order. That is what he wants to say. The first Tribunal has rejected the petition stating "I have no power to pass any interim order". The Tribunal has rejected it. Again, Tamil Nadu and Pondicherry filed CMPs No. 4, 5 and 9 before the Supreme Court. Then the Supreme Court directed the Tribunal to consider these applications on merits. They have not directed the Tribunal to pass an interim order. There is no direction. I am a lawyer myself. I have gone through the judgments. I have seen that there is no direction. The Supreme Court has said, "you can consider these petitions 4, 5 and 9 on merits." What is the order of the Tribunal on this?

SHRI G. SWAMINATHAN: Is it clarification or what?

SHRI H. HANUMANTHAPPA: As others have sought clarifications in this way, I am also seeking.

THE DEPUTY CHAIRMAN: He is actually clarifying.

SHRI H. HANUMANTHAPPA: The pleadings are not complete. The parties have not placed on record all their documents. These are the preconditions before passing the order. (*Interruptions*). So our question is, when pleadings are not complete, when papers were not before you, when you are not satisfied about the sources of water, the order is unjustified and unimolementable. That is our grouse. Ramachandran raised a very valid point. If the Tribunal order is justified, then why the State

[Shri H. Hanumanthappa] Government of Karnataka is not implementing it? So they are guilty. They have not taken any action. For his information and for the information of the House, the State Government of Karnataka has already approached the Supreme Court and filed an appeal against the order of the Tribunal. (Interruptions).

SHRI G. SWAMINATHAN: Not within 30 days.

SHRI H. HANUMANTHAPPA: It is within the time and it is left to the Supreme Court to decide about the limitation. I need not answer this. If it is not under limitation, it will be dismissed. But the State Government of Karnataka has approached the Supreme Court in an appeal. What does the Inter-State Water Disputes Act say? It says, "The Tribunal shall investigate the matter referred to it and forward to the Central Government a report setting out the facts asked for from it and giving its decision on the matter referred to it. The matters referred to it are covered under the terms of reference." The Tribunal has not sent any report setting out the facts about the matter referred to it or any decision to the Government of India till today. Even the Minister's statement is silent about the report received by the Government. I will read the statement of the Minister. It says: "After the Cauvery Water Dispute Tribunal issued an interim order dated 25th June, 1991, there have been various representations against the order and the issues involved." On the representations, the Government has moved and not on the reference from the Tribunal. The duty cast on the Tribunal is, if it passes an order, if it is a decision under section 5(2), it should refer that decision to the Government for further action. So far, the Tribunal has not referred its decision to the Government of India. When the decision comes before the Government of India, the Government of India has to act within three months

—there is a cooling down time of three months for all the parties— Tamil Nadu, Karnataka, Kerala « including the parties before it. It is on 25th June the Order was passed. We are discussing it on 29th July here...

SHRI V. NARAYANASAMY: You did not raise it for three months.

SHRI H. HANUMANTHAPPA: So within three months the Government and all the parties concerned have a right to refer it to the Tribunal for clarifications. Even that time is not over.

THE DEPUTY CHAIRMAN: Please conclude now.

SHRI H. HANUMANTHAPPA: I am to put a question to the Minister: Is it a reference to the Tribunal asked for as per the terms of reference under Section 5(2)? Is the Report forwarded to the Government of India setting out the facts shown by it and giving its decision on the matter referred to it? This cannot be a decision unless there is a reference of the decision of the Tribunal to the Government of India. In the absence of a reference of the decision the Government cannot gazette it. What all my friends are asking for is to gazette it. If the Interim Order is gazetted, what is it that is coming officially? What will happen? First of all, the Tribunal does not have power to pass an interim order. Secondly, the Tribunal has not referred it to the Government. The Tribunal has not written to the Government of India. It has passed an Interim Order and both the parties are aggrieved. Those who are in favour of it and those who are against it, we have represented before the Government. The Tribunal has not so far done its duty of sending its Report, asking the Government of India to proceed further. That is why I say, the Tribunal is not a Court. Whatever Order it has passed, it is not an Order of a Court. It is not binding as it is on its own.

So unless, whatever the Order, it is referred to the Government, it cannot be gazetted. My friend, Mr. Narayanasamy, has said, "The Central Government shall publish the decision of the Tribunal in the official Gazette and the decision shall be final and binding on the parties in dispute and shall be given effect to by them." And that Section 6 should be invoked by the Government of India. That stage has not come. Section 6 comes only if Section 5 is completed. Section 5(2) is: If a decision is sent by the Tribunal to the Government of India, then the Government of India after three months after satisfying itself can gazette it and then it becomes final and binding...*(Interruptions)* ...

THE DEPUTY CHAIRMAN: Mr. Hanumanthappa, please conclude. I have Mr. Gurupadaswamy to speak ...*(Interruptions)*... Please concluded, Mr. Hanumanthappa. Mr. Gurupadaswamy. ...*(Interruptions)*... Mr. Hanumanthappa, please take your seat...*(Interruptions)*...

SHRI H. HANUMANTHAPPA: Madam, last question. Much has been said that by the ordinance, Karnataka has challenged the federal system, the Constitution, "unconstitutional", this and that. Karnataka is well within its limits to pass its own legislations and those laws are subject to judicial review. If there is anything wrong, let them go for a judicial review and the decision of the judicial review is binding. Finally, Madam, I join with my other friends in saying that there is an Inter-State Water Council, there is a National Water Policy and there are guidelines under that. Even now nothing is lost. Let us not quarrel over these things. With all this, not a single day we have stopped water nor Tamil Nadu has stopped taking water. Not a single acre of crop dried up because of stoppage of water. Every year not a single crop...

SOME HON. MEMBERS: No, ho,

no. That is not correct...*(Interruptions)* ...
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SHRI H. HANUMANTHAPPA: If that was not the case, 28 lakhs of acres of three crops paddy would not have risen in Tamil Nadu...*(Interruptions)*

SHRI V. NARAYANASAMY: Madam, I will take him to the Cauvery Basin and then he will know the position...*(Interruptions)*... Madam, I will take him to the Cauvery Basin. Let him see himself how even for a single crop we are suffering...

SHRI H. HANUMANTHAPPA: Madam, tomorrow the papers will flash Mettur height and then my friend will open his eyes. Lastly, I would appeal to the Government of India to reconsider it. On one side my friend said: There should be an arbitrator. On the other, they say, "Why should they be called to the negotiating table?" Once you say "arbitrator", you should subject yourself to arbitration. The other thing they say, is "No, that is binding. You, should implement the Order." Legally, it is not binding on us. It is not legal. It is not binding on us. Even now I appeal in the interests of the country, in the interest of the federal system, in the interests of "live and let live" policy, and also in the interests of our Tamil Nadu brothers, in the interests of our Kerala brothers, of our Pondicherry brothers, our youngest brothers...

7.00 P.M. I appeal to the Government of India to call all the parties. We are in agreement. We are not holding water. We cannot become Agastya Muni. We cannot hold water. We appeal to the Government to talk to every person concerned.*(Interruptions)*'... Mr. Chaturanan Mishra, it can be referred to the National Water Commission, as Shri Sukomal Sen said,

[Shri H. Hanumanthappa]

if the parties are agreeable to a decision, discussion and solution.

THE DEPUTY CHAIRMAN: Shri Gurupadaswamy. A lot has been said, nothing is left.

SHRI M. S. GURUPADASWAMY (Uttar Pradesh): Madam, there is a popular saying; "When argument fails people resort to shouting." I do not believe in shouting. Shouting is not an answer to solve a difficult and sensitive issue. Emotions have been raised on Cauvery water but I only wish there should not be this hysterical outburst. I also say that there should not be confrontation between States and parties concerned. Confrontation should be avoided at any cost. I do not think Cauvery water problem is impossible of solution. If there is goodwill and understanding on both sides and if there is proper intervention by the Centre, it can be solved. There is no need for acrimony, I do not want to blame any friends here. I can understand their feelings. Madam, the farming community, whether they are in Karnataka or in Tamil Nadu, should be protected; their legitimate rights and interests have got to be safeguarded. While doing so, I only plead with my friends that we should not stray away from realities; we should not stray away from facts. My friend, Shri Hanumanthappa, has given to the House all the figures. I do not want to repeat them. But the truth beyond doubt is that Karnataka is a neglected State so far as irrigation is concerned. The reasons are historical. I do not blame Tamil Nadu; I do not blame anybody. Facts are facts. If you take the percentage of irrigated areas in Tamil Nadu and Karnataka—I am not speaking of Andhra Pradesh because I do not want to stray away from the present issue—you will know that Karnataka has suffered a lot and is suffering" a lot in spite of the fact that the Karnataka rivers have water flowing. It has not been able to use this water

for the farming community there. So this basic fact has to be borne in mind while dealing with the situation. The problem which has complicated the whole matter is that there is no national water policy so far. We have been talking about it for many years. When my friend, Dr. K. L. Rao, was the Minister of Irrigation, I used to meet him as a friend and I used to exchange views with him. At that time he was very earnest to formulate a national water policy. But at that time the Government did not pay heed to his advice, not even Parliament. Because of lack of a rational national water policy and because of the absence of norms evolved, basis evolved, yardsticks evolved, we are facing these issues. Therefore, my first general observation is even now my friend, Vidya Charan Shukla, should look into this matter. There is the Inter-State Water Council set up. Already it is there. State Governments are members. They should evolve a proper, effective, rational national water policy for the whole country and for various regions. Coming to the present issue, apart from the issues raised by my colleague. Mr Hanumanthappa, I only ask my Tamil Nadu friends this question: Now there is one project near my place which is producing hydel power, Sivasamudram. for the last many years. the Government of Karnataka has been pleading with the Government of Tamil Nadu that they would like to use the flowing Cauvery water to produce 100 MW of hydel power in Sivasamudram. But the Centre has not cleared the project, on the ground that the Tamil Nadu Government is objecting to it. That. Not even a drop of water will be wasted. Whatever water is used, you know by hydel power projects, will not be wasted. It will go back to the river valley again. Till today the Government of Tamil Nadu has not given its consent. That is their generosity. If you only just use the flowing water, that will help. Already I a project is there. We want to ex-

pand it. We have the resources. The project is pending. I just gave this as an instance to show how their attitude is made up. They call us vindictive, that we are indulging in, a sort of band opposition and all that. Shivasamudram is one instance which shows how they are generous! We are a riparian State with a large tract of land covered by Cauvery waters. What we now use is only a small part of it. Even today the water is flowing into the ocean. *(Interruption)* Please don't interrupt. You will get your chance. I don't believe in interrupting. I don't interrupt. And I am one of the best friends of Tamil Nadu. Don't forget it

Even now the water is flowing to the ocean. And the Government of Tamil Nadu is not using these waters. Even in scarcity times the water has gone to the ocean. We have been pleading with Tamil Nadu, "Utilise that water also for your own good."

Secondly Tamil Nadu has been producing three crops, three wet crops. They have not only enlarged their area of cultivation. The command area has been enlarged beyond the original plan. Never mind. After all, farmers have got to be benefited, in Karnataka we have water for only one semi-wet crop. In some of the upper areas only one wet crop is cultivated and in the other areas semi-dry or semi-wet crops are being cultivated. This is the situation in Karnataka. Karnataka is proposing to use only a small portion of the water and the rest of the water goes to Tamil Nadu and Pondicherry. They can use that water. I don't understand where the objection is. Where is the objection? Where is the dispute? There is no dispute and it is a non-issue. I have been saying this from the very beginning. When they constructed the Mettur Project, did they take our consent?...*(Interruptions)* ...

AN HON. MEMBER: It was under your consent.

SHRI M. S. GURUPADASWAMY: No, we were not, properly consulted and I don't want to go into that.

[The Vice-Chairman (Dr. Nagan Saikia) in the Chair.]

The hon. lady Member was saying that they were not here to receive drainage water, is it drainage water? They are using most of the Cauvery water. We are not using most of the water at all. If they are cultivating 18 lakh acres of land, is it from drainage water? In fact Tamil Nadu has got a larger area in the Cauvery basin. Coming to the Tribunal, my friend was saying that a Tribunal is not a court. But I value the Tribunal. After all, when there is a dispute, the Constitution provides for a Tribunal. These Tribunals are meant to arbitrate between States in the absence of an Interstate Council functioning effectively. A Tribunal takes certain decisions. The present order is not an award. This decision has not been communicated to the Government of India by the Tribunal. Then, on what grounds did the Government of India go to the Supreme Court? The Centre has not been communicated so far about the findings of the Tribunal. Of course, on your own you can refer matters to the Supreme Court. If you have exercised that right I have no objection. But you have said that since there have been a number of representations you have gone to the Supreme Court. I think you have made a departure and it is not correct. Had it been done on your own, it was perfectly justified. My plea to the House is that the matter has been referred to the Supreme Court because there have been many representations and this is wrong. Now you raise the issue of Ordinance issued by the Karnataka Government. It is perfectly in order. In a matter like this, when two States are in dispute, one State cannot normally pass an Ordinance against the other. That is perfectly correct. There is a large element of truth in that argument. I do not deny that. In the

[Shri M. S. Gurupadaswamy]

State list it has been stated that a State has to deal with its own water. Under such circumstances, when a State is confronted with a situation like this, where the Tamil Nadu Government is threatening the Karnataka Government on the one side and the Centre on the other side, what can the Karnataka Government do? It has no other alternative except to issue an Ordinance to protect itself. Then Karnataka has no other alternative but to issue an ordinance to protect itself. Otherwise, the Government there will fall tomorrow. No Government in Karnataka will remain. Why should the Karnataka Government be told by the sister Government, the neighbouring Government, that there can be no more negotiations? I have been pleading in the House—the other day also I pleaded here—that there is no alternative to negotiations, that, Tamil Nadu and Karnataka have to live together as sister States, as neighbours, as good neighbours, and if they want to do it, there is no alternative, there is no other way, but to talk to each other. Even today Tamil Nadu is not being starved of water. If that is so, why not then talk? What is the objection? But they have said, "No more talks." Is this the attitude to be taken? It is a petulant attitude shown by the Tamil Nadu Government... *(Interruptions)* ... Sir, I am a friend of Tamil Nadu. As a Minister, Sir, I had helped Tamil Nadu like anything. I hold Tamil Nadu very dear to my heart. So, I am not complaining. But I want them to understand... *(Interruptions)* ... that this problem cannot be solved by confrontation, by blind opposition, by blind militancy. The Chief Minister of Tamil Nadu has not only condemned us, but also condemned some Central Ministers, and she has condemned, I think, Mr. Chidambaram, ...

SHRI S. JAIPAL REDDY; Mr.
Arunachalam.

SHRI M. S. GURUPADASWAMY: ...Mr. Arunachalam and somebody else... *(Interruptions)* ... This is not the way things are done. You have to take the co-operation of all and you have to take the co-operation of your friends also... *(Interruptions)*...

SHRI M. VINCENT: Our Chief Minister has earned a very good name within a months... *(Interruptions)*...

SHRI M. S. GURUPADASWAMY: Let me tell you, I am not against Tamil Nadu. I am for you, and I am for a solution... *(Interruptions)* ...

SHRI M. VINCENT: At least she is not like your Bangarappa... *(Interruptions)* ...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please do not interrupt the proceedings... *(Interruptions)* ...

SHRI S. K. T. RAMACHANDRAN: Sir, Mr. Gurupadaswamy just now said that we should avoid confrontation. But why should he make such insinuations?... *(Interruptions)* ...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please do not interrupt.

SHRI M. S. GURUPADASWAMY: I am not making any insinuation; I am only making a reference. I am only saying that we should avoid confrontation and we should create a cordial atmosphere, a friendly atmosphere. Therefore, I would like to make an appeal to my friend, Shri V. C. Shukla... *(Interruptions)* ... Please do not interrupt me. This is too serious a matter. I would like to ask my friend to assure this House that this dispute cannot be solved through courts. Take the help of the courts, take the help of the Tribunal if you want. But this issue can be solved only by appreciating the basic facts and the Centre playing a very healthy and friendly role. You call the Chief Ministers of both

the States to the negotiating table. Let the reference made to the Supreme Court be there. But nothing should stop you from calling these

two Chief Ministers Talk to them. The facts are there. On the basis of the facts and on the basis of the past

development, and the demand of future development of these areas, divide the waters. You can do that. It does not require a Tribunal. You can do that. Even though it has been referred to a Tribunal, settlement is possible outside the Tribunal, outside the court. This is my plea with you, this is my request to you, Mr. Shukla. I would like the atmosphere, which has been vitiated between these two States, not to remain vitiated. It should not remain vitiated. There should be a clear atmosphere and there should be greater understanding.

The farming community in both the States have an equitable share in the waters of Godavari, and nobody should take unduly large share of these waters for their benefit and deny that benefit to the neighbouring area.

That's all I would say.

Thank you.

श्रीमती सुखमा स्वराज : उपसभाध्यक्ष जी, कावेरी जल विवाद से संबंधित जो वक्तव्य मंत्री जी ने सदन में पढ़ा है, मैं उससे वाबस्ता कुछ संधे और स्पष्ट सवाल बिना पूर्व भूमिका के मंत्री जी से पूछना चाहूंगी।

उपसभाध्यक्ष जी, मंत्री जी ने कहा है कि 2 जून, 1990 को एक ट्रिब्यूनल बनाया गया और 6 जुलाई, 1986 को जो तमिलनाडु का अनुरोध उन्हें प्राप्त हुआ था, वह उस अधिकरण को निर्णय के लिये सौंपा गया। मैं मंत्री जी से जानना चाहती हूँ कि 6 जुलाई, 1986 को तमिलनाडु का अनुरोध किस बात पर आधारित था? क्या उस दिन

भी तमिलनाडु सरकार की यह पूर्व शर्त थी कि इस विवाद का हल 1924 के समझौते के तहत खोजा जाना चाहिये?

मैं मंत्री जी से जानना चाहती हूँ कि स्वतंत्रता प्राप्ति के बाद जब तमिलनाडु और कर्नाटक, दोनों आजाद भारत के हिस्से हो गये, और केवल तत्कालीन मैसूर, कर्नाटक नहीं बना, बल्कि एक अलग विशाल राज्य को कर्नाटक बनाया गया, मैसूर उसका केवल एक छोटा सा हिस्सा था। क्या इस नई परिस्थिति में जबकि अंग्रेजों का शासन समाप्त हो गया था, 1924 के समझौते को कर्नाटक पर लागू कर किसी फैसले की आशा रखना क्या तर्कसंगत होगा, क्या न्यायसंगत होगा?

इसलिए 6 जुलाई, 1986 को यह मामला अधिकरण को सौंपते वक्त भारत सरकार ने 1924 के समझौते को क्या अहमियत दी—यह मेरा सीधा पहला सवाल है।

मेरा दूसरा सवाल है—माननीय मंत्री जी ने कहा कि—अधिकरण के इस फैसले के विरोध में उनको कई प्रतिवेदन प्राप्त हुये हैं। इन प्रतिवेदनो में विरोध का मुख्य आधार क्या है? क्या यह सच है कि इस ट्रिब्यूनल के फैसले को यदि कर्नाटक मानना भी चाहे, तो मानने की स्थिति में नहीं है। यह एक इतना अव्यावहारिक फैसला है कि जो 205 टी० एम०सी० पानी कर्नाटक को रिलीज करने के लिए कहा जा रहा है, उतना पानी सारे रेजरवायजों का अगर पानी मिलाया जाए, तो भी कर्नाटक के पास उपलब्ध नहीं है। क्या यह बात सच है, और अगर यह बात सच है तो इस अधिकरण के फैसले को किस तरह से वह कर्नाटक सरकार से मनवा सकते हैं, जबकि उसके पास उतना जल उपलब्ध ही नहीं है जितना जल उसको रिलीज करने के लिए आयोग ने फैसला दिया है?

[श्रीमती सुषमा स्वराज]

मेरा तीसरा सवाल यह है कि भारत सरकार ने जो सुप्रीम कोर्ट को यह फैसला रेफर करने का निर्णय लिया, यह समस्या के समाधान का एक रास्ता हो सकता है लेकिन उपसभाध्यक्ष जी, इस तरीके के विवादों का हल हमेशा राजनीतिक रूप में निकलता है और राजनीतिक इच्छा शक्ति से निकलता है।

क्या सुप्रीम कोर्ट को रेफर करने के बजाय, आज की ऐसी संयोगात्मक परिस्थिति में, जबकि कर्नाटक में कांग्रेस पार्टी की अपनी सरकार है और तमिलनाडु में कांग्रेस के सहयोगी दल की सरकार है, वह सहयोगी दल जिसका समर्थन लेकर केन्द्र की सरकार भी चल रही है। लेकिन एक अजीब तमाशा जो दिखाई दे रहा है, इस परिस्थिति के अंदर भी कभी अन्ना डी०एम०के० के सभी सांसद सामूहिक रूप में इस्तीफे की घोषणा करते हैं, कभी उनके सहयोगी दल के मुख्य मंत्री तमिलनाडु में दो केन्द्रीय मंत्रियों के बहिष्कार का आग्रह करते हैं और कभी यहां के केन्द्रीय मंत्रिमंडल के सम्मानित मंत्री अपने सामूहिक उत्तरदायित्व के सिद्धांत की उल्लंघना करके सकारात्मक निर्णय की आलोचना करते हैं, यह जो एक तमाशा चल रहा है, क्या इस सब से बेहतर यह नहीं होता कि प्रधान मंत्री दोनों प्रदेशों के मुख्य मंत्रियों को बुला कर, आपने-सामने मेज पर बिठा कर इसका आम सहमति से कोई हल निकालने की बात करने, मेगोशिएटिड सैटलमेंट की तरफ बढ़ने, तो क्या वह एक ज्यादा बेहतर तरीका नहीं था?

मेरा चौथा और आखिरी सवाल यह है कि नदियों का जल हमारे देश की राष्ट्रीय संपत्ति है, लेकिन आज तक इस देश में कोई भी राष्ट्रीय जल नीति नाम की चीज नहीं है। क्या मंत्री जी अपने कार्यकाल में कोई राष्ट्रीय जल नीति बनाने की बात करेंगे, जिसके चलते केवल एक कावरी जल विवाद ही नहीं, रावी व्यास का जल विवाद मेरे अपने प्रांत और पंजाब के बीच में चल रहा है, कभी मोदगवरी जल विवाद खड़ा हो

जाता है, कभी तेलुगु गंगा जल विवाद खड़ा हो जाता है। क्या राष्ट्रीय नीति के चलते तमाम इस तरह के जल विवादों का हल आसानी से और आम सहमति से निकाला जा सके, इसके लिए क्या कोई राष्ट्रीय जल नीति का निर्णय मंत्री महोदय करेंगे।

यह चार सीधे और स्पष्ट-जितनी स्पष्टता से मैंने सवाल किये हैं, उतनी ही स्पष्टता से मैं इनका उत्तर, आपके माध्यम से मंत्री जी से जानना चाहूंगी।

SHRI G. Y. KRISHNAN (Karnataka): Mr. Vice-Chairman, Sir, I concur with the arguments put forth by Mr. Hanumanthappa and Mr. Gurupadaswamy. Under the directions of our Whip, I was not expected to speak. But still, since you have called my name, I thank you and I reiterate the statements and arguments put forth by Mr. Hanumanthappa that the Government has taken a wise decision in approaching the Supreme Court and also the Central Government has taken a very wise decision in order to keep up the unity and integrity of the nation and the federal structure. They have taken a wise decision and referred it to the Supreme Court seeking clarifications.

(The Deputy Chairman, in the Chair)

Now, I seek a clarification from the Minister whether the Central Government will take note of the situation and not postponing the decision, arrive at a decision in consultation and coordination with each State concerned, including Pondicherry. If that is done, I think, everything will be solved. Thank you.

SHRI RAJ MOHAN GANDHI (Uttar Pradesh): Madam Deputy Chairman, I would like first to declare my interests in this question. My wife is from Karnataka and my mother was from Tamil Nadu. And above

all, my interest is as an Indian. Madam. ...

AN HON. MEMBER: You are from?

THE DEPUTY CHAIRMAN: He is from India.

SHRI RAJ MOHAN GANDHI. Madam Deputy Chairman, sometime we can better understand an intractable problem. By looking at another intractable problem. Over Ayodhya, most of my friends have spoken and have said very passionately that the solution must come through negotiations or the solution must come by both sides agreeing to a judicial verdict. Is that the spirit we have seen demonstrated today? I was deeply pained to hear one of our colleagues saying, "we will never go to the negotiating table on this." I was equally pained to hear an attitude that "we will only listen to and need the judicial verdict if it is in our favour." Madam Deputy Chairman, with what face can we with this attitude go to the militants of Kashmir and Punjab and Assam and say to them, come to the negotiating table without any preconditions? We go to the North-South conferences and we ask the North to be considerate to the South. We have gone to the Soviet Union and the United States and asked them to show some reconciliation and understanding.

My question to the Minister is this I hope that the attitude of the Government is not as dry as the statement. I hope that the Central Government—he and the Prime Minister—are not defeatist over the issue and that they will still have a will for an agreement and a settlement for the sake of the people of Tamil Nadu and Karnataka. My question to him is, will he and the Prime Minister do every single thing in their power to bring the leaders of Karnataka and Tamil Nadu together, take the support and assistance of all leading political parties and show something new

a land which is hungry, which is thirsty for something new? We wanted the southern part of our country to bring some healing water for the fires in north India and we have succeeded in setting Cauvery on fire! I would urge the Government to do whatever it can to reverse this serious situation. Thank you.

THE DEPUTY CHAIRMAN: Shri John F. Fernandes, not here. Shri Chimanbhai Mehta, not here. Shri Maheswarappa.

SHRI K. G. MAHESWARAPPA: Madam Deputy Chairman, under article 143, the President has sought the advice of the Supreme Court. It is only advisory opinion. It is reported that the Government of Tamil Nadu has decided to approach the Supreme Court. If that is so, there is no reason why our Tamil Nadu friends oppose referring of this matter to the Supreme Court for opinion. That is one aspect.

So far as the interim order is concerned, the Tribunal has not become *functus officio*. Interim order is an interim order; it can be modified at any time. Why we seek modification is that according to the interim order, the amount of water to be flowed to Tamil Nadu is fixed at 205 cm, but it is not indicated as to how much of water Karnataka should utilise pending a final award by the Tribunal. We are not going to deprive Tamil Nadu of any water. We are fair to Tamil Nadu. Karnataka people are very mild and that is why we have been exploited all these years. Therefore, the point is.. (Interruptions)

SHRI S. K. T. RAMACHANDRAN: I object to his statement that we have* exploited them. We are in the lower reach; they are in the upper reach. How can we exploit? They have exploited us. That is the position.

SHRI K. G. MAHESWARAPPA: The total length of the river in Karnataka is 381 KM and total length in Tamil Nadu is 351 KM. Should we not see how much water Karnataka is utilising for irrigation purposes and what is the extent of water Tamil Nadu is using? The point is, why are they so much agitated? Mettur dam is now full. During the last month of June and July now, nearly 100 cmt water has flowed to Mettur dam. What is their immediate grievance? Before the final award, interim award has been given by the Tribunal and the Government has taken the stand that it need not be notified under section 5(2) of the Act. So, interim order can be modified at any stage. We were glad when the Prime Minister made a statement that he was prepared to go to South and meet both the Chief Ministers and thrash out the matter. We don't know why the Prime Minister has not gone. As our friend Mr. Raj Mohan Gandhi and Mr. Gurupadaswamy also rightly suggested, even now it is open to both the Governments to sit and decide on allotment of water to Karnataka and Tamil Nadu. Are we unreasonable? You are aware there are projects like Kabini, Hemavati, Heranganj in Karnataka and so many other projects and these channels have to be constructed. We are forced to give water to the extent of 105 TMC. What will be the fate of these lands? In fact, we are surprised to see that some terrorists in Tamil Nadu want to blow up the Krishna-raja Sagar Dam and the Karnataka Government is spending crores of rupees for security purposes. This should not be the attitude. The impression is created that injustice has been done by the Karnataka Government all these years. I don't want to go into the history. Shri Hanumanthappa narrated the circumstances under which the 1924 and 18—84 agreements came into existence. All are aware that the 1924 agreement is no longer in existence. It expired after 50 years. No other agreement has come into effect. ...
(Interruptions)

You should understand the elementary things of law.

SHRI V. NARAYANASAMY: You cannot curb our rights. Don't say that our rights have ceased.

SHRI K. G. MAHESWARAPPA: I want to ask my friend, Shri Narayanasamy, through you, Madam, whether there is any agreement which prevents the State Government from constructing any dams and using water 1924 agreement was buried in 1972.

SHRI V. NARAYANASAMY: It cannot be annulled without prior consultation with the other State.

THE DEPUTY CHAIRMAN: Don't interrupt.

SHRI K. G. MAHESWARAPPA: The Mettur Dam was constructed without the permission of the Karnataka Government or the Central Government... (Interruptions)

THE DEPUTY CHAIRMAN: Don't react to his speech.

SHRI K. G. MAHESWARAPPA: The problem now, is that the matter has been referred to the Supreme Court. An advisory opinion has been sought. The Supreme Court is not incumbent to give any opinion if it feels that it is a political matter. It may refuse to give any opinion because when the matter is taken up to the Supreme Court by the parties to decide their rights, it may not interfere by giving its opinion. But, the Tamil Nadu Government had taken a decision to approach the Supreme Court and even the Karnataka Government is going to take up the matter with the Court. Let the Supreme Court decide the issue on merits. So far as the interim award is concerned, the matter is still pending. Our hon. Minister has assured us that he would call a meeting of both the Chief Ministers and the representatives of both the States and come to some understanding so far as the quantum of water to be allowed to Tamil Nadu is concerned. We

are not saying that we will not allow water. We cannot hold the water in our reservoirs. Its capacity is limited, whereas, Mettur and other dams are very big. People of Tamil Nadu should not be greedy. Lakhs of Tamilians are settled in our State. They are in the Cauvery Delta. Therefore, we have to live like brothers and in harmony. We should not agitate on this matter. Our Chief (Minister and all the other Opposition leaders in the State have openly stated that the doors for negotiations are not closed and we are prepared to sit together and settle the matter.

SHRI V. NARAYANASAMY: Then, what is the fate of the Ordinance?

THE DEPUTY CHAIRMAN: You ask the Minister, not him. He is not the Minister to answer.

SHRI V. NARAYANASAMY: He is going on praising the verdict of the Supreme Court.

SHRI K. G. MAHESWARAPPA: So far as the Ordinance is concerned, let us abide by the opinion of the Supreme Court. If the opinion is in our favour, then what would be the fate of the interim order?

THE DEPUTY CHAIRMAN: Please conclude.

SHRI K. G. MAHESWARAPPA: I am appealing to all the Members in this House not to be carried away by what they are saying. They are trying to prejudice the public opinion as well as the opinion of this House as if injustice has been done by Karnataka to Tamil Nadu. We are a very mild people. We are not terrorists. Therefore, I once again appeal to the hon.. Minister. He is well-versed in this matter. He has complete grip over this problem. I would request him to convene a meeting, pending the disposal of the matter by the Supreme Court whose advisory opinion has now been sought on this issue. The Supreme Court may hear other parties and it

may take some time. In the meanwhile, I suggest that the hon. Minister should immediately call a meeting of both the parties and see that an amicable settlement is arrived at, pending the final report of the Tribunal. The Tribunal has not given the final award yet. It may take some time. So far as the interim award is concerned, let there be negotiations. Negotiations are the best means of arriving at a settlement.

SHRI MISA R. GANESAN: Madam Deputy Chairman, according to the statement made by the hon. Minister, the Central Government is seeking clarifications on three points. But this is unnecessary and, by this, the Central Government has done a great injustice to Tamil Nadu.

Madam, the Tribunal did not pass the interim order at the first instance itself. As my friend, Mr. Narayanasamy, pointed out, when the first application was filed for an interim order, after hearing both sides on the application, the Tribunal refused to pass any order on the ground that it had no powers to pass an interim order. Then, the matter was referred to the Supreme Court. The Supreme Court, after hearing both sides on this issue, passed an order stating that the Tribunal had the power to pass an interim order. Then, for the second time, both parties placed their arguments and, after considering all aspects and perusal of documents filed by both sides, the Tribunal passed this interim order.

Therefore, the Ordinance promulgated by Karnataka is illegal and unconstitutional. It is a binding verdict which should be gazetted for immediate implementation. I condemn the Central Government for the delay in gazetting the interim order and directing Karnataka to release 205 TMC feet of Cauvery water to Tamil Nadu. Madam, this issue would not have arisen had the Central Government acted in time on our justified plea to gazette the interim order of the Tri-

[Shri Misa R. Ganesan]

bunal. If this order had been gazetted, it would have prevented Karnataka from promulgating the Ordinance to nullify this order.

The clarifications which I seek from the hon. Minister are: Justly, what is the reason for the inordinate delay in not publishing the interim order in the Gazette? Secondly, what is the force behind the Central Government which is preventing it from gazetting, the interim order? What is the reason for this stepmotherly treatment towards Tamil Nadu?

SHRI M. VINCENT: Madam Deputy Chairman, thank you for the opportunity given to me.

This statement does not say anything new. It only confirms the fear of the people of Tamil Nadu. For the first time in the history of independent India, a State has not only belittled the judiciary, but it has also flagrantly violated the Constitution. Instead of accepting the order of the Tribunal the Karnataka Government has promulgated an unconstitutional Ordinance. This Ordinance is a severe blow to the basic structure of the Constitution. Instead of pulling up the Karnataka Government and directing it to implement the order of the Tribunal why did the Central Government refer the matter again to the Supreme Court? The Tribunal was constituted only under the directions of the Supreme Court. The Central Government has now allowed the Karnataka Government to flout the order of the Tribunal. The adamant attitude on the part of the Karnataka Government and its act of disobeying the order of the Tribunal has been ratified by the Central Government by referring the matter to the Supreme Court.

Madam, I condemn the Centre's decision which is only delaying tactics. The Centre has put the fiery issue into cold storage. The Centre has shirked from its responsibility. The Centre has failed to enforce the order of the Tribunal. It is a great injustice to the people of Tamil Nadu.

The right of Tamil Nadu has been denied by the Centre and the Karnataka Government. So, Madam, what is the use of having a federation, called 'India' if the Centre cannot make a State to accept the verdict of the Tribunal? Karnataka Government got enough courage to promulgate the Ordinance because of the Centre's silence. So, I would like to know whether the Government will invoke article 256 and direct the Karnataka Government to withdraw the Ordinance and release water immediately. What does the Government propose to do in view of the grave situation created by the Karnataka Government which will not only set a bad precedent but also send unhealthy message across the country, which will be detrimental to the unity and integrity of the country?

श्री मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) : मुत्तरमा डिप्टी चेयरमैन साहिब। मंत्री जी ने जो स्टेटमेंट पेश किया है इसके पढ़ने से यह अंदाजा लगाया जा सकता है कि जितने भी इस 'वक्त मसाल पैदा हुए हैं यह मर्कज में जो कांग्रेस की हुकूमत है उसकी जानिब से यह मसाल पैदा किये गये हैं। पहले पैराग्राफ में यह कहा गया है कि तमिल नाडू की गवर्नमेंट ने जुलाई, 1986 में सेंट्रल गवर्नमेंट से रिक्वेस्ट किया था कि इसको ट्रिब्यूनल को रैफर करें। मगर 5 साल गुजरने के बावजूद भी कांग्रेस की हुकूमत ने ट्रिब्यूनल को रैफर नहीं किया। इस ट्रिब्यूनल बीपी सिंह की गवर्नमेंट में बनाया गया और 1990 में इसको ट्रिब्यूनल को रैफर किया इससे खुद अंदाजा लगाया जा सकता है कि कांग्रेस की हुकूमत जो मर्कज में है वह वाटर डिस्पुट को जो कावेरी वाटर के ताल्लुक से तमिलनाडू और कर्नाटक में चल रहा है कितना संजीदा है। दो ही बातें सामने आती हैं या तो यह हुकूमत संजीदा नहीं है, दूसरी बात यह आती है कि अगर यह संजीदा है तो यह नाअहल है इस मसले को हल करने के लिये जिसकी वजह से आज हम यह देख रहे हैं कि एक ही मुल्क के दो स्टेट के मेंबर आफ पार्लियामेंट एक दूसरे पर

इस किस्म के इस्जामात लगा रहे हैं, व समझता हूँ हिन्दुस्तानी पार्लियामेंट का यह इंतहा अफसोसनाक पहलू है जो आज यहाँ राज्य सभा में देखने में आया। इससे हटकर जो बातें सुप्रीम कोर्ट से रजू की गयी हैं वह बात तो ट्रिब्यूनल बनाने से पहले ही सुप्रीम कर्ट से रजू करनी चाहिए थी कि क्या ट्रिब्यूनल अंतरिम आर्डर दे सकता है या नहीं एक दफे जब अंतरिम आर्डर गया तो फिर ट्रिब्यूनल से रफर करने का कोई मामला इसमें समझ में नहीं आता। इससे मसला हल नहीं होगा कि ऐसा मालूम होता है कि मसले को टलने के लिए यह सुप्रीम कोर्टसे इस मामले को रजू किया गया है हालांकि हमारे पास एक बेहतरोन कोरम है। वह कोरम है इंटर स्टेट कौंसिल इस मामले को इंटर स्टेट कौंसिल को रफर किग जा सकता है और इंटर स्टेट कौंसिल को रफर करने से इससे और कोई ग्रहम मामला नहीं हो सकता था। मगर इतनाई अफसोस की बात है कि सेंट्रल गवर्नमेंट ने इसकी इंटर स्टेट कौंसिल को रफर करने के बजाए मसले को टालने के लिए सुप्रीम कोर्ट से रजू किया गया है।

मैं मौजूदा मनिस्टर साहब से यह जानना चाहता हूँ कि इस मामले को इंटर स्टेट कौंसिल को क्यों रफर नहीं किया गया? खान तौर पर इसका जबाब आनोरेबिल मनिस्टर हमको दें, एक बात। दूसरी बात यह है कि मैं आनोरेबिल मनिस्टर से यह जानना चाहूंगा कि ऐश्वोर्ड वाटर कितना है और सप्लस वाटर कितना है? यहां पर काफी गलतफहमी पैदा हो गयी है कि जब पानी ही कर्नाटक में नहीं है तो वह किस तरह से तमिलनाडू को दिया जायेगा। अगर वाकई यह मसला है तो बिल्कुल सीरियस है। लहाजा आप यह वाज और क्लियर बयान हमको दें कि ऐश्वोर्ड वाटर कितना है और सप्लस वाटर कितना है, ताकि सही बात हमारे नॉलिज में आ सके?

ایشوری خلیل الرحمان (آندھرو)
(پروپوزیشن) : محترمہ قومی چیئرمین صاحبہ - ملٹری جی نے جو اسٹیٹمنٹ دی ہے اس پر پوچھنے سے یہ اندازہ لگایا جا سکتا ہے کہ جتنے بھی اس وقت مسائل پیدا ہوئے ہیں - یہ مرکز میں جو کانگریس کی حکومت ہے اسکی جانب سے یہ مسائل پیدا کئے گئے ہیں - پہلے پھر اگراف میں یہ کہا گیا ہے کہ نمل ناڈو کی گورنمنٹ نے جولائی ۱۹۸۲ میں سینڈول گورنمنٹ سے ریکوریسٹ کیا تھا کہ اسکو ٹریبیونل کو ریفر کریں - مگر ۵ سال گزرنے کے باوجود بھی کانگریس کی حکومت نے ٹریبیونل کو ریفر نہیں کیا - اسکا ٹریبیونل دی - دی سلنگہ کی گورنمنٹ میں بتایا گیا اور ۱۹۹۰ میں اسکو ٹریبیونل کو ریفر کیا گیا - اس سے خود اندازہ لگایا جا سکتا ہے کہ کانگریس کی حکومت جو مرکز میں وہ واٹر ڈیپوٹ کو جو گورنر کے تعلق سے نمل ناڈو اور کونٹاک میں چل رہا ہے کھلا سلجھ رہا ہے - دو ہی باتیں سامنے آئی ہیں - یا تو یہ حکومت سلجھ رہی ہے - دوسری بات یہ ہے کہ اگر یہ سلجھ رہی ہے تو یہ نا اہل ہے اس مسئلے کو حل کرنے کے لئے جسکی وجہ سے

†Transliteration in Arabic Script.

آج ہم یہ دیکھ رہے ہیں کہ ایک ہی ملک کے دو اسٹیٹ کے ممبر آف پارلیمنٹ ایک دوسرے پر اس قسم کے الزامات لگا رہے ہیں۔ ممبر سمجھتا ہوں کہ ہندوستانی پارلیمنٹ کا یہ انتہائی افسوسناک پہلو ہے جو آج یہاں راجہ سمبھا مہر دیکھنے میں آیا۔ اس سے ہٹ کر جو باتیں سہریم کورٹ سے رجوع کر گئی ہیں۔ یہ باتیں ٹریبیونل بلانے سے پہلے ہی سہریم کورٹ سے رجوع کرنی چاہئے تھی کہ کیا ٹریبیونل عدم اثر دے سکتا ہے یا نہیں۔ ایک دفعہ جب انٹر آرڈر آ کیا تو پھر ٹریبیونل سے ریفر کرنے کا کوئی معاملہ اس میں سمجھ میں ہی نہیں آتا۔ اس سے مسئلہ حل نہیں ہوگا۔ بلکہ ایسا معاملہ ہوتا ہے کہ مسئلے کو ثالث کیلئے یہ سہریم کورٹ سے اس معاملے میں رجوع کیا گیا ہے۔ حالانکہ ہمارے پاس ایک بہترین کورم ہے۔ وہ کورم ہے انٹر اسٹیٹ کونسل۔ اس معاملے کو انٹر اسٹیٹ کونسل کو ریفر کیا جا سکتا ہے۔ اور انٹر اسٹیٹ کونسل کو ریفر کرنے سے اس سے اور کوئی اہم معاملہ نہیں ہو سکتا تھا۔ مگر انتہائی افسوس کی بات ہے کہ گورنمنٹ نے اسکو انٹر اسٹیٹ کونسل کو ریفر کرنے کے بجائے مسئلے کو ثالثی کھائے سہریم کورٹ نے رجوع کیا گیا ہے۔

میں موجودہ منسٹر صاحب سے یہ جاننا چاہتا ہوں کہ اس معاملے کو انٹر اسٹیٹ کونسل کو کیوں ریفر نہیں کیا گیا۔ خاص طور پر ان کے جواب انٹرپل منسٹر ہم کو دیں ایک بات۔ دوسری بات یہ ہے کہ میں انٹرپل منسٹر سے یہ جاننا چاہوں گا کہ ایشورنڈ وائر کتنا ہے اور سربلس وائر کتنا ہے۔ یہاں پر کافی غلط فہمی پیدا ہو گئی ہے کہ جب پانی ہی کرناتک میں نہیں ہے تو وہ کس طرح سے قتل ناقو کو دیا جائے گا۔ اگر واقعی یہ مسئلہ ہے تو بالکل سوریس ہے۔ لہذا آپ یہ واضح اور کلر بیان ہو سکتے ہیں کہ ایشورنڈ وائر کتنا ہے اور یہاں س وائر کتنا ہے۔ تاکہ صحیح بات ہماری نالیج میں آ سکے۔ شک رہے۔

श्री आनंद प्रकाश गौतम (उत्तर प्रदेश)
माननीया उपसभापति महोदया, कावेरी जल विवाद काफी दिनों से चल रहा है। जो लोग इसमें रुचि रखते हैं उनमें से कुछ कहते हैं कि जल बहुत अधिक है और कुछ कहते हैं कि जल की कमी है इसलिए नहीं दिया जा रहा है लेकिन सदन में आए दिन इस विषय पर ज्वार आता रहा है। महोदया, यह इतना गंभीर मामला है कि स्वयं सरकार की समझ के बाहर है और वह खुद सुप्रीम कोर्ट से स्पष्टीकरण चाहती है मगर फिर भी मैं उनसे कुछ बातों का स्पष्टीकरण चाहता हूँ।

महोदया, 6 जुलाई, 1986 को तमिलनाडु सरकार ने केन्द्रीय सरकार के सामने इस मामले को रखा और 2 जून 1990 को इस मामले को ट्राईब्यूनल में

निर्णय के लिए भेजा गया। उस समय केन्द्र में राष्ट्रीय मोर्चे की सरकार थी इस बीच में काफी समय बीत गया। मैं माननीय मंत्री जी से जानना चाहता हूँ कि यह जो 4-5 साल का समय बीता और जिसमें अधिकांश समय कांग्रेस की ही सरकार थी और संयोग से आज भी उसी पार्टी की सरकार है, तो इतने दिनों में उस पार्टी की सरकार ने क्या कोई ऐसा प्रयास किया कि बातचीत के माध्यम से कोई हल निकल सके? यदि ऐसा कोई प्रयास किया गया तो उसका क्या परिणाम निकला? अगर ऐसा कोई प्रयास नहीं किया गया तो क्यों नहीं किया गया?

महोदया, हमारे साथियों ने कहा है कि अगर कोई जल योजना बनाई गई होती, अगर कोई जल नीति बनाई गई होती तो मसला आसानी से हल होता। तो क्या कोई जल नीति बनाने के संबंध में भी सरकार ने कभी प्रयास किया था उस दिशा में सोचा ही नहीं गया?

महोदया, एक और बात काफी उलझी हुई लगती है और यह है कि ट्राईब्यूनल को यह मामला अधिनियम हेतु सौंपा गया, अंग्रेजी में इसके लिए अव-जुडिकेशन शब्द आया है, ऐसा मंत्री जी ने अपने बयान में कहा है। इससे लगता है कि ट्राईब्यूनल को यह मामला निर्णय के लिए ही सौंपा गया था लेकिन अब सुप्रीम कोर्ट से इस बारे में जो प्रश्न पूछे जा रहे हैं, उससे लगता है कि यह मामला ट्राईब्यूनल को केवल उसकी राय सबमिट करने के लिए सौंपा गया था। तो महोदया, मैं आपके माध्यम से मंत्री जी से यह जानना चाहूंगा कि उस ट्राईब्यूनल को यह मामला सौंपते समय क्या कोई निर्देश दिया गया था कि उसे कानून के अनुसार निर्णय करना है या केवल अपनी रिपोर्ट प्रस्तुत करनी है? सरकार द्वारा उस समय ट्राईब्यूनल को इस मामले को सौंपे जाने के पीछे क्या उद्देश्य था? एक और बात यह है कि जब यह मामला ट्राईब्यूनल को सौंप दिया गया तो उससे लगा कि भारत सरकार ने अपना पीछा छुड़ा लिया कि अब ट्राईब्यूनल जो भी

निर्णय करेगा वह दोनों पक्षों को मान्य होगा। लेकिन अब दोबारा भारत सरकार ने सुप्रीम कोर्ट को यह मामला भेज दिया है। तो मैं जानना चाहता हूँ कि इस मामले को सुप्रीम-कोर्ट भेजने के लिए क्या किसी पक्ष ने भारत सरकार से रिक्वैस्ट की थी या उसने अपनी मर्जी से यह मामला सुप्रीम-कोर्ट को भेज दिया?

श्री अनन्त राम जायसवाल (उत्तर प्रदेश): महोदया, कावेरी जल विवाद बहुत पुराना है। नदी के पानी के बंटवारे को लेकर आजादी के पहले भी विवाद था तमिलनाडु और कर्नाटक में और आज भी विद्यमान है ऐसे विवादों को हल करने के लिए 1956 में ही कानून बनाया गया था जिससे ट्रायब्यूनल बनाया जा सके और ऐसे विवादों का हल निकाला जा सके। तो यह कानून मौजूद है 1956 से और तमिलनाडु को शिकायत है 15 जुलाई 1986 को यानि 5 साल के बाद यह ट्रायब्यूनल बनाया गया सन् 1990 में। तो जो दूसरे मेंबरों ने पूछा है उससे प्रश्न को दोहराते हुए मैं जानना चाहता हूँ कि आखिर सरकार को 5 साल बाद लगे इस ट्रायब्यूनल को गठित करने में यह मेरा पहला सवाल है।

दूसरी बात यह है कि कर्नाटक कांग्रेस की सरकार है और तमिलनाडु में कांग्रेस की सहयोगी पार्टी की सरकार है। तो इस पुराने विवाद को हल करने के लिए दोनों सरकारों के प्रतिनिधियों को और मुख्य मंत्री उसके लिए सबने बराबर आदमी हो सकते थे, उनको बुलाकर इसी बात करने की कोशिश की गई या नहीं?

तीसरी चीज यह है कि इस विवाद के गंड़े पूरे देश में फैले हुए हैं और इनके लिए मैं सुझाव देता हूँ कि पानी को ज्यादा है, कहीं बाढ़ से तबाही हो पाया है और कहीं कम है, इसके लिए बहुत ही कहा गया था कि गंगा गोदावरी की योजना वसाई जाए। यह विवाद शायद आपके विभाग में पड़ी हुई होगी।

[श्री अयतराम जायसवाल]

गंगा से गोदावरी को जोड़ने की योजना बनाई जाए। तो क्या इस योजना पर अमल करने की बात सोचेंगे, इस पर विचार करेंगे ?

यही मेरे दो तीन सवाल हैं जिनका उत्तर मैं माननीय मंत्री जी से चाहता हूँ।

SHRI VIDYACHARAN SHUKLA:
Madam, I am very thankful to the hon. Members who have taken part in this discussion.

There are three or four trends that have become visible, and they are quite encouraging:

Firstly, it seems to be the desire of the House that there should be a negotiated settlement in this matter and that there should be no confrontation.

Secondly, the House has desired that there should be a quick and expeditious settlement, and this matter should not be allowed to drag on for an unnecessarily lengthy period.

Thirdly, a very encouraging factor that has come is that though there is a serious difference of opinion among the Members representing various states, the question of national integrity and equitable and just distribution of water has been emphasised by all Members who have taken part in this discussion.

Now, having regard to this, I will clarify some points that have been made by most of the Members:

Firstly, a doubt was raised whether before referring the matter to the Supreme Court of India continue consultations were held with Law Officers and other authorities. No only were consultations held with Law Officers and other competent authorities, but we have had the benefit of advice from hon. Member of Parliament belonging particularly to Tamil Nadu and Karnataka and

also some other States. Also we have had an opportunity of discussing this matter with the Chief Ministers of both these States. The official level, technical level discussions have been held for a long time.

The effort was to quickly settle this matter by negotiations. But a point came during our talks when both the parties said, "There is no use of talking. You can make whatever settlement you want. We are not willing to sit together and talk."

Before we sat together and before we decided to go into this matter, there were certain matters that needed clarification. Both the sides had agitated on those matters. Precisely on those points the advisory opinion of the Supreme Court has been sought. We hope the opinion of 8.00 P.M. the Supreme Court would be received soon enough. The Supreme Court is also very sensitive and we know that a quick advice in this matter is needed. Therefore, when this matter was mentioned they have fixed day-after-tomorrow when they will exactly indicate the constitution of the Bench, and the day from when the hearing will start. We are hopeful that within a very short time their opinion will be available to us. After the opinion of the Supreme Court on these four points that have been referred to them is available, it will help us in arriving at a negotiated settlement. Without a clarification by a body like the Supreme Court, there were divergent opinions among the leaders of Karnataka and the leaders of Tamil Nadu. Until these four points are settled there was no chance of any negotiated settlement or even sitting together and coming to a profitable and proper understanding. Therefore, it was decided by the Government of India that first these points may be clarified. Once these points are clarified sitting together and getting all the parties together at a round table and coming to a conclusion would be far

easier than without a settlement. Therefore, this reference has been made. There would not be endless talks and endless delay. Obviously, this requires a quick and proper settlement and we are striving towards that.

I don't think we should go into the legal points that have been argued from both the sides, but I would assure the House that we **will do our** best to obtain the legal opinion or the advisory opinion from the Supreme Court as quickly as possible.

Secondly, I do agree ultimately it will require a political settlement on water, because water is short. Some members were asking so much water has been allotted and how much water is available. Naturally because sufficient water is not available, the dispute has arisen. If sufficient water was available, both the sides would have used it according to their requirements. But since requirements are larger than the availability of water the dispute has arisen. Therefore, a need has arisen for an equitable settlement of the matter.

The hon. lady Member talked about the 1924 Agreement. As a matter of fact, there had been an agreement even earlier than that. In 1892 there was an agreement. After that there was this agreement of 1924. But these agreements have only historical value because things have been changing very fast and in the contest of the changed situation, we will have to take a completely new view in this matter.

Several members have asked about the water policy. I have got the document of water policy here and I will remind the hon. Members and the House that this water policy was unanimously agreed upon in a meeting of all the Chief Ministers of the country presided over by the Prime Minister in 1987. I assume that this water policy must have been laid on the Table of the House and it must be in the proceedings. So, as far as the National Water Policy is concerned, it is already there and it has

been unanimously accepted. There has been no exception taken to this water policy. When we tackle a matter which is of national importance, we do take help of this National Water Policy, which is a national document accepted by all parties unanimously.

श्री अनंत राम जयसवाल : मंत्री महोदय
इहें बतायेंगे कि गंगा-गोदावरी को जोड़ने
की कोई योजना शामिल है ?

श्री विद्याचरण शुक्ल : मैं इस पर आ
रहा हूँ ।

THE DEPUTY CHAIRMAN: He is talking of the National River Grid scheme.

SHRI ANANT RAM JAISWAL: Ganga and Cauvery.

THE DEPUTY CHAIRMAN: That is the same thing.

SHRI VIDYA CHARAN SHUKLA: Madam, I am not going into the legal question whether the order was binding without gazetting it or not because it is under reference to the Supreme Court. As far as the national grid for water is concerned, as far as various proposals to connect Northern rivers to the Southern rivers are concerned, this idea was mooted much earlier. It was put in a firm question framed by Dr. K. L. Rao. I think it was in early 1970, he mooted this proposal. He himself had estimated the cost to be around Rs. 12,000 crores in 1972. It was examined and later on it was found that Dr. K. L. Rao had grossly underestimated the cost of all this. Now, looking at the general political scenario of the country and the cost situation this is almost an impossible task to think in terms of linking the rivers, looking at the prohibitive cost, the cost is totally beyond our reach. Therefore, this cannot be thought of at this time.

SHRI M. PALANIYANDI: Leaving out the Ganga, the Southern rivers [Godavari and Krishna are to be linked. There is a proposal also. May I

Know from me Minister whether they have taken it up?

SHRI VIDYACHARAN SHUKLA: This is something which is there in they have taken it up?

SHRI S. K. T. RAMACHANDRAN: The feasibility report is also there.

SHRI VIDYACHARAN SHUKLA: Sub-basins and basins can be interconnected and that is far more feasible proposition than this larger proposition that has been put forward. The question of delay was inquired into, when Tamil Nadu had raised this matter earlier—four years were taken before it was referred to the Tribunal? The delay was caused because there was an attempt to reach a negotiated settlement. When a negotiated settlement could not be arrived at, then, the Tribunal was constituted and the matter was handed over to the Tribunal. As is well known when such disputes arise, they are not straightway referred to the Tribunals. First attempts are made to settle them at technical level, experts' level and political level. When all the attempts fail and when it appears to the Central Government that it would not be possible to arrive at a negotiated settlement, it would be referred to a Tribunal. As far as this matter was concerned, after all the attempts failed, then, it was referred to the Tribunal. The Tribunal has been handling it with a great deal of fairness and they have a very onerous task before them because of the legal problems that have arisen. There would be some delay in the final adjudication by the Tribunal. But we will try and see that this delay is minimised to the extent possible. I have already stated that we have exhausted all the means of talking to the various representatives of these States, including the Chief Ministers and ultimately we found that in order to get to the solution point, it is necessary for us to get this point clarified. So, Madam, conclusion of the entire thing is that we should get advisory opinion from the Supreme Court as quickly as possible. After

getting the advisory opinion and depending upon that, we will get the parties together to talk over the matter and reach an equitable and just settlement so that the Indian farmers either on this side of the border or on the other side of the border do not suffer and a negotiated settlement at political level is arrived at. We are quite hopeful that given the goodwill that is shown here in the House notwithstanding some acrimony, this kind of settlement will be possible. Our friends from Tamil Nadu who are exercised over the delay will be satisfied with the settlement and our friends from Karnataka will also be happy that the procedure that has been adopted by the Government of India is not only just and proper but it is also good and in the long-term interests of both these States. Thank you very much.

THE DEPUTY CHAIRMAN: Now, ... (Interruptions) Wait a minute. I will allow. Mr. Swaminathan. (Interruption!) . One person at a time I have identified him. Let him finish. Then I will allow others.

SHRI G. SWAMINATHAN :
Madam, the statement of the hon. Minister seems to be contradictory. One point we have raised is why there had been a delay from 1986 to 1990 regarding referring the matter to the Tribunal. Till 1986, there were negotiations and political settlements were tried. Tripartite talks were held. And ultimately, it was found by 1986 that it was not possible to have a political settlement because, as the hon. Minister would be knowing, A none of the water disputes in India had any political settlement whether it is Krishna river water or Godavari river water or Narmada river water. After that the Tribunal came. Then the hon. Minister said that the matter was referred to the Tribunal. Once it is referred to the Tribunal, the decision of the Tribunal should be allowed to prevail. Now the hon. Minister is saying that after he gets advice from the Supreme Court, again the parties will be asked to have a

tripartite talk. This seems to be contradictory to the original idea we were given that after the failure of talks, the Tribunal came. (*Interruptions*). This is one point I wanted to ask him.

THE DEPUTY CHAIRMAN: You have already asked so many points.

SHRI G. SWAMINATHAN: The second point is, he has said that he is expecting a quick decision from the Supreme Court on the matter. But I would like to know the time-frame. 'Expediently' and 'quickly' may not mean anything much to us. I accept that the hon. Minister cannot give the exact time. But approximately the Minister can give an idea as to how much time he expects to be taken by the Supreme Court to give advice on this.

SHRI V. NARAYANASAMY: Madam, in the reply of the hon. Minister, he is putting the interim order in cold storage. This is what I could understand from the hon. Minister's reply. Now the Minister wants to go back to 1972 for a negotiated settlement. Madam negotiations were tried, Chief Ministers had discussions and finally the matter could not be decided by tripartite talks or even by bilateral negotiations. It is neither at the instance of the Central Government—I would like to stress that point—for at the instance of the State Governments concerned, but : only on the direction of the Supreme Court that the Tribunal was appointed. The matter went to that stage. Then, I am surprised to hear the Minister telling us that even after the reference made to the Supreme Court, even after getting opinion from the Supreme Court, they should go for negotiations. What is there to negotiate thereafter? When the difference is made to the Tribunal, though it is advisory in nature, the States have to abide by it. The Government decided to go to the Supreme Court. Now we feel that the valid rights given to the riparian States are being taken away by the

j Central Government because even if you go through the statement, it fully supports the Karnataka Government. There were objections and counter-objections to the award. The hon.

Minister seems to think that there were objections received only from Karnataka which is not the case. From Tamil Nadu also reports have come and demands were made. They have not been referred to in the

Statement. Therefore, my submission is that there need not be any negotiated settlement even after the reference made by the Supreme Court. I want a clarification on this point.

SHRI S. K. T. RAMACHANDRAN: Madam, the Karnataka Government was recalcitrant and intransigent to accept the verdict of the Tribunal. Under the circumstances, what guarantee the Central Government can give now that the Karnataka Government will accept the verdict? (*Interruptions*) ...

THE DEPUTY CHAIRMAN: I do not have any objection. I will permit everybody. You can have a second round, a third round and a fourth round.

SHRI M. M. JACOB: This has never been the practice in this House. After the Minister gives the reply, maybe one or two questions are asked. But there is never a speech-making. (*Interruptions*). It is not about any individual. I know that all are worked up. I only request that Members may be precise.

SHRI S.K.T. RAMACHANDRAN: Madam, I am putting this question. Is there any guarantee that the State Government of Karnataka after getting the advice of the Supreme Court will abide by the decision of the Centre?

SHRI VIDYA CHARAN SHUKLA: Madam, it is not possible for me to frame a time limit for the Supreme Court. What we can do and what we have done is to urge upon them and to request them to give their advisory opinion as quickly as

[Shri S. K. T. Ramachandran]

possible and we will pursue this matter with them so that the opinion is available to us as soon as possible? Well, I am not putting anything in cold-storage. This matter has become so controversial that it is much better to put it in the proper perspective and make a decision. Therefore, I am saying that once the advisory opinion of the Supreme Court is available, we will not straightway send the entire thing over to the Tribunal. We will first like to make a negotiated settlement and will not waste much time in it. We will probably take a few days, try for a negotiated settlement and hopefully, we will get in settled expeditiously. But as many Members have expressed their viewpoints and have expressed their apprehensions that a negotiated settlement in such a matter is normally not possible; if we find that a negotiated settlement is not possible through any channel or any media—Inter State Council or various other channels that are available to us, then the only course that will be left open is to let the Tribunal give its verdict and that verdict will be binding on all parties concerned. This is our viewpoint on this matter. Therefore, the Government of India's viewpoint is very clear that we should get the four points settled by the Supreme Court. After the opinion of the Supreme Court is available to us on these four points, we shall try for a negotiated settlement. In case we find that it is only wasting time and no negotiated settlement is possible, we will try and see that the Tribunal gives its final award as quickly as possible so that the matter is decided fully and finally.

SHRI G. SWAMINATHAN: What about the interim order? (*Interruptions*).

SHRI VIDYA CHARAN SHUKLA: Madam, these Members are again and again repeating this thing. I have already said that the validity or otherwise of the interim award is also one of those points which has been referred to the Supreme Court. After we get their opinion, then we can say

what will happen to the interim order. Why are you repeating it again and again? I have already mentioned this thing.

MESSAGE FROM THE LOK SABHA

The Appropriation (Vote on Account) No. 2 Bill, 1991

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (Vote on Account) No. 2 Bill, 1991, as passed by Lok Sabha at its sitting held on the 29th July, 1991.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 100 of the Constitution of India."

Madam, I lay the Bill on the Table.

THE DEPUTY CHAIRMAN: We will discuss the Budget now. Out of the 12 hours allotted, we have only four hours. So let us discuss it.

SHRI S. S. AHLUWALIA: (Bihar):

Call all the BAC's Members and then we will discuss it.

डा० रत्नाकर पाण्डेय उत्तर प्रदेश :
मैंडम, दो बार दिन के लिए सदन और बर्दा
दोजिये लेकिन रात बजे के बाद मत चलाइये।

THE DEPUTY CHAIRMAN: If the House so agrees, we can adjourn. What is the opinion of the House?

HON'BLE MEMBERS: Let us adjourn.

THE DEPUTY CHAIRMAN: The House stands adjourned till 1-00 a.m. tomorrow.

The House then, adjourned at nineteen minutes past eight of the clock till eleven of the clock on Tuesday, the 30th July, 1991.