

hon. Chief Minister of Tamil Nadu . . . (Interruptions). He has already discussed. (Interruptions).

SHRI V. GOPALSAMY: The Chief Minister of Tamil Nadu was entrusted with the job of holding talks with the LTTE (Interruptions).

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Let him finish, please.

SHRI G. SWAMINATHAN: Though there has been a precedent, it is not following that that the hon. Chief Minister has now referred the matter to the Government of India. Previously, it was the period of de-induction of the IPKF when the Government of India wanted the Chief Minister to talk to these people. Now, after the de-induction of the IPKF, what is the stand of the Government of India? Is the Government of India going to request the hon. Chief Minister of Tamil Nadu to have parleys and talks with the LTTE? That is exactly what I want to know. It is a serious position. It is creating confusion in the minds of people. That is my special mention.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, I want to say a word in association. (Interruptions).

THE VICE-CHAIRMAN (DR. BAPU KALDATE): No more words, please. Enough. If you are associating... (Interruptions).

SHRI V. NARAYANASAMY: The Central Government should not allow Karunanidhi to... (Interruptions).

SHRI SUBRAMANIAN SWAMY: After the Prime Minister has snubbed the Chief Minister of Tamil Nadu over the IPKF issue... (Interruptions).

THE VICE-CHAIRMAN (DR. BAPU KALDATE): No. No.

SHRI SUBRAMANIAN SWAMY: There is all the more reason for caution in this matter. The Prime Minister has snubbed the

Chief Minister of Tamil Nadu. (Interruptions).

THE VICE-CHAIRMAN (DR. BAPU KALDATE): No. Enough. You say you associate. That is enough. Mr. Hanumanthappa.

SHRI SUBRAMANIAN SWAMY: What is their stand on the IPKF? Let them say it now.

THE VICE-CHAIRMAN (DR. BAPU KALDATE): This is not the time to discuss it. (Interruptions). Mr. Gopalsamy, we will discuss it after some time, not by special mentions. (Interruptions). Now, Mr. Hanumanthappa.

श्री अजीत जोगी (मध्य प्रदेश) :  
उपाध्यक्ष जी, आपको एक नया नियम बनाना पड़ेगा। इस हाउस में तीन स्वामी हैं और तोनों हा बड़े प्रखर हैं। ऐसा कुछ कर दीजाए कि एक समय में एक हो स्वामी बोले तो ज्यादा अच्छा रहेगा।

उपसभाध्यक्ष, डा० बापू कालदत्ते : ये प्रखर हैं, आपने अच्छा कहा है। . . . (व्यवधान) . . .

श्री कमल मोरारका (राजस्थान) :  
इस हाउस में स्वामी तीन हैं, जोगी तो एक है। . . . (व्यवधान) . . .

#### Situation arising out of Supreme Court decision on Cauvery Water dispute

SHRI H. HANUMANTHAPPA (Karnataka): Mr. Vice-Chairman, Sir, with your permission, I want to raise an important issue. A serious situation is arising out of the Supreme Court judgement on the Cauvery water dispute. Sir, the Constitutional provision is very clear in this respect. Article 262 reads:

“Adjudication of disputes relating to waters of inter-State rivers or river valleys—(1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.”

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Clause (2) says:

"Notwithstanding any thing in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court exercise jurisdiction in respect of any such dispute or complaint as is referred to in cause (1)."

Sir, further section 11 of the Inter-State Water Disputes Act says:

"Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise any jurisdiction in respect of any water dispute which may be referred to a tribunal under this Act."

Sir, the jurisdiction of the Supreme Court is totally taken away by the Constitution. And the Act specifically prescribes :

"1. Any request under section 3 is received from any State Government in respect of any water dispute..."

SHRI T. R. BALU (Tamil Nadu): I am sorry to interrupt... (Interruptions)... A review petition has been filed; the matter is *sub-judice*... You cannot discuss it... (Interruption)... The matter is *sub-judice*. So you cannot discuss it here... (Interruptions)...

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): It is *sub-judice* because a review petition has been filed. So he cannot raise the issue here... (Interruptions)...

SHRI T. R. BALU: Sir, it is *sub-judice*... (Interruptions)... I seek your ruling, Sir... (Interruptions)... I seek your ruling... (Interruptions)...

SHRI G. SWAMINATHAN (Tamil Nadu): He is talking about a *sub-judice* matter. It is against the rules, Sir. He cannot discuss it... (Interruptions)...

SHRI V. GOPALSAMY (Tamil Nadu): Supreme Court has given a judgement. Now the Karnataka Government has filed a petition, review petition and the matter is before the Supreme Court. Therefore, I would request the hon. Vice-Chairman to tell us whether the matter is *sub-judice* or not... (Interruptions)...

SOME HON. MEMBERS : It is *sub-judice*. ... (Interruptions)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Please continue.

SHRI H. HANUMANTHAPPA  
Sir, if they sit down, I will continue.  
... (Interruptions)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : It is not a contempt of court... (Interruptions)... It is not a contempt of court... (Interruptions)... We have discussed it so many times... (Interruptions)... But it does not bar us... (Interruptions)...

SHRI G. SWAMINATHAN :  
On a point of order, Sir, I am raising this issue because a *sub-judice* matter cannot be taken up in this House. You give a ruling on this... (Interruptions)... One minute Sir. The ruling has to be given by the Chair.  
... (Interruptions)...

SHRI V. GOPALSAMY : One minute, Sir... (Interruptions)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Please hear me. What he says is... (Interruptions)...

SHRI AJIT P.K. JOGI (Madhya Pradesh) : Sir, a point of order has been raised. The matter is *sub-judice*, but what he is saying is not *sub-judice*. ... (Interruptions)...

**SHRI G. SWAMINATHAN:** If the Chair overrules me and allows him to speak, it is all right, but the issue is *sub judice* and without giving a ruling, you cannot ask him to speak...*(Interruptions)*...

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** The convention of the House is that we do not discuss *sub judice* matters here. ...*(Interruptions)*...

That is what I am saying...*(Interruptions)*...That is what I have been saying. ...*(Interruptions)*...

**SHRI B.L. PANWAR (Rajasthan) :** The Chairman has given the permission...*(Interruptions)* Special Mention has been permitted by the the hon. Chairman...*(Interruptions)*

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** They are not disputing about the Special Mention, but the point of order is whether, when the matter is *sub judice* we can discuss it or not. The convention of the House is that we do not discuss this matter. It is not barring him from making a Special Mention. It is only the limit that I am telling. ...*(Interruptions)*...

**SHRI V. GOPALSAMY :** Because the hon. Chairman has permitted him to raise this issue, he can do so, but what is said in the Court is the other point which is relevant to the decision of the court to which he need not refer. Other merits of the case he can refer to if he wants.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** That is what he will be doing. ...*(Interruptions)* ...That is what he will be doing...*(Interruptions)*...

**SHRI H. HANUMANTHAPPA:** He cannot direct me. He cannot direct. I am sorry, it is my right. He cannot direct me...*(Interruptions)*...I will go by his direction or by your direction ? He cannot

direct me, Sir. ...*(Interruptions)*...

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Please sit down. ...*(Interruptions)*...

**SHRI V. GOPALSAMY :** I am sorry, Sir. Mr. Hanumanthappa is mistaken. I did not direct him at all. I have no authority to direct him. ...*(Interruptions)*... I was only making my submission to you. He is mistaken and he is unnecessarily agitated. ...*(Interruptions)*...

**SHRI H. HANUMANTHAPPA:** What is there to direct me ?

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** He is very particular about his right and he must be. Mr. Hanumanthappa, please carry on.

**SHRI V. GOPALSAMY :** How can I direct you or dictate to you, Mr. Hanumanthappa? ...*(Interruptions)*...

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Your voice is such that everybody feels sometimes that you are dictating!...*(Interruptions)*...

**SHRI H. HANUMANTHAPPA:** Sir, I will go by your decision. I know what is *sub judice* also. I will limit myself. I am myself a lawyer and I need not be guided by anybody. I have not even come to the subject matter as yet and my friends are agitated. I am only quoting the provisions of the Act of the Constitution. So far I have only quoted the provisions of the Constitution and said that the Supreme Court has no jurisdiction. Parliament is competent to enact a law and Parliament has enacted a law and, under section 11 of that Act, Parliament has prohibited the Supreme Court also. I am only mentioning that if there is any dispute, there is a duty cast on the Government of India and if a dispute cannot be settled by negotiations, then the

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Central Government... (*Interruptions*)...

SHRI V. GOPALSAMY : Sir, what he is speaking about is a matter which is *sub judice*. This has been decided by the Supreme Court and this is a Constitutional aspect; it is *sub judice*. It is to this that we are objecting... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : I will convince you. You please sit down... (*Interruptions*)... You please sit down; I will convince you... (*Interruptions*)...

SHRI T.R. BALU : You need convince us... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : I am not questioning the judgement... (*Interruptions*)... Mr. Balu, you are mistaken. I am referring only to section 3 of the Act... (*Interruptions*)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Mr. Balu, he is only reading out section 3 of the Act... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : Sir, will reading out section 3 of the Act be *sub judice*? I am reading out section 3 of the Act and I am bound by your decision, Sir. I am reading out section 3 of the Inter-State Water Disputes Act. Now, section 3 says, (*Interruptions*)...

SHRI V. GOPALSAMY : Sir, he is questioning the verdict given by the Supreme Court... (*Interruptions*)...

SHRI T.R. BALU : Sir, he is questioning the judgement of the Court... (*Interruptions*)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Let him at least finish. If you shout at every word that he utters, then he cannot even finish what he wants to say... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : Sir, they are only presuming that I am questioning the judgement of the Court. I am not questioning it... (*Interruptions*)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : He is not questioning the judgement... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : Sir, I am not doing that. Reading the provisions of the Act is not questioning the judgement... (*Interruptions*)... I have not questioned the judgement yet. They are only presuming... (*Interruptions*)

SHRI V. GOPALSAMY : In a very clever manner you have questioned it... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : I have not questioned it. I am only reading out the provisions of the Act... (*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN : You are reading it in such a way that it amounts to questioning it... (*Interruptions*)...

THE VICE-CHAIRMAN : (DR. BAPU KALDATE) : Please listen to him... (*Interruptions*)...

SHRI T.R. BALU : It appears that he is going to challenge it... (*Interruptions*)...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Let me hear him first. I cannot hear him at all if you speak like this, all at the same time. Please allow me to hear him... (*Interruptions*)... Mr. Hanumanthappa, without going into details, you mention your point... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : Sir, I only want your protection. I am reading out only sections 3 and 4 of the Act... (*Interruptions*)... This is written in the Act, this is written in the Constitution. What can I do ? ... (*Interruptions*)

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : He is not saying anything. He is only reading out and what he is reading out is written in the Act. Without making any comment, he will read out... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : It is this Parliament—the Constituent Assembly—which had passed the Constitution which says the Supreme Court has no jurisdiction. I am reading that. This Parliament had passed an Act, the Inter-State Water Disputes Act, and a section of the Act says that the Supreme Court has not jurisdiction. If I read the Act, why should that pinch them? After all, I am not questioning the jurisdiction. I am only reading the Section. Section 4 says:

“If any request under Section 3 of the Act is received from any State Government in respect of any water dispute, and the Central Government is of opinion that the water dispute cannot be settled by negotiations, the Central Government shall, by notification in the official gazette, constitute a Water Disputes Tribunal for the adjudication of the water dispute.”

In pursuance of this the Central Government should have continued the negotiations...

SHRI G. SWAMINATHAN : How long will they continue?

SHRI H. HANUMANTHAPPA : I will answer that point. This Government has made only one attempt on 19th April. The meeting did not take place. It was postponed to the next day. The next day the meeting could not take place because the Central Minister could not participate on 20th April. So the meeting was again fixed for 10th May 1990. Therefore, this Government has not gone through the negotiations...

SHRI T. R. BALU : He is hiding the facts.

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THE VICE-CHAIRMAN (DR. BAPU KALDATE) : You can contradict him. Let him speak first.

SHRI H. HANUMANTHAPPA : The Leader of the House spoke of discipline. Let him discipline his Members.

SHRI V. GOPALSAMY : I should be allowed to speak.

SHRI V. NARAYANASAMY (Pondicherry) : Mr. Gopalsamy, yesterday was your birthday. So please cool down.

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : I know that this is a very sensitive issue. He is making a special mention. Let us hear him. Let us not be hypersensitive. I know the problem.

SHRI H. HANUMANTHAPPA : My friends should not forget the words I used. Twenty five times those friends were here. Twenty-sixth times those friends are there.

SHRI T. R. BALU : What do you mean by it?

SHRI H. HANUMANTHAPPA : Why are you jumping at every sentence? Please sit down, I am sorry...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Please let him have his say. You have your opportunity. You should not interfere and stop him from speaking. You continue, Mr. Hanumanthappa.

SHRI H. HANUMANTHAPPA : My point is the new Government which has taken over has not made proper efforts. Firstly there was negotiations only once and that too was not gone through completely because they took a stand that it could not be negotiated. So I think the Government has failed to that extent. They have not continued the negotiation. And the Government claims that it works on conscience

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and it wants to take everybody into confidence. Then they should have continued the negotiations. No negotiations on such as sensitive issue could be completed in one sitting. So I appeal to the Government, you not only continue the negotiations; if possible file a review petition before the Supreme Court to take time to continue the negotiations. Keep the harmony between the State and the Centre in negotiating the issue. Don't unnecessarily allow the passions of the people of any States to go high. This is my request, through the Leader of the House who also comes from my State. I appeal to the Government of India to file a review petition and take some time and continue the negotiations and arrive at an amicable settlement of this dispute. Now, what is *sub judice* in this ?

SHRI V. NARAYANASAMY:  
Mr. Vice-Chairman,...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : You will only associate yourself with it.

SHRI V. NARAYANASAMY :  
You kindly hear me, whether I am associating myself or not. We are also one of the States in the Cauvery dispute...

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Associate only.

SHRI V. NARAYANASAMY:  
Sir, I am coming to the association part of it. Sir, my grievance is that at no point of time—though we have a Congress Ministry earlier and now we have the DMK-Janata Dal Ministry there—have we been invited for talks... (Interruptions) You pick and choose. In important meetings you ignore my State. I say this with full anguish because we are at the fag end of the Cauvery water area. Whenever there is a flood, our farmers are affected. More than three lakh farmers are being affected.

When there is drought, Tamil Nadu and Karnataka are enjoying and my State has been eliminated. That is my grievance. Ours is only a limited... (Interruptions) 6359 TMC of water has been allocated for our State. Right from 1974 till date we have not got more not more than two point something TMC of water. My submission is that the whole dispute arose because the Chief Minister of Tamil Nadu in 1971 took a wrong decision in withdrawing the case which was pending before the Supreme Court. Therefore, the matter has been delayed for more than 14 years. Otherwise the Cauvery water dispute would have been settled long back.

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Anyway, the problem is not there... (Interruptions)

SHRI V. NARAYANASAMY :  
I am coming to the problem. Sir, the Central Government could not solve the problem. Therefore, the matter... (Interruptions)

PROF. CHANDRESH P. THAKUR (Bihar) : On a point of order. Poor Narayanasamy is one against eleven of them. This is verbal violence. And he is making an important point but they are not allowing him to speak. Is it appropriate ? (Interruptions)

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Let him at least... (Interruptions)

AN HON. MEMBER : He is misleading the whole House. (Interruptions)

PROF. CHANDRESH P. THAKUR : You can lead the House after his misleading the House. (Interruptions)

SHRI V. GOPALSAMY : Don't speak for party politics. This is a matter above party politics.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** The Deputy Chairman has allowed Mr. Gopal-samy also to intervene. If you go on doing like this, then the other people will also do the same thing. Please allow him to speak whatever he has to speak. If this goes on, then they will shout when you speak. Please sit down.

**SHRI V. NARAYANASAMY :** Since the Central Government failed to solve the dispute that is existing between the four States, the Supreme Court intervened into the matter. The Supreme Court gave a finding. My submission is that the Central Government should act immediately on the verdict of the Supreme Court and appoint a Tribunal. There should be a clause in that. My specific emphasis is that there should be a specific clause for interim relief to all the parties. Interim remedy should be there so that all the States can enjoy the waters without affecting each other's right till the final verdict comes. The interest of my State has also to be safeguarded. Therefore, I want the Central Government to act immediately, appoint a Tribunal and include a clause for giving interim relief to all the States. I welcome the Supreme Court decision. I want the Tribunal to be appointed by the Central Government.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Mr. V. Gopal-samy. Five minutes. Don't go into much controversy.

**SHRI V. GOPALSAMY :** Sir, the water potential of Tamil Nadu is the lowest among the Southern States. The total surface water availability in Tamil Nadu is only 1300 TMC as against Karnataka's 3400 TMC. The per capita availability of water in Tamil Nadu is only 0.03 Mcft. as against Karnataka's 0.11 Mcft. and the national average is 0.10 Mcft. Cauvery is the only major river in this State and about 80 per cent of the canal irrigation

in this State up to 1974 has been dependent on the flows from Cauvery. Irrigation in the Cauvery delta dates back to over 2000 years. Sir, for over 2000 years, we, in Tamil Nadu, have been enjoying these rights on Cauvery waters. We have been enjoying these rights for thousands and thousands of years.

The use of Cauvery waters is governed by the agreements of 1892 and 1924. The essential principle enshrined in these agreements is protection for the existing irrigation and fair and equitable development in the basin after meeting the requirements of the existing irrigation. While the 1924 agreement will continue to be in force, the agreement provides for review of certain clauses after expiry of 50 years, i.e. in 1974, to enable sharing of the surplus waters, if any, as brought out by the experience over the fifty years and it has been specifically stated in the 1924 agreement.

Dispute arose when Karnataka started construction of new reservoirs across the tributaries of Cauvery, namely, Kabini, Hemavathi and Herangi, without prior concurrence of Tamil Nadu, as required under the agreement. Discussions at the level of the Chief Ministers to arrive at an amicable settlement started in 1968.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Mr. Gopal-samy, as I told you, please be brief. Don't go into all the details. (*Interruptions*) I had told you that it is not a speech. We are having a Special Mention. It is not a discussion. What you talked to the Deputy Chairman and what you told me is that you are not associating. I know this. The problem is that it is not a discussion.

**SHRI V. GOPALSAMY :** I will be brief, Sir.

**SHRI H. HANUMANTHAPPA :** I am on a point of order, Sir. I have originated the Special Mention.

Sir, I have originated the Special Mention. If the hon. Member is associating, I have no objection. But if he is starting the history of Cauvery, I should be allowed to give a rejoinder. If he goes back to 2,000 years, I must also be allowed to go back to 2,000 years. I have not talked even of 100 years. I have not even gone to 1924. I am only on the current position. If he is going to 1924, if he is going back to 2,000 years, I must be allowed, and I will bring the history of Cauvery because the Cauvery is my river.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Mr. Hanumanthappa, I told him. Mr. Narayanasamy also had a point of view about his own State. So, I had asked him to be brief.

**SHRI V. GOPALSAMY :** Sir, I will be brief.

Sir, the Tamil Nadu Legislative Assembly and the Legislative Council passed resolutions on 8-7-1971 urging the Government of India to refer the dispute to a Tribunal. Also, Tamil Nadu Government filed a suit in August, 1971, in the Supreme Court of India praying for directions to the Government of India to refer the dispute to a Tribunal. Persuaded by the then Prime Minister of India, Smt. Indira Gandhi and on the basis of her assurance of her sincere efforts to find an amicable settlement expeditiously, the suit filed in the Supreme Court was withdrawn in July 1972. In the meanwhile, in May 1972, the Chief Ministers of the Basin States in the presence of the Union Minister

agreed to constitute a Cauvery Fact Finding Committee to collect data. That Committee also have done their duty. Negotiations took place for 26 times but in vain. No fruitful decision could be arrived at. And finally the Tamil Nadu Assembly passed a unanimous resolution, supported by the Congress Party also that there is no use of any further negotiations or any dialogue. Therefore, we requested the Central Government that the matter should be referred to a Tribunal. Under these circumstances, the Supreme Court has given this decision. Therefore, Sir, I would like to congratulate the Prime Minister of India for his announcement in Bangalore itself that the Government of India is bound by the decision of the Supreme Court, the Tribunal should be constituted. This is not a matter for any party politics. When Mr. Rajiv Gandhi dictated to the Members of Parliament from Tamil Nadu not to participate in the delegation, at the same time he could not dictate to Mr. Virendra Patil.

*(Interruptions)*

**SHRI V. NARAYANASAMY :** We have taken a separate stand. Therefore, we have submitted a separate memorandum...

**SHRI V. GOPALSAMY :** Mr. Rajiv Gandhi could dictate to the Tamil Nadu Congress party. He could not dictate to Mr. Virendra Patil.

*(Interruptions)*

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Why go into all these things ?



**SHRI V. NARAYANASAMY :** As a political party, we have a stand. It is our right to go with you or not. Sir, he has no right to say that. The DMK Movement in Tamil Nadu is trying to divide the political parties. They will not succeed in this.

*(Interruptions)*

**SHRI V. GOPALSAMY :** The chief of the Tamil Nadu Congress is behaving like ~~ff~~. *(Interruptions)* Therefore, Sir, whatever decision has been taken, the Central Government should not yield to any pressure from Karnataka. The Tribunal should be constituted. *(Interruptions)* Mr. Ramakrishna Hegde in his capacity is sitting in the Planning Commission. He should not have joined the delegation. That point is also there. We have got a Minister here. We do not expect our Minister to join the delegation. The Central Government is taking a decision. Mr. Ramakrishna Hegde is exceeding his limits. He joined the delegation. Mr. Virendra Patil joined the delegation. But at the same time, Mr. Rajiv Gandhi could not dictate to Mr. Virendra Patil whereas he is dictating to the Tamil Nadu Congress President who has become ~~ff~~ of Tamil Nadu.

*(Interruptions)*

**SHRI V. NARAYANASAMY :** Sir, I object to the remark used by the Member. Sir, that has to be removed from the record.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** That word will not be there on the record.

**SHRI V. GOPALSAMY :** It was a betrayal.

*(Interruptions)*

**PROF. CHANDRESH P. THAKUR :** Mr. Vice-Chairman, Sir...

**SHRI V. GOPALSAMY :** Therefore, I request the Central Government not to yield to any pressure from the Karnataka Government and from the Karnataka people, and the Tribunal should be constituted immediately. This is my request. *(Interruptions)*.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Now, Mr. Swaminathan please. *(Interruptions)*.

**PROF. CHANDRESH P. THAKUR :** Sir, I am on a point of order.

**SHRI H. HANUMANTHAPPA :** Sir, I want to put the record straight. *(Interruptions)*.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** Just a minute, Mr. Hanumanthappa. Prof. Thakur is on a point of order.

**SHRI H. HANUMANTHAPPA :** This is in regard to Cauvery. What has Prof. Thakur got to do with it?

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** He is on a point of order, Mr. Hanumanthappa.

**PROF. CHANDRESH P. THAKUR :** Mr. Vice-Chairman, Sir, Mr. Gopalsamy is a seasoned and senior Parliamentarian. Maybe, in an emotional outburst, he has made certain remarks which he did not mean. It involves the privilege of a Member of Parliament. He said that a particular person,—who is not a Member of this House,—forced Members of Parliament from a particular State...

**SHRI V. GOPALSAMY :** I did not mention the name of Mr. Ramamurti. *(Interruptions)*.

**SHRI T. R. BALU :** He did not mention the name at all. He said

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'Congress President'. (*Interruptions*).

PROF. CHANDRESH P. THAKUR : Sir, my point is, does it not amount to a reflection on the capability of the Members of parliament to carry their personal responsibility as citizens' representatives in whatever role they think appropriate for themselves? Secondly, . . .

SHRI V. GOPALSAMY : We don't need your advice. You give advice to your Members. (*Interruptions*).

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Mr. Narayanasamy has categorically denied it. Therefore, the matter ends. Mr. Swaminathan please. (*Interruptions*).

SHRI G. SWAMINATHAN : Mr. Vice-Chairman, Sir, I will take only one minute. The most important thing is who is benefited by the continuance of the negotiations? There are two main parties, namely, Karnataka and Tamil Nadu, besides Pondicherry.

THE VICE-CHAIRMAN (DR. BAPU KALDATE) : Include Pondicherry now.

SHRI G. SWAMINATHAN : Pondicherry and Kerala. But the main parties are : Tamil Nadu and Karnataka. The main question is, who is going to be benefited by the continuance of the negotiations? If negotiations go on, it will be only Karnataka which will be benefited and not Tamil Nadu. That is why Karnataka is interested in continuing the negotiations. Continuance of negotiations means, no decision will be taken. If no decision is taken, we, in Tamil Nadu, do not know how to proceed with our cultivation. We do not know what to do, whether to have the first crop or the second crop. After 1974, we have been in a pitiable position. We want an

early decision to be taken. The matter has been taken up several times. As has been mentioned by my colleague here, discussions were held twenty-six times. The hon. Member also said that after the new Government came to power, there was discussion only once and that there were not many discussions. Government of India is Government of India, whichever party comes to power. (*Interruptions*) Sir, twenty-six times, discussions were held, but nothing happened. Thrice, the Tamil Nadu Government came to the conclusion that negotiations would be of no use and, therefore, they wanted a tribunal to be appointed. Three times we asked for it. The matter went to the court. It was not mainly by the Government of Tamil Nadu. It was mainly by the people in the delta region, in Thanjavur District; by the riparian-users. They have been enjoying these rights for two thousand years. They have been enjoying these rights over a long period of time. It cannot be taken away by an agreement or by any Government. Even the International Court of Justice would not be able to take it away. They went to the court. All matters which have been discussed here by my colleagues were discussed there also. The question was whether the court would be able to give its decision in regard to appointment of a tribunal or not. Ultimately, we went to meet the Prime Minister. We are very happy to note that he was able to understand the whole situation and he said that whatever decision the court takes, he will abide by it. I am sure, the court would ask for the matter to be referred to a tribunal after disposing of the review petition.

I am a person who hails from Thanjavur District. This is the area which has been mainly affected over a long period of time. Not only the land-owners. Nearly nine lakh agricultural labourers are starving. Therefore, we want that this should be referred to a tribunal so that the matter is settled once and for all.

It may be favourable to Tamil Nadu. It may be favourable to Karnataka. I do not know to whom it is going to be favourable. Therefore, I do not understand why hon. Members from Karnataka should get agitated. We only want justice to be done in regard to this matter. I think it is a wise decision on the part of the hon. Prime Minister that the court should decide.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE) :** The House stands adjourned and will meet again at 2-45.

The house then adjourned for lunch at forty-five minutes past one of the clock.

The House reassembled after lunch at forty-eight minutes past two of the clock, The Vice-Chairman (Shri M.A. Baby) in the Chair.

### SPECIAL MENTIONS—Contd.

#### Arrest of a Member of Rajya Sabha

**श्री सुरेश पचौरी (मध्य प्रदेश) :** मान्यवर, इस सदन की एक सदस्या की गिरफ्तारी के संबंध में मैं आपका ध्यान आकर्षित करना चाहता हूँ। हमारे सदन की माननीय सदस्या, कु० सुशीला तिरिया को आज पुलिस ने न केवल गिरफ्तार किया कृषि भवन के सामने से, बल्कि उस पर लाठियों से बर्बरतापूर्वक प्रहार किया और उसको सब से पहले पुलिस मंदिर मार्ग ले गई और उसके बाद उसको तिलक मार्ग पुलिस स्टेशन में ले जाया गया। बहुत समय तक वह किस पुलिस स्टेशन में गिरफ्तार की गई, पुलिस अधिकारियों से पूछने पर उन्होंने इस चीज को छिपाये रखा। जब हमको लगा कि वह तिलक मार्ग में है, वहाँ हम गये तो बड़ी मुश्किल से उसको मिलने दिया गया और अभी मैं उससे मिल कर आ रहा हूँ।

उसने बताया कि कृषि भवन के सामने जब कल पुलिस द्वारा किये गये

लाठी प्रहार के विरोध स्वरूप जब वह युवक कांग्रेसियों की रैली के साथ जा रही थी, तो उनको पुलिस ने गिरफ्तार किया और लाठियों से बहुत ज्यादा प्रहार किया। यहां तक कि अन्य लोगों को जिनको गिरफ्तार किया गया है, उन्हें पुलिस वाहन में बिठाया, तो वाहन में भी उनके साथ पुलिस वालों ने लाठी का प्रहार किया और साथ ही सामने जो जवाहर भवन है, उसमें घुस कर के जवाहर भवन में बैठे हुए अधिकारियों से पुलिस ने जो कर्मचारी है वहाँ, पुलिस ने उनकी बर्बरतापूर्वक पिटाई की और साथ में 21, जनपथ में जो भारतीय युवक कांग्रेस आफिस है, वहाँ घुस कर वहाँ पर पिटाई हुई और युवक कांग्रेस के कार्यकर्ताओं के ऊपर भी पुलिस ने लाठियों से बर्बरतापूर्वक प्रहार किया और उन सब को जबरदस्ती उठा कर ले गये और गिरफ्तारी की गई।

अभी तक पुलिस वाले सात लोगों की गिरफ्तारी बता रहे हैं, जब कि मैं इमर-जेंसी वार्ड से होकर आया हूँ, बारह लोग भयंकर रूप से गंभीर रूप से वहाँ घायल हैं। उनकी हालत चिंताजनक है।

साथ ही कल के संदर्भ में जिन लोगों को राम मनोहर लोहिया अस्पताल में भर्ती करवाया गया था, उनसे जब मैं मिल कर आया तो उन्होंने बताया कि डाक्टरों द्वारा उन पर दबाव डाला जा रहा है कि वह अस्पताल छोड़ कर चले जायें, उनकी हालत ठीक होती जा रही है, जबकि उनकी हालत भी चिंताजनक है। मैं आपके माध्यम से सरकार से आग्रह करूंगा कि गृह मंत्री जी इस संबंध में वक्तव्य दें, क्योंकि पुलिस का तांडव नृत्य न केवल मेहम तक सीमित है, बल्कि वह तांडव नृत्य मेहम से बढ़ कर दिल्ली में हो रहा है।

**SHRI SURESH KALMADI (Maharashtra):** Sir, this is a very serious matter. You, Sir, have been a part of the youth movement and I am sure you would give me a minute or two for this. Sir, there was such a brutal attack on the