

Title: Further discussion on the Nationalisation of Inter-State Rivers Bill, 1999 moved by Shri Vaiko on the 5th May, 2000. (Bill withdrawn)

MR. CHAIRMAN: Now, let us take up Item No.13. Shri A.C.Jos is on his leg. He is to continue the debate.

SHRI A.C. JOS (TRICHUR): The other day, I had been mentioning about Item No. 56 in the Seventh Schedule, that is, the Union List, where 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. My complaint is that the Central Government till date has not effectively used this authority given by the Constitution in the case of Inter-State rivers. We have not been able to have a National Water Policy till date. In 1986, the late lamented Shri Rajiv Gandhi evolved a National Water Policy but it could not be passed by all the States. Shri P.V. Narasimha Rao who succeeded him sent it for the comments of the States. I understand that it was discussed in the National Water Council which is the official body representing all the States. Though it was discussed, it could not be passed. With the result, it is still hanging without any decision. My request to the hon. Minister of Water Resources is this. Sir, he is not here.

MR. CHAIRMAN: He is here. He is very much present here.

SHRI A.C. JOS : I am sorry. The Minister is sitting there. I looked at the Treasury Benches where he is not seen.

1514 hours (Dr. Raghuvansh Prasad Singh *in the Chair*)

So my submission is, maybe, because of political instability or whatever it is, we could not have a National Water Policy. Now, it is high time to have a National Water Policy. With the consent of all the States, a National Water Policy is to be evolved, and enough leeway should be given for all the States to express their opinion. As per the drawing authority from Entry-56, we have two laws. One is the River Boards Act and the other is Inter-State River Water Disputes Act, 1956. It is ridiculous that after 1956, this Act has become an archive and outdated. A lot of water has flown down after that. We have not been able to make a concerted effort to have a comprehensive Act. Either a new Act should be brought into or different amendments are to be brought into that Act. Section 11 of this 1956 Act precludes, excludes the Supreme Court from taking a decision. The Minister may be well aware that the Supreme Court, when it is seized of the matter, formed a Constitution Bench to consider this matter.

In our system a particular Act which precludes Supreme Court jurisdiction cannot be thought of or cannot be permitted to exist. So, considering all the aspects, after the development of many things we have to have a comprehensive legislation regarding the inter-State river disputes.

Even in the United Nations in 1994 there was an International Convention on Navigable River Waters. After that Convention, in 1997 they passed a Resolution -- of course, India abstained from it -- and in that Resolution it was decided to have a survey of the situation. Even that did not permit a survey by an independent body by which negotiations can be had. So, that is absolutely necessary. Especially, every other day, disputes are propping up from State to State regarding this.

I come from Kerala. Kerala has got disputes with all the neighbouring three riparian States, Karnataka, Tamil Nadu and Pondicherry. Presently because of nature at times blessing us the position is not so difficult. Otherwise, things would have been more different. So, there is an urgent necessity that we have to amend comprehensively this 1956 Act.

There are a number of organisations. The National Water Board is there, the National Water Development Agency is there and so on. Any number of agencies are there. But are they accountable to this Parliament? I have not seen any Reports. So, instead of that, either under this Act or by a different Resolution of the order, I appeal to the Government that they should form one agency.

Sir, what is happening? When a dispute comes, one agency of the Government cannot solve it immediately. Another agency is formed or a committee is formed. That is left to them. After that what happens to that Committee nobody knows. Then comes another dispute. When the dispute between Haryana and Punjab came we formed a Committee. Instead, now many international agencies are there.

Our very eminent scientist Minister, Dr. K.L. Rao was the Minister of Irrigation. At that time the name of the Ministry was 'Ministry of Irrigation'. Now it has been changed to 'Water Resources', Dr. K.L. Rao dreamt of many schemes. He said that the river Ganga should be merged with the Cauvery and that a national grid should be formed. But unfortunately it was not done.

Presently, we are coming to the conclusion that it is very grossly under-estimated. That is the reply given by the Government to a question and that it needs a lot of power. So, that has not been taken into consideration.

Even now what is the situation today? As on today Bihar is reeling under floods, whereas Tamil Nadu is having a drought. Thirty people died in Assam of floods and Gujarat is in difficulties. Also, the time has come wherein a masterplan has to be drawn up by which the Brahmaputra could be tamed and water is used properly. Last time itself I submitted that we are using only one per cent of the rain water which we are getting from nature. The rest, 99 per cent of the water, which is very precious is flowing to the sea, which we are not using.

The result is that one part of the country is suffering from floods, the other part is suffering from drought. Is it not a shameful thing for a modern nation like us wherein we have to plan all these things and tame our water?

Sir, in the last century or in the early part of this century, wars were fought on firm grounds, but I warn the Government that wars will come in this century for water. A lot of things have been said, but I do not want to go into the details. *Mahanadi* can be harnessed. Even the big cities like Cuttack and Bhubaneswar are flooded with water of *Mahanadi*. It can be linked to South. The water from that place can be given to the Southern people.

Sir, *Brahmaputra* is a wild river. What can we do? Every year, year after year, we are spending a lot of money on relief work. My submission to the hon. Minister is why do you not pool all these relief money, which we are spending on relief work. We have a National Relief Rolling Fund. Even now some States are expecting money. There will be some money on floods and works are being earmarked, to be executed after the floods. That system has to be changed. Now, if we can have Narmada Project of Rs. 6,000 crore or even bigger than that, then why do you not envisage a scheme by which *Brahmaputra*, both its pacific rivers as well as Himalayan rivers, can be taken into consideration?

Sir, I had mentioned last time also that I went to Rajasthan. The canals, which we built there, have really brought prosperity to that desert State. Our agriculture can be encouraged and more work can be given. So, we have to think about water. However, I am not going deep into it.

Sir, now, this House is seized of the matter. I really appreciate Shri Vaiko. This matter has been seized by the House. Now, the hon. Minister is armed enough with powers and public opinion also. Every other day, during drought time, we hear either tussle between Karnataka and Tamil Nadu or between Kerala and Tamil Nadu or between Haryana and Punjab. Why should we give room to that? In fact, our rivers are the source for national integration. The water flown unwantedly and unused to the Arabian Sea or to any other place can be used. Even the underground water also is being repleted every day.

Therefore, my submission is that a Master Plan is to be envisaged or drawn by the hon. Minister by which the entire country can be covered. The National Water Policy, which is on the anvil, has been discussed thoroughly by the National Water Council, but the only thing is that it has not been formulated and it has not got the stamp of authority.

Thirdly, there is an urgent necessity to have the present Act either repealed or abrogated. You can bring a new comprehensive legislation by which the disputes can be taken care of. That should be the outcome of this discussion. That is what I have to submit to the hon. Minister.

SHRI P.H. PANDIYAN (TIRUNELVELI): Mr. Chairman, Sir, I rise to express my views on the nationalisation of rivers.

River is a connecting link to all mankind, irrespective of the language, culture or religion. Rivers flow from one State to the other. Cauvery water flows from Karnataka State to Tamil Nadu State and to Pondicherry. Dams were constructed towards the upper part of the Cauvery river basin. So, the rights of the lower riparian States were infringed, which led to the appointment of our Tribunal. The Tribunal has passed an Interim Award but the execution of that Award is not imminent. It has so much ramifications. Though we are together, though India, that is, Bharat, is a union of States, though we are all Indian citizens, yet one State objects to the other State getting more water. In the modern civilisation, these fissiparous tendencies and paranoiac approach should be undone. In my district and the district of the Mover of this Bill, Shri Vaiko, there is a river called *Tambrabarani Porunai* river which originates from *Podigai* hills and mixes with the sea. That is the only river which originates from our district. It is a perennial river which caters to the needs of the mankind of all the adjacent districts to get potable water. Towards the western side of Kerala, time and again, our forefathers and the administrators, MPs, MLAs of that time, that is, about 20 years back, have been advocating that the water of the west flowing rivers should not mix into the sea because it is going waste, and that we must construct a dam towards the upper part of that west-flowing river. I thought I could ventilate these grievances during the Half-an-Hour discussion wherein it was stated that major projects had not been formulated or advocated or mooted by the Tamil Nadu Government. At that time, in the statement furnished by the Minister, it was stated that there was no major project mooted by the Government of Tamil Nadu. I thought that I could mention that during that discussion. At least now the Minister may communicate to

the State Government to formulate a major project - as such, there is no major project; there are only minor projects - to contain these west-flowing river waters to cater to the needs of lakhs and lakhs of agriculturists. Coming down from that part of that river, you have *Kodumukdiyar*, you have *Kudambiyaru*, you have *Patchayaru*, but these are all minor projects.

THE MINISTER OF WATER RESOURCES (SHRI ARJUN SETHI): But these can be executed by the State concerned.

SHRI P.H. PANDIYAN : But, Sir, I would like to say that we need environment clearance. We have the full-fledged *Patchayaru* scheme. Now they have laid the foundation and the scheme is being executed as *Vadakku Patchayaru* scheme. The entire North *Patchayaru* scheme has not been mooted. So far as the *Kodumudiyaru* scheme is concerned, the environmental clearance of the then Minister of Environment and Forests, Shrimati Maneka Gandhi was obtained as early as in the year 1990.

But that clearance was not communicated or was not carried out. The lion-tailed monkeys were prevalent in that *Kodumudiyaru* area. They are called *Singaval Korangu*. When I was a Member of the Legislature in Tamil Nadu Assembly, a proposal was mooted by all the Members of the Assembly from that district saying that we have to formulate this project setting aside the prevalence of lion-tailed monkeys. But what is the position now? I want to know whether the Central Government has given environmental clearance of this entire *Kodumudiyaru* scheme or not. There are lakhs of acres of land in *Kodumudiyaru*, *Nambiyaru* and *Patchayaru* areas which depend upon these west-flowing waters.

I heard the speeches of the other hon. Members. The mover Shri Vaiko has said that I must participate in this discussion. It is a great pleasure and it is my duty to participate as such. I want to say that rivers must be nationalised to uphold the dignity of mankind. Rivers must be nationalised to uphold the sovereignty and integrity of India. Rivers must be nationalised to promote emotional integration. Emotional outburst is there now because of certain differences over sharing of waters. How was the Suez Canal dispute settled? How were the other disputes settled? Here the water dispute has not yet been settled so far amicably, either through negotiation or through a decree. We cannot execute a decree. It can be negotiated. It can be settled by constitutional functionaries at a higher level. But to arrange for a meeting between two Ministers, the Supreme Court has to order that the Ministers of Tamil Nadu and Karnataka should meet. The state of affairs has come to that level.

Irrigation projects, whether minor or major, the agriculturists - smaller or bigger, the States whether bigger or smaller depend upon water. Water is an important commodity for existence of mankind. Potable water is another important commodity for living. So, if water conservation is done by the nationalisation of all rivers put together, the survival of mankind is guaranteed. It is the Central Government which should guarantee the agricultural operations. It is the Central Government which should give guarantee to all the agriculturists as it has to give constitutional protection under article 19(g) of the Constitution which is on freedom to carry out profession, business or avocation.

We have water dispute even towards Pakistan border. When we are able to survive with enemy border of India, why should we not survive and why should we not settle these water problems and water disputes between the States? The only solution to settle water dispute between the States is nationalisation. So, I appeal to the Central Government - the hon. Minister of Water Resources is here - to moot a proposal with the Government of Tamil Nadu to formulate major irrigation projects and solve the water problem.

During question hour some time ago, when your predecessor Dr. C.P. Thakur was the Minister incharge, I asked for allocation of funds for my constituency, particularly, Tuticorin where there is no potable water. It is on the seaside and it is a port city.

At that time, he said that he would look into it. We need about Rs. 70 crore for drinking water alone. I also asked for desilting of *Tamirabarani* river, on the floor of this House. It seems that the Central Water Commission had sent officials to Tirunelveli and they have ascertained the cost and formulated a project for about Rs. 70 crore. The Union Minister has also announced that Rs. 70 crore project has been formulated. Sir, the project of desilting of *Cauvery* is there, but the Central Water Commission has not included the project regarding desilting of *Tamirabarani* river. So, I would again urge - because he is a new Minister - that *Tamirabarani* river in Tirunelveli district of Tamil Nadu may be desilted right from *Podugai* river up to the sea, whether it is Tuticorin or Tirunelveli district. They may incur heavy expenditure, but they are catering to the need for potable water of about 2 crore people. So, it is necessary for providing them drinking water. We also have industries in that district. Also, we have drought prone area to which the Mover of this Bill belongs. In Ottapidaram and Vilathikulam Assembly segments, there is no water of *Tamirabarani* river. So, we must take *Tamirabarani* water from either Seevelappery or Tirunelveli to that area.

So, I call upon the Minister on behalf of myself and on behalf of the people of Tirunelveli district and V.O.

Chidambaranar district to undertake this. The Mover of the Bill is also interested, because he also once contested from that Assembly segment, to see that relief is given to solve the water problem of those areas.

MR. CHAIRMAN : Now, we take up item no. 12, Shri Vilas Mutterwar.

श्री सुबोध मोहिते (रामटेक) : स्भापति जी, पिछड़ा क्षेत्र विकास बोर्ड विधेयक, 2000 जो है उस पर तीन दिन से चर्चा चल रही है। हमारा बिल कंसीडरेशन के लिए लिया जाये। वह बहुत जरूरी है। इसमें 10 राज्यों आंध्र, महाराष्ट्र, बिहार, तेलंगाना, उत्तरी बिहार, उड़ीसा, उत्तर प्रदेश आदि का स्वाल है, इसलिए इसको

तुरंत डिस्कशन के लिए लिया जाये। नहीं तो हमारा चांस मिस हो जायेगा। इसलिए इसको प्राथमिकता दी जाये।

15.38 hrs.

श्री गिरधारी लाल भार्गव (जयपुर) : माननीय स्भापति जी, हमारे सहयोगी ने जो बिल प्रस्तुत किया है यह नॉन-ऑफिशियल बिल के नाम पर किया है, लेकिन वास्तव में यह बिल सरकार की ओर से आना चाहिए था और माननीय मंत्री जी इसको प्राइवेट बिल न मानकर सरकारी बिल मानकर प्रस्तुत करने का प्रयास करें। आवंटन के संबंध में सर्वप्रथम पेयजल, सिंचाई, जल-विद्युत आदि को प्रमुखता दी जाती है। राष्ट्रीय जल विकास एजेंसी का गठन 1981 में हुआ। जिसके अनुसार जल को जल-बहुलता वाले राज्यों से जहां पर जल की कमी है, वहां भेजा जाये। इसमें इस प्रकार की व्यवस्था की गयी है। लेकिन खेद का विषय है कि भारत सरकार इस संबंध में कोई प्रयास नहीं कर पाई है। इसी प्रकार से राष्ट्रीय जनतांत्रिक मोर्चा जो बना है इसके घोषणा पत्र में कहा गया है कि नदियों के जल को एक बेसिन से दूसरे तक हस्तांतरित करने को भारत सरकार प्राथमिकता देगी। लेकिन वह काम भी घोषणा-पत्र के अनुसार नहीं हुआ है।

मैं समझता हूँ कि हर प्रकार के सिद्धांत के आधार पर, चाहे वह प्राकृतिक सिद्धांत हो, या पूर्व नियोजित सिद्धांत हो परन्तु सामूहिक हित के सिद्धान्त के आधार पर नदियों के जल का राष्ट्रीयकरण होना बहुत जरूरी है। नदियां एक प्रकार से राष्ट्र की धरोहर हैं, किसी एक राज्य की बपौती नहीं कि किसी एक राज्य में नदी पहुंच रही है और वह उसका उपयोग कर रहा है। नदियां कई राज्यों के बीच में होकर निकलती हैं। नदियां एक प्रकार से भारतवाल्या भारत माता के गले में हार के रूप में दिखाई देती हैं। जहां नदी के जल का अभाव है, वहां उस जल को पहुंचाये जाने की व्यवस्था की जानी चाहिये। मेरा सरकार से अनुरोध है कि केन्द्रीय स्तर पर कोई योजना बने। केन्द्र सरकार जो सिद्धान्त बनाये, उस पर सभी राज्यों को अनुकरण करना चाहिये। इस संबंध में इराडी ट्रिब्यूनल बनाया गया था जिसने कहा था कि जल नीति बनाना बहुत आवश्यक है। इसके विवाद में नहीं पड़ना चाहिये। यह सही है कि किसी राज्य में नदी है और किसी में नहीं है। हिन्दुस्तान के पूरे नदी जल का केवल एक प्रतिशत भाग ही राजस्थान को मिलता है। राजस्थान एक मरु प्रदेश है जहां छोटे छोटे पहाड़ हैं और उबड़-खाबड़ जमीन है। राजस्थान को पेयजल नहीं मिलने के कारण हालत बहुत खराब हो रही है।

स्भापति महोदय, मैं जयपुर शहर के बारे में कुछ कहना चाहूंगा। वहां रामगढ़ झील है जहां से जयपुर शहर को पानी उपलब्ध हो सकता है लेकिन वह सूख गई है। वहां वार्ता अभी हुई नहीं है और अगर हुई भी है तो मामूली हुई है। इस पानी से रामगढ़ झील भरने वाली नहीं है। कोटपुतली के पास नदी पर लोगों ने 17 एनीकट बना दिये हैं। लोगों ने पानी उसमें रोक दिया तो रामगढ़ झील तक पानी कैसे पहुंचेगा? जयपुर के लोग प्यासे मर जायेंगे। पश्चिम में बांडी नदी है जहां लोगों ने नलकूप बना दिये हैं और कांग्रेस के प्रभावी राजनेता उसका उपयोग कर रहे हैं। काणोंता बांध में जलमहल का मलमूत्र युक्त पानी पहुंचता है। इसी प्रकार बनास योजना बनने जा रही थी ताकि जयपुर शहर के लोगों को पानी मिलेगा लेकिन वह इसलिये नहीं हो सकता क्योंकि अजमेर वाले लोग लट्ट लेकर खड़े हो जायेंगे और जयपुर शहर तक पानी जाने नहीं देंगे। मैं समझता हूँ कि यदि नदी का पानी इस प्रकार से मिल जाये तो बहुत बड़ा काम होगा।

स्भापति महोदय, राजस्थान नहर बनी। इससे राजस्थान की काफी क़्या-पलट हो गई। मेरी मांग है कि गंगा का पानी भरतपुर और अलवर तक मिलना चाहिये। हवा तथा पानी पर किसी का प्रभुत्व नहीं होता। यह भगवान की देन है। जयपुर के कुओं का जल स्तर नीचे चला गया है, हैंड पम्प खराब हो गये हैं। बावड़ियों में पानी बिलकुल नहीं बचा। न उनकी मरम्मत हो रही है और न ही उनकी सफाई हो रही है। कई जगह लोगों ने बावड़ियां बना ली हैं जो अपने व्यक्तिगत उपयोग में ला रहे हैं। गूलर बांध की भी मरम्मत नहीं की जा रही है। यही हाल काणोंता बांध का है।

मेरा सरकार से आग्रह है कि वह राष्ट्रीय जल नीति बनाये और राष्ट्रीय आधार पर सभी नदी जल का राष्ट्रीयकरण करें। जिस राज्य में जल उपलब्ध नहीं हो रहा है वहां जल उपलब्ध कराये, तभी देश का भला हो सकता है। नदी पर किसी एक राज्य का अधिकार नहीं होना चाहिये। इस पर केन्द्रीय सरकार का आधिपत्य होना चाहिये। जिस राज्य में नदी नहीं पहुंच सकती, उस राज्य में नदी पहुंचाई जाये। माननीय श्री वैको जो बिल लाये हैं, मैं उसका समर्थन करता हूँ और आपका आभार मानता हूँ कि आपने मुझे बोलने का लिये समय दिया।

MR. CHAIRMAN: Now, Shri V.Radhakrishnan.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have already spoken on this Bill...(Interruptions)

MR. CHAIRMAN: All right. Shri Mani Shankar Aiyar.

1545 hours

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Mr. Chairman, Sir, I rise to support Shri Vaiko's Bill. It is, I think, perhaps in many ways, the single-most important Bill that has been brought in this Lok Sabha.

SHRI P.H. PANDIYAN (TIRUNELVELI): I also support the Bill. I forget to mention it when I spoke...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, there is a strange combination of Tamil participants in this debate!...(Interruptions)

SHRI MANI SHANKAR AIYAR: Sir, the rivers of India are not being treated as the wealth of the nation. They are being treated as the personal fiefdom of different States through which the rivers run. Since by definition, the upper riparian controls the tap, the lower riparian lies at the mercy of the upper riparian. This is particularly and acutely

true of the Cauvery basin. So, I think, altheresh neither Shri Vaiko's intention is it to limit this matter to the Cauvery river, nor do we have before us a Bill relating to the nationalisation of the Cauvery river, the Cauvery is relevant.

Sir, I think, what happened to the Cauvery in the course of the last 25 years is illustrative of what difficulties we currently have with the Inter-State Water Disputes Act and why, therefore, the Bill that has been brought before this House, as a Private Member's Bill by Shri Vaiko, needs to be examined by the Government with the utmost care with a view to bringing Government legislation on similar lines before us.

Sir, in 1956 when the Inter-State Water Disputes Act was passed by Parliament, it seemed to Tamil Nadu, which was then at the virtual mid-point of the 1924-1974 Mysore – Madras Agreement on the sharing of the Cauvery river water, that we had here a mechanism whereby in a peaceful manner and in an atmosphere of good neighbourliness we would have arrived at some kind of an Agreement with our neighbour, the upper riparian State, leading to a solution of the problem well before the expiry of the Agreement in 1974. But the fact of the matter is that it did not happen. It did not happen despite the fact that we had 50 years of notice that the Agreement was going to expire in 1974. It is a tragic truth that today, 26 years after the expiry of the last Agreement, there is still no basis on which to definitively resolve the question of the sharing of the Cauvery river basin between the two primary States who are beneficiaries of that river, namely, Karnataka and Tamil Nadu as well the other two States who also have an interest in the river, namely, Pondicherry and Kerala.

Sir, why has this happened? I think, what happened to the story is illustrative of what is wrong with the River Disputes Act. Between 1974 and 1990, for a period of 16 years, the inter-State Disputes Act was evoked to conduct talks and negotiations between the two States. These talks and negotiations took place when the two States were either being ruled by similar Parties or Parties in alliance as also when the two States were being ruled by Parties that were opposed to each other here at the Centre. Irrespective of the political complexion of the State of Karnataka or the State of Tamil Nadu, the 16 years of talks from 1974 to 1990 yielded no results whatsoever.

Therefore, one of the wisest things that the V.P. Singh Government did – and I pay a tribute to that Government – was to persuade a Congress Government in Karnataka – that was the Government of Shri Bangarappa – to not insist on the path of negotiations and to move instead to the path of adjudication. Before we reached that stage, through negotiations there had been an agreement arrived at between Tamil Nadu and Karnataka by the Governor of Tamil Nadu, who was at that time the executive head of the State because during the Emergency the previous Government of Dr. Karunanidhi had been dismissed and the State was under Governor's Rule. The Governor concerned was Shri Mohanlal Sukhadia. Negotiating this matter on behalf of Tamil Nadu he persuaded the Congress Government of Karnataka to come to an agreement. Before that agreement was brought into effect, the Emergency ended and there were elections all over the country. The Government that came into power in the State of Tamil Nadu in 1977 did not accept and revive the agreement that had been negotiated by Governor Mohanlal Sukhadia on behalf of the State.

If you look at these three stages, between 1924 and 1974, the flow of water into the Mettur reservoir from Karnataka was of the order of 600 TMC. The agreement that was arrived at when Shri Mohanlal Sukhadia was the Governor was for approximately just below 400 TMC. So, when we arrive at 1990, the lower riparian Tamil Nadu was looking back to 16 years earlier when the flow of water had been 600 TMC.

स्भापति महोदय : 3.49 बजे तक इसका समय निर्धारित था। यदि सदस्यों की सहमति हो तो आधे घंटे के लिए चर्चा का समय बढ़ा देते हैं।

SHRI VAIKO (SIVAKASI): Mr. Chairman, Sir, I would request you to extend the time by one hour so that the other Member also could initiate the discussion before 5:30 p.m.

स्भापति महोदय : एक ही सदस्य बाकी है। आधा घंटा काफी रहेगा।

SHRI VAIKO (SIVAKASI): Then it is okay.

स्भापति महोदय : स्भा की सहमति से इस विधेयक का समय आधे घंटे के लिए बढ़ाया जाता है।

SHRI MANI SHANKAR AIYAR : Therefore, in 1990 when the adjudication process started a Tamil beneficiary of the Cauvery waters could look back 16 years to the Mettur having received 600 TMC per year, and look back 14 years to the agreement of 1976 under which Tamil Nadu was to receive 400 TMC, and, therefore, look forward to the Cauvery Tribunal more or less confirming what had been agreed to during Governor Mohanlal Sukhadia's time. The Cauvery Tribunal required only 15 months to arrive ...*(Interruptions)* Mr. Chairman, Sir, it is Tamil Nadu that is losing as a result of Shri Pandiyan's talking to the Minister just now.

So, it would have been reasonable for Tamil Nadu to look forward to the Cauvery Tribunal giving us an outcome which would more or less correspond to what Mohanlal Sukhadia had negotiated in 1976. The Tribunal did its work

extremely thoroughly and extremely quickly and within 15 months of its constitution – it was constituted in March, 1990 and it gave its Interim Award in June, 1991 - it gave its Award. It granted to Tamil Nadu in an entire year, just about half of what Shri Mohanlal Sukhadia had secured and one-third of what Tamil Nadu had been getting up till 1974.

It is just one-third of the traditional flow and less than half of a negotiated agreement and yet, Tamil Nadu immediately accepted the Interim Award. There was no argument with it. Not only the AIADMK Government at that time but every single political party in Tamil Nadu accepted that award even though it gave Tamil Nadu only one-third of the water that it had been receiving till seventeen years earlier. Why? There was only one reason why it was done. It was because it was recognised that the total quantity of water that flows down the Cauvery is not relevant to agriculture. What is relevant to agriculture is the quantity that is made available at the time of what in North India is called the *Kharif* crop which we, in Tamil Nadu, call the *Kuruvai*, and at the time of what in North India is called the *Rabi* crop which we in Tamil Nadu call the *Samba*.

What you needed water for was not right through the year, what you needed water for was for agriculture, for the *Kuruvai* crop in the summer, and for the *Samba* crop in the winter.

Now, the interim award did two things. One, it limited the total annual flow to just 205 TMC. But it specified what the week-by-week flow should be. When we looked at the week by week flow, it was clear that the largest quantity of water was to be supplied in the summer months for the summer crop, and that any water supplied outside this period would really be to fill the Mettur reservoir, to keep it in readiness for the rest of the year, but there was no purpose to be gained from supplying 205 TMC in one day and nothing for the rest of the year.

The only reason why one-third water was acceptable to us was that that one-third would be made available at the time when we needed it.

Now, Sir, the crucial months, as I said, are June, July, August and September. In this period, it was specified that for the months of June, July, August and September, we would get 147 TMC. The total is 205 TMC. Half of that is just 102. But instead of asking for half to be supplied in half the year, it said, "two-thirds will be supplied in one-third of the year." So, two-thirds of the water was to come to us in one-third of the year and that one-third was specified as the four summer months of June, July, August and September. It was on this basis that Tamil Nadu accepted the award. And, if we have had trouble since then, it has not been on account of the figure of 205 TMC. It has been on account of the weekly flow or the monthly flow not corresponding to what is specified in the Interim Award. That is the only dispute. The dispute is not over the total quantity at all.

1558 hours (Shri P.H. Pandiyan *in the Chair*)

So, if Karnataka supplies 205 TMC but supplies it at the wrong time, then it serves no purpose. They need not supply it at all. It matters only if they supply it when Tamil Nadu needs it. When I say, Tamil Nadu needs it, I am not being narrow or partisan here. After all, the rice that we grow in the Cauvery delta is not rice that is eaten only by Tamilians. It is part of the nation's foodgrain stock. The sugarcane that we grow in Tamil Nadu is not just meant to be put into our *Pongal*, it is meant for the consumption of the country, for exports from the country. The Cauvery delta farmer is not working for the consumer in the Cauvery delta or the consumer in Tamil Nadu alone, he is working for the consumption of the people of India.

16.00 hrs.

If he is harmed, it is not just Tamil Nadu that is harmed. It is not just the Cauvery delta farmer who is harmed. It is India that is being harmed because instead of treating the River Cauvery as a national asset, it is being treated as an asset of the Upper Riparian to be shared with the Lower Riparian at the will and desire of the Upper Riparian and not in terms of the agricultural requirement of the basin as a whole. That is why this dispute went on and eventually there were a number of clarificatory orders that had to be issued by the Cauvery Tribunal in addition to its Interim Award. In 1995, the Karnataka Government went to the Tribunal with a very specific plea. They said that if for any reason whatsoever they were not able to supply the stipulated quantity of water in a particular month, whatever deficit there is should be ended with that particular month. They said that if it did not come in that month, it should not be carried over to the next month. In giving its decision on this plea, the Tribunal stated as follows. I have to read the whole passage. It is from the Tribunal's Clarificatory Order of the 19th December, 1995 on which the Central Ministry of Water Resources has based itself a hundred per cent. So, it needs to be explained. It says:

"We also reject (please note this) the contention raised on behalf of the State of Karnataka that in fulfilling its obligation to release of water every week the deficiency if any must be limited to a particular month in which such deficiency might occur &€;"

That is the first sentence of the paragraph. The clarification is with respect to the Karnataka Government's request that their obligation should be extinguished at the end of the month. It says:

"Our Order dated 25th June, 1991, (which is the Interim Award) clearly spelt out that the deficiency in a particular week has to be made good in the subsequent week and not necessarily within a particular month in which the deficit occurs."

Please see the context here. The Karnataka Government says that if it had fallen short by 5 TMC in a given month, it should not be asked to give it in the next month. The Tribunal says that if they fell short by 5 TMC in a given month, they would have to make it good in the next month and if they did not make it good in the next month, the deficit would continue until the end of the season. That is what the order says.

This is now being interpreted by the Union Ministry of Water Resources in the following manner. I refer to the hon. Minister's reply to my Unstarred Question No.3921 of the 19th April, 2000. It says:

"The National Water Disputes Tribunal has further directed that the State of Karnataka shall regulate the release of water in a particular monthly pattern. In respect of a particular month, the releases have to be made in four equal instalments. If in a particular week it is not possible to release the required quantity of water, the said deficit shall be made good in the subsequent week. The Tribunal has further clarified that the deficiency in a particular week has to be made good in the subsequent week and not necessarily within a particular month. Until the deficit is made good, the deficit would accumulate."

Now, the result of leaving out the first sentence of the Tribunal's Award from the reply that is being given to me is that the context in which that Order was made has been dropped by the Ministry of Water Resources. The Government of Karnataka said that if they could not make it good it would get expired but the Tribunal said that they have to make it good within the season. The Ministry of Water Resources has forgotten the first sentence, relying exclusively on the subsequent sentences. What is the result of it? The result is as follows.

The figures are stark. I have obtained them from the Ministry of Water Resources. In the first week of July, 1999, the Award said, the release has to be 9.6 TMC but the supply was 0.9 TMC. It was only ten per cent of what we were supposed to get at the height of the agricultural season.

The Award says that in the second week, we should get 9.6 TMC of water. What do we get supplied? It is only 0.9 TMC. Again, it is 10 per cent. In the third week, the Order says that we should get 9.6 TMC We are supplied 4.2 TMC In the three weeks of July, when the poor agriculturists have to make do with whatever water that is available, water does not come.

Let us turn it around. Karnataka starts supplying water in the months of October, November and December. Shri Ananth Kumar, in particular, is familiar with this. In the month of October, the North-East monsoon starts setting in. In the month of November, we regularly have cyclones hitting the Cauvery delta. On the 4th of December 1993, there was the worst cyclone to ever hit the Nagapattinam coast. In 1997, we had such heavy rains that it completely washed out a large number of villages. The Kollidam River is usually in flood in the months of November and December. During the time when Tamil Nadu is desperately attempting to cope with too much water in the Kollidam and in the Cauvery, what does Karnataka do? It says that this is the right moment to further flood an already flooded State.

In the year 1999, according to the Interim Award, in October, they were to supply only 30 TMC of water. What did Karnataka do?

I am sorry, I said, "you", looking at Shri Ananth Kumar. It is not his fault. I am talking about Karnataka, the State Government.

Karnataka was required to supply 30 TMC of water in October 1999; it actually supplied 82 TMC. We asked for only 30 TMC and we did not want more. But they flooded us with 82 TMC. The Order says that in November, they are to release 16 TMC. It is just to fill up the Mettur Reservoir. But Karnataka flushes with 40 TMC in the month of November, when we are reeling under cyclones and floods. When we want it in June, they give us only 10 TMC; when we want in July, they give us only 24 TMC; and when we do not want it, they supply us with 82 TMC in October, 40 TMC in November and another 20 TMC in December, when the Order says that they have to supply us only 10 TMC So, you can see what is happening.

THE MINISTER OF WATER RESOURCES (SHRI ARJUN SETHI): Their argument is that only during the return monsoon, they get rainfall and that, during the South West monsoon, they get little rainfall, as a result the reservoirs are not filled. That is what they say. This is their argument and not mine.

SHRI VAIKO (SIVAKASI): But you are the umpire.

SHRI ARJUN SETHI: Please do not misunderstand me. It is their argument and it is not mine.

SHRI MANI SHANKAR AIYAR : I am convinced. Mr. Chairman, I appreciate the Minister's attempt to understand the argument of both the sides. When I am putting the argument of Tamil Nadu, I think he is justified in bringing to my attention the argument of Karnataka. The problem is that while the Minister is new, the problem is old; and everything that the Minister has been told about the Karnataka side of the argument has already gone before the Tribunal.

The main plea made by Karnataka before the Tribunal was that this 'weekly schedule' cannot be adhered to. That was the main plea. And the Tribunal has repeatedly, in every clarificatory Order said that Karnataka must adhere to that 'weekly schedule'. Their first duty is to fulfil the 'weekly schedule' and only in the event that in a given week, they are not able to do it, they used the words, 'the subsequent week'. This is actually what Shri Thakur said. He has very cleverly changed his Ministry. ठाकुर साहब, आपका जिक्र है। When he was the Minister, he gave me this reply. He used the words, 'the subsequent week'. I just read it out to you. Your own Ministry, as the umpire, said that if they do not make it up in a given week, they should make it up in 'the subsequent week'. Now, I have shown to you – from the figures that you yourself have given me – how much is the shortfall. You may forget about last year.

Forget what happened last year. It is dead and gone. Let us take the current year. In the first week of June, we were to get 2.3 TMC, but we got 1.9; in the second week of June, we were to get 2.30 TMC, but we got only 0.40 TMC; in the third week of June, we were to get 2.30, but we got only 0.1 TMC; in the fourth week of June we were to get 3 TMC, but we got only 1.30 TMC. In the month of July, in the first week we were to get 9.6 TMC; but we got less than half, that is 4.3 TMC; in the second week we were to get 9.60 TMC, but we got only one-third of it, that is 3.70; in the third week they made up a little, though it was short by 2 TMC; in the fourth week of July, they were to supply 13.80 TMC and they supplied 1.60 TMC. I think you will agree with me that this is a scandal. There cannot be any other word for it. Why have we established Cauvery River Authority? It is a simple question. From 1991 June, all the way through to the beginning of 1998, for a period of 6 to 7 years, the Karnataka Government repeatedly went to the Cauvery Tribunal to get clarificatory orders that would save their skin. Then we went before the Supreme Court. The issue was taken up by the Tamil Nadu and Karnataka Governments and the Government of India was impleaded. At that time the Attorney-General of India – I know he has become a fairly notorious gentleman since then, I am not referring to Shri Soli Sorabjee as an individual, but to the Attorney-General of India – went before the Supreme Court of India in the first quarter of 1998 and solemnly stated before the Supreme Court that the Government of India intended to frame a scheme under Section 8(A) of the Inter-State Water Disputes Act to implement the Interim Award of the Cauvery Tribunal. There is no question about what the scheme was intended to do. Now, the Supreme Court is rather brighter than sometimes your Attorney-General thinks. What did they do? They did not conclude the hearings but only suspended the hearings. The hearings are still on. The case is not over. But they accepted the solemn promise of the Government of India that the Government of India would fulfil its umpiring duty under the Inter-State Water Disputes Act to frame a scheme under Section 8 of the Act to implement the Award. In other words it is a legal act which flows from the legal provision. Have you implemented the Award? Do any of the figures of the 100 weeks that have elapsed since August, 1998 reflect implementation of the Award and in what manner, an ordinary human being, not the Attorney-General or Chief Justice, would regard as an implementation of the Award?

Sir, I have done the counting. Out of these 100 weeks, there has been an exact supply in zero weeks. In not a single week has the actual flow equalled the stipulated flow. If I define approximation as within one TMC of the stipulated flow, then out of the last 100 weeks, you have succeeded in 21 weeks. You have failed to give me the figures for April and May, 2000. Your office does not have that. So, I cannot swear to this. So, it is approximately 21 out of 100 weeks where the supply from Karnataka has more or less matched the stipulated flow. In 80 weeks out of 100, there is no correspondence whatsoever between the stipulated flow and the actual flow.

श्री अनन्त गुडे (अमरावती) : इनको बोलते हुए आधे घंटे से ऊपर हो गया है।

SHRI VAIKO : Sir, even if this discussion goes on up to 5.15 p.m. or so, even then the hon. Member can initiate the discussion on his Private Member's Bill.

श्री मणि शंकर अय्यर : मैं अनुरोध करता हूँ कि आपको बिल पेश करने का मौका मिलेगा। (व्यवधान)

SHRI VAIKO : Sir, I appreciate the concern of the hon. Member. He should not be deprived of his opportunity to initiate the discussion. The time for PMB is up to 1730 hours. Even if the hon. Members starts at 1725 hours, he will not lose the opportunity.

SHRI MANI SHANKAR AIYAR : Sir, I would not need more than 10 minutes to complete. I am on my last point.

Sir, I was saying that out of 100 weeks, there has been no equivalence in a single week. Out of 100 weeks, there has been approximation in 20 weeks. Out of 100 weeks, in 80 weeks there has not even been approximation. If you look at, it not in terms of the statistical table but in terms of the requirements of the agriculturists, then the position becomes even more desperate because precisely when the water is needed, it is not available and precisely when the water is not needed, it is made available.

Sir, the South-West monsoon and the North-East monsoon are not new phenomena. The full meteorological data was available to the Cauvery Tribunal in 1990-91. It so happens...(*Interruptions*)

MR. CHAIRMAN : The House has taken a unanimous decision that this Bill will be discussed for half-an-hour. Since it is still continuing, is it the pleasure of the House to extend the time for the discussion of this Bill till 1720 hours?

SHRI VAIKO : I would request that it may be extended up to 1715 hours by which time the discussion should be over so that the hon. Member can initiate the discussion.

SHRI MANI SHANKAR AIYAR : It so happens that my ancestral village is on the banks of the Cauvery and I was there when the Tribunal visited the village. I took them to the banks. It was the month of March which is not really a very agriculturally exciting month. I told the Tribunal there personally that as a child every time I visited my village I would only bathe in the Cauvery because even in the leanest of seasons there would be enough water in the river for us to bathe in. But, now if you were to visit the Cauvery basin, the Cauvery delta, in the months of even June, July and August, there are vast areas where there is hardly a drop of water. That is what one needs to understand. There are two major festivals that the Tamils celebrate which are connected with the river. One is called, *Adi Pathinettu* which is the 18th of the month of *Adi* and the other is called *Avani Avittam* and both of these tend to fall in the Roman calendar month of August. For two years running in the month of August, we have seen large parts of the Cauvery delta either not having any water at all or just a trickle of water at a time when traditionally the festivals are celebrated by going to the banks of the river and propitiating the Goddess Cauvery in various ways. Is that not merely a hit at the agricultural economy of the Cauvery delta but even at its historical or cultural heritage? You are destroying an entire way of life by not implementing the Cauvery Tribunal's Award. That is the measure of responsibility which the Central Government has pledged itself before the Supreme Court to fulfil it. How has this process of implementation gone on?

Nothing could have been a greater honour to Tamil Nadu than we have the Prime Minister himself saying that he is going to be the Chairman of the Cauvery River Authority. Who are the other Members? They are the four Chief Ministers. It is impossible under the Constitution of India to think of a more high-powered body than the Prime Minister and four Chief Ministers. How many time has this Committee met?

They have met only twice. From August, 1998 to August, 2000 this high-powered Committee has found the opportunity to meet only twice. During that time, the Monitoring Committee has been giving you these figures. You could tell me that the Prime Minister is a very important man so he does not have the time to meet. So, by putting up a high-powered committee, you lowered us in your priorities. If only you, Mr. Minister been the Chairman, maybe we could have had 20 meetings. Why do we not need the Cauvery River Authority to give ourselves a badge of honour? We need the Cauvery River Authority to implement the Interim Award of the Cauvery Tribunal as promised to the Supreme Court. If you make the Prime Minister the Chairman of the CRA, you are, in effect, making the Prime Minister a party to the non-fulfilment of the pledge made to the highest court in this land. Shri Vajpayee, even though he is of the BJP, is an honourable man and I do not want to see his reputation getting stained. I do not want to see the reputation of Shri Karunanidhi or Shri Krishna to be stained. But if you have such a high level committee, it must be to ensure that what you yourself have promised is fulfilled. The source of that information is you yourself because you are the source of all this data that has come before us.

So, in these circumstances, there are technical problems to be solved. In the first meeting of the Cauvery River Authority, held in November, 1998, there were problems that arose. In the first full month of the implementation of the August 1998 Accord, according to the Central Water Commission's post at Billingudlu on the border between Karnataka and Tamil Nadu, 16 TMC of water had flown out of Karnataka. According to the Tamil Nadu Government's observation point at the Mettur reservoir, in the month of September, 1998 only 8 TMC of water had been received. Now, the distance from Billingudlu to Mettur is about 60 kilometres. There is a heavy fall, The Hogenakkal falls, and after that the water comes into Mettur. But there is virtually no agriculture in that area. So, where did 8 TMC in a single month go? It was a good technical question to ask. If 16 TMC have left Karnataka and 8 TMC have been received in Tamil Nadu, what happened to the other 8 TMC? When I asked your predecessor, Mr. Minister, as to what happened to the 8 TMC, he said that they were not even going to enquire into it. He also said that they do not know anything about it. Our data is so inferior. This is what the Monitoring Committee is doing. They have got all the experts of the CWC. By the CWC, I do not mean the Congress Working Committee but I mean the Central Water Commission. They have got the best bureaucrats of the Tamil Nadu Government, the Karnataka

Government, the Pondicherry Government, the Kerala Government and of course, the Central Government. None of them is able to find 8 TMC- as if the Hizbul Mujahedin has taken it. You still do not know two years on.

Sir, these technical problems will continue unless there is a political will. If the political will is expressed in this manner that once every two years we will meet and we will not only have *sambar* but we will also have *varutha kozhlambu* along with it, you not be able to solve this problem. But if you really want to solve it, then I think there are two or three ways. Either you fulfil the pledge that you yourself made to the Supreme Court and come to Parliament with figures which show at least as approximation of flows from Karnataka to the stipulations in the Award or kindly go back to the Supreme Court which was about to conclude its hearings and let them give their judgement which should come at approximately the same time as the final Award of the Cauvery Tribunal. Or there is a third solution accept Shri Vaiko's proposal and nationalise this river. Let us deal with it as a river basin.

SHRI ARJUN SETHI: In the second meeting of the Cauvery River Authority with the four States and which was chaired by our hon. Prime Minister this problem was sorted out amicably.

SHRI MANI SHANKAR AIYAR : Sir, the agreement that was arrived at at that time was exactly similar to Veerappan keeping Raj Kumar because what was agreed to was that 6 TMC would be released 30 days after the 14th of July which brings us to August.

Sir, we lost everything in June, we lost everything in July and by the grace of God, Allah and Shri S.M. Krishna we got 6 TMC in the middle of August when according to the figures that you yourself have supplied to us, in June the shortfall was 7 TMC and in July the shortfall was 25 TMC. So, against a total shortfall for the months of June and July of 7 plus 25 which is equal to 32 TMC, we are told that by the grace of God, Allah and Shri S.M. Krishna we are going to get 6 TMC. Of course, we agreed because if we had not, we would not have got even 6 TMC. It can be 6 TMC, it can be 16 TMC.

SHRI ARJUN SETHI: Whatever was the deficit was agreed to be released.

SHRI MANI SHANKAR AIYAR : It was not. I am sorry, that was not the agreement. This is not the manner. You are negotiating again. If we were going to negotiate, there was no need for an adjudication ten years ago. We negotiated for 16 years, then came to the conclusion that we must have an adjudication and that adjudication has reached a point where the Supreme Court was told that your scheme was to implement the award. But the scheme, instead of implementing the award, is to start the process of negotiation. It is fundamentally flawed. I think you cannot help it. In case you cannot implement the Cauvery award, please convert the Cauvery not into a river which is divided between four States, but a river which is owned by one country. We rest our case on that.

We are not asking for one single Karnataka farmer to be deprived. We certainly do not want any harm to reach Kerala or Pondicherry. What we want is, having scaled down our own requirement from 600 TMC to 200 TMC, we at least get the water when we need it.

Furthermore, and with that I end; this is my last remark, there is a Cauvery Modernisation Plan for which the World Bank has promised full assistance. It is pending for the last 25 years. Why? Because the umpire is unable to say whether the batsman is bowled out or not out. We do not know whether it is a wide or a no ball. And you say, let us return to the pavilion and have tea. This is no way of implementing the award. There is no modernisation in the Cauvery delta. There are brilliant plans worked out by the Ministry of Water Resources in its research station at Tiruchy which remain unimplemented. The country is losing hundreds of crores of rupees every single year only because the umpire constantly wants to pull up stumps instead of allowing the match to continue. I would much rather have the match fixed than continue to keep on getting the declaration that it is a draw.

I plead with you that this matter be taken seriously and above all that the new Minister of Water Resources visits the full Cauvery basin along with all the MPs who are connected with the Cauvery basin. I am sure, your predecessor would have done as much and I hope you would do so soon.

श्री हरीभाऊ शंकर महाले (मालेगांव) : स्थापित महोदय, एक महत्वपूर्ण विषय सदन में आया है। यह महत्वपूर्ण सवाल तो सॉल्व करना चाहिए लेकिन राज्यों-राज्यों में जल के बारे में जो सवाल पैदा हो गये हैं, वे सवाल भी सॉल्व करने चाहिए। राज्यों-राज्यों में जो नदियां बहती हैं, जैसे कावेरी, गोदावरी, कृष्णा इत्यादि हैं, जल के बारे में राज्यों-राज्यों को उनका हिस्सा देना जरूरी है। जल के बारे में कानून बनाना चाहिए। जल तो राष्ट्रीय सम्पत्ति है। महाराष्ट्र में दो भाग होते हैं, पश्चिम भाग में सब समुद्र का पानी जाता है लेकिन बड़े-बड़े बांध बांधने से इस जल का बहुत अच्छी तरह से खेती में इसका उपयोग हो जाएगा और पानी पीने के लिए भी मुहैया हो जाएगा। मैं एक उदाहरण देता हूँ कि गिरिनाह डैम कांग्रेस के राज्य में बांधा गया। यह पानी जलगांव को चला गया। जलगांव पानी-पानी हो गया। जितने केले दिल्ली में आते हैं, वे जलगांव से आते हैं।

नारखेड़े बन्धु बड़े किसान थे। उस समय केले के व्यापार में मन्दी आ गई और केला आस्ट्रेलिया भेज दिया। आस्ट्रेलिया से भारत में गेहूँ आता था। नारखेड़े बन्धुओं को खून के क़ेस में फांसी की सजा हो गई। कोर्ट ने उनको फांसी की सजा देना तय किया। आस्ट्रेलिया पंथ-प्रधान को जब मालूम पड़ा कि नारखेड़े बन्धु जलगांव के हैं और उनको फांसी की सजा देना तय हो गया है, तो उनकी नेहरू जी से बातचीत हुई और उनकी फांसी की सजा माफ कर दी। पानी का महत्व है, इसलिए भारत सरकार को राज्यों को ज्यादा से ज्यादा पानी बांध बनाकर देना चाहिए।

महोदय, महाराष्ट्र में नासिक जिला है। इस क्षेत्र के पश्चिम भाग का पानी गुजरात से होकर समुद्र में चला जाता है। यदि बांध की सुविधा हो जाए, तो पश्चिमी क्षेत्र का पानी पूर्वी क्षेत्र में और पूर्वी क्षेत्र का पानी पश्चिमी क्षेत्र में जा सकता है। माननीय सदस्य, जिन्होंने यह गैर सरकारी विधेयक सदन में प्रस्तुत किया है, मैं उनको धन्यवाद देता हूँ और जिन्होंने भाग लिया तथा सुझाव दिए, मैं उनको भी धन्यवाद देता हूँ। जल रात्र की सम्पत्ति है, उसका ज्यादा से ज्यादा उपयोग हो, इतना कह कर मैं अपना बात समाप्त करता हूँ।

1632 hours

SHRI V.P. SINGH BADNORE (BHILWARA): Sir, I welcome the Bill moved by Shri Vaiko on nationalisation of inter-State rivers. After 50 years of Independence, we are still fighting between each other, State-wise for a share in the river water. I think it is shameful and the only way to get over this is the nationalisation of rivers. More than sharing the water, something which is even more important today is the generation of electricity. Now, it is being proved in India that we must have a correct mix of hydel and thermal power. Everybody says that it should be 30 per cent and 70 per cent or it should come down to 40 per cent hydel and 60 per cent thermal. The ideal ratio would be 50:50. But right now, the share of mix between hydel and thermal is something around 22 per cent and 78 per cent which is not correct. The potential of hydel power of the rivers in the country which has been estimated is something over a lakh megawatt. That is the potential which is there. It has not been tapped for the very reason that the rivers are not nationalised. There are no Tribunals to decide on the hydel power capacity.

There are States in the North-East and there are States like Himachal Pradesh and also Jammu & Kashmir where they have ample capacity which can feed the whole country. Now, we have a Power Grid Corporation. It is called the National Power Grid Corporation. It has been proved that instead of transporting coal from one area to another, one could have a power station at the pit-head itself. If you have a hydel power station, it would be helpful. It produces electricity and the whole area is ask free and greener. It is pollution free. That is what should be generated in the country. So, I welcome this Bill for that reason as well.

On the river water distribution issue, I have only two or three points to make. We have had some problems with Punjab because we have the IGNP. We get water from the *Bhakra* river from Punjab and we also have the same sort of a problem that has been there in your State also. There is an Award. But we always faced this problem because for one reason, the heads are not controlled by the Central Government. They are controlled by the States themselves. It is on their liberty that we survive. If they want to give us water, they give it. If they do not want to give it to us at certain times, they do not give it. We ask for it because the heads are not at all in our control. Even if they are not in our control, they should not be under the control of the State.

There is another very important point that I want to raise. It is about water-logging. Punjab has been the food granary. It is an accepted fact that Punjab really produces so much of wheat. It is supplied to the whole country. But now it is also facing the water-logging problem. The water-logging problem is there in that State itself. But it does not realise that so much water should not be consumed there alone. It should be sent across the other States like Haryana and Rajasthan. But the peasants are not really educated enough to realise it.

Sir, the first canal that came to India from the then Punjab province was the Gang canal. It was started in the 1930s. It was the *Maharaja* of Bikaner who had the forethought that we must have this water coming all the way from Punjab because we have a great expanse of land which is desert. He had the foresight and he had a dream and it became a granary. That is how Ganganagar, Suratgarh and all the area benefited. That is really a big area. That water can be utilised in Barmer and Jaisalmer areas also. They are in the desert area. If that is done, Rajasthan can also become a granary. But the problem is that our share of water which should come to us is not coming to us. On the other hand, there is water-logging in the area where it comes from. Therefore, the only way out is that if inter-rivers are nationalised, they will have a policy of how much water allowance should be there. Now, they have a water allowance of 4.5 which is not required and a water allowance of 2.5 is good enough. So, this is the real problem.

Another point I want to mention here is this. It is about the riparian rights. There are dams which never overflow. The rivers which are not perennial rivers, when they never overflow, that is the time to have a dam. The downstream of the dam and the villages which are basin-villages will get the benefit. Shri Mani Shankar Aiyar was saying that in his good old days, when he was a child, he used to see the water flowing and at the same time there was no water. This is a big problem. It is in the real sense the downstream problem. Nobody understands the riparian rights. I was a Minister in the Rajasthan Government looking after irrigation. The first time I talked about the riparian rights, they said that they did not have a thinking with regard to riparian rights.

They say that there is a dam. They make a Cultural Command Area (CCA) and they are not giving water to these river basins. Now, whose rights are there on the river waters? Did the dam come first or the river come first or the basic villages come first? To that extent, for hundreds of years the rights of those villages in the basin were overlooked by the CCA, and the Irrigation Department which gives water. The flow in the river is stopped. A

consideration, a thinking on the riparian rights was required. The problem of the up and downstream of the dam should also be kept in mind.

THE MINISTER OF WATER RESOURCES (SHRI ARJUN SETHI): Mr. Chairman, Sir, at the outset, I share myself with the anxieties and concerns expressed by the hon. Members in the course of the debate on the Nationalisation of Inter-State Rivers Bill, 2000, moved by the hon. Member Shri Vaiko in the august House. I thank all of them for having taken the initiative, interest and for drawing the attention to the most important problem of water of not only this august House but also of the country at large. They have also suggested steps to resolve inter-State problems in the country. While recommending for the nationalisation of inter-State rivers, they have also pointed out the working of this particular Act, that is, the Inter-State Water Disputes Act, 1956.

Water is a sensitive subject and as per entry-17 of the Constitution, the State Governments have the responsibility of development of water resources in their respective territories subject to the provision of entry-56 of the Union List-I. Under entry-56 of List-I (that is, the Union List), the Union Government has the power of regulation and development of rivers and river valleys to the extent to which such development and under the control of the Union is declared by Parliament by law to be expedient in the public interest.

As per this entry, the Inter-State Water Disputes Act, 1956 was enacted, and till date this Act is in force. As the hon. Members are aware, about 80 per cent of our water resources are contributed by the inter-State rivers. The nationalisation of river and taking over of the control of development of these rivers would require an extensive role of Central Government spread over a large part of the country. Water is a very precious resource, which is essential for the day-to-day use in almost all activities related to development and human needs. It would, therefore, not be possible for the Central Government to successfully manage this resource without the full cooperation and assistance of the States. Moreover, our Constitution is unitary in character and federal in nature, where the State Governments are free to exercise their rights enumerated in the List-I of the State List of the Constitution.

It would be desirable to have Central intervention only as a last recourse. As I have already said, this is enumerated in the State List and only if the States concerned are agreeable and unless they give their full cooperation, it is impossible for the Centre to intervene and to impose something on them which will not be palatable to them. So, the Central Government, over the years, have been giving more thrust on evolving consensus in relation to all the contentious issues that have cropped up in the working of the system that we have adopted after the enactment of the Constitution.

Sir, the main reason for the Bill proposed by the hon. Member is that the State Governments fight for their share of river water and there are many cases of inter-State water disputes pending in Tribunals for settlement, which take long time in delivering judgement. Under article 262 of the Constitution, the Inter-State Water Dispute Act, 1956 was enacted by Parliament. The Act provides for formal reference of a water dispute to a Tribunal for adjudication if all efforts for bilateral negotiations between the State Governments with the interventions of Central Government have failed. So, there has been a practice that whenever there is consensus between the States concerned, the Centre can mediate between the States so that any particular problem of inter-State river water dispute can be solved. Although, water resources development in certain river basins has suffered for want of agreements on sharing of waters, the mechanism in the form of mutual discussions and negotiations have been generally successful and about 130 inter-State agreements have been concluded, with the concurrence of the States of the Union. A few water resources projects and hydro-electric projects on inter-State rivers are being implemented and managed by setting up of Inter-State Boards like Tungabhadra Board, Betwa River Board, Bhakra Beas Management Board and Bansagar Control Board with inter-State agreements.

There are, however, certain provisions in the Inter-State Water Dispute Act, 1956, as was pointed out by my hon. friend, which need to be reviewed. These shortcomings are proposed to be addressed by amending the Inter-State Water Dispute Act, 1956, as recommended by the Sarkaria Commission and Inter-State Council. It is very difficult to allocate inter-State river water among the States according to any fixed formula, as the distribution of inter-State river water depends on many factors. The Ministry of Water Resources has been trying to evolve a consensus on guidelines for allocation of water among the States for quite some time. The guidelines for allocations were placed before the National Water Resources Council in its 4th meeting held on 7.7.2000. However, the Council decided to *inter alia* entrust the draft guidelines to a Working Group headed by the Union Minister of Water Resources for harmonising views of all the State Governments and bringing a consensual draft for the consideration of the Council at its next meeting.

As regards the proposal for Union Government to have rights over electricity produced on projects constructed on inter-State rivers, it is mentioned that electricity is already in the Concurrent List under the Seventh Schedule of the Constitution. The Policy of Hydro-power Development, 1998 lays an emphasis on evolving an approach to ensure that the available hydro-electric potential is fully utilised without prejudice to the rights of the riparian States as determined by the Awards and inter-State agreements.

In view of these facts, it is considered that the existing Constitution provision relating to water gives enabling power to the Union Government under entry-56 of List-I to play an effective and even a decisive role in respect of Inter-State River Projects by enacting suitable laws in the Parliament and there is no need to nationalise all the rivers as proposed under this Bill.

I fully appreciate and also commend that the hon. Members not only discussed these problems in this august House but they have also highlighted and tried to understand how enormous time and energy are being lost due to such kinds of disputes which have been continuing over the years.

As I have stated earlier, we are for amending the ISWD Act, 1956 to cope up with the situation. The hon. Prime Minister also assured the nation while delivering his speech through the electronic media that the Government will not allow water to go waste and Government will try to clean the river waters. So, the Government, as a whole, is very much sincere and desired to use water most judiciously. .

We are also aware of the problems that are being faced by the States. But as I stated here and also keeping in view the Prime Minister's assurance to the nation over the electronic media, the Government is trying its best. We are also on the job to bring forward an amendment to this particular Act as I have referred to earlier so that this problem of inter-State river disputes can be resolved immediately for the benefit of the nation as a whole.

Several hon. Members have spoken about particular projects and problems. But I have no time at my disposal to reply to all the points. However, as far as my friend, Shri Mani Shankar Aiyar is concerned, I would like to reply to his points about the Cauvery dispute. I have been informed that the clarificatory order of the tribunal of December, 1995 provides as follows:

"The deficiency in a particular week has to be made good in a subsequent week and not necessarily within a particular month in which the deficiency occurs. Until the deficiency is made good, the deficit would accumulate. In a particular year, the shortfall and excess would have to be adjusted in an appropriate manner before close of a particular season."

SHRI MANI SHANKAR AIYAR : That was the portion of the order which I read out to you. I only ask you and your officers to give you also the first sentence before that. That is all.

SHRI VAIKO : That was the lifeline of the judgement.

SHRIMATI MARGARET ALVA (CANARA): How can you release unless you have enough water to release? It is all right to say. ...(*Interruptions*) We are all three from Tamil Nadu. We too need to be protected. ...(*Interruptions*) The Chairman is impartial. Do not stop. ...(*Interruptions*)

SHRI VAIKO (SIVAKASI): You did not listen to the speech.

SHRIMATI MARGARET ALVA : Unfortunately, I could not come because I went for a Press briefing. But I listened to the whole speech on the Television.

SHRI ARJUN SETHI : However, this is an old problem. ...(*Interruptions*)

The Cauvery River Authority headed by the hon. Prime Minister has been created. This Authority as well as the monitoring body are having regular discussions to solve the problem. I am sure that this highest body will be able to arrive at a satisfactory solution in the near future.

Moreover, I am told that this is also pending in the Supreme Court. Unless the Court gives its final verdict on this particular subject, I think it will be unwise on my part to say something which will be contrary to it.

SHRIMATI MARGARET ALVA : Sir, Veerappan is solving out the problem for them. They have found a good spokesman for themselves.

MR. CHAIRMAN : Mr. Minister, you have to implement the interim award.

SHRI MANI SHANKAR AIYAR : Sir, just a clarification. The Cauvery Tribunal is still to give its final award. The case in the Supreme Court is suspended. The case in the Supreme Court relates to the interim award and if the authority cannot ensure the implementation, then I think we should just return to the Supreme Court and there Shrimati Alva and I can argue our respective cases. But, at the moment, it is suspended and the Tribunal which gave its interim award in 13 months has now taken eight years to give its final award, I request the hon. Minister through this House to please go to the Tribunal asking them to give us the final award. We will accept whatever it is.

SHRI VAIKO : Shrimati Alva has no case.

MR. CHAIRMAN: Tamil Nadu has requested the Minister to approach the Supreme Court and apprise them of the legal position.

...(Interruptions)

SHRI ARJUN SETHI: As I have stated, this is an old case and still pending, as my friend mentioned here, in the Tribunal as well as in the Supreme Court. Unless the final verdict is available to us, it will be very difficult on our part to say something which will be contrary to the judgement. So, I should not prejudice anything. As I have already assured this House that we are going to amend this particular Act to make it more stringent and meaningful, I once again request my learned friend, Shri Vaiko, to withdraw this Bill. Let us be given time so that this particular Bill can be amended in the interest of the States as well as for the meaningful resolution of the dispute.

1657 hours.

SHRI VAIKO : Mr. Chairman Sir, at the outset, I have to express my hearty thanks and gratitude to the hon. Members belonging to different political parties who have come forward to support the Bill, except two hon. Members and the hon. Minister.

The hon. Minister has agreed it in spirit that our concern will be taken care of. At the same time, my friend, hon. Shri Mani Shankar Aiyar gave an excellent speech, highlighting the serious problem of Cauvery River Water Dispute. Hon. Members Shri Sudarsana Natchiappan, Dr. Nitish Sengupta, Shri K. Swain, Prof. Rasa Singh Rawat, Shri V. Radhakrishnan, Shri Simranjit Singh Mann, Dr. Sushil Kumar Indora, Shri A.C. Jos, Shri P.H. Pandiyan, yourself Sir, Shri Girdhari Lal Bhargava, Shri Haribhau Mahale, and Shri Vijendra Pal Singh have contributed in this very remarkable and purposeful discussion over the Bill that I moved here on the 5th of May of this year for the nationalisation of inter-State rivers.

Of course, Shri V. Radhakrishnan was very vehement in his opposition because he expressed his concern when we pleaded that the Westward flowing rivers, abundant water going waste into the Arabian Sea, should be diverted towards Tamil Nadu.

1700 hrs.

So that they could also be benefited with electricity. Also, in the name of water, we could give foodgrain and whatever they need. He was highly critical. He was so emotional. At times, friends like him who say that they are always for global outlook and international outlook, become so parochial. They are our friends from the Marxist Party. But I appreciate very much my friend Shri A.C. Jos. He is also from the State of Kerala but he agreed with our contention that the West flowing rivers could be utilised.

Sir, the purpose of my moving the Bill in the House is very clear. The Central Government should have the exclusive right and control over all the Inter-State rivers and it should distribute river waters according to a pre-determined formula of allocation of waters. That will not only enable distribution of river water among the different States without affecting the interests of the concerned States but will also enable proper utilisation of available resources.

Sir, the other day, I spoke at length. When my friend, Shri Mani Shankar Aiyar appreciated and applauded my Bill, he suggested that the motive and purpose of this Bill was to highlight Cauvery river water dispute. Of course, that is also one of the reasons but not the sole reason. We saw the plight recently in Himachal Pradesh. The precious lives are devoured by the floods. In India, we see in one place the cruel punishment by nature when floods destroy not only crops but also the entire villages. At the same time, in some parts of the country, the people are suffering, reeling under the severe drought. I recall the words of a poet.

"Water, water everywhere but not a drop to drink "

Of course, today the Minister may not agree but a day should come when all the Inter-State rivers should be nationalised. My eyes are speaking about the future scenario of the country. India will emerge as a powerful country in the world. The resources are so abundant, incomparable with any country in the world. The resources are so abundant that it should be exploited for the welfare of the country, for the welfare of the 100 crores of people. For that purpose, a day should come, a day will emerge that the Government itself, as my hon. friend suggested, should bring out a legislation so that all the Inter-State rivers could be nationalised.

Sir, we are speaking about the integration of the country. We were fighting the British then. Sir, I belong to a place where from you, Mr. Chairman, also belong, the southern-most part of this country, where the fiery poet,

Subramanya Bharati also belonged. His poems were like the eruption of a volcano. Bharati had a dream.

"gangai nadhi purathu kothumai pandam kaveriien vetrilaikku maaru kozhuveer"

So, the people of the Cauveri basin could exchange betel leaves for wheat from the plains of the Ganges.

That was his dream. So, for this purpose, Dr. K.L. Rao, the eminent engineer Minister in the sixties, had evolved a formula for connecting the Ganges with the Cauvery. But that was shelved because the expenditure would be huge and because the cost of lifting electricity beyond the Vindhyas would not be practically possible

Then the Government developed a national perspective for river waters into two components, as narrated earlier, the Himalayan River Water Programme and the Peninsular River Water Programme According to the Peninsular River Water Programme, the waters of the Narmada and the Mahanadi could be taken up to by far the Tamraparni.

Regarding the Cauvery River Water Dispute, we are not begging for any privileges from any State. As a matter of fact, we have been claiming, as a matter of right for ages, for thousands of years. There have been four Doctrines or four theories on river water disputes almost all over the world, over the river of Nile in Sudan and Egypt, Rhine in Europe and over the rivers in Mexico and Canada. There have been disputes and those disputes have been solved. Amicable settlements have been arrived at.

There have been four Doctrines. One is the Harmone Doctrine. That we could not accept; and the second theory, Natural Water Flow Theory and that also was not to be accepted by many. The third theory, the Doctrine of Proper Appropriation, the last theory, the Community of Interest theory, all over the world according to the Helsinki Rules that theory has been accepted.

Therefore, to find an amicable solution for the problems of the inter-State rivers, they should be nationalised for the betterment of the country as a whole of every citizen of the country. That is the purpose.

As far as the Cauvery river dispute is concerned, my hon.friend was correct that 100 TMC ft. of water should have been made available to the state of Tamil Nadu. The Interim Award suggested 205 TMC. When the Interim Award was given, the State of Karnataka went to the extent of issuing Ordinances by the Governor . I do not want to enter into any controversy here. But the matter was taken to the Supreme court. The Supreme Court stated in clear cut terms that the Ordinances were *ultra vires* the spirit of the Constitution and the spirit of the act.

Therefore, it is the bounden duty of the riparian Stage to release 205 TMC ft. of water according to the formula enunciated, weekwise and monthwise. That is the principle and at the time of a cyclone, when the Goddess of Rain bestows with heavy rain, they have no other option than to release the water in order to protect themselves. That is what he explained.

Therefore, the purpose of initiating the discussion is clear. Most of the Members have supported it.

Our friend, Shri Simranjit Singh Mann has got his own genuine apprehensions about the river water dispute between Punjab and Haryana.

I am hopeful and confident because the hon. Members from different political parties have supported the Bill. The Government also should come forward with a legislation to nationalise all the inter-State rivers.

Once again, I thank all the hon. Members who have given their valuable suggestions.

MR. CHAIRMAN: You ask the Government to support your legislation.

SHRI VAIKO : Sir, it is the first step. More or less, most of the Members have supported the Bill. I do not want to embarrass the Government at this point because some of the States like Punjab are having serious apprehension and concern. Therefore, I do not want to create any suspicion in the minds of some of the people. But a day will come in the coming years when they will also accept it. I hope and I am fully confident, one day the Government, this Parliament will see the passing of the Bill, Nationalisation of inter-State rivers Bill.

Therefore, once again, while I am thanking all the Members who have participated in the discussion, I withdraw the Bill. ...(*Interruptions*)

I beg to move for leave to withdraw the Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto. "

The motion was adopted.

SHRI VAIKO (SIVAKASI): I withdraw the Bill.

17.11 hrs.