

12.00 hrs.

[English]

MR. SPEAKER: Shri Dwarka Nath Das to speak.

(Interruptions)

MR. SPEAKER: One after the other.

(Interruptions)

SHRI M. V. CHANDRASHEKARA MURTHY (Kanakapura): I am on a point of order. (Interruptions)

SHRI K. V. THANGKABALU (Dharmapuri): This is a very important and a sensitive issue. (Interruptions)

MR. SPEAKER: I will come to you later on.

(Interruptions)

SHRI K. V. THANGKABALU: The Government of Karnataka has issued an ordinance which is very much against the Constitution of India. (Interruptions) It is very important. Tamil Nadu People are suffering a lot. This is a very serious matter. (Interruptions) We demand from the Prime Minister that he should come with a statement. (Interruptions) It is unfortunate that a ordinance is issued against the Constitution of India. They have no right to issue a such ordinance. We want a statement from the Prime Minister today. We want a firm reply from the Government now. (Interruptions)

MR. SPEAKER: Do you not want any response?

(Interruptions)

SHRI ANBARASU ERA (Madras Central): Promulgation of this ordinance is unconstitutional. (Interruptions)

SHRI M. R. JANARTHANAN (Thirunelveli): It is a challenge to the Constitution of India. (Interruptions) It is a question of life and death for the people of Tamil Nadu. (Interruptions)

MR. SPEAKER: Please go to your seats first.

(Interruptions)

MR. SPEAKER: Please take your seats first. Well, I have decided to allow you to express your views; but you can do it one after the other. You cannot do it at one and the same time. I have called out the name of one gentleman. One hon. Member from here will speak first and then I will call out your names also. Shri Dwarka Nath Das.

SHRI DWARKA NATH DAS (Karim Ganj): Sir, the working of the Post and Telegraph system is in a bad state in Barak valley of Assam. May be it is due to shortage of staff or may be for other reasons. For example, one letter takes at least eight to ten days specially in rural areas to cover a distance of 50 kms. Sometimes telegrams are sent just like ordinary post cards because it is a common feature that most of the time the telegraph line remains dead, not to speak of telephone whose working is the worst at present.

Will the hon. Minister of Communications be pleased to look into the condition of this system in Barak valley soon, particularly that of Karim Gani District of Assam in these respects?

SHRI ANBARASU ERA: Sir, yesterday the Karnataka Government.....(Interruptions).....

SHRI M. V. CHANDRASHEKARA MURTHY (Kanakapura): Sir, I am on a point of order. (Interruptions)

MR. SPEAKER: All of you please take your seats. I have said that I will

allow you to speak and I will allow you also to speak. Everything you are doing at this point of time is out of order. It is not according to order and that is why you cannot raise points of order at this point of time.

SHRI ANBARASU ERA: The Karnataka Government yesterday promulgated an ordinance.

SHRI M. V. CHANDRASHEKARA MURTHY: I am on a point of order and I want your ruling Sir. No State subject can be discussed here. He is creating a bad precedent.

SHRI ANBARASU ERA: They have created a bad precedent. They cannot challenge the authority of the Government by nullifying the Cauvery Waters Dispute Tribunal's interim order. The Ordinance promulgated by the Karnataka Government is unconstitutional and illegal. It is an attempt to nullify the interim order of the tribunal and to prevent Tamilnadu to get water. It is an open challenge to the authority of this Government. (*Interruptions*)

MR. SPEAKER: You please sit down. This is not the way and I will allow you also to speak.

(*Interruptions*)

SHRI ANBARASU ERA: Sir, for 22 years, discussions were going on, but nothing has come out of that. Therefore, hereafter there shall be no negotiations. I demand that the Central Government and the Prime Minister should immediately intervene in the matter and find out a solution for that. (*Interruptions*)

MR. SPEAKER: Only what Shri Anbarasu says, goes on record.

(*Interruptions*)

SHRI ANBARASU ERA: Sir, they should honour the Award of the Tribunal. One more thing is there.

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The Chief Minister of Karnataka is playing a political gimmick to consolidate his position. The people of Karnataka are very good. He should honour the Award. The Central Government should immediately intervene and give directions to the Government of Karnataka to obey the Award, to honour the Award and to allow the people of Tamilnadu to get water. (*Interruptions*)

SHRI D. K. NAIKAR (Dharwad, North): Sir, the statement made by the hon. Member from Tamilnadu is in respect of the ordinance issued by the State Government of Karnataka. Sir, you are aware that under the federal structure of the Constitution, a State has the power to legislate, in respect of matters listed in the State List and the Concurrent List. Now that ordinance—whatever may be its effect, either on the order of the tribunal or otherwise—cannot be discussed on the Floor of this House. So, ordinance or legislation of the State cannot be discussed here. It is an independent authority. (*Interruptions*) No reference can be made to the ordinance or legislation. (*Interruptions*)

SHRI ANBARASU ERA: The ordinance itself is illegal and unconstitutional. (*Interruptions*)

SOME HON. MEMBERS: No. (*Interruptions*)

SHRI D. K. NAIKAR: A reference has been allowed to be made in this House now. So, I seek your ruling on this as to whether the ordinance can be discussed here or not. (*Interruptions*)

MR. SPEAKER: Shri Naikar, it may be very difficult for you to have a ruling from me. You please sit down.

(*Interruptions*)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, what does Central Government want? (*Interruptions*) In one of the States their supporting party is in power and in the other state, their own party is in power. Sir, it is a very serious matter. (*Interruptions*)

[English]

SHRI K. V. THANGKABALU: Mr. Speaker, Sir, the very ordinance of the Karnataka Government is illegal and it is unconstitutional. It is against the very interests of the Indian Constitution itself. One State cannot issue an ordinance against the Central Government So, I am afraid, whether the Karnataka Government is within the Union of India or not. A Constitutional question arises today. Another thing is that the interim Award of the Tribunal is issued in favour of Tamilnadu and is valid according to the Constitution. After the direction from the Court, the Award was passed; the Award must be totally accepted by the Central Government. I seek the indulgence of the Central Government and the Prime Minister to come out with a statement in this regard. I also demand from the Central Government, to pass an order directing the State Government of Karnataka to release water immediately as per the interim Award of the Tribunal.

I seek your indulgence and I demand this from the Government, through you. Sir. The Prime Minister must come out with a statement since it is a serious matter and thousands and thousands of people of Tamilnadu are suffering because of this. (*Interruptions*)

SHRI M. V. CHANDRASHEKARA MURTHY (Kanakapura): Mr. Speaker, Sir, I had the privilege of being in this House since 1977. (*Interruptions*)

[Translation]

SHRI MADAN LAL KHURANA: Mr. Speaker, Sir, please direct

the Central Government to come out with a statement in this regard. (*Interruptions*)

[English]

SHRI M. V. CHANDRASHEKARA MURTHY: I know how the highest forum of democracy was functioning all these days. It is the right of any State Government to issue or promulgate an ordinance. Whether it is right or wrong, it cannot be discussed on the Floor of this House. We have maintained this tradition; we have maintained this convention. But, it is most unfortunate today that we have allowed some hon. Members of the other State to speak. We should not have done that. We have opened the flood-gates and we have created a bad precedent. (*Interruptions*) We should be very careful. (*Interruptions*)

SHRI ANBARASU ERA: He is misleading the House: misleading the facts and mis-interpreting the facts. It is not true. (*Interruptions*) An ordinance could be issued only on a State Subject and not on a Central Subject. The State Government has no business to issue an ordinance on this subject. (*Interruptions*)

SHRI V. DHANANJAYA KUMAR (Mangalore): Mr. Speaker, Sir, the relevant question is that the matter is now pending before the Tribunal. The Tribunal is seized of the matter. The Tribunal has passed an interim order. In fact, the Tribunal has no right to pass any such order. In the history of any such Tribunal constituted so far, such order has ever been passed.

The holding capacity put together for all the reservoirs constructed by the State of Karnataka is only 120 TMC whereas the Tribunal by its interim order has directed the Karnataka State to ensure presence of 205 TMC of water in Mettur dam. It is highly impossible and not practicable.

In Karnataka, we are now growing only one dry crop by making use of the Cauvery water whereas in Tamil Nadu, they are growing three paddy crops in a year. (*Interruptions*)

SHRI K. V. THANGKABALU: You do not know A, B, C, D of Tamil Nadu. (*Interruptions*)

SHRI V. DHANANJAYA KUMAR: There is no drinking water for greater Bangalore city. The people of greater Bangalore city are suffering due to shortage of drinking water. So, my submission is that the ordinance issued today by the Government of Karnataka is well within the provisions of the Constitution. Any elected Government will have to come to the rescue of the people of the State. The Government of Karnataka has done the right thing.

The Central Government must take interest. It must see that whatever dispute is there, it should be amicably resolved. It must, call both the parties for negotiations. They should sit across the table and come to an amicable settlement so that such problems do not arise hereafter anywhere in the country. So, my submission is that whatever has been done by the Karnataka Government is correct. And it cannot be questioned now here.

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, yesterday, Mr. Saifuddin Choudhury raised this matter. When the *bandh* has been called in both the States, this is a matter which should be amicably settled. But it is very unfortunate I am not blaming any Hon. Member or any State because obviously the feelings are running high. Therefore, it was essential that the Government should have taken note of the matter which was raised yesterday. The Prime Minister is expected to have called a meeting. There is an Inter-State Council now. The Inter-State Council should be called. That is the proper forum for all these questions to be resolved amicably. We want a united India where

every State's problems should be looked into objectively and a solution should be arrived at. Therefore, I appeal to all sections of the House that we should look into this matter from that point of view.

I request through you that the Hon. Prime Minister should immediately convene a meeting of the Inter-State Council, sit with them for this matter immediately so that a solution is found out. Mutual recrimination will not help. Every State has its problems. Therefore, on the floor of the House, we shall be only trading charges or accusations. I am sure, the Hon. Members would not impute any motives to anybody. But in view of the demands of the States, it is bound to arise. The feelings will be more intensified. Therefore, this is an important matter. I hope you will make an observation so that the Prime Minister immediately responds.

[*Translation*]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, I understand that it is but natural that the Member representing a particular State would keep the interest of his state in mind while expressing his views. As such the hon. Members from Tamil Nadu were very much excited yesterday and today the hon. Members belonging to both the States Tamil Nadu and Karnataka are presenting their view-points. We had been expecting the Prime Minister since yesterday to take initiative in this regard and find some way to resolve this tangle so that the call for *bandhs* in Tamil Nadu as well as in Karnataka would have been abandoned.

Mr. Speaker, Sir, the issue raised today that such an ordinance is against the Centre is not correct in my opinion but the Central Government should clarify the position. The hon. Members from Tamil Nadu and Karnataka cannot make a statement on this matter. I agree with the views expressed by Shri Somnath

Chatterjee and I understand that instead of raising this issue in this august House, the Congress Party should take it up in its party forum and the Prime Minister should invite the Chief Ministers of both the States for a dialogue and come to an amicable settlement.

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, I fully agree with the proposal and sentiments expressed by Shri Somnath Chatterjee. Whenever the issue of a state is raised it is quite obvious on the part of the hon. Members from that State to express their concern. If they talk about their rights it is nothing wrong. However, it is for the Government to ensure that all the States in India should enjoy equal rights, because all of them have equal rights. As such the proposal to convene a meeting of the Inter-State Council has been made. We would also urge the Prime Minister to convene a meeting and resolve this issue. Allegations and Counter allegations cannot solve the problem.

[English]

SHRI M. R. JANARTHANAN (Tirunelveli): Mr. Speaker Sir, the august House must understand that the people of Tamil Nadu were negotiating for the past 20 years. So many negotiations were there but they turned futile and they gave us no fruits. Afterwards, just a year back, it was left to the Tribunal which happened after a very long time. Even now, if the Karnataka Government is not accepting or honouring the award, then it is a disgrace to the people of Tamil Nadu. It is not only a disgrace to us but we cannot tolerate it also. Cauvery basin is the only rice basin for six crores of Tamilians. Tanjore district is wholly dependent on the Cauvery basin. An hon. Member from Karnataka said that we are growing three crops in a year. Sir, this is not a fact. Sir, if Tanjore goes dry without water in the Cauvery river, then Tamil Nadu will become another Sahara desert. Therefore, I

request the Central Government to come forward immediately and intervene to solve the problem. The mistake done is that the Central Government did not notify the award in the Central Gazette. When we announced a *bandh*, they announced a counter-*bandh*. Then, all of a sudden, the promulgation of the ordinance came as a shock to us. Do you want Tamil Nadu to go the ULFA and Punjab way? But we do not want to become like Punjab and ULFA because we are Tamilians. We are for united India and it should be Union of India. It should not be United States of India. I would like to ask the hon. Members from Karnataka as to whether India is going to be Union of India or United States of India. Sir, they have built 28 reservoirs even without the clearance of the Central Government. Therefore, I plead with the hon. Prime Minister to come forward to solve the issue. Otherwise, it will lead to untold chaos between so many linguistic castes which cannot be subdued by the people of Tamil Nadu. So, the Prime Minister must come forward and notify the award in the Central Gazette and the award should be honoured. Our brothers from Karnataka must also come forward to honour the award which is also necessary. Only then, we can hold talks. Sir, this is our only request to you.

SHRI P. G. NARAYANAN (Gobichettipalayam): Mr. Speaker, Sir, the Supreme Court held that the Tribunal has powers to pass interim order. On the direction of the Supreme Court, the Tribunal has passed the interim order. It is a judicial forum which has been constituted by the Government of India on the direction of the Supreme Court, in accordance to the Inter-State Water Disputes Act, 1956. Now, the Karnataka Government had issued an ordinance to nullify the order of the Tribunal. This is violative of the Constitution. As per Tamil Nadu's requirements and legitimate right of Tamil Nadu, we require more than 300 TMC of water for one year. But

we have accepted the order of the Tribunal just to obey the order of the Tribunal. But the Government of Karnataka is not above law. It is not functioning in accordance with the law and it goes against the Constitution. So, the Prime Minister should intervene at this stage and issue an executive directive as per article 256 of the Constitution.

SHRI S. B. SIDNAL (Belgaum): Sir, every State would like to pass a legislation or issue an ordinance to protect their own interest. Accordingly, what the Karnataka Government had done is justified. But if, as Mr. Somnath Chatterjee has said just now in the House, the Prime Minister intervenes and call the Inter-State Council, then I think, it will be acceptable to both the parties and they can come together to hold talks.

SHRI K. RAMAMURTHEE TINDIVANAM (Tindivanam): Both the Government of Karnataka and the Government of Tamil Nadu are parties before the Cauvery Water Dispute Tribunal. The Tribunal's order was given in spite of the Government of Karnataka questioning the tribunal's authority before the Supreme Court. The Tribunal has given the interim order on the direction of the Supreme Court. So, the Tribunal's order is binding on both Karnataka and Tamil Nadu. But, when the order has been given, the Government of Karnataka has now come forward with an ordinance, which nullifies the very order of the Supreme Court and the Tribunal. The State Government has disobeyed the orders of the Supreme Court and the Tribunal and this should be viewed very seriously.

Apart from this, we the people of Tamil Nadu are the sufferers. Interstate discussions can take place at any time, but our sufferings must be taken into account now itself. The Government of India should take it very seriously and I want to request

the Prime Minister to come before this House and make a statement.

SHRI MANORANJAN BHAKTA (Andaman-Nicobar): Over the last few days, a lot has been said about the killing of innocent Sikh pilgrims in Pilibhit. After this matter was raised in this House, it was agreed by the Government that the Home Minister would make a statement in this connection. But I am sorry to say that no statement has yet been made. Along with other members, I personally visited Pilibhit. We have seen that it was an absolutely cold-blooded murder of the Sikh pilgrims by the police...*(Interruptions)* I do not know why Shri Khurana is getting agitated. On 29th June, these pilgrims went to Patna Saheb, Karnataka and Maharashtra and while returning, they were apprehended in a bus on the 13th July. They were taken out of the bus and they were killed in a fake encounter...*(Interruptions)*.

MR. SPEAKER: Please sit down. I allowed you to make your point. Now please sit down.

SHRI MANORANJAN BHAKTA: *(Interruptions)**

MR. SPEAKER: This will not go on record. You cannot continue like that. Please sit down.

[Translation]

SHRI CHANDUBHAI DESHMUKH (Bharuch): Mr. Speaker, Sir, the law and order situation in Gujarat is deteriorating day by day and has reached a point as if there is no Government functioning there. The crowd of two thousand people in Baroda town surrounded the police station, pelted stones and created a fury. In this incident ten persons were killed and fifteen injured. Similar is the state of affairs in Bharuch. Five or six persons succumbed to their injuries, people are being ki-