

15.07 hrs.

STATUTORY RESOLUTION *RE* DIS-
APPROVAL OF THE RAVI AND BEAS
WATERS TRIBUNAL ORDINANCE, 1986
AND
INTER-STATE WATER DISPUTES
(AMENDMENT) BILL-*Contd.*

[*Translation*]

SHRI BIRBAL (Ganganagar) :
Mr. Chairman, Sir, the Inter-State Water Disputes (Amendment) Bill, 1986 is being discussed today. I want to express my views thereon. If any reduction is made in Rajasthan's share in the Ravi-Beas waters the Ravi-Beas Waters, Tribunal Bill, 1986, it would adversely affect the border and desert areas of Rajasthan in particular and the people of Rajasthan would never agree to it.

15.08 hrs.

[SHRI VAKKOM PURUSHOTHAMAN
in the Chair]

Out of the 17.17 million acre feet water available from Ravi-Beas waters, Rajasthan will get its share of 8.60 M.A.F., and when the water availability is less than 17.17 M.A.F. then the State will get 52.69 per cent water. Now, when the Parliament is going to enact a legislation on the Ravi-Beas Tribunal, the wording of the enactment should be such, as may assure Rajasthan about her water-share. Since 1955, the main dispute about the distribution of waters of Ravi and Beas rivers is between Punjab and Haryana. In view thereof, there should not have been any mention of Rajasthan in the Punjab Accord. But the name of Rajasthan State has been mentioned in clause 9(1) of the Accord. So it should be ensured that the share of Rajasthan continues to be 8.60 MAF or 52.69 per cent water, which was allotted to it previously.

Rajasthan Government has already contributed 52.69 per cent of the total cost of construction of the Ravi-Beas water reservoir as its share. The State has constructed the world's biggest distribution system, which is thousands of kilometers long, to utilise this water. If now the share of Rajasthan is reduced it would adversely affect the economy of the State. It will

also affect the construction of new canals, Sidhmukh and Nohar. The peasants there have been waiting for long for these in the hope that these canals would bring greenery to their fields. Therefore, I request the Government to protect the interests of the backward State of Rajasthan.

SHRI SHANTI DHARIWAL (Kota):
Mr. Chairman, Sir, the Inter-State Water Dispute Bill has been brought with the object of solving the water dispute between Punjab and Haryana. But Rajasthan State has unnecessarily been involved in the politics of water. I would urge the Government to look into this aspect that Rajasthan will be involved in other disputes between the two States also, be it dispute of transfer of villages or a city of the question of distributing something else. Now it is being said on behalf of the present Punjab Government that Rajasthan State is not at all entitled to get water from these rivers, because the State is not a riparian State. This is puerile talk, which I feel is wrong. On this pretext, the fundamentalists want to relegate the moderates into background and to increase their influence. We must keep in view all these things and reopening of old issues time and again will lead to unrest. We must keep in view the consequences thereof.

As far as Rajasthan is concerned, its share has already been determined twice—by the agreement of 1955 and by the Indus-Water Treaty, signed after 5 years. Now the Central Government has brought this Bill to the House, which also reveals that Government had paid Rs. 110 crores for the water of Ravi and Beas, which was demanded from Pakistan to solve the problem of desert areas of Sindh. It is clear from it that this water does not belong to any particular state and no State can claim this water on the plea that is a riparian state. Mr. Chairman, in this context, I want to tell you that all the three rivers are international rivers, which originate from Himachal Pradesh and flow into Pakistan *via* Punjab. If Punjab makes claim to the entire water, it is wrong, because it should not forget that the 1960 Indus-Water-Treaty was concluded to satisfy the claim of Rajasthan. It is, therefore, wrong on her part to reopen the previous agreements and to make inflated demands.

Rajasthan was a party to the Ravi-Beas Agreement concluded at that time and out of the total area of 3,21,000 sq. kms of the Indus basin an area of 15000 square kms falls in Rajasthan. Besides, Rajasthan Government has also spent hundreds of crores of rupees for common construction in Punjab for the Ravi-Beas Waters. Rajasthan did all this to supply water to the worlds biggest canal which has a distribution system of thousands of kms. We are spending crores of rupees on the construction to this canal. If a reduction is made in supply of water to the canal which was constructed by Rajasthan after sacrificing other development works, it would hurt the interests of the border and desert areas of Rajasthan. The Chief Ministers of all the three States signed an agreement on 31.12.1981 in regard to sharing of 17 M.A.F. water and as per that Agreement we developed the infrastructure to carry this water to the fields accordingly.

Punjab's Akali Dal Government, the terrorists and secessionists there are demanding time and again that this agreement should be re-opened, which is immoral and unlawful. Punjab is in turmoil not only because of this problem but also because of a lot of other problems. Now, there is no guarantee that the agreements made by the present Chief Minister of any other person would not be challenged or no voice would be raised for reopening it. Because, even if an agreement is concluded today, tomorrow some other person may reject it on the plea that it was wrong. The result would be resort to arson and looting. This is a grave problem.

Sir, the area where Ravi-Beas waters is proposed to be utilized, is drought prone area and has scanty or no rainfall. There is an acute shortage of drinking water there. At certain places, the water table is as low as 500 feet, whereas Punjab has ample rainfall and a high water table also. Punjab also has the problem of water logging. Punjab has spent crores of rupees to solve the problem of water-logging. In Rajasthan crores of rupees have been spent on the construction of Indira Gandhi Canal in the hope that Rajasthan would get her share of 8.60 MAF water. Now this Tribunal is being asked to re-allocate the water on the basis of the position which prevailed as on 1.7.85.

It may go against the interest of Haryana and specially of Rajasthan. Therefore, I request the hon. Irrigation Minister to answer 2 or 3 questions which are agitating the minds of the people of Rajasthan. First, when the dispute is between Haryana and Punjab, why Rajasthan is being pressed to present her claim before the Tribunal under clause 9. Secondly, will the award of the Tribunal result in the reopening of the agreements of 1955 and 1981 or not. Thirdly, will Rajasthan continue to get 86 lakh acre feet water of her share. You should give assurance to the Rajasthan Government that the interest of Rajasthan will not be affected adversely. What is the need of verifying the quantity of water utilised on 1st July, 1985. My last question is when do the Central Government propose to hand over the control of the headworks and Ropar, Harike and Ferozepur to the Bhakra-Beas Management Board which are at present under the control of the Punjab Government? I would like to request the hon. Irrigation Minister that as this question is agitating the mind of the people of Rajasthan, he should clarify these points in his reply.

PROF. NIRMALA KUMARI SHAKTAWAT (Chittorgarh) : Mr. Chairman, Sir, I rise to support the Inter-State Water Disputes (Amendmen) Bill.

Sir, we hope that this Tribunal will do justice to Rajasthan and we wish that the interest of all the states will be safe in the hands of the Prime Minister. However, it is necessary to highlight some peculiar features of Rajasthan.

Sir, areawise Rajasthan is the second state in the country which is afflicted by acute scarcity of water and severe famine. According to the Ravi-Beas agreement of 1955, the share of Rajasthan was 52.6 per cent. This agreement was concluded with the aim of providing water to the backward and drought-prone state like Rajasthan. Rivers are not the property of a particular state or a group of states. Rivers are the property of the nation and every backward state has a claim on it. It will be a great injustice to the peaceloving people of a state like Rajasthan if the issue which has already been settled through the agreement is opened time and again. I hope the Tribunal will do justice to Rajasthan and the

[*Prof. Nirmala Kumari Shaktawat*]

case will be placed before it, keeping in mind the problems being faced by Rajasthan.

The Indus-Water Treaty of 1960 with Pakistan was concluded with the aim of mitigating the problem of desert areas of Rajasthan. Our great leader Shrimati Indira Gandhi also had the interest of Rajasthan in her mind.

The Rajasthan canal was constructed with this end in view and a sum of Rs. 2000 crores has already been spent on it to date. Now the Rajasthan canal is known as Indira Gandhi Canal in the memory of Shrimati Indira Gandhi. It was the wish of Indiraji to do something for Rajasthan which is facing drought as well as problem of drinking water for the last many years. The Rajasthan canal, which is a multi-purpose and an ambitious project, will usher green revolution in the state and will make water available in abundance. It will be no exaggeration to say that Rajasthan had to make great sacrifice for the completion of this canal. If Rajasthan does not get its due share of water from the canal it will be a great injustice to the people of that state.

Now while raising the issue of share of Punjab in the river waters, it is sought to reopen the Agreement of 1955 time and again, in which share of Rajasthan had been fixed at 52.6 per cent. In this way an attempt is being made to suppress the people of Rajasthan or to reduce their share of water. If their share of water is reduced, Rajasthan will have to suffer tremendous and incalculable loss.

The people of Rajasthan are, no doubt, peace-loving and Justice should be done to them. If injustice is meted out to them, it will not be tolerated.

Punjab and Haryana will be required to place their case before the Tribunal. The relations between Punjab and Haryana have always been cordial. When calamities like famine befell Rajasthan, Punjab and Haryana always came forward to help it with money and foodgrains. I hope that our neighbouring states, which have cordial relations, will not do anything against the interest of Rajasthan.

Even now the control of headworks of Ravi-Beas waters is in the hands of Punjab.

When there is surplus water, Punjab supplies it to Rajasthan, otherwise not. In this way the drought prone Rajasthan is at the mercy of Punjab. I would, therefore, suggest that it would be better if the control of the headworks is transferred to an independent body like Bhakra Development Control Board. It would ensue the protection of the interest of Rajasthan.

Our Hon. Prime Minister knows well the difficulties faced by the people of Rajasthan. He has assured that injustice will not be done to Rajasthan. I trust that the verdict of the Tribunal will be honoured by Haryana and Punjab and they will supply full share of water of Rajasthan to it.

With these words, I conclude.

[*English*]

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Mr. Chairman, I rise to support the Bill. But, at the same time, I take very serious exception for the action on the part of the Government in issuing the Ordinance on the 24th of January, 1986. Very precious time six months' time—was lost after the Punjab Accord was signed. It clearly shows that the ruling party wants to take the credit for signing the Punjab Accord. But it is not in sincere in implementing the Accord, and that is why this abnormal delay. And because, even after two months after January 26, it failed to hand over Chandigarh to Punjab, to an assuage the feelings of the agitated Punjab, people the Government brought this Ordinance.

Several times decisions were taken in regard to the sharing of the Ravi Beas waters. As several hon. Members have mentioned it,—I will not go into the details—but suffice it to say that before Punjab was divided there was an agreement, after Punjab was divided there was a decision by the Government of India and again when some States had expressed their dissatisfaction, again when Madam Gandhi the then Prime Minister was alive, an agreement was signed by the Chief Ministers of the concerned States. And even that agreement was not implemented. It is most unfortunate, that even the latest agreement was not implemented. The responsibility is on the shoulders of the Government of

India. In case if Punjab does not given a final alignment in regard to that important canal which takes water to Haryana, it is the responsibility of the Government of India to finalise the alignment and see that work goes on or progresses. But unfortunately, even that agreement or the spirit of it was not kept alive. And, Sir, now, again after the Punjab Accord was signed, the work on the Canal is at a stand-still. It has come to a grinding halt because the farmers in Punjab and some people belonging to some political parties are obstructing the work on that canal, as also the proposed alignment. In the terms of agreement it is not clear what will be the fate of Rajasthan.

I need not emphasise the importance of that Canal which is going to irrigate lakhs of acres near the Thar Desert and it is in the national interest not only in the interests of Rajasthan State alone, but in the interest of the nation, effects of Thar Desert can be minimised through canal irrigation. And I suggest to the hon. Minister to make it clear, what is the real intention of the Government, whether they are going to touch the waters that are allotted to Rajasthan, through the agreement that was signed during the time of Shrimati Indira Gandhi.

As far as Haryana is concerned, through the third agreement, Haryana's share of water was kept at the same level of 3.5 MAF where as the share of water allotted to Punjab had been increased from 3.5 MAF to 4.2 MAF. Though Haryana had contributed a considerable amount for the excavation of the canal, till now it did not get the benefit of the water allotted to it. And we find that in these issues the Government of India has a wavering mind. It does not have a firm mind if the States fail to come to an understanding, if a State fails to implement an agreement or understanding or tribunal's award. That slackness on the part of the Government of India is quite visible. In the case of Krishna waters award, though the tribunal has fairly allocated waters and has specifically said that it cannot be re-opened upto the year 2000, again there are some misunderstandings. It is the duty of the Central Government to tell the concerned States that is the tribunal's verdict and that they have to abide by

that, Instead of doing that, it is throwing the ball in the court of the States thereby causing unnecessary delay which is neither in the interest of the nation nor the States. I appeal to the Government : at least now, let that decision which is going to be given by this tribunal, be binding on the three or two States and let the Government of India also with full determination try to implement the award to be given by the tribunal; otherwise all this exercise will be quite useless.

THE MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : At the outset, I am grateful to all those hon. Members from this side as well as from the other side, who have participated in this debate and extended their whole-hearted support almost unanimously for the provisions of the Bill. I am also grateful to the hon. Members, in fact the entire House, for showing their great concern not only is solving the dispute regarding sharing of the Ravi Beas waters but also for voicing their concern for the unity and integrity of the country, for peace and development of the country and for proper and full utilisation of the inter-State river waters. Some Members went to the extent of saying that water should be treated as a national property.

The House should gratefully remember the late Prime Minister, Shrimati Indira Gandhi, who laid down her life for Punjab in particular and for the unity and integrity of the nation in general. We are also grateful to our Prime Minister, Shri Rajiv Gandhi, who has shown great courage and conviction in carrying forward the policy as laid down by Shrimati Indira Gandhi for the interest of the nation.

The great Rajiv-Longowal accord has been the subject matter of debate both within Parliament and outside, in public and press. A great national debate is going on. And I am happy to say that everyone, both inside and outside the House, is pressing for the implementation of the accord.

There may be stray cases but they are very weak and cannot be heard anywhere except here or there. Under these circumstances, we have been considering this Bill which is a very small Bill from

[Shri B. Shankaranand]

inside, with only three clauses, but which is a Bill of great importance. It is a step forward in the right direction which we have taken to show to the country and to the world our intentions and the intense conviction in implementing the Accord. During the debate, the hon. Members have spoken on various subjects. I do not say they are all irrelevant. I should say they were relevant to the extent possible as far as the Accord is concerned, but I should say that this Bill is limited not even to full para 9 of the Accord, it is concerned with the implementation of only para 9.1 and 9.2 of the Accord—not even with para 9.3 which deals with the SYL canal.

In order not to take the time of the House, I do not want to go into the details of all those points which the hon. Members have raised. They have raised points which are not directly relevant to the provisions of the Bill. In order to correctly appreciate the provisions of the Bill, we must know what exactly the Bill is meant for, what is that we are considering, for what purpose the Tribunal is going to be appointed. For that, I should first make the House really understand what is the Accord and what is that part of the Accord that we are trying to implement through this Bill. The Accord contains about 11 very important items but as far as the present Bill is concerned, it concerns only with para 9.1 and 9.2 of the Accord. Of course, there has been lot of controversy between para 9.1 and 9.2—for the omission and commission of one State or the other and so many interpretations. But I should say that the Accord is very clear. There is no ambiguity at all in it. May I quote para 9.1, of the Accord? para 9 deals with the sharing of river water. para 9.1 says :

“The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1-7-1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in para 9.2 below.”

There is no ambiguity in this. I do not find absolutely any ambiguity in any sentence.

There are hardly four sentences in this para, and it assures the farmers of these three States that they will not get less than what they are getting as on 1-7-1985. It does not say that that is the only water that they are going to get at any cost at all times. No, it does not say that. Then next it says : “Waters used for consumptive purposes will also remain unaffected.” It does not say only for these two States. The consumptive use by other States also like J & K and Delhi will also remain unaffected. They have also been using waters ... (Interruptions). Definitely there is water and they have been using it. Why should there be any doubt about it? Let us not be pessimistic about seeing things from the future of this country. The future of this country is bright in the hands of the Prime Minister. Let us hope for it. Let us have no doubt about it and Let us not blur our vision as far as the brighter aspects of the future of this country is concerned. Why should we forget that? Let us be cheerful and let us try to solve whatever problems are there in an atmosphere of unity, friendship, cooperation all brotherhood. After all, we are all brothers. Without cordiality nothing can be solved. It says : ‘Quantum of usage claimed shall be verified.’ It does not say, claim by any particular State. I hope the hon. Members have gone through the Accord. It does not say whether it is Haryana or Punjab or Rajasthan or Delhi or Jammu and Kashmir, whatever it might be, whether domestic or industrial or drinking needs or irrigation and so on. It does not say that. This particular sentence says ‘Quantum of usage claimed shall be verified by the Tribunal referred to in Para 9.2: below’. Now, please try to understand this so that all the doubts will be cleared. Now what does para 9.2 say? It says :

“9.2 : The claims of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties.”

So many doubts have been expressed in this House. I really do not understand

where is any ambiguity in the words used. (*Interruptions*). I very much appreciate the concern of the hon Member about Rajasthan. I am trying to be as communicable and as understandable to members as possible. It says : 'decision of this Tribunal will be rendered within six months and would be binding on both parties. And then it says 'All legal and constitutional steps required in this respect be taken expeditiously'. Now, clause 9.3 is not at all concerned with the Bill. This Bill does not seek to implement or to provide any legal provisions for the implementation of clause 9.3 of the accord. This is entirely extraneous for the purpose of this Bill. I do appreciate the concern of hon Members of the House for the total implementation of the accord without any delay. Some Members have complained that there has been delay even in bringing this Bill or bringing this ordinance. Some Members asked, why we did not bring this Bill or this ordinance immediately. I think the intention of the Government is very clear. We want to implement the accord. There has not been any voice within this House or outside the House, whether it is in Punjab or Haryana or anywhere else, against the accord as such ; the only concern expressed in this House is that the accord should be implemented immediately. Now, Sir, what is the law existing today in the country ? In order to implement all these things, there must be some law. Without the law any accord cannot be implemented and the existing law is the only law of 1956—Inter-State Water Disputes Act. I have got this Water Disputes Act here. It says that without a reference from any State this law is of no use at all implementing any understanding or any dispute between one or two States or more than two States. The provisions of the 1956 Act were of no use at all until any State concerned comes forward with a complaint to the Government of India saying that 'we have a dispute and please refer this to a tribunal and these are the issues to be settled'. Now the House could very well imagine that on the one hand the accord is to be implemented, and on the other hand there is no means to implement this accord without being referred to or asked by or requested by any of the States. Naturally the Centre is very keen and that leads us to say, 'Yes, we

must bring some law, we must get authority from this Parliament to see that this accord is implemented'. For a while we thought that we can bring this under the Residuary powers of the Constitution, under Article 248. Whatever is not appearing in the Lists 1, 2 and 3 at the moment, then to the extent that if it is not appearing even in Lists 1 and 2, you can bring this under Entry 97.

Now, I should say that some of the Members are under the impression that the provisions of the Constitution only deal with inter-State rivers and the concept of inter-State rivers is only the riparian aspect of the State, the riparian State. The Constitution does not mention the word 'riparian' either in Entry 97 or Entry 56 or 17 of List II or in Article 262 of the Constitution. May I quote Article 262 of the Constitution ? (*Interruptions*). Article 262 of the Constitution does not say 'riparian State'. I am particularly and purposely stating this so that the House can at least say as to how Rajasthan has the right of water and for that purpose I am quoting this. Article 262 says about 'adjudication of disputes relating to waters of inter-State rivers or river valleys'. It does not only speak of inter-State rivers, it speaks of river valleys also. I will come later on to say how Rajasthan is part of the river valley, of the Indus valley-Indus basin, it is a river basin. (*Interruptions*).

Article 262 (1) says :

"Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley".

It is not that it only wants to say 'river dispute', it wants to say 'waters of river valleys' so far as this Article 262 (1) is concerned. Article 262 (2) says :

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

[*Shri B. Shankaranand*]

Now, let us go back to 1955, when we had a agreement. In 1960, we had the World Bank agreement, I mean the Indus Waters Treaty, 1960 between Pakistan and India. I want to just quote the Preamble of the Treaty which is between the two states-how the Eastern rivers India got and how the Western rivers Pakistan got and what is the basis on which we got these rivers. Without going into the details as to the background, may I take the House into confidence that those pleaded with the World Bank, the case and cause of India, they pleaded that we want these waters to irrigate arid and dry vast areas of Rajasthan and without that we cannot come to an agreement. This is the basis of this agreement. Without this, we would not have got these waters. The Preamble of the Indus Waters Treaty, 1960 was signed by the greatest son of this country, Shri Jawaharlal Nehru and the Field Marshal, Mohammed Ayub Khan of Pakistan. I just quote the Preamble :

“The Government of India and the Government of Pakistan being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need, therefore, of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each (each means, each country) in relation to the other concerning the use of these waters and of making provision for the settlement in a cooperative spirit of all such questions as may hereafter arise in regard to the interpretation or application of the provisions agreed upon hereafter, have resolved to conclude a treaty in furtherance of these objectives, and for this purpose, have named as their plenipotentiaries:

The Government of India Shri Jawaharlal Nehru, Prime Minister And the Government of Pakistan; Field Marshal Mohammed Ayub Khan, President of Pakistan.”

So, these waters came to this country, after the people pleaded for these waters, for the purpose of irrigation. I do not want to take the time of the House. I have got the

authority to show that Rajasthan...(Interruptions) Rajasthan irrigation aspect of arid and dry areas was the basic consideration, of getting more water. So, that is part of the international treaty, as far as Indus Treaty is concerned. This is the background.

Thereafter, Punjab in 1966 was reorganised. Bhakra and Beas Management was created. Certain functions were assigned to it the assignment and maintenance and monitoring of certain head-works which were treated as dispute between certain States by certain Members of certain States, here, in this House. I do not want to go into these aspects because, this Bill does not seek any amendment to the provisions of the Punjab Reorganisation Act, 1966. May-be some Members, of course, did not raise this as to why this Tribunal was not appointed under that Act. There is no provision under that Act to appoint a tribunal. So, that Act never came to any help.

Coming to the Bill, the most important Clause in the Bill is Clause 2 which adds another Section to the Act of 1956. The Act of 1956 contains 13 Sections the last being added to it being the 14th Section. It has been the contention of the Government that this is a dispute regarding inter-State River Waters and River valleys, as I said. The present Bill which the House is considering consists of Clause 2 which introduces the most important Section 14 to the Act of 1956 and if I may quote :

“Notwithstanding anything contained in the foregoing provisions of this Act’.

This Act means, the Act of 1956,

“The Central Government may, by notification in the official gazette, constitute a Tribunal under this Act.”

There is a provision for constituting a Tribunal under this Act if there is a dispute created by or referred to by any other State. But here in view of the presence of the Punjab accord, Rajiv-Longowal accord came into being not at the time of 1956 Act but now in 1985 and in order to implement that we are amending this and it gives ample power. The Bill does not repeal any part of the provision of 1956 Act

I hope I am correct except Section 4(1) and Section 5(1) which because they refer only to the appointment of a Tribunal, on receipt of a reference from any State, that Tribunal is appointed. Here in the absence of such a reference, we are appointing a Tribunal by introducing a fresh Section 14 adding it to the 1956 Act because the Central Government wants to refer to the Tribunal for adjudication of the matters which have been laid in Section 9 (1) and 9 (2) of the Act.

Many members have asked whether the findings of the Tribunal will be recommendatory. What is the use of appointing such a Tribunal if it is recommendatory? What is the use? May I take the hon. Members to Section 6 of the 1956 Act? Section 6 has not been repealed or amended by the present Act. So, there is no doubt it is as it is because we are simply adding Section 14 to the old Act and we are not repealing anything. So, Section 6 reads :

“The Central Government shall publish the decision of the Tribunal in the official gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by the.”

SHRI VISHNU MODI (Ajmer) : If they do not implement it ?

SHRI B. SHANKARANAND : Heavens do not fall. The Parliament is here. The Prime Minister is here. The Government is here. We are keen to implement it. The State Governments are there, They are also keen and intend to do that. (Interruptions).

MR. CHAIRMAN : For someone else will come.

SHRI B. SHANKARANAND : May I quote something? Water has invented human beings so that it be carried and transferred from place to place and, in turn, human beings are inventing something to transfer water from place to place.

16.00 hrs.

[Translation]

SHRI CHIRANJI LAL SHARMA (Karnal) : Once bitter twice sky.

[Interruptions]

[English]

SHRI B. SHANKARANAND : Very soon we are coming before the House with a new water policy of this country. For the first time after independence we are going to formulate a new national water policy. We have a National Water Resources Development Council of which Prime Minister is the Chairman and all the Chief Ministers of this country are the members and may I say and perhaps the House is aware that the Chief Minister of Punjab is also a member of the Sub-Group on whom is cast the burden to formulate a national water policy and produce a document which shall be considered and discussed by the entire Council by the end of the year. I am very happy that in the Board meeting that was held last week, Mr Barnala was present and he offered very, very valuable suggestions as far as the national water policy is concerned. And what is our national water policy? It has been unanimously accepted by the entire Council consisting of all the Chief Ministers of this country saying that water is a scarce national resource. There has been a general consensus that we have to make the best use of the available water and the best use is the consumptive use and making the surface water as the ground water wherever it is possible to avoid water-logging and to create some artificial reservoirs of the ground water wherever it is possible so that the water become replenishable and the ground water is always available for the development of those areas where we cannot take the surface water for irrigation.

The core of the policy will be to take water to places where water is most needed and to places like Rajasthan which for many years do not have rains and people are suffering for want of water and there is no drinking water. The entire area is dry and not even a blade of grass is to be seen for miles at a stretch and this year Rajasthan is the worst of all in the country as far as the drought is concerned. Next only is Karnataka.

So the national water policy is going to be to take water, the surplus water to the

[*Shri B. Shankaranand*]

deficit areas. Perhaps the House has been considering it for many years and both the Press and the public are considering the policy enunciated by one of my predecessors, Dr K L Rao that is, the linking Ganga to Kaveri. What does it mean ? ...(*Interruptions*)

AN HON. MEMBER : Is it going to come ?

SHRI B. SHANKARANAND : I am coming to that. It cannot be taken so lightly. It is a very serious matter. (*Interruptions*)

SHRI ANADNA GAJAPATHI RAJU (Bobbili) : The hon. Minister said that he wanted to connect the rivers. His predecessor thought of it. But when is he going to transport water to Andhra Pradesh ? We are also keen to know it.

SHRI B. SHANKARANAND : May I ask my hon friend from Andhra Pradesh ? Not only think about the Telugu but the country also.....

SHRI ANANDA GAJAPATHI RAJU : We may be a regional party but we have a national outlook.

SHRI B. SHANKARANAND : I could not see that.

There was a scheme called the Garland Canal. These things were gone into by experts. These things were really gone into by experts and by the Government of India and they have found that this linking of Kaveri with Ganga is economically not feasible. So what has to be done? Then we have appointed an Experts Committee. They are going into this thing and a national perspective has been framed. It contains two aspects. One is interlinking of the Himalayan rivers. The other is interlinking of the peninsular rivers. The points of linking are also gone into. And this can only be achieved with the active co-operation and brotherhood of the States concerned and without that it is not possible. The concept is to carry water, to transfer water from the surplus area to the deficit area. And with this spirit we want to solve this Ravi-Beas water problem between Haryana and Punjab. This spirit

is the basic spirit through which we can solve all the problems.

(*Interruptions*)

MR. CHAIRMAN : Please do not interrupt the Minister. Let him complete his reply.

SHRI B. SHANKARANAND : Sir, I have figures before me to show the irrigation potential created in this country State-wise. It is a matter of pride and honour that Punjab has the highest percentage, namely, 86.5 per cent irrigation in Punjab. Andhra Pradesh should also be very happy. The figure is 60.98 per cent.

AN HON. MEMBER : Please examine this aspect also that we had so much drought.

SHRI B. SHANKARANAND : If that is the case of Andhra Pradesh you can imagine the condition of other States. We are concerned with that also because Andhra, Punjab and Haryana are parts of this country. (*Interruptions*)

There has been the problem of water-logging. Why does the problem of water-logging arise ? It is either because of over-irrigation or an unscientific way of irrigation or the water table is very shallow, may be two to three feet and still the irrigation canal flows. As a result of this there is water-logging and the land becomes useless for cultivation. The same water can be used scientifically and with a minimum available water the area can be irrigated. So, the question is not only of conserving water but also using it in a more scientific way so that you can irrigate more area and save more water. Saving and conserving water should be with a spirit that water is given where water is in deficit and most needed. That is the spirit of national water policy that we are thinking.

(*Interruptions*)

SHRIMATI GEETA MUKHERJEE : (Panskura) : The hon. Minister has not clarified one of the questions raised by Mr. Indrajit Gupta as to what is the implication of that particular date which has been mentioned in the accord ?

Order and Inter-State

SHRI B. SHANKARANAND : I am coming to that, Sir, perhaps the hon. Members are aware when the monsoons start in this country. That is the reason. First July is the time when minimum water flows and is available. So at that time the water that is available to the farmers, the minimum water that is available to the farmers, should always be available and they should not get less than that. That is the spirit of the accord.

SHRIMATI GEETA MUKHERJEE : I hope there is nothing in the accusation that has been levelled against on that score.

SHRI B. SHANKARANAND : Sir, I know that the hon. lady Member said 'No' on the paper, but said 'Yes' on the floor of this House, as far as this Bill is concerned. (*Interruptions*) There are occasions when you say 'No', the meaning is 'Yes'. (*Interruptions*)

SHRIMATI GEETA MUKHERJEE : My meaning is very clear.

SHRI NARAYAN CHAUBEY (Midnapore) : Our Minister is a big Pandit and according to him 'Yes' means 'No' and 'No' means 'Yes),

SHRI B. SHANKARANAND : I say that Shrimati Geeta Mukherjee has emphatically supported this Bill.

SHRIMATI GEETA MUKHERJEE : Your clarification is not better than implication. Kindly clarify that. (*Interruptions*)

SHRI B. SHANKARANANDA : When she has moved the Resolution, perhaps the House is aware that she is approving the Bill. In this context I said so. May I request the hon. Member not to read any other meaning than what I have explained ? (*Interruptions*)

Sir, I don't think I should take the time of the House any more because I am more than convinced that this Bill has received the full support of the hon. Members.

AN HON. MEMBER : The hon. Minister gave the percentage figures only

Bill

for two States. Let us know the percentage of other States.

SHRI B. SHANKARANAND : May I say, Sir, when the Demands for Grants for the Ministry, of Water Resources will be discussed in this House, I think I can give all the facts and figures of all the States at that time rather than waste the time of the House now ? Sir, I do not think that there is any doubt left behind which should be explained by me now. Let there not be any doubt in the minds of the hon. Members belonging to Rajasthan.

[*Translation*]

SHRI VISHNU MODI (Ajmer) : The hon. Minister should give an assurance that after adjudication under Section 9 (1) and 9 (2) the share of Rajasthan which is 8.6 MAF after 1.7.1985 would not be affected. Will it be included in the terms of reference that it would not be adjudicated under 9 (2) ?

[*English*]

SHRI B. SHANKARANAND : Mr. Chairman, Sir, I have said almost everything categorically.

SHRI VISHNU MODI : I want a categorical answer.

SHRI B. SHANKARANAND : I have said that the interests of Rajasthan are intact. Let there not be any fears about it. I am not functioning like a Member of the Tribunal, Neither the House is functioning like the part of the Tribunal. The House is interested in discussing the issue. The Tribunal has to do its job. May I read out the provisions of the Bill?

SHRI VISHNU MODI : Not for Rajasthan.

SHRI B. SHANKARANAND : I have already explained to the hon. Member. May I tell the hon. Member if he can't understand, I can't make him understand? I have said that the interest of Rajasthan is intact and there is only imaginery fear this matter. If he still persists in this, he persits at his own cost. Sir, what the Tribunal is going to do,

[Shri B. Shankaranand]

is this and I will read out that. I quote section 5 of 1956 Act-Clause 2.

“(2) The Tribunal shall investigate the matters referred to it and forward to the Central Government a report setting out the facts as found by it and giving its decision on the matters referred to it.”

Clause-3 reads like this:

“(3) if, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may within three months from the date of the decision again refer the matter to the Tribunal for further consideration, and on such reference, the Tribunal may forward to the Central Government a further report giving such explanation or guidance as it deems fit and in such a case, the decision of the Tribunal shall be deemed to be modified accordingly.”

SHRI CHIRANJI LAL SHARMA:
Where is the finality?

SHRI B. SHANKARANAND: The hon. Members must have read the Bill; it was only a three-clause Bill. Clause 2(3) reads:

“When a Tribunal has been constituted under sub-section (1), the Central Government alone may suo motu or at the request of the concerned State Government refer the matters specified in paragraphs 9.1 and 9.2 of the Punjab Settlement to such Tribunal.”

It is the Central Government alone. Nobody else can do it; only the Central Government can do it. The intention is to implement the accord as early as possible and finally. This care has already been taken in the Bill also.

I have already taken much time of the House and have tried to satisfy all the doubts in the minds of the hon. Members. No injustice will be done to Punjab and Haryana and that is the intention of the Government in bringing forward this Bill. We have only

the interest of the farmers of Punjab, Haryana, Rajasthan as also other States, though they are not parties to it. The question is that the farmer who needs water should get it. That is the intention of the Bill and nothing else.

It is neither against anybody nor for anybody; it is for the farmers of this country, overall interest of this country, and for the unity of this country. This Bill has been brought forward only with that end in view. I do not think that the House will divide on this issue.

I request for the whole-hearted support of this House to this Bill.

SHRIMATI GEETA MUKHERJEE (Panskura): Mr Chariman, Sir, at the outset I had made it clear that my resolution was a protest against ordinances being repeated even on this subject and I made it very clear that I have no objection to the substance of the present Bill. I maintain that position. I only hope that the terms of reference of the Tribunal will be so framed that these will be somewhat clearer than at present.

It seems to me that even though the hon. Minister has explained at such a great length, certain questions still remain underground in the minds of certain hon. Members. I only hope that the terms of reference of the Tribunal will be amply clear. I again repeat that only with very great determination to solve the crisis with the cooperation of all the States and political will of all the patriotic and secular forces alone we can really solve this problem. I wish that it comes to a constructive end.

With these words, I do not press my resolution.

MR CHAIRMAN: Has the hon. Member leave of the House to withdraw her Resolution?

HON. MEMBERS: Yes, yes.

The resolution was, by leave, withdrawn

MR. CHAIRMAN: The question is:

“That the Bill further to amend the Inter-State Water Disputes Act, 1956, as

passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clause 2-(Insertion of new section 14)

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill. Shri Vishnu Modi, are you moving your amendment?

SHRI VISHNU MODI: I am not moving my amendment, but I want a categorical clarification.

MR. CHAIRMAN: If you are not moving, you cannot speak. Please sit down. Shri Dharam Pal Singh Malik.

SHRI DHARAM PAL SINGH MALIK: Sir, I want to take only two minutes.

MR. CHAIRMAN: Are you moving your amendment? Hon. members may understand one thing. You can talk only when you move your amendments. Otherwise not. I am only following the rules. You can withdraw your amendment even if you move it.

SHRI DHARAM PAL SINGH: Then, I am moving my amendments, I beg to move:

Page 2, line 4,—

add at the end

"Which shall submit its findings within three months from the date of reference of each matters." (2)

Page 2,

After line 7, insert

"(4) The findings of a Tribunal Constituted under sub-section (1) shall not be called in question in any court of law and the award so given shall be given effect to by the central Government". (3)

[Translation]

I wanted to submit only this much that I have moved these amendments because I had two apprehensions regarding the amending Bill which has been brought to amend

the Original Act. Just now, the hon. Minister read out section 6 wherein it is provided that both the states will implement it effectively. But I apprehend that even though the matters are settled and the shares of Haryana and Rajasthan are earmarked but as always happens, the matter is referred to the Supreme Court and the earlier decisions are held null and void and a fresh dispute starts. I have moved this amendment so that there is no loophole in section 6 and it is complete. Sub section (3) of Section 14 is as follows:

[English]

"When a Tribunal has been constituted under sub-section (1), the Central Government alone may *suo motu* or at the request of the concerned State Government refer the matters specified in paragraphs 9.1 and 9.2 of the Punjab Settlement to such Tribunal."

[Translation]

I want the following to be added.

[English]

"Which shall submit its findings within three months from the date of reference of each of such matters."

[Translation]

Besides, I would like that the following be added to section 4:

[English]

"The findings of a Tribunal constituted under sub-section (1) shall not be called in question in any court of law and the award so given shall be given effect to by the Central Government."

[Translation]

They should be included only to ensure that they not be challenged by an individual or any concerned State under any circumstances. Besides this, I would like to point out that it has been provided in the statement of Objects and Reasons:

[English]

"The decision of this Tribunal will be rendered within Six months."

[*Shri Dharam Pal Singh Malik*]

[*Translation*]

But I believe that the deadline to dig the canal and supply water is 15th August 1986.

Shri Barnala has categorically stated that as there is no water there is no need to construct the Canal. This clearly indicates that the construction work on the Canal can start only when the share of our State is determined. When the hon. Minister was replying to the debate, some hon. Members of Akali Party were saying that it has to be ascertained whether Haryana at all has any share in the waters. Therefore, I request that in the terms of reference of the Tribunal a three month period for submitting its findings should also be fixed.

[*English*]

SHRI B. SHANKARANAND : I have already explained everything in detail. I am not accepting it.

MR. CHAIRMAN : Are you pressing your amendments?

SHRI. DHARAM PAL SINGH MALIK : I want to withdraw my amendment.

MR. CHAIRMAN : Has the hon. member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS : Yes.

Amendment Nos. 2 and 3 were, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted. Clause 2 was added to the Bill.

MR. CHAIRMAN : There is no amendment to Clause 3. The question is :

“That Clause 3 stand part of the Bill.”

*The motion was adopted,
Clause 3 was added to the Bill.*

MR. CHAIRMAN : The question is :

“That Clause 1, Enacting Formula and Title stand part of the Bill.”

The motion was adopted.

Clause 1, Enacting Formula and Title were added to the Bill.

SHRI B. SHANKARANAND : I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

16.28 hrs.

DEMANDS FOR GRANTS (GENERAL)
1986-87 *Contd.*

MINISTRY OF COMMERCE

[*English*]

MR. CHAIRMAN : The House will now take up discussion and voting on Demand Nos. 10 to 17 relating to the Ministry of Commerce for which 6 hours have been allotted.

Hon. Members present in the House whose cut motions to the Demands for Grants have been circulated may, if they desire to move their cut motions, send slips to the Table within 15 minutes indicating the serial numbers of the cut motions they would like to move. Those cut motions only will be treated as moved.

A list showing the serial number of cut motions treated as moved will be put up in the Notice Board shortly. In case any member finds any discrepancy in the list he may kindly bring it to the notice of the Officer at the Table without delay. Motion moved :