

[Sh. M.L. Fotedar]

the Government in its wisdom and considered the Report and issued that Order. Maybe that is not final. But according to the present stand of the Government, that is final. That is the view of the Government. But I am saying what Sardar Buta Singh Ji and Chandra Jeet Yadavji have said. They are the senior members of the House. I appreciate the sentiments of the Leader of the House, who is a very wise man, that this should be done simultaneously. They should withdraw the strike, look to the patients and I will look into their problems. That is the point....(Interruptions).

[Translation]

SHRI MADAN LAL KHURANA: First, withdraw your order of Nov 14 and then hold talks, (Interruptions)

[English]

MR. CHAIRMAN: That is all now...

(interruptions)

SHRI SRIKANTA JENA: (Cuttack) We are not going to cooperate on this issue. Let them withdraw the G.O. first(Interruptions).

MR. CHAIRMAN: The Calling Attention is over now because all the Members have asked their questions and the Minister has replied....

(Interruptions)

SHRI SRIKANTA JENA: No, no, we are walking out in protest against the Government's stand...(Interruptions).

SHRI LAL K. ADVANI: We walk out in protest against the Government's stand. (At this stage Shri Lal K. Advani and some other hon. Members left the House)

MR. CHAIRMAN : The House stands adjourned for lunch to reassemble at 2.20 p.m.

13.24 hrs.

The Lok Sabha then adjourned for lunch till twenty minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at twenty-three minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the
Chair]

MR. DEPUTY SPEAKER: Now, Statement by Shri Vidyacharan Shukla.

14.24 hrs

STATEMENT BY MINISTER

Cauvery Water Dispute

[English]

THE MINISTER OF WATER RESOURCES (Shri Vidyacharan Shukla): As decided by the Government, a Presidential reference was made on 28th July, 1991 to Supreme Court of India to render their opinion on the legal questions associated with the Cauvery Water Disputes Tribunal's interim order of 25th June, 1991 and the Ordinance of the Government of Karnataka dated 25th July, 1991 (now the Act) under clause (1) of Article 143 of the Constitution of India. The following questions were referred to the Supreme Court of India for consideration and opinion thereon, namely,

- 1) Whether the Ordinance and the provisions thereof are in accordance with the provisions of the Constitution;
- 2) i) Whether the Order of the Tribunal constitutes a report and a decision within the meaning of Section 5 (2) of the Act; and
ii) Whether the Order of the Tri-

bunal is required to be published by the Central Government in order to make it effective;

- 3) Whether a Water Disputes Tribunal constituted under the act is competent to grant any interim relief to the parties to the dispute.

The Constitution Bench of the Supreme court heard the party States from 21st August to 27th September, 1991, in this regard and gave their opinion on 22nd November, 1991, as under:

1. The Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991, Passed by the Government of Karnataka on 25th July, 1991 (now the Act) is beyond the legislative competence of the State and is, therefore, *ultra vires* the Constitution.
2. i) The Order of the Tribunal dated June 25, 1991, constitutes report and decision within the meaning of Section 5 (2) of the Inter State Water Disputes Act, 1956;
- ii) the said Order is, therefore, required to be published by the central Government in the official Gazette under Section 6 of the Act in order to make it effective.
3. i) A Water Disputes Tribunal constituted under the Act is competent to grant any interim relief to the parties to the dispute when a reference for such relief is made by the Central Government;
- ii) Whether the Tribunal has power to grant interim relief when no reference is made by

the Central Government for such relief is a question which does not arise in the facts and circumstances under which the reference is made. Hence we do not deem it necessary to answer the same.

The Government has decided to accept the opinion of the Supreme Court of India and initiate such action as may be necessary.

SHRI V. DHANANJAYA KUMAR (Mangalore): Sir, one point.... (*Interruptions*). Only one clarification. (*Interruptions*).

MR. DEPUTY-SPEAKER: One minute. This is a Statement made under Rule 372. Whenever a Minister makes a statement, neither there is a clarification nor any supplementary questions be put. This is the existing rule. Therefore, I think that the hon. Members will not put any questions.

SHRI V. DHANANJAYA KUMAR: The moment the Central Government decides to implement the Supreme Court decision, there will be a turmoil in Karnataka.

MR. DEPUTY-SPEAKER: You can bring this subject in any other form and discuss it. There is no bar.

SHRI V. DHANANJAYA KUMAR: My submission is that the Government of Karnataka has decided to file a review petition before the tribunal and the matter is *sub Judice*. And when the matter is *sub judice*, I want to know whether the Central Government is going to issue a notification in the Gazette.

SHRI D.K. NAICKAR (Dharwad North): If the hon. Minister is willing to make a statement on this, it will be forming part of his own earlier statement. (*Interruptions*).

SHRI V. DHANANJAYA KUMAR: The Government of Karnataka has already filed a review petition before the Tribunal. When

[Sh. V. Dhananjaya Kumar]

the matter is *sub judice*, my question is whether the Central Government is going to issue a Notification in the Gazette.

MR. DEPUTY-SPEAKER: My request is this. There are established precedents and rules. We have to be guided by the rules. The whole House shall have to be guided by the rules. Whenever a *suo motu* statement is made by the hon. Minister under Rule 372, there is no scope for either asking for any clarification or any extra information by virtue of the statement made by the hon. Minister. Therefore, if at all you are agitated, if you want to bring this matter and discuss this, you can bring it in any other form but not under Rule 372. This is the limitation that the law has put on us.

(Interruptions)

SHRI RAM VILAS PASWAN (Rosera): Sir, you allow a discussion on the hon. Minister's statement. You just assured the House that there will be a discussion on the Minister's statement. *(Interruptions)*

MR. DEPUTY-SPEAKER: When Ram Vilas Paswanji.....

(Interruptions)

MR. DEPUTY-SPEAKER: You just kindly hear me. Mr. Devegowda, please have your seat.

(Interruptions)

MR. DEPUTY SPEAKER: Whenever a *suo motu* statement is made by the hon. Minister, clarifications are not allowed.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Deputy

Speaker, Sir, according to rules, in so far as clarifications are concerned only in the other House we have a system of asking clarifications. Here once in a while as a special case, where Speaker has been intimated in advance, we have allowed either one or at the maximum two Members to ask clarifications. So, allowing the clarifications to be asked or not, it is under the discretion of the Speaker. *(Interruptions)*

MR. DEPUTY SEAKER: When the hon. Minister had made a statement on the floor of this House on the request of Shri Ram Vilas Paswan and when he wanted to ask a clarification, the ruling given was that he was not entitled to ask clarifications. When Shri Madan Lal Khurana also wanted to ask a clarifications on some other matter, he was also not allowed.

(Interruptions)

SHRI DEVEGOWDA (Hassan): Sir, I will go by your advice. I do not want to break the procedures or rules framed by this House. But unfortunately, the Government of India has come forward to state that further action will be taken in accordance with the opinion of the Supreme Court. Suppose the notification is going to be issued today, then what type of discussion can we have tomorrow?

SHRI V. DHANANJAYA KUMAR (Mangalore): Sir, the matter is very serious and the Government of Karnataka is going to file a review petition before the Tribunal. So, when the matter is *sub-judice* I would like to know whether the Government of India is going to issue the notification.

MR. DEPUTY SPEAKER: Even though the matter is very serious and grave, we are bound by the rules and clarifications are not allowed to be asked.

(Interruptions)

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera): Sir, we have given a notice under Rule 193 in regard to the Minister's statement. It may

pleased be allowed a discussion and referred to the Business Advisory Committee. We will consider it there.

[*English*]

MR. DEPUTY SPEAKER: Now the Minister has made a statement. Suppose some supplementaries are asked and if some further clarifications are asked, it is against the precedent.

SHRI G. DEVRAYA NAIK (Kanara): Sir, the matter is very serious and so you should allow one or two Members to ask clarifications.

MR. DEPUTY SPEAKER: Mr. Naik, I understand your feelings. The matter is extremely urgent and very serious. But with all these qualifications also, under the rules there is no provision to ask clarifications. Today is not the last day of this Session and you have got ample opportunity. In some form or the other you can raise this issue.

(*Interruptions*)

AN HON. MEMBER: The Minister of State for Law says that it is the discretion of the chair to allow one or two questions.

MR. DEPUTY-SPEAKER: Kindly excuse me. I beg of you that we cannot pass the existing rules. You can take up this issue in any form. The House is going to sit for a pretty long time and you can take an opportunity.

(*Interruptions*)

MR. DEPUTY-SPEAKER: I wish to go to next business, i.e. Matters under rule 377

SHRI OSCAR FERNANDES (Udupi): Let the Minister say that nothing will be done till the discussion takes place on the floor of the House.

SHRI A. ASOKARAJ: It cannot be given (*Interruptions*).

MR. DEPUTY-SPEAKER: After all whenever a statement is made under Rule 372 the rules are very clear. You can neither ask supplementaries nor seek clarifications.

Number two, today is not the last day. We have to sit for a long time. Under the rules, you can raise this issue in some other form.

(*Interruptions*)

SHRI P. R. KUMARAMANGALAM: It is very obvious that it is not possible to have a complete set of clarifications and a full discussion on the matter, by way of clarifications.

The usual method is that we take it up in the B.A.C. Mr. Paswan has been kind enough to raise this objection and to bring to your notice. We will definitely see that it is taken up in the meeting of the B.A.C. Subject to the decision of the B.A.C. we see that some discussion takes place.

SHRI H. D. DEVEGOWDA: I want an assurance from the hon. Minister of Water Resources that till the matter is debated in the House, no further action will be taken in the matter. If he gives that assurance, than I agree for that. Otherwise it is very difficult for us.

SHRI A. ASOKARAJ: How can you go against the decision given by the Supreme Court? (*Interruptions*)

SHRI H. D. DEVEGOWDA: I do not want to attribute motive on the Supreme Court or anybody. I am just asking for clarification. Let the matter be debated in the House in an appropriate manner under whatever the rule. But till then, he must give an assurance that no further action will be taken in the matter (*Interruptions*)

I do not want any motives to be attributed.

MR. DEPUTY SPEAKER: The hon. Minister is on his legs.

SHRIVIDYACHARANSHUKLA: I would request the hon. Speaker to fix an early date for discussion of this matter in the House.

MR. DEPUTY SPEAKER: The matter should not go for gazetting. That is their fear.

SHRI VIDYACHARN SHUKLA: You might kindly act according to whatever is permissible under the Rules and if early discussion is allowed, I think that will be a good idea.

MR. DEPUTY SPEAKER: Thank you for your cooperation on this sensational subject. The hon. Minister has agreed that a date should be fixed. The matter will come up before the Business Advisory Committee and a date will be fixed for discussions on Cauvery waters. Thank you very much. Shri K.H. Muniyappa, kindly have your seat.

Now we shall go for Matters Under Rule 377.

14.41 hrs.

MATTERS UNDER RULE 377

- (1) **Need to diagnose Causes of Falling Oil Production in the Country and take Remedial Measures to Step up its Production.**

[English]

SHRI GOPI NATH GAJAPATHI (Berrampur): According to studies made by a task force, more than 700 oil wells in Gujarat and Bombay High off-shore have fallen sick. The production in several other oil wells has declined due to the major constraint of reservoir, defective operational process and inadequate surface facilities.

Oil and Natural Gas Commission have made huge investments in these offshore oil wells. Unless immediate steps are taken to plug the loopholes and revamp the existing management system, several other oil wells

will fall sick. ONGC will not be able to achieve their production target set for Eighth Plan period.

All problems in the Bombay High and Gujarat oil-fields should be identified and necessary steps must be taken to overcome these problems. The planning exercise should be made more scientific and must have inbuilt provision to account for the slippage. Planning and monitoring cells for each project and region should be established with participation of grass-root workers and production planning must be reviewed and updated, depending upon the reservoir performance and input availability.

I, therefore, urge the Government to analyse and diagnose the cause of falling oil production and take remedial measures to increase production.

- (ii) **Need to review the decision of Government to deduct Income tax at source on interest of Rs.2500 and above**

SHRI A. CHARLES (Trivandrum): The recent decision of the Ministry of Finance to deduct income-tax at source on interest on Rs.2,500/- and above has created real hardship both to the Banking Sector and the middle-class people in view of the following:-

- (1) A large amount of deposits have already been withdrawn from the Nationalised Banks.
- (2) This has created additional work-load in the Banks and the Bank Staff are unable to cope up with the increased work and thereby effecting their performance.
- (3) In many cases, the comparatively small fixed deposits of the