

COMMITTEE OF PRIVILEGES

FIRST REPORT

SHRI SAMAR GUHA (Contai): I beg to present the First Report of the Committee of Privileges.

13.10 hrs.

The Lok Sabha adjourned for Lunch till ten past Fourteen of the Clock.

(The Lok Sabha re-assembled after Lunch at ten minutes past Forteen of the Clock)

[MR. SPEAKER in the Chair]

RESIGNATION BY MEMBER

MR. SPEAKER: I have to inform the House that I received a letter dated the 21st September, 1977 from Shri Bhagwat Dayal Sharma, an elected Member from Karnal constituency of Haryana, resigning his seat in Lok Sabha. I accepted his resignation with effect from 21st September, 1977.

14. 11 hrs.

STATEMENT RE. AGREEMENT BETWEEN INDIA AND BANGLADESH ON SHARING OF THE GANGA WATERS AT FARAKKA

THE PRIME MINISTER (SHRI MORARJI DESAI): Mr. Speaker, Sir, the Hon'able Member of this House would have gathered from the press that an agreement between India and Bangladesh on the sharing of the Ganga Waters at Farakka and on augmenting its flows was finally negotiated and signed at the Ministerial level in Dacca on the 5th November, 1977. I place on the Table of the House a copy of the Agreement which, in accordance with the understanding reached with the Bangladesh Government, was released upon its signature. I must

crave the indulgence of the House for the length of this statement. Apart from the importance and the complexity of the problems raised during the negotiations, I have to cover in it most of the criticism which has been voiced regarding this Agreement and consequently it has become necessary to explain the position in its historical perspective and the facts involved. The historic nature of the Agreement and its extraordinary significance for relations between India and Bangladesh and for sub-continental politics have been recognised almost universally abroad and by broad sections of public opinion in India. With the signing of this Agreement and its simultaneous entry into force a major problem which had bedevilled relations between the two countries and vitiated the political atmosphere in the subcontinent for over 25 years has been resolved.

The Hon'ble Members are aware of the long history and complexity of the Farakka problem. The issues involved in the negotiations of the Agreement affected political, economic and cultural interests and sensitivities on both sides. We were seeking to ensure that while not reducing the flows available for flushing the Hooghly below a reasonable limit, arrangements were made at the same time for augmenting the flows in order adequately to meet our upstream and down-stream requirements. From the Bangladesh side it was argued that they had to protect the existing consumptive uses and avoid adverse effects on the country's ecology and economy in the future. They further contended that in order to preserve the ecological balance the entire flow of 55,000 cusecs during the leanest period of the dry season should be maintained uninterrupted. The negotiations were necessarily complicated and protracted in order to reconcile these disparate and conflicting objectives from both sides.

The negotiating problem was further compounded because international law on the rights of riparians is yet to be codified and thus there is no universally recognised criteria to go by in deter-

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mining equitable sharing. Even though the Helsinki Rules of 1966, which have received broad acceptance by countries as a model of international law, mention some factors to be taken into account, it has been generally recognised that considering the unique features of each international river, equitable sharing can be determined only through bilateral (or multilateral) negotiations between the riparian States concerned. And in bilateral negotiations of this nature, it is not possible to arrive at an agreement on the basis of a precise quantitative determination of the rights and entitlements of each co-riparian. A settlement through negotiations is essentially an exercise in the art of compromising from extreme positions taken by the negotiating parties. In this case it involved balancing between differing uses and priorities in the utilisation of waters. The initial position of Bangladesh was the maintenance of the historical flow which amounted to a lower riparian exercising a veto on utilisation of waters by the upper riparian. India's initial position was to be able to withdraw an optimum flow of 40,000 cusecs in order to have maximum beneficial effect for the restoration of the Hooghly river to its normal health and thus for the preservation and improvement of the Calcutta port.

Moreover, a bilateral agreement cannot be based exclusively on the considerations of rights and entitlements, particularly in a situation of the kind that prevails in the lower Ganga basin where during the lean season there is not just enough water to meet the requirements, let alone the entitlements of both the countries. The Agreement, therefore, had to be based on the principle of shared sacrifices and mutual accommodation without affecting the rights and entitlements of either country.

The Hon'ble Members would also appreciate that the negotiations involved not only the sharing of waters between the two countries—nor only aug-

mentation of its flows—but also the political imperative of improving relations with our closest neighbour, which is an acid test of the effectiveness and credibility of our entire foreign policy and for that matter of the principles which India has always advocated should guide relations among nations.

In its attempt to reach an agreement on the Farakka problem, this Government did not have a clean slate to write afresh. The then Government of Pakistan and later the Bangladesh Government never accepted our right to go ahead with the construction and commissioning of the Farakka Barrage Project without reaching an agreement with them on the sharing of the Ganga waters. Inter-governmental consultations and negotiations have been held ever since 1951 when preliminary investigations of the project were in progress. In their Joint Declaration of May 1974, the Prime Ministers of India and Bangladesh noted that the Farakka Barrage would be commissioned by the end of 1974, but at the same time they agreed that a mutually acceptable allocation of the water available during periods of minimum flow in the Ganga should be arrived at before commissioning the Barrage. Thus, the Hon'ble Members will note that there was already a basic decision taken by the previous government that withdrawal of waters by India would follow agreement on allocations with Bangladesh.

The Barrage was commissioned in April 1975 after an agreement with the then Government of President Mujib for withdrawals by India in the range of 11,000 to 16,000 cusecs for the period of 21st April to 31st May. Unfortunately, no agreement for the dry season of 1975-76 could be reached. Though the Government of India took the view that the April 1975 Agreement was valid only till the end of May 1975, and did not bind it in any way so far as withdrawals after that date were concerned, the Bangladesh Government's position was that its share covering the period 21st April

to 31st May should in no circumstances fall below the quantum i.e. 39,000—44,000 cusecs agreed with the previous Government to be released for Bangladesh.

When no agreement was reached for the dry season of 1975-76 and when India started drawing close to the Feeder Canal capacity, the Bangladesh Government made a number of moves to internationalise the Farakka issue, alleging unilateral withdrawal by India. The issue was taken to the Islamic Conference in Istanbul, to the Non-aligned Summit Conference in Colombo and finally in the form of a formal complaint, to the 31st Session of the United Nations General Assembly. The General Assembly concluded its consideration of the item proposed by the Bangladesh Government with the adoption of a consensus statement which, among others, incorporated the decision of the two Governments to resume bilateral negotiations urgently at the Ministerial level. This was in keeping with the stand all along taken by India that bilateral problems can be best resolved bilaterally, but it placed on us the responsibility to negotiate purposefully. Accordingly, four rounds of Ministerial level talks were held between December 1976 and April 1977. A breakthrough in these negotiations was reached between the leaders of the Minister and the leader of Bangladesh, the details of which were to be elaborated in official level talks and incorporated in a comprehensive agreement between the two countries. An agreement was finally concluded and initialled at the end of the third round of the official level talks on 30th September 1977. These negotiations had aroused great expectations not only in the two countries but, in view of the previous involvement of the General Assembly and particularly friendly non-aligned countries, also in the international community. The conclusion of the Agreement was, therefore, widely regarded as a vindication of the trust placed on the sagacity and reasonableness of the two countries and an example of how developing countries can negotiate to

resolve problems affecting their development.

The Farakka Barrage Project has been designed mainly for the protection and improvement of Calcutta Port. No one in India can minimise the importance of this Port for the city of Calcutta and for the economy of the entire eastern region on which depends a vast segment of our population. This Agreement contains the best possible arrangement for realising the objective of the Farakka Project and at the same time meeting the requirements of Bangladesh during the period of distress.

The Members of the House are aware that a number of estimates in the past, including the Farakka Barrage Project document which was approved in 1960, had envisaged that the project would be fully justified even after it was possible to withdraw up to 20,000 cusecs of water during mid-March to mid-May. This and other data were exchanged with the then Government of Pakistan even though it was made clear that they were provisional in nature and subject to modifications in the light of further studies and model experiments. The Agreement concluded provides for a withdrawal of 20,500 to 26,750 cusecs during March—May as well as for a progressive increase in India's share when the flows are above the minimum level of 55,000 cusecs in India's share when the flows on 25 years' observed data. The minimum withdrawal by India is also almost the double of the minimum withdrawal which was permissible under the April 1975 Agreement. India has also been able to secure in this Agreement near optimum level of withdrawals that is 35,000 to 40,000 cusecs for 8 months during the year i.e. from June to January. The Agreement also provides for a guarantee to Bangladesh of 80 per cent of its share for each 10 day period. This gives a margin of 20 per cent which would make for administrative convenience and minimise the problem of daily questioning of variations in the flows arriving at Farakka.

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Hydrology is not an exact science and, therefore, hydrodynamic model studies are not capable of predicting effects of withdrawal within negligible margins of error. However, on the basis of both model experiments and prototype studies of actual effects so far carried out by Indian engineers, it can be stated that the schedule of withdrawals agreed upon in the Agreement, would enable us to arrest further deterioration in the Port of Calcutta and, with the help of such other measures as dredging, river training, prevention of soil erosion, etc. to bring about improvement in the Port. The need to adopt these complementary measures in addition to ensuring maximum amount of head-water supply, has been recognised throughout the period of the formulation and execution of the Farakka Barrage Project.

The improvement of Calcutta Port as a result of headwater supply from the Farakka Barrage is bound to take time and cannot be achieved too quickly. Meanwhile, as the nation has progressed and as agriculture has modernised, the demand for consumptive and non-consumptive use, particularly for irrigation, of the Ganga waters has increased and is likely to continue to increase even more rapidly in future. Therefore, rational arrangement for increasing the availability of water through some long-term scheme is imperative for meeting both our upstream and downstream requirements, even aside from the needs of Bangladesh. A long-term solution is as important, if not more, for India as it is for Bangladesh and this could best be achieved with the Co-operation of both the countries.

In the Agreement, the two Governments have not only agreed to study all available long-term proposals, but they have also set a time limit of three years to complete such a study. The Agreement provides for the two Governments to select in good faith a scheme or schemes on the basis of the recommendations of the study and to take necessary measure to implement it as speedily as possible.

We have thus accepted the short-term sacrifice involved in the arrangement for sharing because it is also linked to measures for finding a solution to the long-term problem. The Agreement is valid for an initial period of 5 years and provides for a review after 3 years entailing consideration of the working, impact and progress in its implementation, including progress towards long-term solution.

The Agreement, we hope, would not only lead to a solution of the long-term problem of augmenting the flow of the Ganga, but would also pave the way for the optimum utilisation of the water resources of the region as a whole. The activation of the Joint Rivers Commission under the terms of the Agreement should result in increasing cooperation between India and Bangladesh for flood control and in other problem areas affecting the interests of the other party.

✓ Mr. Speaker, Sir, in considering this Agreement one should cast one's mind back to the long years of differences, suspicions and even hostility that have prevailed in our subcontinent. One should also remember that India is a nation which by its tradition and the principles that it has upheld both nationally and internationally is committed to policies of cooperation and friendly relations with other nations. This Government has recognised that for the sake of our own development and the effectiveness of our foreign policy, the crucial test is whether or not we could make this subcontinent free of friction, allowing us to concentrate our resources on our primary task of development and the welfare of our people. If we are convinced that India's own interest is also served in the prosperity of our neighbours, then we cannot but make serious attempt to resolve such problems which affect development in both countries.

We were also committed to resolving the Farakka issue bilaterally, without the involvement or interference of a

third country or party. In reaching this Agreement through bilateral negotiations and, in particular, by providing for settlement of differences and disputes strictly within bilateral framework, we have demonstrated that all issues, howsoever complex, between close neighbours, can be resolved bilaterally in a spirit of shared sacrifice and mutual accommodation.

The approach and spirit which have made this Agreement possible should, if applied to the larger spectrum of our relations with Bangladesh, lead to an ever-widening cooperation between the two countries, both bilaterally and in multilateral forums. This should also contribute to the furtherance of our objectives of promoting peace and development in the subcontinent and of working together towards a better world order.

With anticipated increase in demands for water for diverse uses, it was clear that as time went by, the problem would become more complex and intractable. This would have not only involved tremendous opportunity costs for the two countries in not taking timely action to solve the long-term problem, but would have also made it extremely difficult to make arrangements for short-term sharing. Therefore, if an Agreement was to be reached, the common interests of the two countries lay in reaching it sooner rather than later.

The Farakka problem has been a national issue in Bangladesh transcending political parties and regimes. All the political parties and groups in Bangladesh have been united in demanding much larger shares and a speedy settlement of the dispute.

In India also, the Farakka problem must be seen as a non-partisan national issue. We have gone on to finalise the Agreement respecting the commitment made by the previous government. May I seek the indulgence of the House to treat this Agreement in the same spirit sinking inter-party

differences and in the wider perspective of the overall objective of our foreign policy and specifically the well-being of the two countries?

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Speaker, Sir, we want friendly relations with Bangladesh, but it is unfortunate.... (Interruptions). We want a full discussion on this matter.

SHRI SAMAR GUHA (Cantai): I have also a submission to make. There is an apprehension of breach of law and order situation in West Bengal on account of this matter. I would request that you permit a full discussions. (Interruptions). This is an extremely important matter.

SHRI DINEN BHATTACHARYA (Serampore): The West Bengal Government has expressed its dissatisfaction and they have protested against this sort of agreement. We want a full-fledged discussion on this matter.

MR. SPEAKER: I am trying to find out whether an occasion can be given to you for discussing this matter. On a statement, you have no right to put any questions; the rules do not permit that. I shall try and see if I can provide some opportunity for a discussion on this statement.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Under rule 184.

MR. SPEAKER: Whatever the Rule, we would try to see whether a discussion can be allowed on this.

PROF. DILIP CHAKRAVARTY (Calcutta South): We want a full discussion on this issue.

MR. SPEAKER: The Prime Minister.