

parties have difference of opinion on this issue. At the same time, they have identical views. All parties are deeply involved in it.

SHRITEJ NARAYAN SINGH: Whatever views one is having, one's views are right.

SHRI MADAN LAL KHURANA: In the 1989 election manifesto of the Congress, there was no mention of reservation.

SHRI SITARAM KESRI: Maybe Shri Khurana is not aware why Kaka Kalelkar Commission was constituted. I would like to tell him that in 1950, Pt. Nehru had moved a motion in this House under Article 15 (1) of the Constitution that the socially and educationally backward people will be given reservation. We are talking about the independence period, about 1950, whereas you are talking about 1989. This provision was implemented in all the States since 1950 itself.

18.07 hrs.

[MR. SPEAKER *in the Chair*]

I would like to submit that we as well as the Government are committed to the abolition of caste-system and there should be social equality.

With these words, I would request Shri Chaudhary to withdraw this resolution.

[English]

MR. SPEAKER: We will not take up the next item.

[Translation]

SHRI TEJ NARAYAN SINGH: Mr. Speaker, Sir, my resolution is there in the list. It will lapse if it is not taken up today.

MR. SPEAKER: We will see it next time.

18.08 hrs

DISCUSSION UNDER RULE 193

(II) *Cauvery Water Dispute-Contd.*

[English]

MR. SPEAKER: Shri Deve Gowda.,

SHRI M.V. CHANDRASHEKARA MURTHY (Kanakapura): It is my turn Sir. I was on my legs.

MR. SPEAKER: Please proceed.

SHRI M.V. CHANDRASHEKARA MURTHY: Mr. Speaker Sir, we are not discussing this issue for the first time in this august House. In the last two decades, on several occasions this issue was raised and discussed without coming to any finality. Also, the notification of the Tribunal's order three days ago, has created a lot of reaction in the State of Karnataka and the entire States is boiling and burning. More than ten people have been killed in firing. Today we are discussing this issue with pain and agony.

Since I come from the Cauvery Basin district I would like to give a brief background regarding Cauvery dispute. Karnataka and Tamil Nadu are the two major parties for using Cauvery waters. The use and development of the Cauvery water was regulated by the earlier agreements of 1892 and subsequently 1924 between the two States, viz. the erstwhile Mysore State and the Province of Madras, now Tamil Nadu. In 1924 Agreement, it was specified to provide a province of Madras, presently Tamil Nadu to develop nearly 3 lakhs of additional irrigation from Cauvery basin. At the same time the Karnataka was allowed to develop irrigation to the extent of 2.4 acres only. According to the Fact Finding Committee of 1972, Tamil Nadu has developed 11.56 lakh acres of additional irrigation while Karnataka developed only 3.68 lakh acres from 1928 to 1971. This is a very important factor. These issues are to be confirmed. These facts are very important to make a final decision with

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regard to the distribution of the cauvery water. So, Tamil Nadu developed a relatively much larger irrigation than that was envisaged in 1924 Agreement.

Even an Irrigation Commission which was appointed and this Commission identified 28 taluks in Cauvery basin in Karnataka whereas they identified only 14 taluks in the Cauvery basin in Tamil Nadu. These are very vital points which are to be decided before making a final decision.

In Karnataka, the first structure for storage of water was KRS dam. It was started in 1911 but it had to be stopped on the protest from Tamil Nadu. It was not started till 1924. So, they made us to wait for 13 years to start this first project. Sir, its storage capacity is very less which is only 45 TMC of water. In the entire State of Karnataka we have only four reservoirs which can store 95 TMC of water whereas only the Mettur dam in Tamil Nadu can store 133 TMC of water.

After the reorganisation of States the State of Karnataka, in order to eliminate the sufferings in the drought prone areas in the Cauvery basin, had sent a number of schemes to the Central Government. But, since the last two decades the Government of India has not cleared even a single scheme. On these projects the State Government of Karnataka has spent money under the non-plan resources. Nearly Rs. 720 crores have been spent on these projects by the State Government. These projects are at the various completion stages but till today these projects are not cleared by the Government of India or even by the Planning Commission.

MR. SPEAKER: I have a very long list of Members. Are you discussing the Cauvery dispute or the irrigation of Karnataka?

SHRI M.V. CHANDRASHEKARA MURTHY: Sir, it is a very serious issue. You should give me at least 25 minutes to speak

and if you do not want me to speak, I will sit down.

MR. SPEAKER: We are not discussing about irrigation in Karnataka. You speak only about the Cauvery issue.

SHRI M.V. CHANDRASHEKARA MURTHY: Sir, you should understand the very serious and tense situation that is prevailing in Karnataka. Keeping that in view you should give us more time, since I come from that State.

MR. SPEAKER: I am giving you time to discuss the matter relating to the Cauvery Water dispute. You are talking about the irrigation of the Karnataka State.

SHRI M.V. CHANDRASHEKARA MURTHY: No, Sir, it is about Cauvery water only. *(Interruptions)*

MR. SPEAKER: You said that so many projects are pending.

SHRI M.V. CHANDRASHEKARA MURTHY: No. I meant irrigation schemes.

MR. SPEAKER: Please continue. I have a long list. You cannot speak for a long time. I am ready to sit even for four to five hours.

(Interruptions)

SHRI D.K. NAIKAR (Dharwad North): Sir, he is very much affected. So, he should be given a chance.

SHRI M.V. CHANDRASHEKARA MURTHY: With meagre available resources, Karnataka have spent more than Rs. 720 crore on these projects. And not even a penny was sanctioned by the Government of India. This is the situation. This is the treatment we are getting from the Government of India.

I want to make it clear to the entire House that injustice to the State of Karnataka is not done today by notifying the Tribunal's Interim Order, but this is being consistently done since the Eighteenth Century. We

have been tolerating this torture. You just tell me, can we tolerate this injustice any more?

Now, I would like to touch upon the impracticability and executability of the Interim Order of the Tribunal to release 205 TMC of water to Tamil Nadu and to restrict the acreage to 11.2 lakh, acres.

Sir, the Experts' opinion is very vital in this issue. The present Interim Order of the Tribunal states 'to preserve balance of advantage'. This is a most important phrase. That has not been done. So, as per the Tribunal's Order, we have to release 205 TMC of water. And if we are not in a position to preserve balance of advantage so far as Karnataka is concerned, what will happen?

Sir, for the present 11.2 lakh acres, we are using nearly 312 TMC of water. But even in the worst years, that is 1976 and 1977, the flow at Mettur Reservoir was only 333 TMC. Under the present stipulation, if such a decision is to repeat and if such an year is to repeat, then Karnataka will be left with only 121.71 TMC. So, the total inflow during the very bad years was 333.5 TMC. As per the Interim Order, we have to release 205 TMC of water to Tamil Nadu. Less this 205 TMC, less Kerala's existing utilisation of 3.3 TMC and less Tamil Nadu's use of Water at Mettur Dam of 3.5 TMC, the Karnataka State will be left with only 121.7 TMC. It is hardly one-third of the present requirement of 312 TMC. Then, we will not be able to irrigate the existing 11.2 lakh acres. This is a very serious matter. I do not know in what basis this Tribunal has taken this stand. So, this is the position.

Sir, the experts have opined that nearly about 100 TMC of water is being wasted by Tamil Nadu, without proper water management and I may be permitted to quote the study team headed by Shri C.C. Patel, then then Additional Secretary, Ministry of Irrigation, who had concluded that, "Savings of not less than 100 TMC could be affected in the irrigation system, in the utilisation by Tamil Nadu by improvement"- this is most important - "by improvement and modernisation of the

irrigation system coupled with more intensive use of ground water".

And also, the other expert, one Shri S.Y. Krishnaswamy, who was an ICS officer and a former Secretary, Ministry of Agriculture, he has opined that "Cauvery delta is primarily suited for one rice crop in a season, properly cultivated, with the new high yielding varieties rather than two actually grown crops and grams and pulses can be grown after the rice harvest systematically.

He also further observed that "Delta uses" - "more water than it is strictly necessary for the crops" and also even the crop pattern, if it is planned, it can save some more water."

Even after 45 years of independence the problems in this country, specially very sensitive issues like the border problem, the river water disputes, language problem, still linger and they are creating further problems and are trying to divide this country. This is a very serious state of affairs. But with regard to this river water problem, there have been decisions of the courts - may be of the Supreme Court, or the High court and there are also enactments or Acts passed by this august House. We have enacted so many laws, but we have not reached finality in this issue. We have to bear with this. There is something wrong.

MR. SPEAKER: How much time do you need more? Let me know. You have already spoken for twenty minutes.

SHRI M.V. CHANDRASHEKARA MURTHY: No, Sir. I just started at 6.05 P.M.

MR. SPEAKER: Okay. How much time more do you need? I have a very long list.

SHRI M.V. CHANDRASHEKARA MURTHY: Another ten minutes.

MR. SPEAKER: Another ten minutes?

SHRI M.V. CHANDRASHEKARA MURTHY: Even with so many decisions of the courts, whether of the Supreme Court,

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or the High Court, there have been several decisions on this issue, but even with so many decisions we have not been able to reach a finality. We have to think about it. I do not think, I am commenting on the decisions of the courts. I have the highest regard for the courts, I have respect for the judiciary. I was also a practising advocate.

MR. SPEAKER: Please, you can avoid all those things. I have a very long list. Unfortunately, I will not be able to give time to the others. Please come to the point.

SHRI M.V. CHANDRASHEKARA MURTHY: I am coming to the point. But these are vital issues.

MR. SPEAKER: They may be vital. But you do not have to comment on your love for judiciary, etc. I have a very long list. Please understand my difficulty.

SHRI M.V. CHANDRASHEKARA MURTHY: Then you have to prescribe how to speak, in this forum.

MR. SPEAKER: Yes, I have to. There are rules. Please cooperate. Do not go on like that.

SHRI M.V. CHANDRASHEKARA MURTHY: Even Parliament has enacted so many Acts but no final decision could be reached so far.

Even the Government had established several Tribunals and Commissions. But I am sorry to say that so far no issue has been permanently settled or peacefully implemented. For example, in regard to Ravi-Beas dispute, the Tribunal had passed the final order in 1987. But still, the final order has not been gazetted and implemented. Even we have enacted the Inter-State Disputes Act in this Parliament in 1956. Even though final orders were passed by the Tribunals, they could not be implemented. This is the position in which we are today. We have to accept the reality. We have to accept that something is wrong

somewhere with our approach. Now it is high time that all of us should strive hard to find a new approach to solve these burning problems of this country, which are there since several decades keeping in view of preserving the integrity of the country and harmonious relationship of the States.

I have some suggestions to make in this regard. Firstly, judiciary should be coupled with statesmanship. And Courts merely interpreting the Statute and merely interpreting the legal and constitutional issue is not sufficient to solve the problems. It is most important. Secondly, Executives should be coupled with statesmanship. Thirdly, the leaders who are at the helm of affairs, whether it is the Prime Minister of the country or the Chief Minister of any State, on such occasions and on such issues, they should rise to the level of the statesman. Then only, we can resolve such issues in this country.

The hon. Prime Minister is here. The Karnataka State is burning today. With agony and pain, I should say that in firing today, they have to kill more than ten people...*(Interruptions)*

SHRI ANBARASU ERA (Madras Central): It is only because of the instigation of your Chief Minister...*(Interruptions)*

SHRI M.V. CHANDRASHEKARA MURTHY: You should not take it in that sense.

They are attacking the houses of the Members of Parliament and also attacking the residences of the Members of Legislative Assembly. If we do not take the situation seriously and leaving it like this, I do not think we can get it back and it will go out of hand.

The hon. Prime Minister is here. He should take all initiatives and try to resolve this issue immediately without any loss of time.

For the benefit of my brother colleagues who have come from Tamil Nadu, I would like to say that the Chief Minister of Tamil Nadu should not forget that she was born in

Karnataka and brought up in Karnataka. The Members of Tamil Nadu also should not forget this... (*Interruptions*) The Chief Minister of Tamil Nadu should rise to the level of a statesman and take initiative for an amicable settlement on this issue under the leadership of the hon. Prime Minister.

We are fortunate and the country is fortunate to have an elderly statesman as the Prime Minister of this country and he is having vast experience. And his concept of mutual dialoguo and consensus has yielded better and fruitful results in solving many problems, even the problem in regard to reservation, so smoothly. And we have full faith and confidence in the Prime Minister. He should use his good office and see that an amicable settlement is reached on this issue and the interests of both the State are safeguarded.

With these words, I conclude.

SHRI V. DHANANJAYA KUMAR (Mangalore): Since the hon. Prime Minister has come to the House I would like to bring to his notice that we have just heard the shocking news that more than ten people have died in the firing and the entire Cauvery basin in Karnataka, the districts of Mandya, Mysore and Tumkur are burning...

MR. SPEAKER: Are you making a second speech?

SHRI V. DHANANJAYA KUMAR: Can he make an appeal?...

MR. SPEAKER: Are you interested in solving the problem or not?

SHRI V. DHANANJAYA KUMAR: I am making an earnest appeal on behalf of the people of Karnataka... (*Interruptions*)

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): I am not participating in the debate nor am I making any *suo motu* statement. But I thought at this moment should share with the House my anguish. I am extremely distressed about the turn of events in Karnataka during the past few

days. I am sure, I have the support of all hon. Members in appealing to the people and all political parties in the State to see that peace and normally are restored.

I have decided to request the Chief Ministers to come to Delhi for talks. We are getting in touch with them.

Once again, I appeal to one and all to help bring about peaceful conditions in the State.

SHRI H.D. DEVEGOWDA (Hassan): I am extremely happy that the hon. Prime Minister has intervened in the discussion and has also stated that he is not making a *suo motu* statement as the hon. Minister for Water Resources has done on the last occasion. He has asked us to cooperate in this gigantic task of bringing about an amicable settlement between the two States of Karnataka and Tamil Nadu.

The problem today is not so simple. I want to say this because it has been complicated at every stage. The role of the State Governments, the role of the Central Government, the role of the Tribunal and the role of the judiciary is much more important to be discussed in this whole affair as to how the State Government behaved, how the Central Government acted, how the judiciary acted and how the Tribunal acted. These are all contributing factors to the burning problem today in Karnataka.

An atmosphere is being created in the country that the people of Karnataka are not law abiding citizens. An atmosphere has been created by a judicial comment made in the opinion that has been given by the Supreme Court after the Presidential reference was made to it, that the State of Karnataka has passed an ordinance which will ultimately lead to lawlessness and also forebodes evil consequences to the federal structure of our constitution.

I would like to quote from the opinion given by the Supreme Court:

"Such an act is an invitation to

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lawlessness and anarchy inasmuch as the ordinance is a manifestation of a desire on the part of the State to be a judge in its own cause and to defy the decisions of the judicial authorities. The action forebodes evil consequences to the federal structure under the Constitution and opens doors for each State to act in the way it desires disregarding not only the rights of the other States, the orders passed by instrumentalities constituted under an Act of Parliament but also provisions of the Constitution. If the power of a State to issue such an ordinance is upheld, it will lead to the break-down of the constitutional mechanism and affect the unity and integrity of the nation."

This type of action by the State Government has led to apprehensions in the minds of the people of the entire nation. They have tried to brand that the Karnataka is one of the States which is not respecting the law of the land and the word of the judiciary and they have no regard for the rule of law.

If this impression has been created then it is responsibility of the Central Government or the other forum that is Parliament, that we are representing, to clarify how did such a situation arise? This is why I request your goodself to give me a little more time so as to enable me to enlighten the various aspects of the problem so that we can come to an understanding amicably. I will assure on my own behalf as well as on behalf of the people of Karnataka that we are prepared to extend any type of cooperation that the Prime Minister wants. I know he is one of the senior most experienced statesmen today occupying the highest chair and under his regime how this thing has developed? This is not a happy event. I can understand his feelings, I can understand the amount of agony for the Prime Minister. When we met him, he requested all of us to

extend our cooperation. With all humility and with all humbleness who created this problem? It is the members of Parliament who are responsible or the State Government or the Governor who signed this ordinance is responsible? It is a matter to be noted down by all of us.

I would like to draw the attention of the House that an historic ordinance was issued by the Governor, Shri Khursheed Alam Khan. Today, we have landed in such a situation that the whole country feels that the Karnataka people are not a law abiding citizens. They have no respect to the rule of law. If such an atmosphere has been created, it is the State Government, it is the Governor who is responsible to promulgate such an ordinance. Whom to punished? I do not blame the Prime Minister at this stage. The Prime Minister's hands were tied and he was forced to refer the matter to the Supreme Court to get its opinion through the Presidential reference. Otherwise, the Prime Minister would not have referred the matter to the Supreme Court to give its opinion.

SHRI SRIKANTA JENA: It is a fact?
(Interruptions)

SHRI H.D. DEVEGOWDA: He is mere concerned to settle this issue. We know what amount of complication had taken place. We know how things have developed. I fought for the last thirty years on the floor of the Legislature, as the Irrigation Minister, as the Opposition Leader and as a Member of the Assembly. I tried my best to amicably settle the issue.

Some of our friends from Tamil Nadu, who spoke today, had mentioned that Karnataka is not for negotiations. At any time, at any stage, they want negotiations. We do not want to go to the court. We do not want to go to the extent of taking the legal measure of legal course. I will substantiate my arguments a little later.

After this ordinance was issued, the Prime Minister's hands were tied, to go to Supreme Court and ask it opinion. The Supreme Court has given its verdict. After

the Supreme Court has given its Verdict-whether it is called verdict or opinion. I am not going to argue on that issue, but after this opinion was given the Chief Minister and the concerned Minister, who was in charge of Law and Parliamentary Affairs, went to the extent of saying that it is a piece of paper.

Even if it is going to be notified, it is a piece of paper. Whom is the punishment to go today? It is to the people of Karnataka who are innocent, who have been suffering for centuries, or to the people who are responsible for creating such an atmosphere, for creating such a problem for the Government of India? Who has to be punished? Who has to be penalised? Who has to suffer? Is it the poor people of Karnataka who have to suffer? The things have gone wrong because of egoism, because of high-handedness of the State Government. This is what I want to submit at the initial stage.

MR. SPEAKER: Is this your initial stage, Mr. Devegowda? I have a very long list with me. Please keep that in mind.

SHRI H.D. DEVEGOWDA: Sir, I do not want to unnecessarily waste the time of the House but this is an issue which is to be debated. So, please allow us to speak. I am openly saying this that I am the first man to make an appeal-even though I am not a Congress man - to the people of Karnataka not to be misguided, not to go to the streets because I was so much worried about how the issue has been handled...*(Interruptions)*. All these things were told about a week back. Who is responsible for all these things today? Hon. Prime Minister should get the information about this. I will leave it at that stage.

First of all, I wanted to make certain points specifically clear as to how things have happened so far as Cauvery issue is concerned. Unfortunately, Karnataka has to meet with two inter-State rivers. One is Krishna and the Other is Cauvery. I do not want to go into the issue of Krishna. Even when the Krishna Award was not favourable to Karnataka, we obeyed the verdict of the

Tribunal. We are not disobeying the verdict given in the case of Krishna. Why should we disobey or disregard the verdict on Cauvery issue?

Cauvery issue has got its own historic background. That is why I need your permission to touch some of the important points as to how things have developed. That is why I pray with folded hands to please allow me to speak on some of the salient points.

I have to make certain points for the consideration of the House. The House has also to play a major role under section 6, sub-section (7). That is why I must convince the House, I must convince the people outside who have got a bad impression about Karnataka.

Our Tamil Nadu friends must understand that historically the State of Mysore, Madras, Travancore - Cochin, French Territory of Pondicherry, Pudukkottai and Coorg were the Basin States of Cauvery. In the present set up, the States in the Cauvery Basin are Karnataka, Tamil Nadu, Kerala and Pondicherry. Karnataka and Kerala are the upper riparian States and Tamil Nadu and Pondicherry are the lower riparian States. Even when water was in plenty and when development was not up to the present level and large amount of water was going waste, there were dispute whenever the proposals even to take a very small work was made by the upper riverine State, the then Madras State. Such disputes dated back to the earlier part of the Nineteenth century. I want to go back and place the issue before the House as to how it has developed, only to convince this august House, because otherwise it is not possible for us to convince our own people tomorrow.

Sir, about the political background I want to say one thing. In the 19th century the State of Mysore was a Princely vassal State whereas Madras was a province in British Presidency. This political set up and the advantage of being a lower riparian were fully made use of by the then Madras State to develop large areas of irrigation by putting

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restrictions on the upper riparian Mysore. They forced the restrictions in the form of 1892 rules and 1924 agreement by which the Mysore were forced to take the permission of Madras whenever they had to take a new work in the Cauvery basin, whereas Madras did not have any corresponding obligation to take the permission of Mysore.

I would like to ask one thing from my Tamil Nadu friends. In 1914 Justice H.D. Griffins arbitrated in the matter and gave his final award. Madras has not respected that award. Today they want to blame us that we are disrespecting the award. We have no love lost. We have to respect the law. That is what I say.

The H.D. Griffins arbitration award was accepted by the Mysore State and that was not accepted by Tamil Nadu. They came to Delhi. They tried to prevail upon the then Delhi Administration and they set aside the order of acceptance made by the lower authority.

I am quoting this from the document which has been published. The Madras State appealed to the Secretary of State for India against the award. On 26.7.1914 the Secretary of State issued directive for fresh arbitration or negotiation. The fight was so vigorous till then that they get their benefit they never agreed to any type of arbitration or any law of the land.

Today unfortunately we have been blamed. We have to be on the defensive. That is the situation.

I will go back to some of the points which have been noted by me. Without consuming more time, I want to read it out.

At the time of 1924 agreement, the total irrigation in Mysore was just 3.14 lakh acres whereas in Tamil Nadu, at that time, it was 16.65 lakh acres. In spite of such a development in Madras, Madras forced restrictions on Mysore for small irrigation

developments in Mysore. This is in spite of the fact that large quantity of water was going waste to sea. In the garb of protecting their existing irrigation Madras in 1924 put restriction on Mysore. On the other hand, Madras went on freely extending their irrigation and as per the data furnished by them in 1971 to the Fact Finding Committee they had indicated their area as 28.2 lakh acres, whereas the area in Cauvery basin in Karnataka had reached only 6.8 lakh acres. In 1971 the area developed was 28.2 lakh acres in Tamil Nadu. This is the admission made before the Fact Finding committee, whereas at that time the area in Karnataka was hardly 6.5 lakh acres.

I want to mention how the position was changed after the reorganisation of States. After 1956 there were changes in the set up in the Cauvery basin. Kollegal taluk of Madras and Coorg became part of Cauvery basin of Mysore State. Malabar areas of Madras became part of new Kerala. With these changes there was change in the Cauvery basin areas in the States of Karnataka, Kerala and Tamil Nadu. After 1956 the Government of Karnataka wanted to pursue its irrigation development in Cauvery basin seriously to provide irrigation to its large drought areas. It sent to Government of India for permission for the projects of Hemavathy, Harangi, and Kabini (revised) for clearance. These projects were not cleared by Government of India in view of the objections of Government of Tamil Nadu to these projects though the projects were lying for over two decades at the Centre as it had failed to bring Government of Tamil Nadu to agree to these projects and thus hindered the progress of these projects in Karnataka.

The State of Karnataka was forced to take all these projects on its own under Non-Plan expenditure and Karnataka had spent nearly Rs. 800 crores, as per the State Government's report. The Government of India had not given clearance to our proposals. In 1924, the conditions were there, but the conditions were only applicable to Karnataka and not for Tamil Nadu. Tamil Nadu violated the agreement at every stage.

On the other hand, the Government of India went on clearing all the projects of Tamil Nadu although it had already over-appropriated the Cauvery water and was using the major share of the water. The Central Government had put restrictions on the upper riparian State. The Government of India, in the Second Plan, cleared all the projects of Tamil Nadu such as Mettur High Level Canal, New Kattai High Level Canal, Pudukkottai Canal etc. Tamil Nadu constructed projects across Bhavani and Amaravathi during 1950s and Karnataka's objections were never taken into account. These are the facts of the whole history.

The Government of India failed to give corresponding relief to the upper riparian States and the projects of Karnataka continued to lie in the shelf of the Government of India, uncleared. The Irrigation Commission had identified 28 taluks in the Cauvery basin as drought affected areas in Karnataka. The only way to give redressal to these areas is by giving immediate irrigation facilities. It is in this context that Karnataka had sent its projects of Kabini, Hemavathi, Harangi, KRS, RBC modernisation etc., for clearance and the Government of India had not cleared these projects. The Government of Karnataka had extended its irrigation in Karnataka from 6.8 lakh acres as on 1971 to 11.2 lakh acres as on 1990. But the State had been put to a large financial difficulty as the projects had to be taken out of its own resources. The reservoirs across Harangi, Hemavathi, Kabini etc., were all completed by 1990 and the main canal, distribution systems etc., are in various stages of completion. All these projects are in advanced stage of construction and completion and for all these works agencies have been fixed and contractual obligation will be a more serious matter.

When irrigation development in Karnataka was going on with these difficulties, the Government of India, instead of clearing the projects and smoothening the process for completion of these projects, took the course of constituting the Inter State Water Disputes Tribunal in June, 1990. When the process of negotiations were on

and Karnataka was putting one proposal after the other to get the matter through the negotiations so that the waters of the river Cauvery basin could be shared amicably among the basin States, the farmers of Tamil Nadu filed a writ petition in the Supreme Court in November, 1983. During the pendency of the writ petition, negotiations continued, but when the National Front Government was at the helm of affairs at the Centre, it failed to take the responsibility of continuing with the negotiations. This was due to the political compulsions prevailing on that day.

Sir, with all my sincerity at my command, let me say that Madam Gandhi and Shri Rajiv Gandhi had helped Karnataka because they know the problem. They knew how the people of Karnataka had been squeezed and how they had been suppressed. Even with all the pressures from Tamil Nadu, they had never constituted the tribunal. But the National Front Government had not taken the responsibility; they had not discharged their duty. What is the role of the Central Government in this matter? It has been prescribed under the law in the enactment which had been passed by the very same House.

The then Government, when it had come to office, within three months told the Court, "Whatever decision you will give, we will accept." They did not want negotiation under section 4. They must come to the conclusion that negotiation was impossible after bilateral talks. This is how the Tribunal came into being.

I do not want to attribute motive on the judiciary. I have got the highest regard and respect for the law of the land. But unfortunately what has happened? There were no specific terms of reference regarding the inter-State river Cauvery dispute to the Tribunal which has been constituted under the Notification of 2nd June, 1990. The Government of India merely referred a letter which had been given to the Government of India on 6th July, 1986 to the Tribunal. That is treated as terms of reference.

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"In exercise of the powers conferred by...

MR. SPEAKER: What are you reading from Mr. Gowda? You have already taken 30 minutes. I have a very long list of speakers.

(Interruptions)

SHRI H.D. DEVEGOWDA: It is an important matter. Please help us to say what all I wanted to say. This may be the last speech on Cauvery. I do not want to say anything beyond this.

"In exercise of powers conferred by sub-section (1) of section 5 of the Inter-State Water Disputes Act, 1956, the Central Government hereby refers to the Tribunal for adjudication of the water dispute of the Inter-State river Cauvery and the river valley, emerging from the letter dated 6th July, 1986."

There is no specific reference made by the Central Government. They tried to avoid, to escape from the responsibility because the political compulsion was there at that time. It was due to the support of the then ruling party in Tamil Nadu.

My Tamil Nadu friend has told me that we are not obliging the Tribunal order. What has happened? The Tribunal has given its findings.

"In its first sitting of the Tribunal in July, 1990 Tamil Nadu prayed for an interim order. This matter was heard by the Tribunal in December, 1990 and the Tribunal in its wisdom passed an order on 5th January, 1991 dismissing the prayer of the Tamil Nadu Government."
(Interruptions)

The Tribunal gave its order in January, 1991. I want to ask my Tamil Nadu friends, have you respected the Tribunal order?
(Interruptions)

SHRI P.G. NARAYANAN (Gobichethipalayam): No. It is far from truth. This should not be allowed. We have respected the Tribunal.

SHRI ANBARASU ERA (Madras Central): Mr. Gowda is misleading the House.

SHRI H.D. DEVEGOWDA: I have noted every point that he has mentioned. You call for the proceedings. If I have said a word wrong, I will withdraw and apologise. He says, "Karnataka people have no respect to the law, respect to the Tribunal respect to the judicial verdict." That is what he has said.

19.00 hrs.

I would ask whether Tamil Nadu has accepted this Order of tribunal of January, 1991 wherein the tribunal has rejected the prayer of Tamil Nadu which has asked for an interim order. No. They went to the Supreme Court. The Supreme court has again directed the tribunal to reconsider. The very same House has passed an enactment called the Inter-State River Dispute Act of 1956 wherein in its wisdom it has come to the conclusion that inter-State disputes cannot be solved by judiciary and they have taken it out from the purview of the judiciary under Article 262 and made a provision to appoint under Section 4 of the ISRW Act to constituting a tribunal under Section 4 in case it comes to the conclusion that it is not possible to solve the problem by negotiation. I would like to just mention how the Supreme Court has given its findings. I do not want to comment on anybody. As I told you, I do not want to attribute any motive. In 1971, when the Tamil Nadu Government went before the Supreme Court asking for an injunction not to proceed with the Karnataka Irrigation projects the very Supreme Court said that they have no jurisdiction. They said "You better withdraw. Otherwise, we will dismiss." Then the Tamil Nadu Government withdrew the writ petition. This is the reaction of the Supreme Court.

In 1974, the Karnataka Government

filed a writ petition against the order of the Krishna tribunal before the Supreme Court. The Supreme Court said "As we have no jurisdiction to deal with this matter, you better approach the tribunal itself. Otherwise, we will dismiss your write petition." After the reaction of the Supreme Court, the Karnataka Government withdrew the writ petition.

In 1990, the Supreme Court issued direction to the Government to constitute the tribunal though the powers rest with the Central Government under Section 4 of the tribunal for the constitution of the tribunal. The Government of India should come to the conclusion that settlement is not possible through negotiation.

At the same time, I would like to draw the attention of the hon Members of the House that in 1991 when the tribunal has passed an order rejected the prayer of Tamil Nadu for an interim order, the Supreme Court intervened and they directed the tribunal to pass an order. On a writ petition filed by the Tamil Nadu Government, the very same Supreme Court in 1971 and 1974 took a stand that this court has no jurisdiction on inter-State River Water disputes.

But in 1990 and 1991, the very same Supreme Court has interfered and passed order directing the Government of India to constitute a tribunal and also directing the tribunal to reconsider the order passed in January, 1991 by setting aside the order of the tribunal. I want to know whether there is any change of position from 1974 to 1991, whether the inter-State River Dispute Act is amended, whether any amendment to Article 262 has been made, how Supreme Court has taken the dual stand in these matters. It is for this House to draw the conclusion whether the Supreme Court is impartial or partial and it is to our misfortune and to the misfortune of the people of Karnataka that the Supreme Court has given the decision which is now today one of the root causes for our burning problem.

MR. SPEAKER: How much time you need? Let me know.

SHRI H. D. DEVEGOWDA: I was waiting from the morning.

MR. SPEAKER: I have given you 35 minutes.

SHRI H. D. DEVEGOWDA: The tribunal has passed orders on the direction of the Supreme Court. This year the order will be effective from 1st July, 1991.

"In view of the above, we direct the State of Karnataka to release water from its reservoirs in Karnataka so as to ensure that 205 TMC of water is available in Tamil Nadu's Mettur Reservoir in a year from June to May."

We further direct that the State of Karnataka shall regulate the release of water in the following manner:-

June	-	10.16 TMC
July	-	42.76 TMC
August	-	54.72 TMC
September	-	29.36 TMC
October	-	30.17 TMC
November	-	16.05 TMC
December	-	10.37 TMC
January	-	2.51 TMC
February	-	2.17 TMC
March	-	2.40 TMC
April	-	2.32 TMC
May	-	2.01 TMC

In respect of a particular month the releases are to be made in four weeks in four equal instalments. If in a particular week, it is not possible to release the required quantum of water, the said deficit shall be made good in the subsequent week."

[Sh. H.D. Devegowda]

The very same Tribunal has mentioned this taking into consideration the information which was supplied by the Tamil Nadu Government. It is not from the Karnataka Government. From 1984-85, the inflow from Karnataka to Tamil Nadu from the four Reservoirs is as follows:-

1985-86	-	158.28 TMC
1986-87	-	187.36 TMC
1987-88	-	103.90 TMC
1988-89	-	181.37 TMC
1989-90	-	175.64 TMC

Further, the Tribunal has asked Karnataka to release 205 TMC of water. In the months of June, July, August, we are growing only one dry crop and one wet crop. You must solve our problems. I request my Tamil Nadu brethren to consider this fact. In the month of July, if we release 42.76 TMC apart from the directive of the Tribunal, what will happen?

The Tribunal has directed Karnataka to release 42.76 TMC water in July and 54.72 TMC in August which come to 97 TMC. But the total storage capacity of the four reservoirs - Harangi, Hemavathy, Kabini and KRS - is only 96 TMC. If we have to release that quantity of water, in one year the entire water which has been stored should be depleted. But the Tribunal has directed Karnataka to release 97 TMC water July and August. If there is no rain in the months of July and August, where shall we bring the water from? I would like to pose this question to every one of the hon. Members present in this House. Is the Government of Karnataka disobeying, disrespecting the verdict of the Tribunal? From where will we bring the water? If we have to release 97 TMC water and if the total storage capacity of the four reservoirs is only 96 TMC, from where will we bring the water? As I said earlier, the entire water should be

depleted. The water that is stored is below the level of 96 TMC. What is the consequence? Even the city of Bangalore, Mysore city, Hassan, Tumkur and Mandya will not get a drop of water for drinking purpose. I would like to ask the hon. Minister for Water Resources to pay attention to what I am saying. Forget about Shri Bangarappa or the State Government's behaviour. I am not going into that aspect. I am not protecting him... (*Interruptions*) There is no question of mixing matters. We went to the hon. Prime Minister. 29 Members of Parliament from Karnataka went and requested our hon. Prime Minister. We also met the hon. Minister for Irrigation. If an order has been issued under Section 5(3), the State Government or the Central Government has got the responsibility to ask for the clarification whether the order is impractical or unimplementable. You are aware of it. You know how much agony and anguish the people of Karnataka are undergoing. We have made an appeal to the hon. Prime Minister. Of course, he has got several burdens. He has got burning national problems. We went to the hon. Minister for Water Resources and tried to convince him. In your statement, while you were going to place the notification on the Table of the House, you have come out stating that this year there will be no problem regarding water.

You say that the Supreme Court's judgment has to be honoured. But the Supreme Court only gave its opinion and that is to publish, presuming that the interim order of the Tribunal was ordered under Section 5(2). Karnataka's contention is that the Tribunal has no jurisdiction to pass an interim order. Whatever the Supreme Court has held, that is an order and they have asked you to publish it. They did not fix any time bound programme for the notification. While placing the notification on the Table of the House, you have gone on record saying that 90 days have expired. What does it indicate? (*Interruptions*)

MR. SPEAKER: Shri Devegowda, you have already taken 45 minutes.

SHRI H.D. DEVEGOWDA: The Karnataka Government, after the Supreme Court's opinion, had filed a revision petition before the Tribunal on 25th under Section 5(3). That has been posted for hearing on 13th that is today. If the Central Government gave its mind or gave its indication that it is time barred, is it going to help the Karnataka Government on the revision petition? There you have tactically erred in mentioning in your statement that within 90 days no State has not gone before the Tribunal with revision petition under Section 53. That is my opinion and I do not want to say anything beyond that.

As I told you earlier, if the Karnataka Government has failed to go before the Tribunal under Section 5(3), then it is the responsibility of the Central government because the responsibility of the Central Government is much more than any State Government; you are the implementing authority. The Supreme Court has said that you should notify under Section 6. Yes, but only after you convince by yourself about the practicability or impracticability. When the order has been passed by the Tribunal under Section 5(2), it says that you should convince by yourself whether it is practicable or impracticable or genuine. That is your responsibility under Section 5(3). That is why, the very same House passed an enactment in their wisdom and also made a provision for the Central Government to ask for clarification in the event, if the State Government failed to do so, I will read out Sec. 6.

MR. SPEAKER: Why are you reading Section? It is known to everybody. Now Shri Devegowda, you must help us. It is not necessary to read out the Section.

SHRI H.D. DEVEGOWDA: Sir, it says "it shall be final and binding".

MR. SPEAKER: You can say that. There are other Members who want to speak, and I must give time to them also.

SHRI H.D. DEVEGOWDA: Sir, when once it is officially gazetted, the decision

shall be final and binding on the parties. After this notification, the people of Karnataka have lost their faith in the Government of India. After opinion was given by SC we, 29 M.Ps, have met the Prime Minister on the 14th of December.

I outrightly made a statement outside the House requesting the people of Karnataka not to agitate and to have faith in the Prime Minister and to wait, till he takes a decision. That was the appeal that I made. But, unfortunately, after that the Government had made a statement hurriedly and a notification was issued without knowing the implications. Due to this, the whole problem has started and Karnataka is burning today; eight persons died and 28 donkeys have been named after each MP and paraded them. Also two M.Ps houses have been ransacked and all this was due to a hasty and hurried decision of the Government of India. I am not questioning the intention of the Prime Minister. I only say that the advice of the Irrigation Department or the Law Department should have been taken before the notification is issued on the opinion of the Supreme Court. The Supreme Court has not said that it should be done within 15 days. The role of the Parliament also starts here. The Parliament also has to play a role under Section 6(7).

When once the Government is going to gazette it under Section 6, the scheme should be formulated under Section 6(a). My friend, Shri Narayan Swamy, today, he asked the Government to immediately formulate a scheme and to implement the order.

If the Government of India want to form an authority under Section 6A, they should also know what the implication is. Section 6 (vii) amply makes clear the role of both the Houses of Parliament. It says:

"...both Houses agree in making any modification in the scheme or the regulation or both Houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter have effect

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only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or regulation."

Even when that is the situation, before going to take action for the notification or gazetting the order of the Tribunal they ought to have thought ten times. Because of this hasty decision, today we are suffering.

The Government of India has not properly acted and unnecessarily today the Prime Minister is put in this position. Though he may not express it outwardly, he has got his own feelings. I can understand them.

Beggars are not choosers, that is our position. On the one side the people say, the media says that we are not the law abiding citizens. Today our people are in the streets for their survival on the other side. They are dying. Instead of dying out of starvation, let them die for a proper cause. I am not going to make the statement to provoke anybody or to inspire anybody. I am the last man to provoke people in such a situation. But the only thing is, with folded hands I would like the hon. friends from Tamilnadu to understand the problem that we are facing. We are unable to grow even a single crop whereas they are growing three wet not crops. Can they justify this?

SHRI ANBARASUERA: This is far from truth.

SHRI H.D. DEVEGOWDA: We cannot get even two pieces of bread. That is the situation nearly in 28 taluks. This is the report of the Irrigation Commission of the Central Government, it is not the report of the State Government.

Today what we should do? What the cooperation does the hon. Prime Minister want? We are prepared to cooperate, let him tell. This matter cannot be sorted out by

judicial awards. This matter cannot be sorted out by the tribunal.

A word about Narmada Tribunal. After that tribunal was constituted and the proceedings went on, the then Prime Minister, late Madam Gandhi used her wisdom and with the cooperation of all the concerned States, she took a decision and that decision was given to the tribunal for a final award. This is the history. I am not going to say anything new. It was not possible for the tribunal to pass an order because the tribunal could not come to a conclusion.

MR. SPEAKER. I must call someone else after this. You have already taken 50 minutes. Please conclude

SHRI H.D. DEVEGOWDA: Sir, we have been now forced to such a situation and the Karnataka people have been driven to such a situation. There is no remedy for this because this is a notification and the notification cannot be withdrawn. Is the Government of India prepared to say that they will withdraw it? Unless you try to amend Section 6 of this, it is going to be binding and it is final. The Supreme Court has given an opinion that the order of the Tribunal under Section 5(2) to be construed as an order and to be notified under Section 6. Can the hon. Minister for Water Resources give an assurance that he will not create an authority under Section 6(a), till the final adjudication is made by the Tribunal and give justice to Karnataka? If he is going to give that assurance, I will sit down without a word more. Further, can it be possible to allocate the water on weekly basis? Can it be possible to release water on weekly basis? Can it be possible to release water on monthly basis, during drought season or the lean season when there is no flow in the river? You also know that Cauvery basin is a deficit basin. It has got its own historic background. By knowing all these things, with what authority this thing has been done? How can it be done?

Please say categorically that till the matter is going to be finally adjudicated, we are not going to constitute any authority, so

far as the implementation is concerned. I will stress on this point again. If he says this today, I am going to retain my seat. Otherwise, I may take a decision to resign my seat. There was no need for some people in Karnataka to say that we, the 28 MPs, are not discharging our duties. Now they have paraded 28 donkeys, each with a name plate on their necks, showing each of the 28 MPs' names, in Karnataka. Who has done this? Is your intelligence Department working? If your Intelligence Department is working, then, who is at the helm of affairs and who is at the back of all this? It is not an insult to the members of this House? What are we doing here? Are we not discharging our duties? If the people who are at the helm of affairs are responsible for this, then punish them. We have got self-respect. We are at least respecting the feelings of the people. I have resigned my ministership thrice on the same issue and I staked my political career. But, today my name plate has been hanged on the neck of a donkey and it is being paraded.

I know that you are restricting me because of the time factor. Why it is so? I fought for 30 years for the agony of the people of Cauvery basin and today I am suffering. I will conclude my speech and tomorrow I will go to Bangalore and make an appeal to the people of Karnataka not to indulge in violence. I will ask them to follow what Mahatma Gandhi has told and taught us. On the same lines, till the time Government of India pronounces that till the final adjudication, we are not going to constitute any authority under Section 6(a), we are going to continue the agitation and the agitation will not be stopped. I will go to all the 45 Assembly Segments which fall within the ambit of the catchment area of the Cauvery basin. I will tour the entire place. I will go to the people and explain. If necessary, I will tender my resignation. If bullet is there, let the first bullet fall on my chest and then on the chests of the innocent farmers who are struggling for their livelihood.

I am happy to say that all the 26 MPs are cooperative and united. We are not working here at the instance of Shri Bangarappa.

Shri Sharief is a Minister in the Central Government. Tipu is also born in his own community and Mirsadahk is also born in his own community. But, he must prove that he is Tipu and not Mirsadahk and he should not attach importance to his Ministership. Mr. Shri Shankaranand is responsible for the Cabinet Sub-Committee wherein the decision has been taken for the notification of the Award.

Today with folded hands I appeal to the hon. Minister for Irrigation and every hon. Members here whether they are seniors or juniors, whether they have experience or not - to understand the agony of the poor farmers of Karnataka and try to come to their rescue.

You must give a categorical assurance while replying that the Prime Minister would call the Chief Minister of Karnataka, Mr. Bangarappa and Chief Minister of Tamil Nadu, Mrs. Jayalalitha. I do not want to say that she belongs to Karnataka. She is the Chief Minister of Tamil Nadu and she should be loyal to her people. It is a different matter. She has to play a positive role. But she has to find out an amicable settlement. We have to live together. My friend, Mr. Narainaswamy mentioned that we are attacking the Tamil people and that we are committing atrocities on them. No, it is not going to bring any credit to Karnataka. It is not going to bring anything. It is not going to bring any credit to the people of Karnataka. If anything happens, it is the responsibility of the State Government to give protection. I do not want to say anything more. Mr. Narainaswamy also mentioned that Shrimati Jayalalitha is not prepared to have a dialogue if Mr. Bangarappa is the Chief Minister of Karnataka. It is for you and your party to take a decision to remove Mr. Bangarappa to create a congenial atmosphere for a dialogue (*Interruptions*)

I am not going to use any threatening words.

Once again we will go to the midst of the people. We will try to persuade them to adopt non-violent methods. Until the

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Government gives a categorical assurance that the notification will not be given effect to, I am not going to give any assurance to cooperate with the Government.

I also congratulate my friend, Mr. G. Made Gowda, who is prepared to tender his resignation. My sister Mrs. Chandra Prabha Urs also said that she is prepared to join the agitation if there is no remedy with the Government of India. Whether we remain as MPs in this House or not, that is not important. We have to take up the cause of the farming community of Karnataka. Whether the Members are from BJP, the Congress or the Janata Dal, I appeal to all of them to unite and fight this issue. I have got full confidence in them.

Lastly, I hope the Central Government will understand the feelings of the Karnataka people. They need a categorical assurance. Otherwise, the agitation will not stop. If anybody is responsible for lawlessness in this type of situation is going to shake our federal structure, then the Government of India has to take the blame.

I thank the Hon. Speaker for the gesture you have shown to me by giving a little more time. With these words, I conclude. *(Interruptions)*

SHRI SRIKANTA JENA: Sir, the Prime Minister has already given a statement that he is going to call the two Chief Ministers. There will be a meeting.

MR. SPEAKER: That should clinch the issue

SHRI SRIKANTA JENA: I think, it is better to allow the Government of India to settle this matter amicably. *(Interruptions)* Nothing will happen by discussing this now. *(Interruptions)*

We are all interested in settlement. The Prime Minister has already taken the initiative - though it is late - but still we want an amicable settlement. Let us create an

atmosphere in this House so that it will also help the Prime Minister to settle this issue amicably.

MR. SPEAKER: Right.

SHRI A. ASOKARAJ (Perambalur): Honourable Speaker, Sir, first of all, I thank you for giving me this opportunity to participate in this discussion on behalf of AIADMK..

I belong to Cauvery Delta, that is, Trichirapalli district in Tamil Nadu and most of the agriculturists are depending only on Cauvery water. Previously, Trichirapalli and Thanjavur districts in Tamil Nadu were rice bowl of South India. There was an agreement between Karnataka and Tamil Nadu on sharing of Cauvery water since 1924 and after 50 years, the agreement was to be revised.

After 1974, Cauvery water had not been reaching Tamil Nadu properly. Whenever there is flood in Karnataka, excess water is let off in order to save the Karnataka State from the floods. After 1974, the Karnataka Government extended the cultivation area and constructed so many dams in order to deny the Cauvery water for Tamil Nadu. Every year Tamil Nadu used to ask for water in Cauvery in order to save the standing crops in Tamil Nadu and the Karnataka Government also used to release five to ten TMC water after getting electricity as compensation. So, every time, it has been compensated in order to get the Cauvery water.

Sir, it is wrong to say that three crops are cultivated in Tamil Nadu. Since the Year 1974, there were so many talks between Karnataka and Tamil Nadu Governments. But even after so many meetings and even after two decades, the problem was not solved. So, we were pressing for setting up a Tribunal in order to get justice in this dispute since 1984. After five years, the Tribunal was set up in order to solve the dispute. At that time, nobody criticised the Tribunal's constitution or the conduct of the Tribunal. But now, it is a wonder to see all the

people of Karnataka criticising not only the Tribunal but also the verdict of the Supreme Court.

After that, the Tribunal gave an Interim Award for Tamil Nadu asking Karnataka Government to release 205 TMC of water per year. People are unduly criticising the verdict of the Supreme Court. Then, the Award was nullified by the ordinance of the Karnataka Governor and later by the Legislative Assembly of Karnataka and lastly, it went to the Supreme Court. Then the Supreme Court gave its verdict to Gazette the Award immediately. As per the directions of the Supreme Court, the Government have notified it. But I am sorry to point out that the hon. members of Parliament from Karnataka are saying that Cauvery water is wasted. They should know that during floods, nobody can control the flow of water.

Now, after a lapse of two decades, our Honourable Chief Minister, the most revered Puratchi Thalaivi took bold steps to get justice in Cauvery water dispute. She tried sincerely for the betterment of the agriculturists in Tamil Nadu. Now, the Award has also been gazetted. The honourable Members from Karnataka are agitating against the notification. They are now politicising this issue. An Honourable Member quoted that Tamil Nadu is cultivating three crops per year but it is utterly false. In the summer season, we use to cultivate dry crops. Now, without water in Cauvery, the cultivation lands in the Cauvery basin have become dry and people have started to move out to other States from Thanjavur and Tiruchirapalli districts. There is no sufficient ground water in these areas and so, coconut trees and other trees are dying every day. Agriculturists in the Cauvery basin are cultivating only paddy and not any costly crops. They are not in a sound position financially. In this poor financial position, they are not able to put borewell for cultivating crops.

Hence, without a borewell and without Cauvery water, they are suffering a lot. Tiruch and Thanjavur districts have become deserts. People there are depending only

upon agriculture as these districts are not industrial districts. At the time of drought, they do not use to release necessary water for cultivation. Now only the farmers of Tamil Nadu have got the rights in sharing of Cauvery water because of our honourable Puratchi Thalaivi.

Lastly, I want to tell one thing. If the honourable Prime Minister will convene a meeting of the Chief Ministers of Tamil Nadu, Pondicherry and Karnataka, our honourable Chief Minister will definitely attend that meeting. I thank once again the Central Government for notifying the Tribunal's Interim Award in order to save the farmers of Tamil Nadu. I thank the Government on behalf of the farmers of Tamil Nadu once again.

I request the Government of India to go ahead with the notification and appoint an Implementation Committee in order to implement the Interim Award with a good spirit.

The notification alone will not solve the problem. Further action should be taken in order to give benefits to the farmers of Tamil Nadu. This award should be implemented in order to save the interests of the farmers of Tamil Nadu. Our friends from Karnataka are very agitated today and we can understand their feelings and their difficulty very well. But at the same time, they should also humanely understand the problems of Tamil Nadu.

With these words, I thank you Sir.

SHRI K.V. THANGKABALU (Dharmapuri): Mr. Speaker Sir, thank you very much. As stated by our Karnataka friends, today we are discussing the Cauvery water dispute not in joy, but with agony. We live as brothers and sisters in this country and we are here to share our joys and sorrows.

Sir, in spite of the prolonged discussions and negotiations for the last 20 years, the Cauvery water dispute is not yet settled. Tamil Nadu being the lower riparian State, is

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continuously affected due to the non-settlement of the dispute. Cauvery is the main river for Tamil Nadu and this river is the only source for its irrigation system. About 80 per cent of our irrigation is dependent on Mother Cauvery.

As per the agreements of 1892 and 1924, the then Madras State, presently Tamil Nadu, has to get its due share of water from Cauvery. But Sir, for the last 20 years, we have been experiencing some or the other difficulties. We have been approaching the Central Government also for a solution to the dispute. The Central Government arranged a number of meetings between the Chief Ministers of both the States as well as the other concerned States. But we were not able to come to any settlement in this regard. Then a tribunal was appointed on the advice of the Supreme Court. Subsequently, the Tribunal has given an interim order and that too because of the directive from the Supreme Court, the highest legal body of our great land. Whatever may be its decision, it has to be implemented in true spirit.

Let me add that we are not here to aggravate any problem of our brother State. But we would also like to emphasise our point of view. In Karnataka, there are four or five rivers and they have enough water resources. We do not grudge it and we are happy that they have enough water resources. At the same time, as far as the State of Tamil Nadu is concerned, we have only Cauvery and this river is the only source to improve or even to sustain our irrigation potentialities.

For the last 10 years we are not getting sufficient water, I would rather say not even the water that is required for our irrigation purposes. As a result of this our State is suffering a lot.

As per the Tribunal award, out of 205 TMC of water that is given to us we have to give 6 TMC of water to our sister State, Pondicherry. This is only an interim award.

But it is surprising that our brothers from Karnataka are now taking a different turn. It is not good. Problem can arise on both the sides. If something has happened in our State the same thing can happen in their State also. Sir, I would like to inform the House, through you, that Tamil Nadu has always stood for negotiation and settlement of the issue. Just because of this we waited for 20 long years and you can see the outcome of it. Our brothers from Karnataka have complained that the Tamil Nadu people are not using the water properly and that they are wasting hundred TMC of water.

Due to the recent calamity neither Karnataka nor Tamil Nadu is in a position to store water because the water is in excess and it is flowing to the sea. There is no facility or no possibility of storing the water.

A point was mentioned by one hon. Member that Karnataka was not able to utilise their irrigable land capacity whereas the Tamil Nadu was given higher priority. That is not correct. Sir, according to the 1924 Act, we are doing it with the consent of the Central Government. At no point of time the Tamil Nadu violated any direction of the agreement or of the Central Government. On the contrary our brothers in Karnataka have so far been violating all the norms and without the permission of the Central Government they have constructed various dams. At this stage we do not want to quarrel with them. We only want water for the betterment of our State. There is no point in further aggravating the problem by saying that Tamil Nadu people are not cooperating. We have always cooperated. As and when a call comes from the Prime Minister, as and when the directive comes from the Central Government we have always responded, and we will continue to do it.

Our friends from the opposite side, particularly Shri Dhananjaya Kumar and Gowde have said—may be under emotions—that Karnataka is going to face a situation like Punjab. Sir, I appeal, through you to the House that this is not a situation to reap some political advantage. This is a matter

which concerns all of us. This is a matter which concerns the humanity as a whole. This is a matter which concerns the entire agrarian community of both the sides. We should not take political mileage out of it. Sir, this is a time to appease people convince people that the situation is different from the truth. If the facts were told to the people of Karnataka then the things would not have come to this end today.

Anyway, As far as the State of Tamil Nadu is concerned, I would say that 205 TMC of water which is given to us as an award is not sufficient for us and we need much more quantity of it

Whatever final verdict the Tribunal gives, we are ready to accept. We will respect and obey the same. We will not go against the interests of the Centre and also the States.

We welcome the hon Prime Minister when he intervened and told us that he is calling the Chief Ministers of both the States, through which some good arrangement is going to be made. That arrangement will help both the States.

So with the statement of our hon. Leader Shri P V. Narasimha Rao, we are confident that both the States will get the fruits and more particularly the farmers of both the States.

Sir, I again appeal to the people of Karnataka one thing. About 23 per cent of the people who are living in Bangalore are Tamils. They are living and also working in order to uplift the State of Karnataka. So, they should not be affected.

I again appeal through this august House, through your goodself, to the Government of India that they must come forward and take effective steps to stop the attacks on Tamils. Such things should not happen anywhere whether it is Karnataka or Tamil Nadu of anywhere else. Because of the colour, we should not be treated in a different manner. Because of emotions, we attack people. That should be stopped.

I have received a call from one of my friends who said that in Bangalore, Tamil paper - *Dhinathanthi* - was attacked. Tamil people were attacked. Even the MPs houses have been attacked. This is not an ordinary thing. This thing should be taken very seriously and the Government - Central and the State - Should act firmly and save the people.

You also take the people into confidence and settle the Cauvery water dispute. It should be given top-most priority, as our hon. Prime Minister has stated.

We are all happy to note that the Prime Minister has taken serious steps to solve this issue. Because of this, Tamil brothers in Karnataka may also be helped. You should also see to it that they should not be carried away by emotions

With these few words I thank you for giving me an opportunity to speak

SHRIS. MALLIKARJUNAIAH (Tumkur): Mr. Speaker, Sir, I am coming from a district which is virtually a drought hit district for the past ten-fifteen years. The Karnataka Government was kind enough to provide us a channel from Hemavathy. It is the only source for us to get drinking water. Tumkur is also hit equally by the Tribunal's order. The whole Tumkur district is paralysed. We had a lot of hope that we could live as human beings. For the past fifteen years, there is so much of agony and suffering. Probably, every year, people are going out for leading their livelihood. Now, because of this Order, we have virtually lost all hopes. I do not want to go into the details about the performance of the Tribunal or the Supreme court and the functioning of the Government of Karnataka. Because the entire facts have been dealt with very elaborately. They were placed before this august House very pleasantly with full statistics. They are very convincing.

Now, the entire responsibility is on the Central Government. It is true that there is a misunderstanding between the two States. It is a unitary type of Government. The responsibility is left with the Central

[Sh. S. Mallikarjunaiah]

Government. It is upto the Central Government to bring both the States which are involved in this water dispute to the negotiating table and convince them as to what is the share for Tamil Nadu and what is the share for Karnataka.

If there is any slackness or delay in this matter it creates a greater confusion, takes lot of lives and properties will be destroyed. This is a matter on which the Government has to be vigilant. It is expected normally, of any Government, when any sensational issue of this type involving the interests of thousands of people, or even crores of people is there, the Government has to be very very cautious and very careful. No problem could be solved either through tribunals or through the courts of law. Problems can be solved through negotiations, discussions and proper understanding.

I am very happy that the hon. Prime Minister has made a statement on the floor of this House that he is inviting the Karnataka Chief Minister as well as the Chief Minister of Tamil Nadu to discuss the matter with them, and to find out a solution to the existing problem.

I am also really very happy that our hon. Minister for Water Resources is also taking very keen interest in the matter. I am really afraid that tomorrow the language problem may arise. There are thousands and thousands of families residing in Tamil Nadu and equally in Karnataka also. We know that nothing is in the hands of the politicians today. We cannot comment anything at all. People may say, that all these years we have kept quiet, that we did not understand the gravity of the circumstances, when the matter was pending before the Supreme Court, when the matter was referred to the Tribunal, - they may ask what the representatives of the people were doing. Naturally it is open for them to ask us that question.

Our friend has said that donkeys have

been paraded on the streets, and that it hurt the feelings of the people. We know the agony the people are suffering, the heinous loss that those people are suffering.

One of our friends has stated that we have a number of rivers. Where are the number of rivers in Karnataka? Where are the rivers? After all Cauvery is the only river. Because of lack of far-sightedness we lost many things in the State. But now this is another great blow to the people of Karnataka.

I am very happy that our friends have placed the facts and figures very convincingly. I appeal to the Central Government and I appeal to the hon. Minister for Water Resources also to exercise all his influence and see that both the States are brought together to discuss the matter and settle the matter amicably in a judicious manner. One may have an upper hand because of a court order and another might have lost the battle because of the court order. But it does not solve the problem. We do not like to have any problem regarding the law and order situation. Both the States are very friendly and the people are working cooperatively. Therefore, it is up to the Central Government and the hon. Ministers to take this matter very seriously and to settle across a negotiating table it very very amicably.

I am sure that most of our friends also wanted to express their feelings. I do not want to take much of their time. The hon. Speaker would be kind enough to give them time also. We shall have to go back to our constituencies also. If we do not participate in the debate properly, what will be our fate then? I am really very happy that the Hon. Speaker is very kind enough to sit for a very long time. Even some of our friends belonging to different political parties, understanding the gravity of the circumstances, they are also very kind enough and obliging to sit here to carry on the proceedings of the House.

I once again humbly request the Prime Minister to take this matter very seriously

and appeal to the Hon. Speaker to give time to some of our friends also, who want to express their feelings about what is going on in Karnataka and how the people are agitated. I am sure, he will give time to them. I am very much particular about it. We have also to get back to our constituencies.

Mr. SPEAKER: We will give them time.

SHRI S. MALLIKARJUNAIAH: Therefore, my humble request to the Hon. Speaker is - I do not like to take more time - that some time be given to our friends.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Mr. Speaker, Sir, here on the floor of the House, in the month of July, I charged the Government of India with conniving with the Government of Karnataka. Today, I wish, in all humility, to withdraw that charge.

In gazetting the Interim Order of the Cauvery Water Disputes Tribunal, the Government of India has vindicated the honour of this Parliament. It was Parliament which passed the Inter State Water Disputes Act.

In gazetting this Order, the Government of India has vindicated the honour of the Tribunal, which was conducting its proceedings and which continues to conduct its proceedings with all judicial propriety.

In gazetting the Interim Order of the Cauvery Water Disputes Tribunal, the Government of India has vindicated the honour of the Supreme Court which through a specific directive, had directed that the Tribunal issue an Interim Order, and that the Government of India gazette that Order.

In gazetting this Order, the Government of India has vindicated the honour of the Constitution because the Constitution provides that all State Governments must obey the law of the land.

In gazetting the Interim Order of the Cauvery Water Disputes Tribunal, the Government of India has not provided water

to Tamil Nadu, nor denied water to Karnataka; the Government of India has merely rendered justice as the forums of justice have determined what is just and what is right.

What the Government of India have done by gazetting the Order of the Cauvery Water Disputes Tribunal is to vindicate the honour of the democratic institutions of this country.

Mr. Speaker, Sir, in leading this debate the hon. Member from Karnataka, Shri Dhananjaya Kumar of the BJP posed four very relevant questions. First he asked: Is this Interim Order implementable? Second he asked: Is this Order practical? Third, he asked: Does the Government of India have a political will? And fourthly he asked: Is this the political solution to the burning problem? Let me attempt to answer his questions in one sentence each.

In regard to his first question, my answer is: Yes, indeed. The Order of the Tribunal is eminently implementable provided those who are charged with implementing it follow their constitutional and legal obligation to implement that Order. It is only if the authorities who are charged with the duty of implementing those Orders fail to fulfil their duty that there is any danger of the Order not being implementable.

His second question is: Is it practical? I think, it is practical. The tribunal thinks that it is practical. The Supreme Court thinks that it is practical. The Government of India thinks that it is practical. But, perhaps, there is a valid doubt in the minds of our friends from Karnataka, our brothers and sisters from Karnataka. There might be circumstances in which special difficulties would be encountered, which would make it difficult to practically implement something or the other for a temporary period of time at a moment of crisis.

It is precisely to deal with such a practical problem the Prime Minister of India has adopted the eminently practical step of calling the Chief Ministers of Tamil Nadu and

[Sh. Mani Shankar Aiyar]

Karnataka to come to Delhi and talk with them about the difficulties that they might experience. There is no desire on the part of any Tamilian to harm even one hair of the head of anybody from Karnataka desire to see any interest of the Karnataka people adversely affected. The Government of India has no desire to be a party to atrocities committed against the Tamil people of Karnataka. The Government has the political will. It is conscious of its duties; it is aware of its obligations as to what needs to be done to solve any problems that might be incidental or consequent upon the implementation of the interim award of the Cauvery Water Dispute Tribunal.

I now come to the fourth question put by Shri Dhananjaya. His question was: Is this the solution to the burning problem? The answer is no. It is not the solution to the burning problem. It is an interim solution to this burning problem. Let us please recognise that what the Cauvery Water Dispute Tribunal has so far passed is an interim order. The proceedings of the Tribunal are continuing. All the statements that have been made in the House today by hon. Members from Karnataka both from that side of the House as well as this side of the House should, I think be placed before the Tribunal. All these facts, all these figures, that long and convoluted history that we heard from Shri Devegowda, should be placed before the Tribunal. I appeal to the Government of Karnataka to find really

20.00 hrs.

Anyone in Tamil Nadu who desires ill-will towards the people of Karnataka cannot be described as a good Tamil. Therefore, if there are practical problems, there are also ways of sorting them out. And the most important fundamental step has been taken by the Prime Minister in asking the Chief Minister of Karnataka and Tamil Nadu to come here. And I am delighted that not only has the Chief Minister of Tamil Nadu confirmed outside this House that she will be coming but representatives of her Party

here have re-confirmed it. So we need have no suspicion, no doubt, no worry, no anxiety on this score.

The third question is, does this Government have the political will to solve the incidental problems that might arise out of the implementation of this interim award? I think the original statement made by the hon. Minister of Water Resources demonstrates that the Government of India does indeed have the will. That will is expressed in the last two paragraphs of the hon. Minister's statement. And that has been re-enforced by the statement which we heard a little earlier this evening from the Prime Minister of India. The Government of India has no desire to see Karnataka go up in flames. The Government of India has no good lawyers. I appeal to the Government of Karnataka not to waste its time politicising this issue. I appeal to the Government of Karnataka to think carefully about what its interests are, what the issues involved are, and to go before the Tribunal and argue its case just as, I am sure, the Government of Tamil Nadu will continue arguing its case before the Tribunal. It is for the Tribunal to make a determination about what is right and what is just. Once, under an Act passed by this very Parliament, an issue has been referred to a Tribunal, whose existence depends upon the will of this House, it is also the duty of the House to place its submissions before the correct forum and then await the decision of that forum and then to respect the decision of that forum.

At no point has any honest, decent or good Tamilian attempted to stop the right of Karnataka to have recourse to other legal measures available, whether it be placing the facts before the Tribunal, whether it be seeking a review before the Tribunal, whether it be a matter of going to the Supreme Court. Of course, it is the right and furthermore it is the duty of the Government of Karnataka to do everything possible to defend its interest. And then even after a decision comes out of the court, it is the duty of the Government of India, equally the duty of the Government of Tamil Nadu, to see to it that our friends, our

brothers, our sisters, our fellow citizens of Karnataka are not adversely affected. There is no interest of Tamil Nadu that will be served by harming the interest of Karnataka. There is no interest of Karnataka that will be served by harming the interest of Tamil Nadu.

We heard from Shri Dhananjaya a series of the most interesting statistics. There is one statistics which he has left out. How many Indians — I refuse to use the word Tamilian here — I want to know how many citizens of India live in the Delta and how many citizens of India live along the rest of the course of the Cauvery? Approximately, three times more Indian citizens live in the Delta than along the rest of the course of the Cauvery.

The second thing I want to ask is about the food that the Cauvery Delta produces, the other agricultural produce that the Cauvery Delta produces where does it go to? Does it go to Sri Lanka? Does it go to Pakistan? Is it all consumed in Tamil Nadu? It is our contribution to the granary of India. We are not talking about the food production in Tamil Nadu or food production in Karnataka. We are talking about food production in India, and the rice bowl of India is the Cauvery Delta.

In the old district of Thanjavur alone, the density of population is so great, the dependence of people on agriculture is so great, that in just this one district there are no less than three Parliamentary Constituencies plus one segment of a fourth Parliamentary Constituency. That is the extent to which not the people of the Cauvery Delta, not the people of Tamil Nadu, but the people of India — first and foremost, the people of India — depend upon that water (*Interruptions*).

SHRI V. DHANANJAYA KUMAR (Mangalore): The population in the Cauvery Basin in Karnataka is 1.5 crores nearly one half of the total population of Karnataka.

SHRI MANI SHANKAR AIYAR: I have no desire whatsoever to harm any of their interests. I believe that it is entirely possible,

while the Tribunal is sorting out the judicial issues involved and while the Prime Minister is engaged in protecting the interests of the people of Karnataka and the people of Tamil Nadu by holding these talks between the two Chief Ministers, I believe it is possible for men of goodwill, men of intelligence and people of experience like Shri Dhananjaya Kumar and Shri H. D. Devegowda to get together to see what we can do to make the best of the present situation. Here, I have the following suggestions to make:-

Firstly, I would plead with the Government of India to ask the Tribunal to expedite its final award, so that this anguish issue can be put behind us as quickly as possible.

Secondly, I would plead with the Government of India to set up a Cauvery Delta Rehabilitation Authority immediately so that by making effective use of the water that is available to us under the interim award, we are able to put into practice, in the Cauvery Delta, systems of water conservation and systems of agricultural practice, which will make the farmers of my Constituency match up to the reality that no longer we are going to get abundant water in the Cauvery Basin: we are going to get a limited, but assured, supply.

Third, I would plead with the Minister of Water Resources to avail of this opportunity to realise the dream that Rajivji had placed before the National Development Council, which was to have a National Water Policy. Instead of having this kind of debate which is just creating ill-will, if we have a National Water Policy, if we realise that the water is a national resource, if we realise that Cauvery does not belong to Kerala or to Karnataka or to Tamil Nadu or to Pondicherry, but that the Cauvery belongs to India and it is India which is going to benefit from a rational use of the Cauvery Waters, then I think this kind of river water dispute will at least be diminished, if not totally eliminated.

Then, I have only two more points to make. I would plead with the Minister of Water Resources to start work very urgently

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and very quickly on linking the rivers of peninsular India through the Mahanadi to the Godavari, Krishna, to the Pennar and to the Cauvery. If we were to link these, there would be a garland of prosperity in peninsular India. Then, it will not matter where a river has started and where it ends. All of us will have plenty of water in abundance, and water that is now being wasted by simply flowing to the sea, will cease to flow into the sea.

Finally and this is I regard as the single most important point I wish to make in this intervention, I plead with the Government of India to recognise that Karnataka through the Interim Award, has achieved a very, very major breakthrough. That breakthrough is that for the first time the ayacut which is presently under the irrigation system of Karnataka has received legitimacy. That is a very major breakthrough. Now that it has achieved that legitimacy, I would plead with the Government of India to extend the maximum possible assistance to Karnataka in the coming Eighth Five Year Plan to be able to make the very best use of the water supply that is with Karnataka as well as the irrigation system they have already built up, and to so modernise it and to so utilise it that agriculture in Karnataka flourishes in the thousands of years to come as it has flourished in my delta in the thousands of years that have gone by.

[*Translation*]

*SHRI V. KRISHNA RAO (Chikkaballapur) : Mr. Speaker Sir, we are discussing the century old Kaveri water dispute. Many of my colleagues have already given the details on various aspects of the dispute. I therefore, confine myself only to some important points.

Kaveri river is a 'God's Gift' to Karnataka State. The lives and progress of several lakhs of people of Karnataka are dependent on mother Kaveri. About three fourths of

Kaveri river flows in Karnataka but Tamil Nadu gets the lion's share of Kaveri water. In fact this is what the then Diwan of Mysore Late Sir M. Visweswariah had said as early in the year 1916. Three fourths of the total water that flows in river Kaveri passes through the Mysore territory. But as stated above the benefits derived by the State are wholly incommensurate and disproportionate with the total flow contributed by Mysore. Kaveri river originates in Karnataka States and it flows in Karnataka. But it is being used by Tamil Nadu as God gift. It is a boon to the farmers of that area in Tamil Nadu. The Kaveri water dispute is a century old problem. Those days Karnataka State was ruled by the Maharajas. Madras States was ruled by Britishers. British rulers neglected Karnataka. It was a small territory comparatively and it had no influence. Madras had its own lobby and using its high influence the State got sufficient water. This system is continuing even today. The farmers of Kaveri delta region in Tamil Nadu are getting three crops a year and the total area under irrigation is more than 38 lakh acres. The farmers in Karnataka are getting Kaveri water only for one crop and the total areas under irrigation in Kaveri delta is only 11 lakhs acres. We should get Kaveri water on the basis of its flow in different States. The ratio should be fixed on the basis of the rivers origin and flow. At present we are getting very less water. The farmers of Karnataka are the most unfortunate lot and today they are crying for Kaveri water. There was an agreement between these two States in the year 1924. What has happened to this agreement? Every honourable member of this august House know what happened to this agreement in the year 1973. After that new politics emerged and I do not want to go into the details. But the farmers of Karnataka are in great trouble. Injustice has been meted out to them. Now, it is high time to rescue the farmers of Karnataka in the Kaveri delta region. The ball is in the court of the Prime Minister. Our Hon. Prime Minister has vast experience and I am sure that he can find a solution to the burning problem of Kaveri water dispute. All the Hon. Members

of this House should strengthen the hands of the Prime Minister. We should see that peace and harmony prevails in both the States.

The Tamil Nadu farmers are our brothers. All of us belong to one country, India. But at the same time we should make it a point that equal justice as done to one and all. There should be no room for partiality. The people of Karnataka are peace loving citizens of this country. They do not indulge in activities like loot, arson etc. But this does not mean that might is right. I appeal to the Hon. Prime Minister and Hon. Minister of Water Resources to come to Kaveri delta region and examine the realities. The facts have to be examined and if there is injustice to any States let it be rectified. Can the Hon. Members of Tamil Nadu agree to the tribunals interim order if they were in our position. Let them answer true to their conscience. This should not have happened. Why the situation has taken this ugly turn. Today the farmers and other concerned people are in the streets. They are in deep agony and they are agitating. For the last three days so many untoward incidents have taken place. I have no words to explain these happenings. These things have happened only after the gazette notification. The land and water belong to all citizens. There cannot be any discrimination. Now, great injustice has been done to the farmers of Karnataka. This should be set right immediately before the situation goes out of control. We met the Hon. Prime Minister and he was kind enough to give us assurance. I am confident that the Hon. Prime Minister and the Hon. Minister of Water Resources would take immediate measures to resolve the serious problem. The Prime Minister's assurance in this august House has delighted every member. He is inviting the Chief Ministers of Tamil Nadu and Karnataka to hold discussions and to arrive at amicable settlement.

The Kaveri water dispute is a very old problem and it should not be allowed to continue. A permanent solution should be found. Certainly it cannot be through the interim order of the tribunal. We can arrive at amicable settlement only at negotiating

table. I hope that the assurance of the Prime Minister will put an end to all confusions and misunderstandings.

My dear friend, Hon. Manishankara Iyer has suggested to link Godavari, Mahanadi and Kaveri rivers. Of course, this goes a long way in solving the complicated water disputes. It also enables the country to usher in a new era of progress and prosperity. Hence this work of linking the river must soon be taken up without waiting any more time.

We have received the news that some houses of Parliament Members were ransacked. Let the agitators enter our houses. We do not mind even if they beat us. But we cannot keep quiet until our farmers get justice. My Hon. friend, Mr. Devegowda just now told us the pressures put on all Karnataka Members of Parliament. Donkeys with the name of individual M.Ps were paraded on the streets of Bangalore. The houses of some M.Ps have been looted. The house of my colleague, Shri Mudalaginyappa has been destroyed in Bangalore. His wife and other family members have fled seeking shelter elsewhere. The house of, Shri Madegowda has been damaged completely in Mandya. Many such incidents have taken place particularly in Banaglore, Mandya and Mysore. I do not mind braving such situation but the farmers of Karnataka should get their due share of Kaveri water. We want justice. Shri Devegowda and Shri Madegowda have said that they would resign if the farmers are not protected from injustice. I too have the same opinion. For the cause of our farmers I do not hesitate to resign from the membership of this House.

The farmers of Karnataka have suffered a lot for more than a century. This suffering should come to an end. The total storage capacity in all the four reservoirs of Kaveri rivers river does not exceed 100 TMC. Then how can anyone expect release of 205 TMC of water from these reservoirs. It is easy to calculate and bring out the figures. But it is very difficult to understand the realities. These statisticians should be made to

[Sh. V. Krishna Rao]

understand the hard facts. Where can we bring the excess water for releasing to Tamil Nadu? Shall we pray to Lord Bhageeratha to bring sufficient periodical rain? It is high time and the farmers of Karnataka can not close their eyes to realities. They have been neglected by the Britishers. If this negligence continues the people may not tolerate and they may resort to all kinds of agitations. As I stated earlier, Tamil Nadu grow three crops where as in Karnataka the farmers have to be contented with only one crop. Why is this attitude of applying butter to one eye and lime to the other eye? This imbalance should be rectified without any loss of time. We do not seek any favour at the cost of Tamil Nadu farmers. Similarly Tamil Nadu farmers should not be favoured at the cost of their Karnataka counter-parts. We should get our due share. They should get their due share without any injustice. Several delegations have met the Prime Minister and the Minister of Water Resources. I am fully confident that this century old crisis would be resolved under the able guidance of our Hon. Prime Minister, Shri P. V. Narasimha Rao. The credit will also go to Shri V.C. Shukla, our Hon. Minister for solving this problem. I hope a solution would be found soon without any favour to any party.

There is a demand for release of more water from the four reservoirs of Karnataka. I am reminded of a statement made by Hon. E. S. Venkataramaiah. He said, "you release the water of entire Ganga river to Bangladesh because they are demanding" So, let there not be any difference. Here we are all equal. No State is superior over other States. We should get our share according to the existing realities. We should maintain equitable distribution and all of us should get justice.

I believe that the Centre will take appropriate measures to avoid such violent incidents in future. You kindly invite Ms. Jayalalitha and Shri Bangarappa for immediate discussions. During these talks with the Chief Ministers concerned, I am

sure that the Hon. Prime Minister will settle the issue amicably. Let there be peace and amity everywhere.

Sir, I am grateful to your kind gesture for giving me more time to speak and with these words I conclude my speech.

SHRIBHOGENDRA JHA (Madhubani)
: Mr. Speaker, Sir, how many speakers are there?

MR. SPEAKER: There are four speakers. As such I am requesting them to be brief.

[English]

SHRI V. SREENIVASA PRASAD (Chamarajanagar) : Sir, the Member who has spoken before me has already urged the legalities and technicalities of the Cauvery Water dispute Tribunal. I do not want to repeat all these things. As Mr. Dhananjaya Kumar pointed out, I will say how the orders of the Tribunal are impracticable to implement. Mr. Mani Shanker Iyer has said that the Tribunal order is practicable. It is not agreeable. The Tribunal has given directions to the State of Karnataka to release water from its reservoirs to ensure that 205 TMC ft. of water is available in Tamil Nadu's Mettur reservoir in a year June to May. The Tribunal has directed that this Order will be effective from 1st July, 1991. The Tribunal has further directed that such release shall be based on monthly fixed quantity, and in respect of any particular month, the releases are to be made in four weeks in four equal instalments. It is also directed that if it is not possible to release the required quantity of water in a particular week, such deficit shall be made good in the subsequent week.

This is an order given by the Tribunal. No Tribunal in the country has worked a calendar on week to week basis which is fantasy apart from being impracticable to implement. If there is deficiency in a given week, it has to be made good in the next week. This release is not linked with the total availability of water. Therefore, before passing the interim order to release 205

TMC of water, the Tribunal has not even considered about the total volume of water available in the basin or requirement of Karnataka or the requirement of Tamil Nadu for its present use. Therefore, when the interim order has been announced we have felt and made it clear that the interim order is arbitrary and most unscientific and impracticable.

Therefore, I would like to suggest that at the time of passing its final order, the Tribunal should at least review the facts on certain basis Tamil Nadu gets two monsoons—Southwest and Northeast Whereas Karnataka people in the Cauvery basin are getting only one and they are raising only one crop. In Tamil Nadu, they are raising three crops. This has to be taken note of.

The Tribunal has failed to protect the irrigation potential of Cauvery basin in Karnataka for 11.2 lakh acres of land. The Tribunal has not given a scheme for sharing water in lean season. It has not been mentioned in the interim order. Therefore, at the time of passing final order, all these facts are to be taken into consideration.

Now the situation in Karnataka, as my colleagues have said, is very tense. There is gravity of the situation. How it has started. After the Government of India took a decision to notify this interim order the irrigation has started and violence has erupted. Law and order situation has become worse in the State. Many of the industries, I am told, have been destroyed. Death toll has gone up to 10 or 12 persons, in Bangalore city alone. Therefore, my suggestion is that the law alone or the Tribunal verdict alone will not solve this problem.

He said that we should respect the verdict of the tribunal. We should respect the opinion of the Supreme Court. We should understand what is the Supreme Court's opinion and what is the tribunal's verdict and what is the role of the Government of India. But what about the affected farmers in the Cauvery basin? Are they able to understand all these things? But they want water because they are starving. Therefore, I would like to

tell you that by merely gazetting the notification, this problem is not going to be solved. The implementation is equally important. You may think that we are going to constitute an Implementation Committee for implementing this interim order that has been given by the tribunal. But it is very difficult. It is very difficult task to implement the interim order.

The Members of Parliament met the Prime Minister. An All-Party delegation from our State request our Prime Minister. The Prime Minister assured us that this matter of sharing the water between Karnataka and Tamil Nadu will be settled outside the court amicably. Our Water Resources Minister has said this matter should be settled amicably between the two States. The Members of this House are really very happy that the Prime Minister has announced that he will call both the Chief Ministers and he will have talks with them and he will find out some solution and he will settle this matter amicably.

Once again I request the Prime Minister to appeal to the people of Karnataka and he can give a general assurance to solve the problem amicably.

MR. SPEAKER: This is what exactly the Prime Minister said.

SHRI V. SREENIVASA PRASAD: That is exactly what the Prime Minister said. Once again I request the Prime Minister to appeal to the people of Karnataka thereby we can defuse this crisis and we can convince the agitated people of Karnataka and they will get justice. That is what I would like to say. I now conclude.

SHRI CHINNASAMY SRINIVASAN (Dindigul): Sir, I thank you very much for allowing me to participate in this discussion.

The hon. Minister of Water Resources has made a statement that the Government has notified the interim award of the tribunal. I wholeheartedly welcome it.

The people of Tamil Nadu have bene

[Sh. Chinnasamy Srinivasan]

demanding for a long time that their due share from Cauvery waters should be given. Several official and ministerial level talks failed. Then the Central Government referred the matter to the Cauvery Waters Tribunal. Karnataka did not protest against the reference.

Farmers of Tamil Nadu have been suffering for a long time for want of water for irrigation. Successive droughts worsened the situation. But God came to the rescue of farmers this time. The Thirukurral is there wherein it is mentioned that even if one good person is there, God would send rains for the whole world.

Naliar Oruvar Ularel Avar Porttu
Eliarkum Peyyum Mazhai.

At last, God favoured this time. This year, we had plenty of rain. Cauvery is in spate. The area in Tamil Nadu where Cauvery flows in only at the tail end. When water flows in Cauvery instead of wasting it in the sea, it can be given to Tamil Nadu.

The tribunal is a lawful one. Both sides were heard. A judgment was given. We should bow to the judgment. Now the interim award is for 205 TMC of water. But more water may be given when the final Awards comes. Whatever the tribunal says, the Government should agree.

Some hon. Members said that the Chief Minister of Tamil Nadu is talking a tough stand in the matter. They accused her that she is not ready for talks. Indeed for more than two decades, they have been talking but without any result.

Sir, this is not a matter of prestige for the Government of Karnataka or for the Government of Tamil Nadu. It is a matter of human survival, farmers welfare and the country's food production. The Karnataka people and the Tamil Nadu people are brothers. Brotherhood is supreme. We should not sacrifice it by our bad actions. In

such a spirit, we must take the Tribunal's Award.

First, the Karnataka Government should not have issued the Ordinance cancelling the effect of the Award. The Supreme Court has struck it down. Now again, the Karnataka Cabinet has passed a Resolution against the implementation of the Award. If elected Governments resorts to such steps, it will only generate ill-will between the people, block welfare measures, and result in lawlessness. The violence that is taking place in Karnataka is not good for the national integration.

Therefore, I would like to appeal to my Karnataka brothers to accept the Tribunal's interim Award and also await the final Award. Law is supreme. Every one is equal before law. Individuals and Governments should obey law. This is true governance. People will repose faith in such Governments.

After all, the Central Government has very clearly stated that it will take into account the order of the Tribunal on the application of the Karnataka Government on the difficulties that may arise if adequate water is not available. The Government has also further assured that every endeavour will be made to act in the best interests of all concerned.

This assurance is encouraging and I once again appeal to my brothers here to allow the legal processes to take their own course and to obey the orders of the Judges as they are next to Gods.

With these words, I conclude.

SHRI D.K. NAIKAR (Dharwad North) :
Sir, I thank you for giving me this opportunity to speak. I am raising two points. First, hon. Member of Parliament Shri P. G. Narayanan has stated in his speech that Karnataka has abrogated the agreement of 1924. That is not correct. We also entered into an agreement of 1892. That agreement was between the State of Mysore and the Madras Province and that was subsequently superseded by an agreement of 1924.

Therefore, the 1892 agreement was not in existence. According to me, even the 1924 agreement came to an end in 1974 because one of the terms in the agreement is that after 50 years, the parties concerned to the agreement can reconsider the entire terms of the agreement. That is one of the reasons.

Further, I submit to this august House that all the Chief Ministers of the States concerned had a meeting under the Chairmanship of the Central Minister in-charge of Water Resources. Several meetings were held to have a settlement.

SHRI H.D. DEVEGOWDA : Just one second. The very same Tribunal, the very same Supreme Court in their opinion held that the 1924 agreement is not in force.

SHRI D.K. NAIKAR : I am coming to that. According to the stand taken by the State of Karnataka, the 1924 agreement was not in force. A claim that was made by the Tamil Nadu Government under the same agreement was not enforceable. That was the contention taken by the Karnataka Government all along. But even in 1983 a joint application was given to the Centre requesting for the constitution of a Tribunal. The claim is there under an agreement. If that is the case, that application has been referred to the Tribunal after the Constitution of the Tribunal. That is all right. We accept the constitution of the Tribunal. But what is the decision given by the Tribunal? Have they considered even a single point whether the 1924 agreement is in existence or not; whether under that agreement the Government of Tamil Nadu is entitled or deserving to have any quantity of Water or not? Not a single observation is there on this point. And the learned members, without considering whether there is any justification in the claim under the non-existing agreement, have passed the order by mathematically working out the impounded water in the Mettur Dam. I may tell you that when the claim itself is not based on a valid agreement, the order of the Tribunal is not implementable on this very ground. Secondly, they have calculated the figure, supplied to them by Tamil Nadu. About ten

years figures were taken from which they have eliminated maximum two years and minimum two years calculated six years total and divided it by six. I want to know whether the Tribunal had any idea as to whether the Karnataka State has got that much of water impounded in the reservoir. If you examine all the four dams constructed in the Cauvery basin, do you know what is the total installed capacity of each reservoir? All together, it cannot be more than 95 TMCs. But the direction of the Tribunal is to release 205 TMCs from the reservoir. But where is the question of releasing 205 TMCs, if the impounded capacity itself is not more than 100 TMCs. The Supreme Court has given a direction to treat such order of the Tribunal as a final order and to notify it in the official gazette. Here is a point which is giving some doubt. I want to know, how the Central Government will implement it. How a direction can be given, even by the Central Government to the State Government, to release water which is not available in all the dams? That is a point.

Another important aspect of the order is there is a provision. What is the provision? Only one final order can be passed by the Tribunal and not two or three. What is the final order? When the reference is made, the Tribunal should determine the issue referred to it. That is called in another way an entrustment of work to the Tribunal and then the Tribunal can determine only once and that will be the final decision.

But, today, by the direction of the Supreme Court, that order of the Tribunal, though it is an interim order, an interim application, it has been treated as a final decision and final notification was issued in the official gazette. I would like to draw your attention to the main petition referred to the Tribunal, which is still pending before it. Then how can they give a second or final decision in the same matter? Is there any chance to have two final decisions under the provisions in the Act? Therefore, these are the doubts that do arise in respect of the Tribunal and the report itself requires some explanation and guidance. There is also a provision that if the report requires some

[Sh. D.K. Naikar]

explanation or guidance, the Centre may make a reference to the Tribunal. Until a reference is made and a reply is received, it cannot be implemented even though it is notified. That is one of the reasons which I submit to this House and that the order of the Tribunal is practically unimplementable. Whatever may be said on the other side by the learned Members of Tamil Nadu, I do not agree with them. Shri Mani Shankar Aiyar has said that this is a very valid order, it is a final order and it can be implemented. No Sir. There cannot be two final orders. There cannot be any such defective order to be implemented. If you ask the Karnataka State to bring water, where from they will bring water? From Krishna or Tungabhadra or Ganga?

My learned friend suggested that the Central Government's funding is necessary to implement the other projects which are not completed even today. I may tell you in this context that there are so many projects prepared and submitted to the Central Government and they are all pending before the Planning Commission. The Karnataka people are suffering for want of water. With regard to irrigation percentage wise Karnataka is very low. Therefore, let the Minister of Water Resources be pleased to say in his reply that the Centre will be funding much more than what it was doing earlier.

My learned friends have said that we are criticising the judgement of the Supreme Court. That is not the criticism. There is a provision under the Act that only when the Central Government has formed an opinion that a settlement by negotiation is not possible, a tribunal can be constituted and a reference made to it. I am not commenting on the direction of the Supreme Court; but I am only making comments on the functioning of the Central Government. When an application was pending, I had led a delegation to Shri Rajivji so far as Karnataka MPs are concerned and we had told him that we are going to settle this by negotiations within one year and till then there is no need for the constitution of a tribunal. We did

make so many exercises. But because of subsequent changes of Chief Ministers in Tamilnadu, we could not have a negotiated settlement.

In 1990 the National Front Government came to power when the petition was pending. Did that Central Government have any iota of evidence that the matter could not be settled by negotiations? No. Moreover, unless there is sufficient and ample evidence to show that the Central Government had done its exercise in settling the issue by negotiation, the question of constitution of a tribunal would not arise. But in this case a direction was given by the Central Government without exercising the power vested in it, that they leave it to the Supreme Court. So in the legal process Karnataka was made to suffer and have set backs at all stages.

Therefore this is a fit case for requesting the hon. Minister to make a reference to the tribunal again seeking clarification or guidance to implement the interim order, so that there will be some time available for the Centre in which there may be possibilities of having a negotiated settlement.

This is what I can submit. I hope the hon. Minister will really do this because it is not necessary that the State Government should make a reference for clarification. It is also the duty of the Central Government to seek the clarification and guidance. Therefore, under these circumstances I would request the hon. Minister Shri Shukla to make a reference before he thinks of implementing the order.

SHRI ANBARASU ERA (Madras Central): Sir, I thank the Prime Minister and the Minister for Water Resources for their wisdom, sagacity and far-sightedness in taking the judicious and just decision in notifying the interim order of the tribunal. I also thank the Prime Minister for having taken a decision that the two Chief Ministers will be invited to arrive at a negotiated settlement.

Sir, when our Prime Minister was able

to create an inroad in achieving a good relationship with a neighbouring country, China, this problem is nothing for him. He is such a matured prime Minister. In fact, he is the only leader today who is being praised as a non-controversial leader among all the Prime Ministers that we had, in the past. So, we have faith in him that he will solve the problem without affecting the interests of both the States.

Sir, I am rather worried as well as offended when the Members of Parliament from Karnataka generated so much of heat, throwing unnecessary challenges with fallacious arguments and false figures to succeed in their case. Sir, I would like to point out here the geographical position of the Cauvery River. It emanates from Karnataka. The River Cauvery takes origin from Karnataka and Tamil Nadu is in the tail end. So, we are at the receiving end and they are in the giving position. So, how can a great injustice be caused to Karnataka? Unless they allow water to flow to Tamil Nadu we will not be able to utilise that quantum of water as they allege. It is not a fact and they are misleading.

SHRI H.D. DEVEGOWDA: How can thirty lakh acres of land be cultivated without allowing water?

SHRI ANBARASU ERA: Sir, it is a fact that they have abrogated the agreement that is arrived at, in the year 1924 and impounded the water immediately. The people of Tamil Nadu could not cultivate in that much of land and they could not get that quantity of water as they were using previously.

Though I am from Tamil Nadu, I have studied Law from Bangalore University and I do not want to take sides here. I only want to put the facts before this august House. I do not want my own brothers to get injustice in this issue. What I want to say is that unnecessarily this issue has been politicised. It has taken enormous dimension due to some narrow interests.

Here, Shri Nalk has gone on record to

say that there is no agreement at all in existence. That Clause of the agreement is this that, the agreement of 1924 will be received by mutual agreement of both the parties. But, they did not allow us to review at all. Whenever we go for negotiation, they have dilly-dallied. Under some pretext or the other, they could not sit down and sort out the difference. We were also not given an opportunity to come to a correct conclusion. Therefore, negotiation went on and on for nearly 20 years and that led to the formation of the Tribunal. When the Tribunal was formed, they started criticising. They criticised the Central Government that they have no powers to form such a Tribunal. Is this the correct attitude, my dear friends? When the petition was filed before the Tribunal, they said that the Tribunal has no jurisdiction to give an interim order. When we say that they do not have respect for the judiciary, when we say that they do not have respect for the Tribunal, they were annoyed very much. How things went on? They challenged the power of the tribunal before the Supreme Court that the tribunal has no power to issue any interim order. But the Supreme Court held that the tribunal has powers to issue interim order. Then again, they started criticising it.

SHRI H.D. DEVEGOWDA: What did the Supreme Court say in 1971 and 1974?

SHRI ANBARASU ERA: Let us not go back to that one. Let us talk about the present situation. (*Interruptions*) If elderly persons like us give respect to emotions, we will not be able to do justice to the people of this nation.

SHRI H.D. DEVEGOWDA: It is not emotion; it is hard reality.

SHRI ANBARASU ERA: We should rise above all. We should not be subjected to narrow interests. Interests of both the States should be protected. In that way, in that way, we have to apply our mind and convince our people.

The leaders should lead the people. They should not be subjected to their wishes.

[Sh. Anbarasu Era]

We should not instigate the people. The present agitation in Karnataka is unwarranted. It is only instigation by the vested interests. *(Interruptions)* Why have they started beating the Tamil people? *(Interruptions)* Innocent people of Tamil Nadu are being driven out. We have to convince.

Is it the way of telling that the judgment is a scrap of paper? Tomorrow if the Prime Minister comes out with some solution, then also they will say that is a scrap of paper. What is the guarantee that they will not criticise? This is not the attitude we should adopt.

With folded hands, I pray my friends, let us not be emotional in this approach. Let us study the real gravity of the situation. If you see the complete incidents, Karnataka played excessive over this issue. When the tribunal passed the order, immediately an ordinance was promulgated without even consulting the Prime Minister. After all, congress Party is a family. We are all Members. He is our father. The Chief Minister of Karnataka should have consulted him, but he overplayed. Suddenly, he promulgated an ordinance. Our friends said, "It is an historic ordinance." It is an illegal ordinance. It is not an historic ordinance. Such an ordinance has been promulgated. That is how this issue has been complicated by some of the people in Karnataka. Therefore, I appeal to them, let us have faith and wisdom in our Prime Minister. Let us sort out the differences here amicably in the interest of both the States. Let us not throw challenge and counter-challenge against each other. Every Member of Parliament started telling, "I will resign...resign...resign." Will it not amount to threat, coercion and blackmailing of our Prime Minister and the Central Government? *(Interruptions)* Will it not amount to pressuring the Prime Minister?

(Interruptions)

SHRI S.B. SIDNAL (Belgaum): You should withdraw. *(Interruptions)*

SHRI ANBARASU ERA : No, no; I challenge. *(Interruptions)* He has one on record - this is my last speech. *(Interruptions)* I will resign. *(Interruptions)*

Is that the way of addressing the honourable House. Is that the way of throwing challenge to our Prime Minister?

(Interruptions)

SHRI S. B. SIDNAL: It is wrong interpretation. *(Interruptions)*

SHRI ANBARASU ERA : That is not the way. Let us sit together. *(Interruptions)* Let us not throw a challenge and counter-challenge. Let us sit together. Let us meet mind with a mind and heart with a heart in the interest of both the States, let us sit down and discuss it. Therefore, I do not want to prolong it further. *(Interruptions)* One should not try to become a champion of Karnataka alone. We should see the interests of the nation and also see the interests of the neighbour, Tamil Nadu.

21.00 hrs

The leaders of Karnataka should not come to the extent of acting as if Karnataka is a separate country. That is how the events are training place.

I appeal also to them, with folded hands that let us sit together and discuss as per the directions of the Prime Minister and sort out the differences instead of throwing challenge and counter challenge.

SHRI H.D. DEVEGOWDA : Sir, only one clarification. We have never taken money from Tamil Nadu for supplying water. Let him say, whether they have paid even a rupee. We have released water for nearly 23 years. Why are you misleading the House?

SHRI S. B. SIDNAL (Belgaum) : Mr. Speaker, Sir many hon. Members have already spoken about this and have given the statistics also. Both sides have mentioned their respective stand regarding this.

It is a social and an economic need. Every human being fights for his own rights. Equal right must have equal division. On that dictum, it goes. The lower reparian States expects some thing from the other State. We have no hesitation to give any amount of water, provide, we have it in stock. The Tribunal has said that we have sufficient stock of water. It is on record. So, 205 TMC of water has to be given to Tamil Nadu. We do not have sufficient water, otherwise, we would be very happy to give the same to our brothers.

The judicial order on this problem is subject to appeal or revision or review. It is not a final Order. You have to go into the constitutional and legal points. Many laws are enacted here but whenever any harm is done by the judiciary or the Tribunal, it is natural that the concerned party will react. Shri Anbarasu just now said that we are instigating and so on. It is not true. When a man is deprived of his own property and that too if it is water, then naturally, he will go frustrated and will go to the streets. With that background only, we have only the Prime Minister whom we can make our appeal. We have never tried to politicise the issue. Only, duty bound, we have defended our case in the Tribunal. As a duty, we have made our statements. It is because, we owe certain duties to the public, that is, who have elected us. Shri Mani Shandar Aiyar also said one thing.

MR. SPEAKER : Please do not reply to each and every Member.

SHRIS. B. SIDNAL : Sir, I am welcoming some of his suggestions.

MR. SPEAKER : You just say that you welcome all the suggestions.

SHRI S.B. SIDNAL: No. I welcome the suggestion about the constitution of the National Water Commission by late Shri Rajiv Gandhi. The other thing that was mentioned by Shri Dhananjaya Kumar is about the impracticability. He justified in saying, that thing.

SHRI H.D. DEVEGOWDA : Sir, there are no guidelines even in the National Water Policy. I was also a Member of that.

MR. SPEAKER : There is a policy which was formulated and that still exists.

SHRI H. D. DEVEGOWDA: May I know from the hon. Minister what are the guidelines?

MR. SPEAKER: I know, I was a Member of this House when that policy was formulated. It was formulated in consultation with the Chief Ministers in the National Development Council.

SHRI S. B. SIDNAL : Sir, we are highly spirited. We are brothers. Whatever is grown here or for that matter there benefiting our granary. But some of our friends have said that our rights should not be impinged or our enjoyment should not be deprived and given to somebody. This was the Order of the Tribunal which is really impracticable. Now, let us forget all those things, because, we have to come to a different conclusion.

I appeal to the Minister of Water Resources and the Prime Minister to settle it amicably. I welcome the suggestions made by the Prime Minister for both the States. The Chief Ministers of both the States should come and negotiate with him. This is more practicable than anything else. Whenever we are helpless, the law is there to help us.

Then we can come together and settle the dispute amicably and equitably. That would be better than a judicial order. The other things can be kept pending. Till the negotiations take place. No legal orders should be implemented. That is appeal to the Government of India and also to the Water Resources Minister who is very much experienced, to keep pending all the issues till negotiations are over and justice is done to the Karnataka people.

MR. SPEAKER : Now I call the Minister.

SHRI K. H. MUNIYAPPA (Kolar) : I want to speak, Mr. Speaker.

SHRI C.P. MUDALA GIRIYAPPA (Chitaradurga) : I also want to speak.

MR. SPEAKER : I do not have your names. Anyway, each of you any speak for a few minutes.

[*Translation*]

***SHRI K.H. MUNIYAPPA** (Kolar): Mr. Speaker Sir, I am delighted to hear from the Hon'ble Prime Minister that he is inviting the Chief Ministers of Karnataka and Tamil Nadu for negotiations to find an amicable solution for the long pending Kaveri river water dispute. The issue can be settled if both the States adopt the principle of give and take.

The Hon'ble Members from Tamil Nadu have expressed their happiness about the interim order of the tribunal. They have argued their case very well because the order is in their favour. I am also a lawyer and I can understand their logic of argument. The inheritance powers of judiciary is binding on the judge to give appropriate decision even if representation is not comprehensive. This has not happened. The tribunal has taken the theoretical aspect of the case while giving its order. It has ignored the practical aspect. When the total water storage in all the four reservoirs is not even 100 T.M.C. how can any one expect release of 205 T.M.C. This fact is known to all the Hon'ble Members of this august House.

Today there is unrest in all parts of the State. The agitating people are attacking the Members of Parliament, Members of Legislative Assembly and Ministers of Karnataka Government. Looting and arson is going on in Bangalore, Mandya and Mysore. Family members of some Parliament members have fled their homes seeking shelter elsewhere. Properties worth several lakhs of rupees have been damaged. All these bad incidents have taken place because of the interim order of the Tribunal. Such incidents would have been avoided if the tribunal had given a justifiable interim

order. It is true that each and every one should respect the orders of the Supreme Court. At the same time the orders given by the Courts and Tribunals should be justifiable.

Our Prime Minister is a veteran parliamentarian. He has rich experience and he is capable of solving this problem without any injustice to any State. My humble appeal to the Hon'ble Prime Minister and the Government of India is to link rivers like Mahanadi, Godavari, Tungabhadra and Kaveri. Some unnecessary projects have to be dropped and linking of the above-said rivers should be taken up immediately. This alone would solve most of the water disputes. It also improves the economic condition of the country. Agricultural production would increase. Commercial crops can be grown in most areas to give a boost to our exports.

Crores of rupees are being spent on some unimportant projects. Lot of money is being spent by the soil conservation department. Such unnecessary expenditure should be avoided and linking of the main rivers should be our main aim. I request the Hon'ble Minister of water Resources, Shri V.C. Shukla to take this plan of linking the major rivers of the country.

Today injustice has been done to the people of Karnataka. There is no sufficient water to the farmers for irrigation. The tribunals order has posed many serious problems to the farmers.

I pray our Hon'ble Prime Minister with folded hands to settle this complicated issue amicably. I want to assure him that all of us are with him to strengthen his hands. I would like to reiterate that linking of major rivers would enable the country to achieve progress and prosperity.

Sir, I am really grateful to you for permitting to speak in this very important issue and with these words I conclude my speech.

[English]

SHRI C.P. MUDALA GIRIYAPA (Chitradurga): Mr. Speaker, Sir, first of all I thank you very much for having given me an opportunity to appeal to the Government of India through you, Sir, that injustice has been done to Karnataka because of the Tribunals' Order.

Firstly, I wanted to tell my learned friends from Tamil Nadu, who just now spoke. They have got some apprehension in their minds that the lives of the Tamilians in Karnataka is at stake. I would like to tell them that today the target of the Karnataka people is not on Tamilians and their target is on Members of Parliament, MLAs of Karnataka. So, we are not concerned with the lives of the Tamilians and we are not coming in the way of their peaceful life. Today, my house was robbed and many things have been taken away by some people. I still do not know as to what is the fate of my wife and children there.

In spite of all that, with all this agony in my mind, I came here to argue the case of my State and also to enlighten the House and also appeal to the Central Government to give justice to Karnataka.

Sir, during the course of the argument, while answering to the questions of Shri Dhananjayakumar, my learned friend Shri Mani Shankar Aiyar said that it is practicable to implement the Order. According to me, the flow of the water in the river of Cauvery is the act of God. It is not in the hands of anybody. It is not in the hands of Karnataka people. It is in the hands of God. It all depends upon the nature.

Sir, many lawyers and learned friends are here. This is a subtle law in this country. There were many precedents and decisions of the Supreme Court and the High Court, where the act of God, unknown things and uncertainties are binded, are made contingent in the agreement. Therefore, it is illegal and void. Now the judgement and the decision of the Supreme Court is in that particular state of thing.

We have accepted the philosophy of secularism and we have accepted the philosophy of the rule of law. We live in the rule of law. We regulate things. We have conferred certain things. We enjoyed certain things under the rule of law. We are not going to deny such rights and concessions of such happiness to our own brother Tamilians. We are human beings first. Then we are Indians. Then we are Tamilians, Kannadigas. Like this, we have to live in this world for centuries together. For centuries we have to live. Our sons, our grand sons have to live in this world amicably and peacefully in this world. So, when we take any decision, we should not take it in partisan way and we should not take it on caste or religion or any other basis and we should take it as human beings. As the law abiding citizens of this country, error is human.

One of our friends said that we are criticising the decision of the Supreme Court; we are criticising the Tribunal's decision. Yes, we have got the right to criticise the Tribunal's decision, the Supreme Court's decision. If anything is held in the lower court, then we go on appealing and criticising the decision of the lower Court by mentioning the errors of the lower Court. In that way, in this House we are criticising the Supreme Court's decision, we are criticising the decision of the Tribunal, not in the form of appeal... (Interruptions)

MR. SPEAKER: Leave aside that point.

SHRI C.P. MUDALA GIRIYAPPA: Sir, we have respect for the law. We have got the respect of law. We are law abiding citizens. But by human error or by confusion or by mis-interpretation, the decision has gone against the interest of Karnataka. Therefore, I appeal to government of India to give justice to us.

What is the nature if the decision of the Tribunal? Is it in the nature of arbitration or is it in the nature of punishment I want to say that the nature of the decision is in the form of punishment to Karnataka State. It is not an arbitration. The Tribunal is a fact finding body. It is not vested with any powers to

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punish anybody. But by this decision, it is punishing Karnataka State and punishing the people who are depending in that area of Cauvery basin. So, Sir, if the decision of the Tribunal is implemented, it is illegal, it is void because it is an act of God. We cannot bind the people of Karnataka with all these things.

We know the suffering of our Tamil brothers. We know their feelings. We are human beings. We know their pain. We have great respect of the Chief Minister of Tamil Nadu. We have great respect of the Chief Minister of Karnataka. We have got full confidence in the wisdom of our Prime Minister. We leave it to our Prime Minister to give justice to the people of Karnataka.

SHRID. PANDIAN (Madras North) : At the fag end of the day and after listening to our Prime Minister a very reasonable and nice statement I thought of getting up and thanking him and then sit down. But unfortunately, after listening to my dear friends - hon senior Members in the course of argument using certain words and advancing some statistics - I am compelled to take a few minutes just to request them, to make an appeal to them to think over calmly and not do anything in the great of emotion as it is generated in that State. Please do not add fuel to the fire.

You have been telling that 33 lakh acres is being irrigated from out of Cauvery waters and that we are taking three crops. That means, nearly 99 lakh acres. Even going by one tonne per acre on an average, we must be harvesting 99 lakh tonnes of foodgrains annually in the Cauvery basin area alone. How I wish it to be true! But it is far from the fact. Tamil Nadu is not in South Africa. It is very near to you. I extend an invitation to you. You come down, tour the area and see and satisfy yourselves whether we are getting three crops there. It is not true. Please do not advance such facts because that will only strengthen the misguided feelings of the people who are now on the streets. There are a few thousand acres of land from which we are getting three crops. There are a few

more thousand of acres of land which is giving second crop. But the vast acreage of land is giving only single crop and nothing more. And that is not entirely from the water that flows from Cauvery from Karnataka. Please remember that Cauvery has its tributaries somewhere in Tamil Nadu also. Tamil Nadu also has catchment areas. We do get rains. So all these put together irrigate the Cauvery delta region. So you should not be under the impression that the water released by you alone irrigate that land.

I do not want to refer to the 1924 agreement or prior agreement or the lapse of it because Cauvery had been flowing through Tamil Nadu from time immemorial, long before our parties were born, before we were born. It is not that we channelised the course of flow. It is nature's gift. Both of us are children of Cauvery and we have been enjoying the blessings of Cauvery.

The previous speaker has said that sometimes, if there is a drought due to the act of God, then what to do? The very same argument I am also using. In such circumstances, we must have faith and commonsense and trust in the people. Burning buses or attributing political motives for the notification of the gazette is not fair.

MR. SPEAKER : Please address the Chair.

SHRID. PANDIAN : So, I appeal to the people, senior Members, students and youth to think over this and not to think that injustice has been done to them. We share in your poverty, we share in your grief and we are going to live as brothers. I appeal to all of you to lead the people and not to mislead the people with wrong facts.

Please do not use the argument that it will go in the Punjab way. We are all striving to see that Punjab is brought back to normalcy. But, you are adding that Karnataka will go the Punjab way and that is not the correct approach.

As far as the 39 Members from Tamils Nadu are concerned, I wish to tell you that

we fought against a party and a force that had been declaring that they will convert Tamil Nadu into another Punjab. We defeated them and we are here. Hence, even under gravest provocation, I will not use that analogy and our support to Prime Minister is unconditional. In a particular issue, we may be satisfied or not satisfied, but on that score we will not weaken the Central Government or speak against the government of India.

Lastly, I will appeal to all of you to help in restoring the normalcy and restoring friendship because both of us are now serious that there should be an amicable settlement.

Let me create that atmosphere, goodwill and trust to arrive at such an amicable settlement. (*Interruptions*) I am not questioning your *bonafides*, but please respect our sentiments and respect our riparian rights. Please do not try to reject our basic rights. With these words, I conclude. Thank you very much for giving me this opportunity.

THE MINISTER OF WATER RESOURCES (SHRI VIDYACHARAN SHUKLA) : Mr. Speaker, Sir, I am very grateful to the hon. Members for bringing out salient points of this dispute in their speeches. There is a long history of this dispute which has been going on for almost 99 years. The first agreement was made in 1892. The endeavour has been to make the best use of the Cauvery Water for the people who live in Cauvery Basin irrespective of the States. State recognition took place many years later, that is, in 1956. We know that Cauvery Basin is a water deficit basin. Even if every inch, every ounce of water is used even then the requirement of Cauvery Basin cannot be fulfilled. Therefore, as many hon. Members have suggested, the long-term plan to link the peninsular rivers such as Mahanadi, Godavari, Krishna and then Cauvery, will have to be taken up and we propose to do that on an urgent basis. I have already stated in both the houses that the pre-feasibility studies have been done and this problem that has been created by conflicting demands on Cauvery waters, again emphasising the need of taking up

that particular project, will require a huge amount of investment and lot of time to be taken up without further loss, and accord it a higher priority than it has had so far. This is more a human and historical problem than anything else. It is no use injecting politics into it or going to technical details of the matter. There can be many things that can be said on both sides and we propose to deal with it in the manner that all human problems have to be dealt with.

We know that the Interim Award that has been given by the Tribunal has to be suspected by a final Award which will be given by the same Tribunal. Fortunately, this year there is no need for disturbing water because nature has been kind and there is enough water in the Cauvery Basin in the storages and until the next rain year which starts in May-June next year, there should be no problem. It would be our endeavour to see that some kind of a solution is worked out so that the vague areas that are left in the Award of the Tribunal are successfully sorted out and the problems, apprehensions and the emotions that have been worked up can be settled, with an assurance from us, that PM has given and I would like to repeat, that both sides will be given full justice from us, from the Government of India since we treat it as a human problem.

I was very happy to hear from practically all Members who participated in the debate that they believe in brotherhood, they believe in friendship, they believe in good neighbourliness and they want this problem to be sorted out satisfactorily and in such a manner that it does not create any problems for the residents of either State.

It has also been said by some Members that when there is no water what will be distributed, that when there is deficit rainfall or a lean year, there would be distress distribution. In distress distribution again, some well-established principles will have to be followed so that no one area suffers and all the benefits or all the sufferings do not go to one area. It has to be done in such a manner that there is no sense of injustice in

[Sh. Vidyacharan Shukla]

the minds of people who live in the Cauvery Basin.

There are many suggestions that have been made. We will keep all of them into account. I will refer to one or two.

Some Members said that many schemes of Karnataka are pending in the Planning Commission and with our Ministry. We have taken up these schemes on a priority basis with the Planning Commission and we will follow them up. In the seventh Five-Year Plan, the total allocation to Karnataka was less than Rs. 50 crores. In the Eighth Plan, we are proposing an allocation of Rs. 240 crores for the State of Karnataka to complete several schemes that have very great importance for people who live in the State of Karnataka.

I would not go into all details of those schemes but these schemes are: A scheme for the coastal protection work which will cost about Rs. 40 crores. There would be a Common area Development scheme which will cost about Rs. 100 crores. Then, there will be a Tanks Modernisation Programme. This is very important because that will increase the irrigation capacities of these tanks. This will cost about Rs. 100 crores. So, these are the schemes which we have proposed and we will follow them up for the people of Karnataka so that overall the State stands to benefit from these schemes. Whatever problems that they have in Cauvery dispute, they will not only be solved but the distribution of Cauvery water itself will be done in such a manner that it will not give any cause of complaint to either the people of Tamil Nadu or the people of Karnataka. The only thing that we must remember is that there is no deficit of water. The deficit has to be distributed. Therefore, the problem will have to be understood in this perspective.

SHRI BHOGENDRA JHA:: Sir, can I seek a clarification?

SHRI VIDYACHARAN SHUKLA: let me

complete. After that I will reply to you. I will just take two to three minutes more.

All sections of the House—both from Opposition as well as from the ruling party—have expressed their full trust and hope in the hon. Prime Minister's endeavour to bring about a settlement and calling the parties for a settlement to the negotiating table. I am sure that the entire House will join him in that wish. We should give our full and solid support to the hon. Prime Minister in this regard. Then a negotiated settlement of this problem could be brought about. I am sure the issue will be settled amicably through negotiations.

The last thing that we must all remember is that the legal processes are not the end of the matter. Legal processes have been going on for long time and will go on for long time. As long as there is political will and human understanding of the problem—which has been displayed during this debate—I am sure that we will be able to sort out this matter and the people of both Tamil Nadu and Karnataka will have no problems in sorting out the issue. Whatever is happening is a temporary thing.

I would appeal to the people living in Karnataka to bear with us and give us an opportunity of sorting it out in a peaceful, legal and human manner that we propose to do and not take law into their hands and create further problems which will aggravate the situation which has been created in this part of the country.

I hope that this assurance that has been given by the hon. Prime Minister and the promises that I have made here will help in sorting out this difficulty and taking out the steam out of this agitation which has come about in an emotional manner. We will be able to sort out this matter. I again assure the hon. members that when the final verdict of the Tribunal comes it will, hopefully, be such that it will give full justice to both Tamil Nadu and Karnataka.

I thank you for giving me this opportunity

to give the views of the Government on this important matter.

SHRI BHOGENDRA JHA: Sir, is it possible that at the appropriate height, we can construct a reservoir to store water during rainy season and during lean months that water could be released for both Tamil Nadu and Karnataka? It is possible to have such a scheme?

SHRI VIDYA CHARAN SHUKLA: Yes, it is possible. There are plans to make such reservoirs. There is some problem about the ratio of electricity to be distributed between Tamil Nadu and Karnataka and we are working that out so that an agreement can also be reached.

SHRI P.M. SAYEED (Lakshadweep): Sir, I propose that considering the mood of the House and also the new step that the hon. Prime Minister is taking, which offer he has made, you may consider making an appeal on behalf of the House to both States, particularly Karnataka where the violence has started, to be calm and maintain peace.

SHRI H. D. DEVEGOWDA. Mr. Speaker, Sir, I want to ask some clarifications. The Minister has just said that the interim award will be superseded by the final award. The interim award has categorically mentioned that till the final adjudication is made and the final decision is given, this interim award will be in operation. So, if that interim award is in operation till the final decision comes, what will be the position in lean years? Will the Government of India make any special provision or will it ask the Tribunal to review its decision?

Sir, there is one more point. He said that seven projects would be cleared from the Planning Commission relating to the States of Karnataka. Out of those seven projects which are the projects that come under the purview of Cauvery basin pertaining to Harangi, Kabini or Hemavathi?

SHRI VIDYACHARAN SHUKLA : Sir, the projects which I mentioned totals to an

amount of Rs. 240 crores and they are related to the state of Karnataka and they do not belong to Cauvery basin. Regarding the point made by Shri Bhogendra Jha, I would say, subject to correction, that those projects for producing electricity and also for utilising the water, belong to Cauvery basin. Then, the last point that Shri Devegowda made is very simple to answer. The interim award will be in operation legally, but by the grace of God, it will be inoperative because there would be no need to supply water until the next season. Therefore, there is no need to worry about the operation of the interim award. Let us wait for the final award to come which will do justice both to Karnataka and Tamil Nadu.

SHRI H. D. DEVEGOWDA: Sir, tomorrow we have to convince our people, that is my worry. Otherwise, I would not have unnecessarily inconvenienced the hon Minister.

Will the final award be given before May, 1992?

SHRI VIDYACHARAN SHUKLA : Sir, it depends on leaders like Shri Devegowda and the leaders of Tamil Nadu. I hope they will cooperate with the leaders of Tamil Nadu. I hope they will cooperate with the Tribunal to hold its sittings continuously and present reasonable proposals. I am sure if the contention is not high and is not done in a bad manner, then the final award will come very soon, but I cannot promise on behalf of the Tribunal as to how soon they will give the final award. So, I appeal to all concerned to extend support in such a manner that the award comes soon.

SHRI H. D. DEVEGOWDA : Sir, am I not representing the State Government. What can I do? You must issue direction to the Government that has gone wrong. Why do you want to penalise the poor farmers? I want to tell you honestly that I do not want to be a hypocrite and I do not want to be a coward. Unless a categorical assurance under Section 6(A) comes from the Central Government and say that we are not going to create an authority till the final award

[Sh. H.D. Devegowda]

comes, then I do not think you can expect any type of cooperation from us.

MR. SPEAKER : I would like to say that the hon. Members who took part in the debate have spoken very effectively and responsibly with full understanding of the issue. The hon. Prime Minister has said that he would invite all the Chief Minister concerned for a discussion. He also appealed to the agitating people to cooperate in solving the problem peacefully and amicably. The Hon. Minister has said that he would take necessary steps.

I hope and I think, the House feels it

should satisfy all concerned and help in settling the issue to the satisfaction of all.

I think, the House wishes to appeal for the restoration of peace and tranquility and understanding in all parts of Karnataka and Tamil Nadu.

The House now adjourned to meet again on Monday.

21.41 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Monday, December 16, 1991/Agrahayana 25, 1913 (Saka).