

But beyond being the 'Itar Nagri', it is sorely neglected. Even its vast treasure of ancient sculptures, coins etc. lie uncared for without proper protection.

The Department of Archaeology must move immediately & in adequate strength with the resolve to locate and preserve the ancient sculptures, coins and the like. It must undertake systematic and scientific excavations and unearth the remains of the glorious age of Kannauj. It must collect the hundreds of sculptures and other pieces of art lying with private owners and organisations and preserve them under its own expert care. A befitting museum must be built to house these.

This great and ancient city which provides perfumes to every nook and corner of India—nay the world—must receive the attention and encouragement it deserves. A modern research laboratory to modernise the indigenous perfume industry to enable it to compete in the markets of the world must be planned and sanctioned

With its population of over 50,000 and its golden place in Indian history, it must receive more attention than it has so far. Its growth must be ensured—it must be the venue of an industry, an industry which will make the city grow and which will bring to it the infrastructure to attract traders, tourists and students of ancient Indian history, art, culture and learning.

I pleaded strongly for a restoration of some of the Imperial Age of Kannauj.

(viii) Need to abolish court fees in the country

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : We are a representative democracy in which the voice of the people is supreme. We have a written Constitution in which our judiciary occupies a pivotal position. But unfortunately, our people, particularly the downtrodden, weak and residing in resettlement colonies cannot afford to approach our judicial system because of the high court fees they have to pay.

Time and again abolition of this court fees system has been considered. Law Commission had already examined the

issue. Besides, many Jurists and legal scholars have also given their views.

There is no doubt that of late our Supreme Court have taken note of the grievances of poor people through petitions, etc. But it is not enough. The poor has to particularly go to the lower courts as well.

I would therefore, appeal to the Hon. Law Minister to consider abolition of the court fee system immediately.

12.23 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE RAVI AND
BEAS WATERS TRIBUNAL ORDINA-
NCE, 1986

AND

INTER-STATE WATER DISPUTES
(AMENDMENT) BILL—*Contd.*

[*English*]

MR. DEPUTY SPEAKER : Now, we will take up Items 4 and 5 together. Shri Ramachandra Reddy.

SHRI K. RAMACHANDRA REDDY (Hindupur) : Mr. Deputy Speaker, Sir, the way in which this Government has been dealing with the situation in Punjab is highly unintelligible to me. This is a very very grave situation. When on 24th July last year, Government entered into an agreement they were able to convince all the people of Punjab. The Punjab Accord was signed by Sant Longowal and our Prime Minister. The whole of India heaved a sigh of relief. All sections of people in India were really happy that the accord has been reached and everybody thought that the Punjab problem has been solved.

When such is the case, it is a matter where the Government should have acted very swiftly and they must have come forward to implement the Accord in a very short time. It is a case where very swift action is called upon on the part of the Government. I have said that the Government has been acting in an unintelligible

way because when swiftest action is required on the part of the Government, they have been deliberately delaying the matter. They are procrastinating. In the words of Shakespeare as quoted from 'Hamlet', procrastination is the thief of time.

When they lose time, they lose the ground too. And then the situation also goes out of their control. That is why it has been said 'Alasyam amritam visham'. By delaying a matter even Amrit will become poison. So when such is the case, because of these Government's procrastination, delaying tactics, they allowed a lot of grass to grow under their feet. They are very lethargic. They were very leisurely. That is why the situation in Punjab has gone out of control.

Now, if you see that Punjab Accord contemplates transfer of Chandigarh to Punjab before 26th January, 1986 and in lieu of Chandigarh, transfer of some Hindi speaking districts or parts to Haryana also was contemplated and in order to decide which are the Hindi-speaking areas in Punjab, a Committee was decided to be set-up. It was embodied in the very Punjab Accord itself and the Government have five long months from August, September, October, November and December, but they simply kept quiet and they didn't even move their little finger. And only towards the end of January, they thought of appointing the Mathew Commission. Is it the situation? Does it brook so much of delay? They should have acted very-very quickly. But they have not acted. They had appointed the Commission at very-very late stage—the Mathew Commission. And the references to the Mathew Commission was also very vague. It appears as if the Government does not want the Mathew Commission to come to the conclusion. It is very-very vague. They imposed the condition, that the areas must be contiguous. Even prior to reaching of the Accord, it was quite known that they were not contiguous. Some corridor has to be shown for the people to go to Haryana, etc. And it was evident even prior to the Accord, why did they impose these conditions? So by imposing this condition, the work of the Mathew Commission has become very-very complicated. The Commission

could not come to any conclusion. So they said, they were not able to come to any result. The Government lost lot of time and because of this, the Government has weakened its hands; had weakened the hands of those people who are in favour of non-violence; has weakened the hands of those people who are against these terrorists and in a way the delay of the Government has strengthened the hands of those people who are in favour of violence and those extremists who wanted that Punjab should be divided. And hence every act of this Government has resulted in the force of disintegration of this country and those who are in favour of seeing Khalistan or some such thing and those forces have been strengthened. Now, the Government has allowed either wittingly or unwittingly the initiative to pass into the hands of these extremist elements.

The second thing is about the Water award. With regard to the sharing of Ravi, Beas and Sutlej for 5-6 long months, they have simply kept quiet. Between the Accord & the present Session, there was a Session also in the middle. They didn't chose to bring in this Ravi, Beas and Sutlej river water dispute and in a way they have entered into it. This river water dispute & the Accord shows that the Government was not sincere. After all actually, there is no river water dispute, it is a dispute between two or three States. Rajasthan does not come into the picture because, this water flows through Rajasthan and the agreement is between Rajasthan and Punjab, and erstwhile PEPSU and Jammu and Kashmir and these things have been entered into somewhere in 1945 or so, and the agreement stands. The Punjab people wanted to reopen the issues. There was every objection and they said, they cannot reopen. How can an agreement between Sant Longowal and the Prime Minister bind the rights of Rajasthan?

The third thing is, it is not a dispute between the two river waters. After all the dispute is between Haryana and Punjab. They previously form parts of the same State. Punjab was bifurcated. So, it was a case of distributing the assets of the same State. So what has this problem to do with Rajasthan water? So, they

[Shri K. Ramachandra Reddy]

cannot bind Rajasthan in trying to decide the water problem. The Government has failed to come to the conclusion and they did not think of choosing to appoint this Commission since 24 July to 24 January. Only on 24 January, they thought of, that is after six months, for bringing or promulgating an ordinance and then they appointed a one man Commission. And Accord also contemplated only one man Committee.

And then a Bill was brought to replace the ordinance. One month has also elapsed. Now they thought that this Bill was out of place; there was some lacuna in the Bill, and that the Bill may not stand the test, if it goes to the court. That is why they withdrew the Bill, and have now come forward with another Bill.

What is this Bill? How can this be a river waters dispute? It is not a river waters dispute between two States. There were no two different States. It is only one State which has been trifurcated; and it is a question of allocation of funds. How can it come under river waters dispute?

They have now added Section 14 regarding river waters. Will this Bill stand the scrutiny of the courts? It would not come under Article 262, and if the court applies Article 262, will this Bill stand the scrutiny of the court? If the Bill does not stand the scrutiny of the court, further delay will be there. By losing time, it will be causing a lot of inconvenience in Punjab and to the Punjab Accord. The situation will worsen. So, for the happenings in Punjab after the Accord, I think the blame rests with the Central Government.

Now, without creating some good atmosphere, Government has rushed with the elections. In the elections, people tried to vote against the elements of violence. We thought we had defeated violence. But because of this delay, some suspicions have been raised in the minds of the people of Punjab, whether Government is sincere about implementing the

agreement, and whether the agreement between Sant Longowal and the Prime Minister will be implemented. Is the Government sincere about implementing it?

So many doubts have arisen in the minds of the people. And then, the Punjab elections came in September and October, when the Congress was defeated, and the Akali Dal came to power. I have a doubt that because the people of Punjab did not vote for Congress but voted for Akali Dal, this Government wants to delay this matter. They do not want the Accord to be implemented in full. If the Govt. is very sincere in implementing the Accord, they could have come forward with this bill earlier. Let them strengthen the hands of the Punjab Government, and of those people who are interested in the Unity of India, and let them weaken the hands of those people who want to bifurcate India, and of people who want to take law into their own hands, and those who want again to capture the Golden Temple for their own gruesome operations. The Punjab Government is also not able to deal with the law and order situation effectively, probably because of lack of full cooperation from the Centre. The situation is lapsing into a serious one. Every day, people are being murdered. Innocent people who are not at all concerned are killed—or some of them may be concerned. Every day, people read in the newspapers that 5, 10 or more people are murdered. If this situation goes on for so many months, what is the sanctity of the Accord? So, I request this Government at least hereafter to take strict action and see that the Award is implemented in toto, that the fears of the people of Punjab are allayed, and to see that the unity of this country is maintained.

RAO BIRENDRA SINGH (Mahendragarh): Mr Deputy Speaker, Sir: The river waters dispute between Punjab and Haryana, and also involving Rajasthan, is as old as the re-organized States of Punjab and Haryana. In fact, it is even older. It goes back to the time when the country was partitioned. The first accord between the States was in 1955 when Punjab, Pepsu, Jammu and

Kashmir and Rajasthan were the concerned States which reached an agreement; and the waters of Ravi and Beas were agreed to be divided in a certain proportion between them after stopping their use by Pakistan. PEPSU was a separate State at that time and Haryana was part of Punjab.

After that, Punjab was re-organised in 1966. The intention was when people wanted a Punjabi Suba and we in Haryana wanted a separate Haryana, it was for bifurcation of the then existing Punjab State—also called East Punjab after the partition of India. Punjab had already been divided between two linguistic regions, for purposes of development—Punjabi speaking region and Hindi-speaking region—and it was expected that when Punjab is divided, it will be on the basis of these two linguistic regions. Unfortunately, at that time, a third factor was introduced: topography. Instead of bifurcation, there was trifurcation of Punjab. Parts of Punjab which were recognised as Hindi-speaking included—large hilly areas, which have been given to Himachal Pradesh. Districts and tehsils of Kangra, Simla, Solan, Kandaghat, Kasauli, Kulu etc. all are Hindi-speaking areas and if all these had come to Haryana, as it was originally envisaged, and expected, there would have been no trouble. Haryana with all Hindi-speaking parts in Punjab formed as a separate State would have been much larger than the area of the present Punjab. It could not also be argued that Haryana is not a riparian State, because these two rivers Ravi-Beas originate in and flow through Himachal and these parts would have been parts of Haryana if the division had taken place on a linguistic basis. It was no fault of Haryana if some of the areas which should have come to it, being Hindi-speaking, were given over to Himachal Pradesh.

Now, I cannot understand some of my friends in Punjab and some representing them in this House refusing to recognise Haryana and Rajasthan as riparian States and that is where the problem has become complex. It has defied solution over the years. After the 1955 agreement

between States, there was an award of in 1976 declared under a notification issued by the Central Government called the Indira Gandhi Award on River Waters, Share of all the claimant States was determined clearly. Then again in 1981 there was an agreement between the three States signed by the Governments of the States concerned through the Chief Minister representing the elected governments of the people in those three States. That agreement was ratified by the then Prime Minister Shrimati Indira Gandhi. If action had been taken, to implement that agreement, my friend Sri Shankaranand now would not have to bother today about setting up of this tribunal. Perhaps he knows and he would like to enlighten us as to why there was no step taken at all to implement the various provisions of that agreement, which was, to my mind, a sacred and final agreement between the three States. It was agreed therein that the writ petitions filed both by Punjab and Haryana in the Supreme Court would be withdrawn. They were accordingly withdrawn. It was stipulated that Punjab would finalise the alignment of the canal in their territory—120 kms stretch—within a period of three three months. And if there is any disagreement between Punjab and Haryana, the matter will be decided by the Ministry of Irrigation at the Centre within a period of 15 days. Everything was time-bound. The canal would be completed under a time bound programme within a period of two years. The control of all the distribution points and the headworks would be taken over by the Bhakra Beas Management Board so that there was proper regulation and distribution of waters among Punjab, Haryana, Rajasthan, even to Delhi for drinking purposes, and to J & K. But no steps were taken from December 31st upto the time of this new settlement between our Prime Minister and the Akali Dal leader, Sant Longowal, in July 1985. It was a period of more than 4-1/2 years. If the earlier agreement of 1981 among the three Chief Ministers had been implemented, everything would have been settled within a period of two years i.e. by 1983. It was agreed that if there was any dispute about anything, the matter would be referred to the Central Government for a speedy

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decision. But none of these States made any reference to the Central Government. If there was any reference, I would like the hon. Minister to inform the House. But even then, nothing was done and the matter was kept pending. The first objection that was raised by anybody against this agreement of 1981 was by the Akali Dal in 1983. But before that time, everything could have been completed and settled if they worked on that according to the plan set out in that agreement of 1981.

I fully agree that in disputes like this where the rivers are situated within a State, there can be no solution without the active cooperation of the people and the Government of that State. It would not be right to think otherwise. That is why, since there is no other alternative except an amicable settlement through mutual agreement and there being a dispute the only alternative is setting up of tribunal. But I would have been happier if the original Bill which was to replace the Ordinance had been brought before the House and passed because that would have been an independent Act of Parliament, making the Tribunal's decision final & vesting authority to the Central Government for implementation. And Parliament has powers under article 73 of the constitution to enact laws for distribution of waters acquired under the Indus Waters Treaty of 1980. But the ordinance is being repealed and the Bill has been replaced. In fact, we are again back to square one—1955 Agreement, 1976 Agreement, 1981 Agreement, all between the states and now the setting up of the Tribunal under the 1985 settlement between the Prime Minister and (Interruptions).

SHRI SARAT DEB : Sorry for interruption. Are all these Agreements on record ?

RAO BIRENDRA SINGH : Yes, Everything is there on record. Under the 1981 Agreement, Punjab's share was from 3.5 million acre feet to 4.2 million acre feet. Haryana's share was increased at 3.5 million acre feet, Rajasthan's share use was increased from 8 million acre feet, earlier

agreed and awarded, to 8.6 million acre feet and J&K's share and drinking water requirement of Delhi were not touched; they were retained as they were earlier. The Punjab was satisfied. Punjab Government withdrew the petition from the Supreme Court, Haryana withdrew its writ petition from the Supreme Court, and Rajasthan too signed the agreement. Even now I feel that the best way would be to settle the matter without reference to a tribunal. It should be a package deal for Punjab, Haryana and Rajasthan. But since it is obvious that it has not been found possible, that step could not be taken, that is why this new Bill for amendment of the River Waters Dispute Act, and under that Act, the Tribunal, has been brought. But then, as I said, what is most important is the implementation of the recommendations of the Tribunal. Is there any guarantee given by the Punjab Government and the Akali Dal that the Tribunal's decision would not again be an exercise in futility, they would not go to court ?

I would later come to the Bill itself, but it is necessary to go into the background of this whole dispute so that the House knows what is what and why the people of Haryana and Rajasthan feel no agitated over the matter. As you know, Sir, Ravi-Beas waters, in dispute, were withdrawn from Pakistan under an international treaty, the Indo-Pakistan Treaty on Indus Waters. It was signed by our late Prime Minister, Pandit Jawaharlal Nehru and President Ayub Khan of Pakistan in 1960. The waters had to be withdrawn from Pakistan in ten years time and India had to pay huge sums to Pakistan for that, for the development of their canal system to make alternative arrangements. \$ 174 million were paid by the Government of India to Pakistan. Apart from that, over \$ 1,000 million were provided to Pakistan by the World Bank, the United States and several other friendly countries at the instance of the Government of India. India fought for these waters in international fora and obtained exclusive rights over the waters of Sutilej, Ravi and Beas. Therefore, it would be wrong to say that these water belong to the present

Punjab only. Even in the 1955 agreement between the States, waters were divided between Punjab, Rajasthan, erstwhile PEPSU (Patiala and East Punjab States Union) and J&K. PEPSU was then a separate political entity. 1.3 million acre feet was set aside for PEPSU. 5.9 million acre feet was for Punjab (which then also included Haryana). Punjab and PEPSU's total share came to 7.2 million acre feet. PEPSU was later merged with Punjab in 1956. But what is to be understood is that the whole area of PEPSU did not go to Punjab at the time of reorganisation in 1966. Large parts of the then PEPSU State are in Haryana. The whole district of Jind which was part of the Jind State with Capital at Sangrur in Punjab came to Haryana. Large chunks of the territories of erstwhile Punjab States have thus become a part of Haryana. The whole of erstwhile Mohindergrah district which is part of my constituency was part of either Patiala State or Nabha State or Jind State, all three Punjab States. Therefore, we have a share in those waters which were allocated to PEPSU at that time. Should I then not be right and justified to say that Haryana also has a share of the waters which were meant for PEPSU apart from waters which were meant for Punjab? Have we not got a right for the waters obtained by the Government of India for the arid areas of the State of Punjab (Haryana included) Rajasthan and also Delhi? I would like to ask my friends, who are raising the objection to Haryana or Rajasthan claims on the basis that they are not riparian States? Would it be possible to utilise the waters of Ravi and Beas if Pong dam had not been constructed, if Pandoh dam had not been constructed, if Bhakra dam has not been constructed and now Thein Dam which is under construction had not been taken up? And these dams and large storage sites are not in Punjab alone. If Himachal Pradesh and J&K through the good offices of the Govt. of India, had not allowed these lands to be acquired for construction of dam and storage of water, how could the waters be utilised? Would it be right if in a spirit of non-cooperation these States ask for royalty from Punjab for storage and utilisation of water of the rivers which originate in the hills of Himachal? These waters would still

continue to flow, to Pakistan for ever and both Ravi and Beas as would still continue to create floods and destroy the fertile land of Punjab. Therefore, to say that these waters only belong to Punjab would not be in the interest of Punjab itself leave aside the national interest. The Prime Minister himself in this House sometime last year stated that it is not a question of whether or Haryana or Rajasthan is getting waters, but the question the Akali should have put forward was that Punjab is so many MAF short of water. They could have said that '4.2 million acres is not sufficient for us, our requirement is more.' That was the National water policy enunciated by the Prime Minister. It was correct. It is in the larger national interest that this settlement was arrived at between the Prime Minister and Sant Longowal. The Government is committed to the implementation of this settlement. But then there has to be a proper spirit under which all have to work. If the accord.

MR. DEPUTY-SPEAKER : Please conclude.

RAO BIRENDRA SINGH : I would request you to give me a little more time because I have not spoken throughout this Session, and if you like I will not speak, I promise not to speak during this Session in future.

AN HON. MEMBER : He should be given more time.

(Interruptions)

SHRI RAM SINGH YADAV : Sir, he has been the Chief Minister of Haryana also. So, he should be given more time.

RAO BIRENDRA SINGH : Not only the Chief Minister of Haryana, but I have been in Punjab itself, I was Minister in charge of Revenue and Irrigation and Power for five years from the middle of Fifties to the early Sixties. And in the Centre I have been Minister in charge of Irrigation also when this Accord was signed by the three Chief Ministers.

MR. DEPUTY-SPEAKER : If other Members from the Congress (I) want to

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take less time, I have no objection to give him more time.

(Interruptions)

RAO BIRENDRA SINGH : This Accord was signed by three Chief Ministers when I happened to be the Minister in charge of Irrigation, Sir. (Interruptions) No, I could not implement it because after 15 days of the signing of the Accord I did not have the charge of the Ministry. So, you can't hold me responsible for non-implementation.

SHRI C. JANGA REDDY : Your Party is responsible for that.

RAO BIRENDRA SINGH : Government is a continuing process, I am not out of it, and my friend, Mr. Shankaranand is there, the Ministry is continuing. That is why I said he would probably like to enlighten us as to why the 1981 agreement was not implemented.

Sir, I was going to say that the Rajiv-Longowal Accord is to be implemented, the Prime Minister has stated this time and again. This part of the settlement, dispute about waters, to my mind, is not less important than the dispute about territory. (Interruptions). And Chandigarh also. To my mind it is more important. For Rajasthan and Haryana it is a question of life and death. Apart from that, it is a question of principle to be followed by this country and by the Parliament, whether imbalances in development should be removed or they should be allowed to continue, whether the Central Government has a role to play in the settlement of inter-State disputes over waters or the Central Government has no role to play at all. It was because we wanted that the Central Government should play a crucial, important role and it should not abdicate its authority that we persuaded Punjab and Haryana to come out of the Supreme Court in 1981 and mutually settle the whole thing. Similarly, about the same time the pending dispute over Narmada waters between Madhya Pradesh and Gujarat was settled by us. Three Chief Ministers signed an accord on Narmada

waters just before the 1981 Accord was signed, on Ravi-Beas waters—The Rajasthan Chief Minister, the Gujarat Chief Minister and the Madhya Pradesh Chief Minister signed the agreement and everything was amicably settled.

13.00 hrs.

There may be another objection by some of my friends, that Punjab farmers cannot afford to give away even a drop of water. I know the real situation because, I have served Punjab more than I have served Haryana. Out of my 32 years in various legislatures for 14 years, I was in the Punjab Legislature. Only for 7 years, I was in the Haryana Legislature and about 12 years, I spent in Parliament, I know how was the flood problem in Punjab because I was looking after flood control also, as the Irrigation Minister. I know how farmers were suffering; what huge sum had to be spent for drainage in Punjab. I know the intensity of irrigation in Punjab. I know the water allowance that is available to Punjab farmers and the water allowance that is available to Haryana farmers wherever there is canal irrigation. But large parts of Haryana, like very large parts of Rajasthan are unirrigated. In fact, even these areas which have come to Haryana from PEPSU are even without drinking water. The water is brackish. Half of Haryana needs water for drinking purposes. Most of Rajasthan areas need water for drinking purposes. And, therefore, I would request the hon. Minister to see to it that when the Tribunal is set up, after Parliament has passed this Bill presented by him, the terms of reference are so framed that again we do not come to a dead end as in the matters of territories. There should be some solution. The Tribunal should be able to look into the water allowance available to Punjab farmers and Haryana farmers Punjab farmers are as dear to me as Haryana farmers. I have served the farmers of the entire country for 5 years, rather six years, as the Union Agriculture and Minister. I make no differentiation between the farmers. But justice certainly is to be given to all states, all farmers, all over India. It would be wrong to say this. My Akali Dal friends would agree

with me that it is not the original farmers of Haryana along who are going to benefit from this water, who are going to get this water. Thousands of families of farmers in Haryana are Sikhs and they are Akalis also a large number of them. Would they like to deprive these farmers all the benefits of irrigation? Thousands of Sikhs from Mejhia in Punjab from Amritsar district were settled in Haryana. I was the Revenue Minister in Punjab and I know about it. Under the Utilisation of Waste-Land Act, thousands of families from Amritsar district were allotted lands here and hundreds of freedom fighters were settled. They will also get the benefits of this water—not only the originally settled Haryana farmers. That is why, a view has to be taken in the overall national interest. Large areas have come to Haryana from PEPSU from Patiala State, Mahendragarh district from Nabha State in Bawal tehsil in my constituency—Kanti Kheri and Kaneera which belonged to Nabha, Dadri which was under Jind State, the whole of Jind district with the capital situated at Sangrur in Punjab.

15.03 hrs.

[SHRIMATI BASAVARAJESWARI
in the chair]

They were gifted away as rewards to the Punjab State after the 1857 First War Independence because the Punjab State helped the British with their armies and we rose against the British rule and fought against the British. For 100 years, we were slaves of slaves in these parts of Punjab which have come to Haryana as they were under the princely States. These princes of the Punjab State sucked the blood of the people for hundred years and now after the country get independence, when these parts have rejoined us, they are even denied drinking water. Hundreds of crores of rupees have already been spent by the Centre and by Haryana for construction of canals Jawaharlal Nehru Canal, in this driest part of Haryana, is lying dry. It was completed ten years back. Not a drop of water flows in that canal. It will never flow unless we get our share of waters from Beas and Ravi. Will that money all go waste? There are threats that the canal already dug in

Punjab would also be filled up. Will it not be national waste? Hundreds of crores of rupees have been spent. Rs. 80 crores have already been given by the Central Government to Punjab for the construction of this canal. If I am wrong, Mr. Shankaranand would correct me. More than Rs. 30 crores have been advanced by Haryana for construction of this canal. Can national projects be allowed to be sabotaged like this.

The question that arises is the implementation of the aware of the tribunal which is to be set up.

The question that has to be determined is whether the previous awards and agreements have any meaning, or sanctity.

Would they be kept in view while a decision is taken? Would the requirement of waters be kept in view as between Punjab, Haryana and Rajasthan when the Tribunal takes a decision and makes a recommendation?

I said, we are where we had earlier started from. This Tribunal would again be a recommendatory body under the Inter-State Waters Disputes Act.

What I would ask my friend Mr. Shankaranand is this—is it a fact that the earlier Bill which was to replace the Ordinance, the Ordinance which Shrimati Geeta Mukherjee has moved to be disapproved, was withdrawn at the instance of Punjab Government, the ruling Akali party? Did they write to the Government that the Bill in that shape is not acceptable to them and that the Tribunal should be set up under the existing Inter-State Water Disputes Act? If so, why could it not be taken as a reference from a State for entrusting this matter to the Tribunal under the Act? Why should it be necessary to amend the Act to provide for Government to constitute the Tribunal suo motu? They should have brought the Punjab Government in so that they have some responsibility also. They have asked for a Tribunal under this Act. That was sufficient without amending this Act.

The other thing which I would like the hon. Minister to clarify is the status of Rajasthan in this matter. The Tribunal is to decide on matters mentioned under paragraph 9.1 and 9.2 of the Memorandum of Settlement between the Prime Minister and the late Shri Longowal. I would read the paragraphs.

“9.1. The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1.7.1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in para 9.2 below;”

Thus farmers of Punjab, Haryana and Rajasthan will continue to get water.

Next it says :

“9.2. The claim of Punjab and Haryana regarding the shares in their remaining water...

Only Punjab and Haryana.

“...will be referred to for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.”

Firstly, the proposed Tribunal's decision cannot be binding as stated in the Memorandum of settlement. They can only recommend to the Central Government and the Central Government have then to issue a notification setting up a body for implementation. The Tribunal's decision would have been final if it had been constituted under the provisions of the earlier Bill.

Now the question arises as to the share of Rajasthan. They will continue to get waters what they were drawing on 1.7.85.

Everybody knows that Rajasthan canal has not been completed. So they will not be able to utilise their share even upto 1990— for another 5 or 6 or may be 10 years. Then what will happen to their share which is 8 million acre ft as originally agreed to and 8.6 million acre ft as agreed to in the 1981 agreement ? If a position is taken by a party that Rajasthan is not a riparian State, how will this Tribunal help Rajasthan ? Rajasthan's dispute remains. You may try and settle the disputes of Punjab and Haryana under, this amending Bill, but what about Rajasthan ? They are still left in the lurch and hanging in the air. Nobody knows what will come out ultimately, because the original Act which is sought to be amended draws its power, its inspiration and its authority from Art 262, if I may quote, says :

Article 292 says

“Adjudication of disputes relating to waters of inter-State rivers or river valleys”

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

That is why objection was raised to the earlier Bill by a Party and Government has accepted that position and brought this new Bill, And I quote clause (2) :

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

Now, you are putting bar on jurisdiction. It already exists in the inter-State Water Disputes Act, Under Article 262 this bar can be put if the matter relates to inter-State waters or inter-State valleys That is the point. If somebody says that these waters are not inter-State waters, there is

no bar on jurisdiction. Somebody can move the Court ..

(Interruptions)

that this tribunal cannot take cognisance of the claims of Rajasthan.

SHRI VISHNU MODI (Ajmer) : Which Minister has assured on the floor of the Rajya Sabha ?

RAO BIRENDRA SINGH : I would like him to assure this House also that Rajasthan's rights would be preserved; that Haryana would get justice.

SHRI INDRAJIT GUPTA (Basirhat) : As per the tribunal ?

(Interruptions)

MR. CHAIRMAN : How much time would you require ?

RAO BIRENDRA SINGH ; If you would like, I can sit down just now. I am under your orders,

(Interruptions)

In fact every person in Haryana wants to speak on this.

(Interruptions)

AN hon. Member : Rajasthan also.

RAO BIRENDRA SINGH : All I would like to say is that implementation of the accord is necessary to keep peace in the country.

The matter can only be solved with the help and cooperation of the people in Punjab and the Government of Punjab. It would be foolish to think otherwise. But we have to look at the facts as they have come to light so far. Punjab Government cannot ask for implementation of one part of the agreement. Handing over of Chandigarh to Punjab should have been done, according to them, on 26th January without Haryana getting anything in lieu of Chandigarh. Then the other part of the accord is completion of the canal by 15th of August, whether we should go by the assurances which may have been given to the Central Government by Punjab Government or we should go by the utterances of the leaders day in and day out saying that there is no surplus water in Punjab.

SHRI INDRAJIT GUPTA : No use digging the canal.

RAO BIRENDRA SINGH : Yes,

Mr. Indrajit Gupta, they say it is useless to dig the canal. Of course, the Chief Minister has said it. The Chief Minister himself, no less a person than the Chief Minister and in the Assembly ! It will be a waste of money. No surplus water is there in Punjab to give to anybody. Then, what is the sanctity of this Accord signed by the Prime Minister and the Akali Dal leader Sant Harchand Singh Longowal ? It was a part of the Accord and we have to look at it in toto. If the canal is not to be dugged then where does the Accord stand. If Haryana gets nothing in lieu of Chandigarh, how does Chandigarh go to Punjab ? I will be very happy if Chandigarh goes to Punjab as soon as possible; but then will it solve the problem ? Will law and order in Punjab improve just because of that, because of the transfer of Chandigarh ? Will the agitation in Haryana stop and people won't demand water, people won't demand any Hindi speaking area from Punjab ? It won't be solved. That is why I have said that all this has to be taken up together.

The fact remains that after the Accord, out of about 3800 acres of land that was required for construction of the canal, only about 2100 acres have so far been acquired. Out of about 120 kilometres stretch of canal to be constructed in Punjab territory, earth work has been completed only on, I think, 50 or 52 kilometres—less than half. In the rest of the area there is no earth work at all. That shows that there was no intention to dig the canal. If Mr. Shankaranand is confident that this canal would be completed and he guarantees and assures the House, I will be very happy.

But as things are, the work is found to be very slow, unless you have a proper agency and monitoring system. Under the 81 Agreement the alignment was to be completed within three months. It could not be completed even within five years. The Central Government had to give a decision in case of any dispute within two weeks. But nothing was done. Till now the alignment is not finalised. The land is not acquired so far.

The Akali leaders who are bound

[Rao Birendra Singh]

by the Accord, the Ruling Party in Punjab which is bound by the Accord just as our Party is bound by the Accord, of course, our Government is bound by the Accord.

SHRI VISHNU MODI : They say that the Akali Dal party is bound by it, but not the Government.

RAO BIRENDRA SINGH : The Akali Dal Government is there because of Sant Longowal and the Accord and the promise which they made to the people that they want to bring peace to Punjab. I don't know if they have changed their stand now. I am not in a position to say anything. It is for the Government to speak about it. But there has to be some machinery set up. Under the 1981 award Bhakra-Beas Management Board had to take control of all the head-works as originally envisaged in the Punjab Re-organisation Act, 1966. Since 1966 we are asking for a joint control of the head-works which distributes water. It could not be done. In 1981 it was not only the head-works but all regulatory works. It was left to the Bhakra-Beas Management Board to select all the points from where water was regulated and distributed to various States, viz., control of gates. That was not done. Even for that if there was any dispute they could refer the matter to the Central Government. Then it could have been decided within a limited period of fifteen days. That was part of the Accord.

So now how will this tribunal verify how much water has been used by Punjab; how much water has been used by Haryana because the control of the distribution points was with Punjab? What inquiry can the tribunal make of the record as it stands there? How can that be challenged by this tribunal? What is the way out? Therefore, it will only be just a formal exercise if we go only by the record which Punjab officers have prepared about the usage of water, on a particular date. *(Interruptions)*

So, Sir, what is important is that the tribunal should be given proper guidance and authority not only to look into the

waters used on a single day in the year but also the waters required. There should be a fair and just distribution of these national waters, national resource of the nation, which had been obtained for the country by the Government of India on the basis of geographical area, on the basis of requirement, on the basis of aridity, climatic conditions and the necessities because the entire country has to develop.

Sir, Punjab, as I said, deserves all help. Punjab farmers should not be allowed to suffer. But it should not be a point of prestige for any party or Government to say that Punjab will use all the water whether it requires so much water or not—I know thousands of acres of land from year to year are becoming wastelands in Punjab because of excessive irrigation and seepage from canals and because of floods. Now floods have been reduced, to some extent, because of the construction of large storage dams. But then we have to decide whether in this country the rights of the farmers cease the moment redistribution or re-demarcation of administrative boundaries between States in the Union takes place? That is the question. Haryana has now several districts of former PEPSU. Delhi is not a riparian State. The capital of India needs drinking water and 0.2 million acre feet has been set aside for Delhi's drinking water needs. Transfer of Hindi speaking and Punjabi speaking villages between Punjab and Haryana is envisaged in the 1985 settlement also. Will their rights be affected and be dependent on transfer?

Tomorrow can't Punjab also say that Delhi has no right from Beas and Ravi? That will be the next thing. If we accept the contention that Haryana and Rajasthan have no right to share, then Delhi has no right. Nobody else has any right in this water dispute. These are very ticklish matters and the Government of India has to work very hard persuading our friends in Punjab to see reason. We have to appeal to our friends from Punjab and to all sections of the House.

[Translation]

SHRI CHARANJIT SINGH : Our needs should also be met.

[English]

RAO BIRENDRA SINGH : I agree. That is what the Prime Minister said. Punjab should say what is their genuine requirement. But they should not take a stand that nobody else has any right in this. We were part of Punjab. The waters were obtained by the Government of India for Rajasthan also and Pandit Jawaharlal Nehru made a strong case before the World Bank for Rajasthan's requirements. Even the Ferozepore headworks might have gone to Pakistan. Then you would have lost a lot of water. There was even a move, as we understand, and it was at the last minute that because of the consideration for Rajasthan, for consideration of the Rajasthan canal which takes off from Ferozepore headworks that a decision was taken that Ferozepore headworks will remain in India.

[Translation]

SHRI CHARANJIT SINGH: The boundary of Pakistan was also being drawn ahead of the present one had we not been there. There was no talk about Ferozepur.

RAO BIRENDRA SINGH : You were there; we also were there. Everything is known.

[English]

So, it is not a question of Punjab and Haryana alone. These farmers whether on that side of the border of Punjab or on this side in Haryana are all one. We want to share things with you all. You should share with us what we have got. You are sharing with the entire country certain things. As I said, would there be storage sites like dams for Beas and Ravi? If these other States had not helped you to acquire land if they had not allowed you to construct Pong dam, Pandoh dam, Bhakra dam, Thein dam these four large dams and the Sutlej-Beas link canal, Madhopur Beas link canal would not have been possible. So, all these waters can be utilised only because the entire nation has helped Punjab & Punjab farmers & Haryana farmers were not different. Today you might dispute Haryana's claim. One of your Akali Dal M. Ps, Sardar Teja Singh Dardi who is now in Akali Dal might

support your stand today. But in 1967, when I was the Chief Minister in Haryana and he was my supporter. He was an M.L.A. from Haryana. Now, he is an MP from Punjab on Akali Dal ticket. Then he was with my Vishal Haryana Party and he pledged to support our stand. When I claimed 4.8 million acre foot of water for Haryana for its need for dry areas, he was with us. So, we are all one. How can you now put a dividing line like this and try to be entirely isolated from the nation?

All I say in the end is that there is a question of the larger interest of the nation. I am not one of those who think that the integrity of the country will be jeopardised, this and that, that our security will be in danger. India is so large, so powerful that agitation here and dis-satisfaction there cannot affect this country much. Let those who want to extend threats forget about it. Terrorism has never helped any country in the world so far. Violence in fact, has been counter-productive always. In my view, terrorist tactics help to strengthen the country rather than weaken it, because other people get united and stronger and well-knit.

I know, Punjab wants to remain and shall always remain a very important part of this country. Anybody who thinks otherwise is not sane. Whatsoever a few people may talk, I know Akali Dal is full of patriots. Akali Dal was sharing power in the Punjab in the Kairon Ministry in which I was also a Congress Minister there and we used to look at things with the same eyes. There was no dispute whatsoever. But what is at stake is the credibility of the Government in Punjab, credibility of the Akali Dal and its leaders. And if I am permitted, I would even go to the extent of saying that it is the credibility of the Central Government also which is at stake.

We are interested that everything should end up fairly, nicely, amicably and finally, and for that end, we have to work.

The various pitfalls and loopholes that exist in the working of the Tribunal under

[Rao Birendra Singh]

the Inter-State Waters Dispute Act have to be plugged. The Government of India has to proceed warily in this respect with a clear thinking. The guidelines to the Tribunal and the terms of reference have to be framed very cautiously, not like the Mathew Commission or any other Commission for that matter. After all, we must first think of the net result, the outcome. Setting up of tribunals and commissions comes to naught if the outcome is not ensured.

With these words, I have been able to express the sentiments not only of the people of Haryana particularly, but the general feelings in the country as a Member of this august House.

I support the Bill and oppose my hon. friend Shrimati Geeta Mukherjee's statutory resolution for disapproval of the ordinance. I do not know why she should have moved that.

THE MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : She has supported the Bill.

RAO BIRENDRA SINGH : I support the Bill because this is a step towards solution of a very complicated problem and there is no other way but to proceed in a manner in which we can find a solution in consultation with the parties concerned of which Punjab Government, and the Akali Dal are as important as Haryana and Rajasthan.

MR. CHAIRMAN : Shri V. C. Jain. No member may take more than five minutes please.

(Interruptions)

MR. CHAIRMAN : Let me see how the discussion will proceed. You please resume your seats.

AN HON. MEMBER : You must extend the time.

SHRI G.G. SWELL : It is a complicated subject.

SHRI BALWANT SINGH RAMOO-WALIA : We are mainly the concerned parties.

[Translation]

SHRI VISHNU MODI (Ajmer) : What will we speak in 5 minutes ?

SHRI BIRENDER SINGH : (Hissar) It is a very important issue. Five minutes will not suffice.

SHRI VISHNU MODI : It affects 3.5 crore population of Rajasthan. Madam Chairman, five minutes will not at all be sufficient.....

(Interruptions)*

[English]

MR. CHAIRMAN : As I have told you, the time allotted is only 3 hours. Let us see how the discussion will proceed. I will look into it. Please resume your seat.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer) : Hon Members Shrimati Geeta Mukherjee, Shri Raghuma Reddy and Rao Birendra Singh have expressed their views on the Bill very impartially. Concern has been expressed from all quarters and all have supported the demand for protecting the rights of Rajasthan. Expressing my views on the Bill, first of all I want to draw your attention towards its historic background.

The first international agreement on the waters of Ravi and Beas was made on 29th January, 1955 and at that time it was decided that out of the total 15.85 million acre feet water of Ravi and Beas, Rajasthan will be given one million acre feet. After that, another agreement was reached between India and Pakistan in 1960 which is known as Indus Treaty. Before that between 1948 and 1960 there used to be constant water dispute between India and Pakistan. Subsequently with the help of the World Bank it was decided in the agreement that the waters of Chenab, Jhelum and Indus should go to Pakistan and the waters of Ravi, Beas, and Sutlej should go to India. It was an

international agreement and these rivers were, at that time, international rivers. In the agreement entered into about the rivers, the most important role was that of Rajasthan and its desert and the area which comes under my constituency, that is Barmer and Jaisalmer which are the most desert-bound areas of the country. The then Prime Minister, Shri Jawaharlal Nehru, keeping in view the situation of these areas, had said that there were regions in our country where there remained acute water crisis, people did not get even drinking water and in such areas, unless water of Ravi, Beas and Sutlej rivers is made available, there could not be any irrigation and for this what the then Prime Minister Shri Jawaharlal Nehru had written on 11th July, 1960 to the President of the World Bank, I would like to repeat because that is an important document :

[English]

“The Rajasthan Canal is vitally important to us and our planning is based on it. Any great delay in providing adequate supplies of water to the Canal would create very difficult political, social and economic problem.”

[Translation]

Had not the then Prime Minister argued the case on the basis of the desert area, the Ravi-Beas water that we are getting today would not have been made available to Punjab, Haryana or Rajasthan. This treaty could be entered into because of Rajasthan being a desert area and the situation at that time was such that in India only 5 lakh acres of land was being irrigated whereas in Pakistan 18 lakh acres of land was being irrigated. As Pakistan was irrigating more land than us and as we had pleaded on the basis of desert area, we could get this water. To get this water, an agreement for Ravi, Beas and Sutlej was reached in 1955, and one million acre feet was allotted to us about which I have already told. After that, neither Akali Dal nor any other party raised any dispute for

20 years. I would submit to this extent that when Janata Party came into power in which the present Chief Minister of Punjab was the Irrigation Minister, even then this dispute was not raised by him. In this way, no dispute was raised about the share of Rajasthan. Now when the question of distribution of water between Punjab and Haryana was raised, both Punjab and Haryana had a right to fight for their shares. The Central Government solved the dispute and allocated 3.5 million acre feet of water to Haryana, 3.5 acre feet to Punjab and 0.2 million acre feet to Delhi. An appeal was filed in the Supreme Court against this. A reference was made to the Supreme Court but no decision could be taken. Then the three Chief Ministers namely, Shri Shiv Charan Mathur, Chief Minister of Rajasthan; Shri Darbara Singh, Chief Minister of Punjab and Shri Bhajan Lal, Chief Minister of Haryana submitted the case before the Prime Minister. An award was given by the Prime Minister which was accepted by all. When all had accepted the award, the Akali Dal raised the question. Tripartite discussion took place in which all parties were unanimous about this so much so that Akali Dal did not say anything about Rajasthan's share because it was never a matter of dispute. That is why I fail to understand why earlier an ordinance was promulgated which was replaced by a Bill and then again a new Bill was introduced wherein Rajasthan was also included for the purpose of verification of the consumption of water as on 1st July. I would like to know the reasons of this verification when an Inter-State agreement had already been made in this regard twice, in 1955 and in 1961. Rao Birendra Singh aptly pointed out that this could have been verified from the records. This information could have been verified from the Bhabra-Beas Management Board records and there was no need for further verification. It is posing a serious problem to us.

Secondly, the problem of water is a matter of life and death for us in desert areas. The Rajasthan Government has invested its share of 52.69 per cent in all the joint projects whether it was Bakhra-Beas or the construction of Bakhra Dam itself. The Rajasthan Government has

[Shri Virdhi Chander Jain]

extended the Rajasthan Canal upto Jaisalmer district and Mohangarh. We intend to extend it beyond that in order to provide a permanent solution to the drinking water problem and adequate water for irrigation so that the agriculture production gets a boost. We want an assurance from the Central Government here and now, that there will be no alteration in the 1955 and 1981 agreements and those issues will not be reopened at any cost. These agreements should be followed in letter and spirit.

Thirdly, we would like—as Rao Birendra Singh also pointed out—that the Headworks should not be controlled by Punjab Government. Under the Punjab Reorganisation Act, 1978, it was categorically stated that the control of these works shall be handed over to Bakhra-Beas Management Board. Even the Rajasthan Government had repeatedly drawn the attention of the Centre to this fact but why is it coming under pressure and adopting such an attitude? Had the Bhakra-Beas Management Board been in complete control, this dispute would not have arisen after so many years? It is the bone of contention today because the Board is not the controlling authority.

I would conclude in another five minutes. I would not take much time because I know that it is an important matter relating to my area and it is a question of survival for us. Therefore, I would express my views in brief and not dwell at length on them. I was submitting that it is an extremely important matter for the desert area because if this area is irrigated well, it would help in boosting the agriculture produce in the country.

In my view we should formulate a national policy in this regard so that the deficit areas could be provided water by diverting it from the surplus areas. This would not only help in progress but also in strengthening unity of the country.

I would like to draw your attention to the news item in "Indian Express" dated 24th March wherein the statement issued by Punjab Government categorically shows

that this can never be the absolute property of the Centre and points out that it can be the absolute property of Punjab alone. I mean to say that the statement made by the Centre in this regard is being repeatedly contradicted by the Punjab Government and its officials. They do not seem to have any clear policy in this matter. We do not believe them because we have always found that the Akali Dal never keeps its promises. In fact, we do not even know whether they would stick to the decision that will be taken now in this respect. Prior to this they did not implement the 1955 and 1981 awards in letter and spirit. How can we believe that they will keep their promise this time?

SHRI MOOL CHAND DAGA : Now this is the responsibility of the Akalis to stick to it.

SHRI VIRDHI CHANDER JAIN : Now, the responsibility of the Centre also increases. The Bill seeks to take this step in the larger interest of the country. I am sure that it would be in the interest of the country.

I hope that necessary arrangements will be made to provide water to the desert areas which are facing acute drinking water problem. I believe it is only then that interests of the country could be safeguarded. Our Hon. Prime Minister has also assured us that the interests of Rajasthan will be safeguarded at all costs.

In the end, I would like to request you to pay due attention to my views.

SHRI BIRINDER SINGH (Hissar) : Madam, Chairman, the proposed amendment to the Interstate Water Dispute Act by the Centre is to facilitate implementation of Rajiv-Longowal Agreement so far as water dispute is concerned. But before I speak on it I think it is my duty to touch some basic facts, though the hon. Minister and the concerned Ministry may be aware of it.

Prior to the reorganisation of Punjab in 1966, various committees like Haryana Development Committee and Food Committee were constituted to decide on the

distribution of water. A Food Committee was constituted under the Punjab Government in 1965. Even at that time it came to the notice of the Committee that the Hindi speaking areas in Punjab which were to form part of Haryana, had water requirement of 4.56 Million Acre Feet. Later on an implementation committee was constituted to ensure that the water requirement of Haryana is fully met. Besides this, Haryana Development Committee was constituted to ensure speedy development of those Hindi speaking areas which were to form Haryana.

14.00 hrs.

Agriculture was given highest importance in development and to mobilise resources a high-level committee, comprising civil servants, legislators and other eminent men, was constituted. Even that committee stated in its report that the water requirement of Haryana was 4.56 million acre feet. Similarly the Indus Water Treaty ensures water supply to Punjab since 1970 and to those areas which were deprived of canal water. The treaty aimed at regulating the water supply in these areas. I would like to point out to the hon. Minister that though he may have been incharge of the irrigation Department for long but the date of 1st July 1985 that he has fixed to verify the flow of water is arbitrary and improper. I dare say, that even if he has to calculate the inflow of a small tributary of 30 cusecs he will have to verify the flow of water for at least 15 days ..(Interruptions) I have started just now. I do not think that we can calculate the quantity of water that was distributed to Punjab, Haryana or Rajasthan by fixing a date say 1st July 1985.

Secondly, if we give such vague terms of reference to the tribunal, as fixing 1st July 1985 as the base date for water supply, I do not think it would be able to reach any conclusion. There can be only one alternative and that is to assess the entire crop, the revenue receipts in Punjab and other States prior to 1st July 1985 or make an assessment of the crops after 1st July 1985 till date. That can be the only proper measurement of the water supply. Otherwise the headworks is under the

control of Punjab and it is they who release the water and maintain record, and this cannot be decided at any level.

So far as Ravi-Beas water and the Indus water treaty is concerned if the Akali Government in Punjab insists on riparian rights I would like to remind them that prior to Indus Water Treaty the Ravi-Beas waters were utilised in Pakistan whereas Punjab which included Haryana used to get 1.98 MAF water and Rajasthan about which they say it is not a riparian State also used to get 1.1 MAF water from Sutlej river. In this way 3.13 MAF water from Sutlej was to be distributed between Punjab (including Haryana) and Rajasthan. In 1955 when Indus Water Treaty was signed, the share of Punjab and PEPSU was fixed at 7.2 MAF. PEPSU was formed after the merger of many princely States of that area and now a large part of it is in Haryana. Whether it was Patiala State, Jind State, or Mohinder Garh, water was distributed among them on the basic requirements because before 1966 Punjab and Haryana were one State, and at that time water was given on the basis of need-based areas and to those areas which could be fed from canal irrigation or where the facility could be provided.

In addition to it, I would also say that when in 1966, Punjab and Haryana became separate States, it was decided that Haryana would get 4.8 MAF of water for irrigation purpose. It was also added that :

[English]

“SURPLUS RAVI-BEAS WATER TO HARYANA—Haryana based its claim on the basis of backwardness of the canal irrigation less rainfall and limitation on conventional expansion of irrigation facilities.”

[Translation]

On this basis, water was distributed and 4.8 MAF water share was allotted at that time. But a Fact-finding Committee was formed in 1970 to submit its report to the Central Government. That Committee also recommended 3.78 MAF of water as

[Shri Virdhi Chander Jain]

Haryana's share. Besides that committee, other committees also submitted their recommendations to the Central Government but the Punjab Government, whether Akali Government or Congress Government, did not stick to its stand. First they agreed but later on they withdrew. In 1981, an agreement was signed by the three Chief Ministers of the States under the guidelines of our Late Prime Minister Shrimati Indira Gandhi the details of which have been given by Shri Rao. It was decided therein to leave aside the 3.78 MAF decided by the Fact-finding Committee; to leave aside the report of Expert Committee as also 4.68 M.A.F. fixed at the time of Reorganisation of Punjab, and an agreement was reached on 3.58 M.A.F. and both the Punjab and Haryana Governments agreed to implement the same. Akali Government, in Punjab, is demanding implementation of those articles of Rajiv-Longowal Accord which suit them and regarding those articles which have to be implemented by Punjab Government of Akalis themselves, particularly distribution of water, they simply say that not even a single drop of water is surplus there. When the question of digging of canal comes, some other type of element there talks of filling up the canal instead of digging it. I pity those who call themselves intellectuals. Some days back, their statement appeared that Prime Minister Rajiv-Longowal Accord be implemented and that can be done by transferring Chandigarh to Punjab. Those who call themselves intellectuals and prominent citizens of the country talk in this manner on the one hand and on the other hand, when the question of digging of canal for Haryana comes, they prefer to keep silent. As a Member of the Parliament, I say that everyone in Haryana wants peace in Punjab. There are elements in the country today which have tried their best to mislead the people of Haryana, instigate them and to cause communal riots there but we feel that the farmers of Haryana and Punjab have common interest. They have common social and economic way of life. They have common conduct and do not want and conflict in spite of provocation from any side, but they definitely want that Haryana should get its share. We don't

want that Punjab's share should be given to us.

I shall conclude after citing one instance that 98% of underground water in Haryana has been utilised.

[English]

98% of total ground water in Haryana is exploited through tubewells. That comes to 8 million acre feet.

[Translation]

On the other hand Punjab has 20 MAF underground water which it has not so far exploited.

[English]

SHRI BALWANT SINGH RAMOO-WALIA : What is the authority of these statistics ?

[Translation]

SHRI BIRINDER SINGH : The authority for this is that a survey was held to this effect and as a result thereof, these figures of eight millions and twenty millions were arrived at. This survey was done to decide whether more tubewells should be installed in Haryana and Punjab or not. These figures were the outcome of that survey and that is why I am quoting them here. I mean to say that if Punjab needs more water, we do not want their share, but it is not proper to say that being a riparian State they are prepared even to drown but would not give water to Haryana and theirs is a river-basin State but they would not give water to some other State. I would like to tell you that people of Haryana are suffering at loss of Rs. 250 crores annually. If water is supplied to them, their income will increase and their economic condition will improve. Haryana is suffering this loss for the last 16 years and a total loss of 4 thousand crores, is caused to Haryana till now due to the non-completion of Sutlej-Yamuna Link Canal. I would definitely say that when the people of Haryana want full implementation of Rajiv-Longowal Accord, at the same time we expect and request the Central Government that if Punjab Government does not fulfil any of the

conditions of the Accord to be fulfilled by them, then the Akali Government of Punjab has no right to approach the Central Government regarding other Articles. People of Haryana will not at all agree and tolerate this situation until the water allotted to Haryana which is its life-line and which is the question of life and death for Haryana flows into the fields of Haryana. There is no utility to discuss and talk about the implementation of other articles of Rajiv-Longowal Accord.

With these words, I would emphasise that while implementing the Rajiv-Longowal Accord, which is necessary in the national interest and also to ensure peace in the country, the above-mentioned points should be taken into consideration and the people of Haryana guaranteed their due share.

[English]

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Madam, one may very well understand the feelings and sentiments of the speakers from Punjab, Haryana and Rajasthan, who spoke before me. But I believe, you are wondering why I should speak on this. (*Interruptions*). The problem is not of Punjab, Haryana and Rajasthan only. When India is in danger, we feel it is our duty to speak out and you are responsible for all this mess that is going on. So much delay has been caused when you moved the Bill replacing the Ordinance and that Ordinance was promulgated after six months of the signing of the Accord. The Accord was signed on 24th July 1985 and this Ordinance was promulgated on 24th January 1986. And when you understood that according to the provisions of that Ordinance you cannot proceed further, we are happy you did not delay much as you did previously, and as is your habit, instead you have come forward with the Bill and is trying to amend suitably the provisions of the Inter-State Water Disputes Act.

Now, the hon. Member, Rao Birendra Singh, has said that he wanted the earlier Bill to be enforced, not this one and he wanted to know why Punjab did not refer the case to the tribunal. That is for the Akali Dal and Punjab Government to say and I believe, when the representative of

the Akali Dal will be speaking, he will give an account of that. But I wonder why Haryana did not refer it to the tribunal. It is simple and whoever will be speaking afterwards from Haryana, he should speak out on that. I want to know one thing as has been asked by Members of all the concerned States who are getting water. As has been provided in the Rajiv-Longowal Accord the existing use of water by Punjab, Haryana and Rajasthan will be ensured. That has to be reiterated again, if necessary, and our opinion is that no question can be raised on this, that Rajasthan will be denied and Haryana will be denied. Nobody can raise this. And if any effort on that is being made, we declare that we are going to oppose that. But there is one snag in this that in the Accord itself it is mentioned, 'water used as on 1.7.75'? And that was a great mistake, I believe. It cannot be on that particular day as has been correctly pointed out by Mr. Birendra Singh for on that particular day and on the basis of a day it cannot be finalised and it so happened that on that particular day the supply was less for Haryana and that became the bone of contention.

RAO BIRENDRA SINGH : That only means that till such time as water sharing is decided, till then this will continue. It is not for ever.

SHRI SAIFUDDIN CHOWDHARY : It is in the Accord also, it is stated, 'as on 1.7.1985' and that was the bone of contention and it was exploited by certain vested interests to rouse the passions of the people of Haryana. Nobody came forward to clarify the issue that it cannot be for a particular day, as we clearly understand. You have to make a clarification on that also. We want to see that this Tribunal acts properly and judiciously and its formulations are binding on everybody concerned. The Central Government has the duty to see that the verdict of the Tribunal comes into force.

Now, on other aspects, so far as the question of SYL canal is concerned, I must say that we firmly stand that it should be completed according to time schedule. Nobody can raise any question as to the digging of the canal. If it is not dug, the Accord will be buried. It

[Shri Saifuddin Chowdhary]

has to be dug. I have seen that Bharat Kisan Union is demanding to change the alignment of the canal and also refilling of what is already dug. It is an irresponsible statement. We have to unite here and our friends—Akali Dal members—I believe, have every good of this country in their mind and they will take every responsibility to see that no vested interest succeed to subvert this construction of SYL.

Now, the Central Government has certain responsibility. They have been committing mistakes and they are doing harm to the interest of the country. I do not know why. Even according to the Mathew Commission, the question of transfer of Chandigarh is in lieu of certain Hindi speaking areas given to Haryana. Why was it not finalised? Chandigarh had to go to Punjab and certain Hindi areas had to come to Haryana. Why did the Commission get stuck up with Abohar and Fazilka. But in the Accord, it is nowhere mentioned that Abohar and Fazilka has to be given or re-census would be done here. Had there been no other areas? It is written very clearly that contiguous areas should be considered. The Mathew Commission said that on this basis, those areas cannot be transferred. Had there been no other areas where the census could be done to ascertain whether they are Hindi speaking areas so that those areas could be transferred to Haryana, according to the principles of the Accord.

Another rattling thing which I want to bring to the notice of the House is this. The Mathew Commission has said :

“An offer made on behalf of Punjab, of 13 villages in Rajpura Tehsil of Patiala district in lieu of Chandigarh was, however, rejected outright by the State of Haryana and, therefore, the Commission was not called upon to examine the same.”

So, I would like to know was that the Commission for Haryana only? Was that not an independent Commission to decide

upon this particular aspect, not Abohar and Fazilka alone? What is there in Abohar? Is there any gold mine? Then, I can also make a claim for it. I was told, when I went to Haryana, one interesting thing, namely good cotton is produced in Abohar and Fazilka. So, Haryana insists on Abohar and Fazilka. If that is given to Haryana, whether only the land will be given and not the people? So, unnecessary and ill-passionate things are brought in. I charge that the Mathew Commission was subverted intentionally. Though Mr. Rajiv Gandhi who is the Prime Minister of this country and President of the Congress Party, signed the Accord, his Government did not see that it is implemented properly. Their own Party people from different concerned States are speaking out in different tunes. They raise hue and cry; some body says, there is no question of giving Chandigarh so far as Abohar and Fazilka are not transferred to Haryana.

SHRI RAM PYARE PANIKA : Who said this?

SHRI C. JANGA REDDY : It is said by Shri Bhajan Lal.

(Interruptions)

MR. CHAIRMAN : You are interrupting too much, please.

SHRI SAIFUDDIN CHOWDHARY : I also do not support the way certain people are acting in the name of Samast Haryana convention and all that. It is not the way to do things like that. I have no objection to the demand for the removal of Haryana Chief Minister. He has committed so many misdeeds. There should be united effort of all Opposition parties to remove him from power. I will support if they raise the demand that the Punjab Accord has to be implemented and the Chief Minister should be removed, as he is sabotaging the Accord. The Punjab Accord is to be fully implemented. I have no objection also if they demand that the interests of all the concerned States have to be safeguarded. They should get water. But that is not the only thing. It is not simply related to the water of Ravi and Beas. Much more water is required for Haryana also. Much more water is

required for all these States. We have to find a long term solution for that. How can we irrigate all the land that is not irrigated till now? It is a separate question. But any effort to subvert the record will be very dangerous and very harmful. On this, I want also to make a point the way things are moving in Punjab and the hon. Members of Akali Dal should not take it as their own thing. It is a matter of concern for all of us, the way terrorism is increasing in Punjab and in that, if Mr. Balwant Singh Ramoowalia says that they are doing enough to combat terrorism, it is his opinion. But I must say that the Akali Government has to take much more definite steps to combat terrorism, they have to do that and in that effort, we are going to offer all our support to them.

This is the question of interest of the nation. Certain demands are being raised by the Members of Congress-I that there should be President's rule in Punjab. It is most suicidal, most immature that we should do certain things that will jeopardise the atmosphere that has been created after the accord and that will also affect the interests of the country. That should not have been done.

We want to see that the Punjab accord is fully implemented. We want to see that the interests of Rajasthan and Haryana are ensured. We want to see that SYL canal is dug properly, according to time schedule. We want to see that Chandigarh is transferred and in lieu of that, certain Hindi-speaking areas of Punjab are transferred to Haryana also.

In this manner, if steps are taken sincerely, keeping in view the national interest, not being moved by passions of region and State, then I believe, this serious problem can be solved. (*Interruptions*) I say that some of the Congress-I leaders have of late taken a good stand also. They are not now insisting on Chandigarh and Abohar and Fazilka. They are saying that water is the main thing. You take up the issue with Shri Bhajan Lal (*Interruptions*). We want to see that the Punjab accord is fully implemented. With these words, I conclude.

14.28 hrs.

[MR. DEPUTY SPEAKER *in the chair*]

SHRI K.S. RAO (Machilipatnam) : Mr. Deputy Speaker, I rise to support the Bill. In fact, this could have been done much earlier. Anyway, with a view to implement the accord early and to overcome some of the impediments that come in the way, the Government has gone in for an Ordinance, though delayed by six months. At least now, as my friend Shri Saifuddin Chowdhary is saying, the Government has come forward with a Bill very early but the same speed should be maintained once again in the implementation of the accord by avoiding any loopholes, if there are any.

I do not know the need for bringing this amendment. This is required only when neither of the Governments were to refer the matter to the Government of India but this could have been done by any one of the Governments anywhere. Possibly because none of them have asked the Central Government have come with this amendment to take up this and to constitute the tribunal without their asking even. But it is visible that the water resources of this country were not being put to correct use in time with the tempers going high caused by provocations of vested interests in the various States.

Keeping this thing in mind and along with finding a solution to the implementation of the Punjab accord, similar problems are also existing outside the Punjab and Haryana must also be taken up. For example, in Andhra, regarding the Telugu Ganga project an accord has already been reached. But still there is a dispute between the various States and instead of waiting till such time that a similar situation arises in these States, if the Government of India were to take similar measures either by bringing an amendment or in constituting a tribunal to sort out these matters also either with the consent or without the consent of those States, in the interests of the nation, this will go a long way not only in improving the economy but also in utilising the human resources which have already acquired expertise in construction of river valley projects.

[Shri Saifuddin Chowdhary]

Coming to the Bill before the House, 130 crores of rupees have been spent in digging the canal which is not put to use till to-day and this clearly indicates unnecessary wastage of resources of this country. I request through you the members of the various parties particularly the Akali Dal or the Government of Punjab as well as Haryana and Rajasthan to realise that instead of delaying this matter to get more than what is their due, when they have left it to the decision of the Central Government, they must abide by it without any hesitation and make use of the resources early and get dividends for their people. Delay means loss and any loss caused to the people of Haryana and Rajasthan by Punjab or by Haryana to the people of Punjab or Rajasthan will be reflected on the national economy for which they are also partly sufferers. If this realisation is there among the various States, then there would not be these disputes on this delay in extracting or taking out the wealth from the unused waters.

From this and such other incidents, we can derive a conclusion that possibly it is time for the Government of India to consider all the water resources in the inter-State rivers as national assets and the Government of India itself can take up these projects without consulting any of these States, depending upon the need, the economy and the resources. By leaving these things between the States not only the economical benefits are not being given to the people but the tempers are rising higher and higher which, in turn, lead to a lot of problems political, economical, and social giving an opportunity for vested interests outside the country to play havoc in this. At least now the Government of India has come forward. But without making any more delay—I do not think if it is possible for the canal to be completed by August 1986 as anticipated or as accepted in the accord—at least a sincere effort must be made by the Government of India irrespective of the co-operation by the concerned Government as a work to be done under war footing. And the House, as it has expressed through many of the members, will stand united for getting these

benefits totally and early to all the States as decided by the Tribunal. We understand that an accord has already been reached earlier in 1985 but I do not know for what reasons it was not implemented and once again revoked or disputed. By delaying this a lot of people who could have secured enough work in Punjab and Haryana must have been sitting idle, those resources are also getting wasted. Rajasthan, is not mentioned in this, only two States are mentioned in this amendment. Its interests should not be forgotten. Similarly the interests of J&K and Delhi should be protected.

SHRI MOOL CHAND DAGA :
Punjab should also not be forgotten.

SHRI K.S. RAO : It is not simply a question of somebody's claim because the river flows in their States. It is not in the national perspective. If any State people think in terms of such narrow perspective, then it will lead to a lot of chaos and it may ultimately also lead to disintegration which none of us is prepared even to think of. So, keeping in mind the others needs, all the States should cooperate in implementing this accord and not resort to political advantages or political benefits or try to achieve some advantages out of this. Therefore, I would request the hon. Minister to be keen and not to lose any more time not only in constituting the tribunal and getting the decision but also in implementing it in time.

MR. DEPUTY SPEAKER : Mr. Chiranji Lal Sharma, please be brief. Already time is over.

SHRI CHIRANJI LAL SHARMA (Karnal) : Mr. Deputy Speaker, Sir, at the outset you have said 'please be brief'. Brevity is soul of wit. But this is a subject in which I cannot be persuaded to agree with you, because this is a question of our life-line.

MR. DEPUTY SPEAKER : I have already told you that the time is very short.

(Interruptions)

SHRI CHIRANJI LAL SHARMA :
This is a question of life and death for us.

The Minister of State for Parliamentary Affairs is there. We can request him for more time.

SHRI MOOL CHAND DAGA : Sir, time can be extended.

MR. DEPUTY SPEAKER : To whom ? To Shri Mool Chand Dagaji ?

RAO BIRENDRA SINGH : The Minister can speak on Monday.

SHRI CHIRANJI LAL SHARMA : Sir, I have been listening with rapt attention to the speeches, particularly from the opposition and the stress that is being laid is that the Rajiv-Longowal accord should be implemented. For reasons not known and at least not understood, they say that we are opposing it. It is totally wrong. Who says that the Rajiv-Longowal accord should not be implemented ? Our position is firm, our stand is definite that this accord should be implemented in letter and spirit. But the only question is that they cannot pick and choose. They say that Chandigarh should be transferred to Punjab and then only there will be peace. Since it has not been transferred to Punjab, this fact is responsible for the creation of chaotic conditions in Punjab. We fail to understand this reasoning. There are two important clauses of the accord. One clause is regarding transfer of Chandigarh to Punjab and the Hindi speaking areas of Punjab, Abohar and Fazilka in lieu thereof, to Haryana simultaneously.

(Interruptions)

The second thing is regarding the water dispute for which a tribunal shall be appointed. Sir, this House will appreciate that under the accord, a Bill was brought and that has since been withdrawn and now the Inter-State Water Disputes (Amendment) Bill has been brought. When we are talking of the implementation of the Longowal-Rajiv accord, let us proceed in accordance with the accord and it was in accordance with the provision of that accord that a new Bill was brought. Now, the dispute is about water. As for the transfer of Chandigarh, I reiterate, let Chandigarh go to Punjab; but the Hindi-speaking areas of Abohar and Fazilka

shall be transferred to Haryana with the same pen in the same breath, on the same paper and on the same table simultaneously. That will actually mean implementation of the Accord.

Some Hon. Members referred to the appointment of the Mathew Commission. The Mathew Commission has put a premium of confirmation on the stand taken by Haryana, which was being denied by Punjab. We said there are about 107 Hindi speaking villages and the Mathew Commission has categorically given its findings that 83 villages and two towns of Abohar and Fazilka are Hindi speaking areas. The question of contiguity was there. Although in view of certain other factors the Mathew Commission could have given a positive finding. Being a retired supreme court judge he acted strictly in accordance with the Accord and did not deem it proper to exercise his discretion. I don't want to refer to that point here.

The crucial point before the House is the implementation of the second clause of the Accord, pertaining to the distribution of water. This is the dispute before this House and hence this Bill. In this connection we have to refer to the past history. Unfortunately many Members of this House particularly of the opposition, who are new entrants, do not know what the background is. Haryana came into being twenty years ago. Haryana was a part of Punjab. We did not ask for the creation of Haryana. Punjabi Suba was asked for by Sant Fateh Singh. This is how Haryana came into being and we are lucky to have been separated because we know for certain that we were just treated as a colony of Punjab. We know it for certain that our rights were being ruthlessly trampled under the iron fact of the people of Punjab. Anyway now when Haryana was a separate State. The State Reorganisation Act is there, and a reference was made to Section 78 (1) of that Act. Shall I repeat it Sir ? I think, I need not.

SHRI BALWANT SINGH RAMOO-WALIA : Please like an Indian and not as an alien. We are brothers. You used the word colony. We all are part of

[Shri Balwant Singh Ramoowalia]

this great country and we are proud of it. You will never hear a single bitter word from us.

SHRI CHIRANJI LAL SHARMA :
I was a Member of the Assembly in the United Punjab also. I know the treatment that was being meted out to Haryana. I say it not here, I said these words on the floor of the House in the United Punjab when I was a Member between 1962 and 1967. These were the sentiments. That is why Haryana Development Committee was constituted. It was only after Haryana came into being that we could see electricity, we could see roads, we could see our Deputy Commissioners and our SPs. Otherwise we had to wander from pillar to post even for the transfer of Patwaris and School teachers in Punjab and that is why I say so. In all humility, but with all the vehemence at my command, I may say that we were just treated as sub-standard people. So, my friend should not feel it because this is not a reference to any particular individual.

A reference was made to the Treaty that was had after the partition of the country through the World Bank when Government of India paid a sum of 62.06 million pound sterling for replacement works etc., A reference to this has been made by Rao Birendra Singh also. I don't want to repeat it.

As a follow-up of this agreement the then Punjab Government planned to allocate 2.68 MFA water to the area which now forms part of Haryana. After that in 1961 Bias Project Unit-1 provided 6.19 MAF of Ravi-Bias waters to be made available at Nangal for removing the shortage in Bakra Lake etc. They provided 3.75 MAF out of 6.19 MAF to areas now lying in Haryana. Thereafter the then Punjab Government issued an order towards the end of 1961 reducing allocation of Haryana to 2.144 MAF which Punjab now interprets as 0.9 MAF. Reference to this was made by Rao Birendra Singh in his speech this morning.

Then the Food Committee was consti-

tuted on 12th January, 1965. The Committee recommended during February 1966 that 4.6 MAF water be allocated for the areas now forming the state of Haryana. Then Haryana Development Committee in their report dated 15.1.1966 recommended that the bulk of Ravi-Beas waters must go to Haryana region. Then an assurance was given by the then Chief Minister on the Floor of the House on 14th February, 1966—before Haryana came into being—and I quote :

“The report of the Haryana Development Committee will receive careful consideration of the Government.”

The Chief Minister of erstwhile State of Punjab held out an assurance on the Floor of the House on the 23rd February, 1966 that the water in Haryana area will be brought at par with the water in the area of Punjab, viz. Ludhiana, and Ferozepur districts. Then came the Punjab Reorganisation Act. The fact finding committee was formed in April 1970 by the Government of India. This Committee said :

“The Committee recommended that 3.78 MAF should be allocated to Haryana.”

Then again there is the Planning Commission note of March 1973. In this note it allocated 3.74 MAF. Thereafter in March 1976 when 3.50 MAF was given to Haryana and equal share to Punjab. A period of ten years has since elapsed. In 1977 Congress lost power. There was Janata Government. Shri S. S. Barnala, the present Chief Minister, represented the Akali party of Punjab in the Central Government. Shri Dhana Singh Gulshan also represented the Akali party in the Central Government. Nobody opened his lips. Nobody said that Chandigarh should be transferred to Punjab. They approached the then Prime Minister, Shri Morarji Desai. He gave them a positive ‘nos’. When the Congress party staged a comeback to power in 1980 there was hue and cry and since 1980 we have been crying ‘give us water; give us water’. Nobody listened to us.

Longowal-Rajiv accord was arrived at

in the interest of the whole nation so that there was peace all over Punjab. The elections were smooth. Shri S. S. Barnala government was formed. Quietly and calmly we welcomed it. Our Prime Minister welcomed it although our party lost. But what happened after this. I do not know whether Mr. Barnala finds himself helpless. But the question is that Shri Barnala is at the helm of affairs and he was present at the time Longowal-Rajiv pact was signed. It is his moral responsibility to see that the accord is implemented. This is what we are stressing upon.

We are rebuked. They say 'Bhajan Lal'. What does Bhajan Lal say? He says that Longowal-Rajiv pact should be implemented. It must be implemented. At the same time he says Ghandigarh shall not be transferred to Punjab unless Hindi speaking villages of Abohar and Fazilka are transferred to Haryana. What offence does he commit? They say he should resign. Why should he resign? He is heading a Congress party Government and has the confidence of the party. It is the people who can overthrow him. We should not resign simply because Devi Lal can hold a rally and ask for his resignation. Congress party is not so weak and nor is Bhajan Lal. So long as the party commands the confidence of the people, no power on earth can remove Shri Bajan Lal.

So, Sir, now the question is that Mr. Barnala is heading the Punjab State. There was a cry for a change of alignment of the canal. Mr. Barnala constituted a high power committee. When the Kisan Andolan was there. That Committee categorically said that there should be no change of alignment. But Sir, may I have the femerity to ask him a plain question as to why there is no progress in the digging of the canal? Why is Mr. Barnala a silent spectator to all that is going on there? Haryana is suffering immeasurably for paucity of water. Will they deny it when I put it to them that Rs. 110.5 crores had been advanced to Punjab Government for the construction of the canal? Is it not their moral responsibility, to complete the canals, particularly when the canal is to be dug about 120 kilometres in length in Punjab area? Haryana has already completed its portion

of the canal, not now but 8 to 9 years back. We spent about Rs. 100 crores for the construction of our portion of canal and that is all lying waste. Now, instead of digging it, they say that even if it is dug, they would refill it through 'Kar Seva.' I referring to a statement that appeared today in the 'Times of India' that a meeting was held yesterday at Ferozepore wherein it was decided to hold a big rally from all over Punjab in village Chunni in Patiala district, against the digging of SYL canal. They say that Punjab has no surplus water and as such Haryana is not entitled to any water from these rivers because these rivers are passing through Punjab territory. Does it behove Punjab? I say 'we are brothers, we are branches of the same tree.' It is only twenty years" since Haryana came into being. Does it mean creation of Pakistan and Hindustan? They say "Let the water go to Pakistan but not a drop is to be given to Haryana". That does not matter. They say that they are not just going to agree to the construction of the canal. It was a condition precedent laid down in the Longowal-Rajiv Accord that the canal shall be completed by the 15th of August 1986. The word 'shall' is there. It is mandatory. This is the sentence in the Accord which reads like this. "This construction of Beas Canal shall continue. The Canal shall be completed by the 15th of August 1986." Now, if 'Kar seva' is allowed to be executed, it cannot be completed even by the 15th August 1987 or 1988. That is why the people of Haryana and also the Government of Haryana request the Government of India to take over the canal construction so that it can be completed speedily. Otherwise, my friends representing the Akali Dal Party will excuse me for putting the cards on the table and for calling the spade a spade.

Sir, when we find that the work is completely stopped where shall we go to? We are not the Government of India so that we can take this work in hand ourselves. Therefore, Sir, I would suggest that the work should be completed and should be taken up by the Government of India. The earlier Bill that was brought under the Longowal-Rajiv Accord has since been withdrawn and replaced by the present Bill under the Inter-State Water Disputes Amendment Act. There was some

[Shri Chiranji Lal Sharma]

sanctity to the award of the Tribunal under the earlier Act. So far as the findings given by the Tribunal are concerned, they were to be final and it was for both the States Governments to see that it was implemented. But do we find this provision in the present Bill? No. Therefore, the Amendment which has been moved by one of our friends, Mr. Dharm Pal, should be accepted. So many committees and Commissions have been appointed every now and then. They have given their reports and the reports have been thrown into the waste paper basket or are lying in the cold storage. If I am not wrong, if my apprehensions are not wrong, this Commission which is to be constituted under this Act will meet the same fate. It should be made obligatory that the report should be completed within three months and not six months. It should be 'shall'. The implementation thereof shall be the business of the Government of India; rather we say that the Government of India has to see that this is implemented.

Another suggestion. The railway protection force all over the country protect their railway lines and the railway properties. I make a suggestion that there should be SYL Canal Protection task force if this canal is to be run, if they mean business and if the Punjab Government mean business. Why? It is because the people in Punjab are not sincere.

Regarding the construction of this canal, they are not sincere for making water available to Haryana, and, therefore, they will be creating mischief. Was not the Bhakra canal cut twice last year? People from Sirsa and Hissar raised a hue and cry when drinking water was not available. There should be SYL Canal Protection force to see that the canal is properly maintained after it is properly completed.

Rao Birendra Singh has spoken in detail, but at the risk of repetition I will say one thing. An accord was reached on the 31st December, 1981 and was signed by the then Chief Minister of Punjab, Shri Darbara Singh, by Shri Bhajan Lal, Chief Minister of Haryana and Shri Shiv Charan Mathur, Chief Minister of Rajasthan. It

was countersigned by Rao Birendra Singh, the then Irrigation Minister at the Centre and attested by the then Prime Minister. Now they speak differently. They are stopped by their own conduct under Section 15 of the Evidence Act. One Government goes and the other Government comes. It does not matter. Today, there are Akalis in Punjab, tomorrow, we may come. The Janta Party replaced the Congress (I) at the Centre in 1977 and in 1980, we again came to power. Government come and go, Chief Ministers come and go, but some sanctity has got to be attached to the decisions that are taken, to the agreements that are arrived at. Unless that sanctity is kept in view, unless those decisions are implemented, they lead us nowhere.

Barnalaji just said on the floor of the House in Punjab Assembly the other day that they have no water. The Chief Minister of the State says: "we have no water". Can we believe that he will be sincere in giving us water? To sum up the Government of India should assume the responsibility for the completion of SYL canal; secondly, the Tribunal should complete its report within three months, and thirdly, it should not be of a recommendatory nature, it should be binding as was provided in the earlier Bill, and then and then alone, Punjab should say that Chandigarh be transferred to them in lieu of Hindi-speaking villages of Abohar and Fazilka.

With these words, I support the Bill.

15.00 hrs.

SHRI P. KOLANDAIVELU (Gobichettipalayam): This Bill has been brought in by the hon. Minister by inserting Section 14 for constituting a Tribunal known as the Ravi and Beas Water Tribunal. This tribunal was set up under the chairmanship of Justice Eradi. First of all, I welcome the Bill because this Bill has been introduced by the hon. Minister here with all the bonafide and good intentions of our hon. Prime Minister to settle the issue between Haryana, Punjab and Rajasthan.

In a country like ours with rivers flowing in so many directions, South to

North and East to West, there is every possibility of discontentment among those States who share the river waters. So, a tribunal has to be set up in order to decide as to how the water can be better utilised for agricultural and other purposes.

As soon as our hon. Prime Minister assumed office, he tried to contact almost all the leaders of Punjab and just as in the case of Assam, he made a settlement. I say that this is the Magna Carta of Punjab. But even after the settlement, terrorism is growing in Punjab day by day. We have to put an end to this terrorism by taking stern action.

With regard to the utilisation of waters, tribunals are being set up. The dispute comes to the tribunal. After an award is passed by the tribunal, how are we going to execute and implement the award? This question has to be decided. I was a Minister for Irrigation in Tamil Nadu and I say this because I know about the functioning of these tribunals. What is the use of having tribunals without having any executive authority over the matter? As soon as the award is passed, under what authority and through whom are we going to implement or execute the award? It is not there. Even in the Constitution also, it is a little bit vague so far as river waters are concerned. Under the Constitution the subject of inter-state water project is included in the Seventh Schedule. Utilisation of water resources is a State subject and there arises the problem. Hence I request the hon. Minister and also the Minister of Law that the Constitution should be amended suitably so as to make the inter-state waters a property of the nation. Then alone, the water problem will be solved. India has a vast reserve of 1645 billion cubic metres of water, out of which 10 per cent is being utilised for agricultural and other purposes. More than 80 multiple river projects are pending sanction before the Government of India. Whenever a water dispute arises between one State and another, whether the State be Kerala or Karnataka or any other State, the States say that they do not have a single drop of water to give to another State. That is what they say when actually we see that water is going waste into

the sea. The water that is going waste has to be utilised in a better manner in order to irrigate more hectares of land in India. Then only we will be self-sufficient. Even by 2000 AD, our population will be double. So we have to take immediate steps for better utilisation of river waters and all those things. Even with regard to Cauveri Water Dispute, our hon. Minister Shri Shankaranand who hails from Karnataka, he knows about that. It is pending from 1974 onwards. There was an agreement between Karnataka and Tamil Nadu. The agreement was signed in 1924, for a period of 50 years. The period was over by 1974 itself. But unfortunately, at that time, the then Chief Minister, Shri Karunanidhi was in power and he ought to have settled the issue. But he didn't do it. He ought to have used his best offices in order to settle the issue. Then Mrs. Gandhi as Prime Minister was also there. But she has not done it. So, we are actually bearing the burden on our shoulders.

With regard to Cauveri Water Dispute, I request the hon. Minister to come forward in order to have a tripartite meeting with the Chief Ministers of all the States and to have the matter settled as soon as possible. In our Mettur Dam, 90 D.M.C. water can be filled in. But now, it is dry. We don't see water there. We can see only the construction of the dam nothing else. It is a very sensitive problem. It is a serious problem as far as Tamil Nadu is concerned.

Another project only for the drinking purposes of Madras city is Telugu-Ganga. It has not been cleared by the Central Government. The Minister has to take up this matter immediately and see that water is being given to Madras city people. Drinking water should be given the first preference. I think the best offices of our hon. Minister can be utilised in order to clear the project as early as possible. That is all I wanted to say.

[Translation]

SHRI VISHNU MODI (Ajmer) : Mr. Deputy Speaker, Sir, first of all I would like to congratulate the hon. Minister for his statement in Rajya Sabha that water of all the rivers is the property of the entire nation and not of any particular

[Shri Vishnu Modi]

State and efforts will be made to utilize it in the best possible way. He said a very important thing there which will resolve our various disputes in the coming years. As discussed in this House by hon. members various river water disputes, will now be resolved.

So far as the formation of Ravi-Beas Tribunal is concerned, I have given notice of an amendment and there is some difficulty in this regard. Before I touch that point, I would like to draw the attention of the hon. Minister towards its historical background.

In 1920, Bikaner was a princely State and Maharaja Ganga Singh was its ruler. He entered an agreement with the British Government and the then Nawab of Bahawalpur. The Ravi and Beas basin area at that time changed as a result of the rivers changing their course. Thus as per agreement of 1927, water of Ravi and Beas was brought to Bikaner State. At that time too, it was a dry and desert area. More than two-third part of the Rajasthan was desert and dry. The ruler entered the agreement with the hope that in future the land might become arable and drinking water problem might also be solved. The time thereafter changed and our country become independent in 1947. All the princely States merged to form Rajasthan. In 1955, the then Chief Minister of Rajasthan Shri Mohan Lal Sukhadia entered an agreement with Punjab and PEPSU Governments.

I specifically want to draw the attention of the hon. Minister that after-accounting for the required quantity of water to Punjab and PEPSU, at that time the extra 8 million acre feet water and 52 per cent of the total flow of the water of Ravi-Beas was allotted to Rajasthan. At that time the water was in abundance and it was required neither by Punjab nor by PEPSU. As the water was flowing to Pakistan, the Government of India and that of Pakistan both used to fight over the right of the water. As Mr. Virdhi Chandra has also said that on the plea of basin-State theory & arid-zone theory, it was taken as granted that long ago Ravi

river used to flow from that side, but as it had changed its course, the area had grown into a desert. On the basis of basin-State and arid-zone theory, a treaty was signed in 1960 on Pt. Nehru's initiative and it could only be signed because more than 15,000 square km. area of Rajasthan required water. At that time, had we only talked about PEPSU and Punjab, we could not have been able to get that water allotted to India. As that much water was not required by PEPSU and Punjab, but it was required for turning the desert into green land, the Indus Treaty could be signed. After that, in 1966 Punjab and Haryana separated. I only wanted to say regarding Re-organization Act mentioned earlier that it was written in section 79 of this Act.

[English]

I quote :

“The irrigation head-works at Ropar, Harike and Ferozepur will be transferred to Bhakra-Beas Management Board”.

[Translation]

After this the Punjab Government neither transferred the Headworks nor adjudicated the water with Haryana, which was supposed to be done within two years, under Re-organization Act, and this case was transferred to Central Government. As a result of that, the water was distributed between Punjab and Haryana on 24 March, 1976 through a notification. But both the Governments filed a writ in the Supreme Court. The Supreme Court records will reveal that both the Governments were trying to seek adjournments of the case with a view to not to get it settled in the court, because they wanted a settlement outside the Court. Thus, the adjournments were sought and the case prolonged. At last, 31st December, 1981 came, when the Chief Minister of the three States took a decision in the presence of Mrs. Indira Gandhi and the 3.5 MAF share of water of Punjab as per agreement of 1976 increased to 4.2 MAF. Rajasthan's share also became 8.6 MAF. It is our personal view that according to 1955 agreement our

share was 52.63 per cent and it was also stated in that agreement that this proportion would be increased or decreased according to the flow in the river. But I feel that at that time Rajasthan had to get more water than 6 MAF. But considering the larger interest and national interest the then Chief Minister of Rajasthan Mr. Shiv Charan Mathur signed this agreement and Sardar Darbara Singh and Mr. Bhajanlal also signed it. It was also mentioned in that agreement that as Rajasthan did not have infra-structure, so this extra 6 MAF of water would be used by Punjab until Rajasthan developed its infra-structure.

The then Punjab Government signed this agreement, but the Akali Dal, which is at present ruling, agitated against it. We shall have to see their stand right from the beginning upto now and also their behaviour. They made it an issue which in fact was no issue at all and agitated. They were not satisfied on the quantity of the water which increased from 3.5 to 4.22 and an additional 0.6 MAF.

After that the circumstances in the country changed and the type of situation that developed in Punjab, the atmosphere of violence which developed there culminated in the brutal murder of the Prime Minister Indira Gandhi. In spite of this adverse situation our Prime Minister concluded an agreement with Shri Longowal in the form of Punjab Accord on 24 July 1985, and its clause 9 (1) and 9(2) dealt with the water problem.

Now the problem which we face is that when we read article 9(1), it tells us that the respective share of water has to be determined on the basis of the quantity of water being used by each State on 1.7.86. One is at a loss to understand that when the Headworks which Punjab should have handed over to Bhakra-Beas control Board was not handed over, how could it be possible to adjudicate it correctly on the basis of 1.7.85.

The question is that the Punjab Government had finalised it in 1981 but the Akali Dal kept on agitating against it. How could it be then adjudicated on the basis of the Accord reached with them.

Under article 9(2) of the accord, only the shares of Punjab and Haryana will be adjudicated. As such the 3 crore people of Rajasthan are agitated over the fact that after inclusion of Rajasthan in article 9(1), Rajasthan would be deprived of its share of water with which the vast area of western Rajasthan could be converted into fertile land and to ensure which they diverted their funds thither at the cost of the development of other areas. I want to draw your attention to clause 16 of the White Paper, which was published by the Central Government on Punjab agitation.

[English]

During the Tripartite talks held in January-February 1983 in New Delhi, the representatives of the Akali Dal pressed their view that the allocation of waters under the 1955 agreement between pre-partition Punjab and Rajasthan should be reopened on the ground that Rajasthan had been given more than it was entitled to."

[Translation]

During the tripartite talks, they talked about the 1955 Agreement, and afterwards when Rajiv-Longowal Accord was signed they took a different stand about which something has been written in the "Sunday" magazine. Mr. Longowal was asked a question in an interview. I quote it :

[English]

Q. With reference to the river waters issue, do you think Haryana and Rajasthan will get a fair deal ?

A. According to the laws of our country, there is no clause which gives Haryana and Rajasthan the rights to this water. Even God had willed Punjab to have the real right over this water. However, we are ready to share as much as we can out of our share and that has been settled by fixing a date."

[Shri Vishnu Modi]

[Translation]

Mr. Deputy Speaker, Sir, I would like to draw the attention of the hon. Minister towards the views of Sant Longowal in the said interview and ask whether in the light of the White Paper issued by the Central Government and the rejection of 1981 Agreement by Akali Dal, Government would still adjudicate under Art. 9.1 the quantity of water the States were getting in 1985. As it is written in the editorial of 'Times of India' :

[English]

"The main thing is that the panel will be re-constituted under the Inter-State Water Disputes Act which refers to the waters of only an "inter-state river or a river valley" and, by implication, denies the right of any non-riparian State to claim any share of the waters."

[Translation]

Then I would like to draw your attention to the remarks of the Punjab Government on the observation of the hon. Minister. Rajya Sabha. The Punjab Government remarked that others had no right and that the rights of Punjab do not end there.

Similarly I would like to draw the attention of the hon. Minister to the resolution passed by the Rajasthan Legislative Assembly unanimously wherein grave dissatisfaction and resentment of the people of Rajasthan over the demand by Akali Dal in Punjab that the question of distribution of Ravi-Beas waters and agreements reached in connection therewith should be referred for adjudication.

An agreement to the effect that the waters of Ravi and Beas will be utilized entirely by India was signed by the then Punjab, PEPSU, Rajasthan and Jammu and Kashmir Government in January 1955. The surplus water of these two rivers, was 158.5 lakh acre feet, Out of this, the share of Punjab, Jammu & Kashmir, Rajasthan and PEPSU, was 59, 6.5, 80 and 13 lakh acre feet respectively. If we deduct the

share of Jammu and Kashmir, then the share of Rajasthan in the said surplus water would be 52.6 percent.

According to the agreement signed with Pakistan in 1960 regarding the distribution of the waters of the rivers in Indus Valley, India paid Rs.110 crores to Pakistan as compensation and secured exclusive right to use the entire water available from the three eastern rivers. In the discussions held for some years preceding the treaty, India's water requirements were primarily based on the desert areas of Rajasthan and as a result of that the entire water of the three rivers was allotted to India.

According to the agreement signed in the month of January in the year 1955, 52.6 percent of the surplus water available from the two rivers was to be used by Rajasthan. With a view to utilizing this water, a undeveloped State like Rajasthan has spent hundreds of crores of rupees in the desert areas of the Indus Valley. To implement the development plan and for the all round development of the area, the Government of Rajasthan has spent about 600 crores of rupees and another 2,000 crores have been spent by the people and the construction work of the Rajasthan Canal is going on fervently.

Lakhs of people of the State of Rajasthan have staked their hopes on the water from Rajasthan canal. This canal is the only solace for the people of the desert areas which are afflicted by drought & famine every year. This area also suffers from the dreadful problem of the scarcity of drinking water. The Ravi-Beas waters would solve the problem of the scarcity of drinking water also in thousands of villages.

Rajasthan's 52.6 per cent share of the surplus water available from the Bavi-Beas rivers, had never been refused or challenged by the Punjab Government, irrespective of the fact whether the Akalis or any other party was in power. It is regretful that after the passage of 28 years, objections are being raised against the agreement and demands are being made to reduce the share of Rajasthan. If the share of the water and the rights accruing to Rajasthan as a result of the agreement are

curtailed, Rajasthan would have to face untold misery and irreparable loss which its people would never tolerate.

After taking into account the aspirations of the people, the developmental needs of the backward areas, and the sanctivity of the treaties signed at the national and the international level, the State Legislative Assembly has unanimously condemned the improper demands of the Akalis. The House of the Rajasthan State Assembly urged upon the Central Government not to consider any demands made under any sort of pressure or based on agitations which are against Rajasthan's 52.6 per cent share in the distribution of water or any other benefit accruing therefrom, and stated as follows :

The Rajasthan State Assembly is pained to note that the State does not receive even its own share of the water completely on the time. According to the Punjab Reorganisation Act of 1966, the control of the main Headworks was to be transferred from Punjab to the Bhakra-Beas control Board. This transfer has not yet taken place. Because the control of the Main Headworks lies with Punjab, the water available from the Ravi-Beas rivers is first used by Punjab, in their own State and then the remaining water is supplied to Rajasthan. Therefore, it is absolutely essential that the control of the main Headworks should be with an independent body. Therefore, this House of the Legislative Assembly earnestly requests the Central Government to transfer the control of the Headworks of Ropar, Harike, Ferozepur, Madhopur and other areas to the Bhakra-Beas Control Board.

In view of the longstanding friendship between Punjab and Rajasthan and as good neighbours, the Rajasthan Legislative Assembly urges upon the Akali Dal to desist from challenging Rajasthan's established share in the Ravi-Beas surplus water and abandon their narrowmindedness, and respect the Accord that is concerned with all

round development of the entire Northern region.

Alongwith with this, I would like to draw your attention to the report of the Irrigation Commission. Shri A. P. Jain has said in his report about Inter State River Disputes that :

[English]

"An inter-State river is one which flows through more than one State or which forms the boundary between two or more States. In questions relating to the sharing or utilisation of the water of inter-State rivers, the concept of a river valley or river basin which embraces the main river and all its tributaries, and includes the catchment of the main river and its tributaries, has to be borne in mind.

Major Inter-State Rivers in India :

The major rivers of this country are almost all inter-State rivers. In the north-west is the Indus basin, which includes parts of India and Pakistan. In India, it includes Kashmir, Punjab, parts of Himachal Pradesh, Haryana and Rajasthan."

]Translation]

I would like to draw the attention of the hon. Minister to the fact that three and a half crore people of Rajasthan have embarked upon the task of making this arid zone fertile even at the cost of development of other areas. We know that Western Rajasthan and Pakistan share a common border. If we have a look at the map of India, we will see that its areas share common borders with other countries. The communal elements there have been conspiring to create chaos in this country and to disintegrate it. Therefore, Rajasthan's three and a half crores people would not tolerate the reduction in Rajasthan's share of the water that has been allotted to it since 1927. That is why I want that before hon. Minister answers,—he has already spoken in the Rajya Sabha—he should look into the terms of reference to which I had given notice of the following amendment :

[Shri Vishnu Modi]

[English]

In Section 2, sub-Section (3) add the following at the end :

“With clear directive that the allotted share of Rajasthan, i.e., 8.60 MAF, as per agreement reached in 1955/December 1981, will not be in any way affected or subject to any adjudication by the Tribunal and that in the case of any increase in total supplies of Ravi-Beas waters, the share of Rajasthan be raised *pro-rata* of the total supplies.”

[Translation]

I would like to touch one point more. The agreement of 1955 as well as that of 1981 were concluded outside this august House. The hon. Minister now intends to include the present Accord in the Statute book. I would therefore request that the terms of reference of the Tribunal may be widened so as to include the agreements of 1955 and 1981 also in the Statute book. As far as the question of amendment is concerned, as Shri Chiranjilal Sharma has also said, clause (6) of the Inter State Water Dispute Act, 1956 says :

[English]

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

[Translation]

What he has said is that even if your tribunal is formed and gives an award, it would not deliver the goods because you are amending the present Act. Had you retained the act in its original form then you could have had the authority to make its provisions finding. I want to warn you that you should learn from history that the Akali Dal had never accepted any terms from the very beginning. Shri Barnala is the Chief Minister of Punjab,

but the Akali Dal is divided into two factions and it is likely that a third faction might emerge and make some further demand and also maintain that it does not agree to the earlier terms of agreement; therefore, you must take the intended action as early as possible and end this dispute once and for all. You should in your statement state categorically whether or not the implementation of section 9(1) would affect the share of Rajasthan in the Ravi-Beas waters.

15.29 hrs.

COMMITTEE ON PRIVATE
MEMBERS' BILLS AND
RESOLUTIONS
Fifteenth Report

[English]

SHRI HAFIZ MOHD. SIDDIQ
(Moradabad) : Sir, I beg to move :

“That this House do agree with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th March, 1986.”

MR. DEPUTY SPEAKER : The question is :

“That this House do agree with the Fifteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th March, 1986.”

The motion was adopted.

15.30 hrs.

RESOLUTION RE : ELECTORAL
REFORMS—Contd.

[English]

MR. DEPUTY SPEAKER : Now the House will take up further discussion on the following Resolution moved by Shri D.N. Reddy on the 28th February, 1986 :—