

04.04.2012
New Delhi

The 2nd Memorandum on behalf of the Sone Anchal Kisan Sangharsh Samiti requesting constitution of a tribunal in the light of the order of the Patna High Court, Patna to resolve the Sone Water Dispute arisen due to violation of the Bansagar Agreement 1973.

From
Saryu Roy
Convenor,
Sone Anchal Kisan Sangharsh Samiti
402, Lotus Appartment,
Doranda, Ranchi- 834002,
Jharkhand.

To
The Secretary,
Ministry of Water Resources Development,
Govt. of India,
Shram Shakti Bhawan,
New Delhi.

Subject –To constitute a tribunal under the provisions of the Inter-state Water Dispute Act 1956 with respect to issues relating to sharing of waters of River Sone among the co-basin states of Bihar, Jharkhand, Uttar Pradesh, Madhya Pradesh and Chhattisgarh in the light of the Bansagar Agreement 1973.

Ref – The order of the Hon'ble Patna High Court, Patna delivered on Sept. 21, 2011 in the Civil Writ Jurisdiction Case No. 3521 Of 1993 filed by Saryu Roy, Convenor, Sone Anchal Kisan Sangharsh Samiti and ors.

Dear Sir,

With regard to the subject and the reference above we submitted a written memorandum addressed to you on 07-02-2012 at your office. The same has not yet been acknowledged. We are thankful to you for giving us an audience today. At this opportunity we again submit before you our request and enclose herewith a photo copy of the judgement of the Hon'ble Patna High Court, Patna in this regard. The judgement arose in connection with a writ petition filed by me and others in the form of Public Interest Litigation as back as in 1993. The Division Bench of the Hon'ble High Court, Patna has been pleased to issue the following direction in the paragraph- 15 of the instant judgement.

“15. in the result, this writ petition is disposed with the direction to the Union of India to constitute a Tribunal under the provisions of Inter-State Water Dispute Act 1956. The Union Of India shall also keep in mind the provisions of the River Board Act as well as Section 79 of the Bihar Reorganization Act and Section 76(1) of the Madhya Pradesh Reorganization Act. 2000 We have noticed some of the facts on record to ascertain whether or not there is bonafide and serious inter-state dispute with respect to issues relating to sharing of waters of sone river.”

In this connection it is relevant to quote the following opinion of the Hon'ble Court in para- 4 of the instant judgement :-

“ 4. The position which clearly emerges before us on the basis of the materials on record, is that a serious and bonafide dispute regarding sharing of river water has undoubtedly arisen between the states of Uttar Pradesh and Bihar. We wish to caution the Central Govt. as well as the five riparian States, particularly the States of Uttar Pradesh and Bihar, that they should now rise to the occasion to solve the problems before it gets out of control. Protracted meetings, discussions, resolutions, of the Governments so far, all of which are non-statutory in nature, though may be efforts to solve the problems by negotiated settlements, have failed to solve the problems. The problem is simmering and should be solved before unhappy situation arise.”

You are aware that keeping in view the competing uses of the Sone Waters and consequent conflicting interests of the Co-basin States a tripartite agreement, known as the Bansagar Agreement, was signed among the Co-basin States of Bihar, Uttar Pradesh and Madhya Pradesh on Sept 16, 1973 at the behest of Union of India. In this agreement the shares of the Co-basin States in the Sone River Waters were judiciously allocated and the sources from where these shares will be given to the respective States were clearly identified. According to this agreement Madhya Pradesh was allocated 0.91 MAF (Million Acre Feet) from the Rihand Reservoir and its remaining water was meant to be utilized by the Century Old Sone Canal System of Bihar through the Hydel Power generating units designed in such a manner to release regular and continuous flow of not less than 5000 cusecs water for down stream uses in Bihar. Not a single drop of water of the Rihand Reservoir was allocated to Uttar Pradesh for consumptive uses. Yet the Govt. of Uttar Pradesh, in defiant violation of the Bansagar Agreement, is utilizing and allowing the utilization of Rihand Reservoir Water by various Thermal power plants OF UPSEB, NTPC and others causing acute deficiency of water for irrigation by the century old sone canal system resulting into huge loss of food grain production to the farmers. Similar is the plight of the farmers of other four Co-basin States where irrigation schemes are languishing because of preference given to the industrial uses above irrigation and drinking water uses in utter violation to the priorities enumerated in the National Water Policy. Besides Waters of Sone River and its tributaries are also being unauthorisedly allocated by respective Govts. to various Mega Thermal Power Plants and ancillary industrial units of private sector coming up in this region at the behest of Central Electricity Authority.

Moreover, centralization of Mega Thermal Power Plants in the vicinity of the Rihand Dam at Singarauli in Uttar Pradesh and Madhya Pradesh has caused acute pollution of Land, Water, Air etc. in the region deteriorating the quality of Natural Resources including waters of rivers, ponds, lakes and reservoirs resulting into danger on the lives of human being and others.

In view of the order and the opinion of the Hon'ble High Court, Patna, annexed herewith as well as the facts and circumstances on record in this regard we request your good self to kindly take appropriate steps to constitute a tribunal soonest possible to check the brazen violation of the Bansagar Agreement by the Govts. concerned and to resolve the problems arising out of competing uses and conflicting interests of developmental projects in the region in and around Sone River Basin to the detriment of the interests of the people of the Co-basin States in general and the farmers of the Century Old Sone Canal System Command Area of Bihar and acute draught prone areas of Jharkhand's Palamu region in particular. For this act of kindness we, the farmers of the Sone River Basin, shall remain ever obliged to you.

With Warm Regards,

Sincerely Yours

(Saryu Roy)