

Banerjee unnecessarily brought in some sort of cross-criticism. That is not fair.

So far as Shri Sheo Narain is concerned, on this occasion he was quite relevant, when he pointed out that unless that was done it would not be proper to amend the Bill. Beyond that he said nothing else.

श्री द्विवेद सिंह : माननीय उपाध्यक्ष महोदय, मुझे प्रसन्नता है कि माननीय सदस्य, श्री नायनार, ने इस बात की सफाई कर दी है कि काश्मीर भारत का अंग है। मैं समझता हूँ कि ऐसी हालत में उन का यह कहना मनासिब नहीं है कि वहाँ का जल हमारे साथ नहीं है और न ही यह बात इस में आती है। अगर काश्मीर भारत का अंग है, तो वह भारत के साथ नहीं है, तो किस के साथ है? जाहिर है कि भारत के सब नागरिक भारत के साथ है? ।

मैं उन तीन और माननीय सदस्यों का भी आभारी हूँ, जिन्होंने अपने विचार प्रकट किये हैं। था भट्टाचार्य ने रिपोर्ट के सिद्धिसिले में जिक्र किया था। मैंने उसके बारे में कल कहा था कि मैं देखूंगा कि किस प्रकार से हम यहाँ पर वह सूचना ला सकते हैं। लेकिन शत्रु सम्पत्ति के सम्बन्ध में हम बीच बीच सदन को सूचना देने रहें हैं। उन्होंने सुझाव दिया है कि इस बारे में एक विस्तृत सूचना होनी चाहिये। उस को भी हम देखेंगे।

मैं आशा करता हूँ कि सदन इस बिल को अपनी पूरी अनुमति देगा और यह बिल पास हो जायेगा।

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

*The motion was adopted.*

14.58 hrs.

### INTER-STATE WATER DISPUTES (AMENDMENT) BILL

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO): I beg to move\*:

"That the Bill further to amend the Inter-State Water Disputes Act, 1956, be taken into consideration."

As hon. Members are aware, there are many rivers in our country which pass through more than one State. Even when a river flows through one State there are always conflicts because the different farmers want to use the water for their own lands. When there are disputes within a State, those disputes are resolved by the State generally. In the case of disputes between different States, the Central Government try their best to solve the disputes. We have been doing that on a fairly big scale. But in one or two cases, the thing has got stuck up and I am very sorry that we have not been able to solve those problems.

So, in order to provide for the resolving of those disputes in such cases, an Act was passed by Parliament in 1956 called the Inter-State Water Disputes Act. In that Act, there is provision for only one judge. The tribunal was to consist of only one judge nominated by the Chief Justice of India, and the findings of that tribunal consisting of one judge was binding, and there was no appeal from that either to the Supreme Court or to Government. That finding was final and binding. Lately, we have been thinking that it would be much better if more collective wisdom and experience could be brought on to the question. The rivers are really the nation's treasures, and the nation's prosperity depends upon the economic way in which we develop

\*Mover with the recommendation of the President.

[Dr. K. L. Rao]

our water resources. Further, these rivers affect millions of people and involve crores of rupees of expenditure.

15 hrs.

That being the case, we have felt that it is but fair that these intricate problems should be solved by a bench of three judges. All that the Bill provides for is that there will be three judges instead of one. The other provisions in the Bill are only consequential to this. This is the only change that we are making in the Act, namely that the tribunal which has to be constituted in order to resolve the inter-State water disputes shall be composed of three judges instead of one. This being a simple Bill, I hope the House will approve of it.

MR. DEPUTY-SPEAKER: Motion move:

"That the Bill further to amend the Inter-State Water Disputes Act, 1956 be taken into consideration."

2 hours have been allotted for this Bill I think we could have half an hour for the clauses and 1½ hours for the general discussion.

SHRI RANGA (Srikakulam): Some time may be given for the third reading also.

MR. DEPUTY-SPEAKER: Yes, we could have half an hour for the clauses and the third reading.

SHRI RANGA: I am glad that this Bill has been brought forward before this House. It should have been brought forward a long time ago. It is a good idea to have three judges instead of one. At the same time, one has to take care to see that these three judges do not hail from any of the States which make themselves party to the dispute. It is for that purpose that my hon. friends Shri

Lobo Prabhu, Shri Mohammad Inam and some others have given notice of an amendment.

How do these disputes arise? As my hon. friend Dr. K. L. Rao has said, when two State Governments are not able to agree between themselves as to the distribution of the waters of any river and also their respective responsibilities as well as privileges, than a dispute arises, and that has got to be settled by somebody or the other. There was a time when the Central Government thought that they could settle the matter. But when a dispute arose over the Tungabhadra, the Central Government found themselves in a helpless position. The Central Government was then manned by the Congress as it is now, and the Ministries in those two States were also manned by the Congress people and they could not settle that family dispute or problem because between uncle and nephew it is always impossible to come to a settlement. So, some of us pressed that there should be a way out of such disputes, and this Bill was then sponsored by Shri Hathi and passed. But, unfortunately at that time we thought that one judge would be enough. But now we find that the experience of one judge would not be enough. During all these years, I would like to ask whether the Central Government have taken full advantage of this way out in order to settle the disputes that have arisen and also the execution of the development projects. As long ago as 1953, they took interest in the development of the Narmada Valley project. At that time, we were very keen to help Gujarat because Gujarat was just then emerging from out of the clutches of prolonged drought and famine and unemployment and suffering of the people. But from that time, up till now, nothing has been done to settle the distribution of waters between Gujarat and Madhya Pradesh. Evidently, if Government had taken some trouble at that time, it would

have been possible for them to settle that dispute, because in Madhya Pradesh they had their own Government and it would have been easier for them. But they did not take sufficient care in those days about it. Recently, a non-Congress Government has come in there and the dispute has given rise to exacerbated feelings and this has gone on to such an extent that the Chief Minister had begun to call the Minister of Irrigation here all sorts of names, and this poor Minister was completely helpless here because he had no evidence to quote beyond his own statement that he was not telling any untruths or anything like that. When we are faced with this ugly situation of one Chief Minister calling a Minister of State of the Government of India names and saying that he is indulging in untruth and you can easily understand how serious the situation can become and how personalities would be brought into it in order to affect the fortunes of the people for a long time.

Now, at one time we thought irrigation experts would be able to settle these matters. That was how over the dispute that arose between Maharashtra, Mysore and Andhra over the distribution of the waters of the Godavari and Krishna, they appointed some engineers as experts and got a report. According to that report, we found there was no need at all for these States to be quarrelling because even according to the allocations that had been made as long ago as 1951 in the agreement that was reached under the leadership of the late Shri Gadgil, none of the three States which were parties to this dispute had been sensible enough to utilise all the waters respectively allocated to them. Neither Maharashtra, nor Mysore nor even Andhra which was considered to have made the best possible use of these waters, none of them was able to utilise all the waters allocated for the benefit of the people of their States and of the country. In spite of that, somehow or other, those three

Congress Governments thought it wise or sensible for them to indulge in an internecine quarrel among themselves and tried to delay their own works and irrigation development. That hit, so far as Andhra was concerned, the scheme they had on the anvil, namely, the Nagarjunasagar project. But thanks to the statesmanship displayed by the then Irrigation Minister here, some kind of an agreement was held to have been reached between the three Governments, so much so that progress of the Nagarjunasagar project was not delayed ultimately.

But all this was an unnecessary dispute. How has it arisen? It was simply because those respective Governments in those Governments, the ruling parties, wanted to go to their own people and say that they were so very keen about the rights of their people, that they were so patriotic, according to their local brand of patriotism, that they were the best possible champions; in that way, they commended or recommended themselves to their electorates, got their votes and came back into power again with greater majorities than they had earlier. That was the only purpose and result of that disastrous dispute which they unnecessarily created before the country.

Now, would they be willing to listen to experts? It is clear they would not—in the light of the experience we have had. Take for instance, the Narmada dispute. Dr. K. L. Rao, who is an expert on irrigation and flood control, after he had become, like so many of us a public worker and politician, wanted to be over-generous to Madhya Pradesh. Therefore, he promised them 18 million acre ft. of water from out of Narmada and to Gujarat only 9. The total was 27 million. But the Madhya Pradesh Government wanted to be much more keen about it to its local people. Therefore, it wanted 22.4 and would allow only 5.1 for poor Gujarat; whereas Gujarat wanted only 11.4 to go to Madhya Pradesh but as much as

[Shri Ranga]

16.6 for itself. Therefore, he appointed an expert committee under the chairmanship of Dr. Khosla. I am particularly glad that Dr. Khosla was appointed because he has done a very good job of it over the Nagarjunasagar project and he acquitted himself as one of our best engineers, just like our Dr. K. L. Rao; and from a political point of view, he was much less of a politician than Dr. Rao. So much so he made a very good report. What did he say? Whereas Dr. K. L. Rao wanted to give 18 million acre feet of water to Madhya Pradesh, Mr. Khosla gave his verdict, in favour of Madhya Pradesh only to the tune of 13.9; he found he could not give anything more than that because of various calculations of the total quantity of water that would be available here and now as against various contingencies. Whereas Dr. Rao wanted to give 9 million acre feet of water to Gujarat, Mr. Khosla was prepared to give 9.9 to Gujarat. He wanted to do justice to Gujarat and he did it. The Madhya Pradesh Government was not prepared to accept the generous offer made by the engineer-cum-politician Dr. K. L. Rao, and therefore it wanted to have a non-political engineering expert committee to go into this matter, but when such a non-political engineering expert committee went into the matter and made an allocation, it was not prepared to accept it.

**SHRI SURENDRANATH DWIVEDY** (Kendrapara): Dr. Rao intervened after the report of that expert committee was rejected.

**SHRI RANGA:** Even then, it is bad enough, because he was offering so much more than what ought to have been offered but the purely political-minded Chief Minister was not prepared to accept it. Under the circumstances, what else is possible except making a reference to the tribunal?

Coming to the Nagarjunasagar project, for the past four or five years we have been hearing from various sections of the House that justice was not being done to Maharashtra or Mysore, that so much more was being given to Andhra. Being myself an Andhra, I was wondering what was wrong with it? There was a time when we thought that what was going to be utilised for Nagarjunasagar project was very much less than half of the total amount of water that would be available. Why should the surplus water be allowed to go to the Bay of Bengal, who is going to be benefited? I said to myself: I have never stood in the way, even in my heart of hearts, of the rights of the peasants either of Mysore or Maharashtra, but why should Mysore and Maharashtra go on quarrelling in this manner? So, I was inclined to be angry with the Government of India for not being willing to send that dispute to this tribunal. It was the Government of India which was responsible for all this delay. Has this delay helped anybody? I would like to know in what way it was helped the development of the Nagarjunasagar project. It has not helped. On the other hand, this delay has only cast doubts whether the proposed crest gates are going to be installed at all. We were told that the crest gates would only help to store there that much of water as would not be needed by Maharashtra or Mysore, instead of allowing it to go into the sea. But then, what is the truth?

The engineers, we are told, are again differing among themselves like doctors, though for engineers there is much less scope for this kind of difference than doctors. We were told that some experiments and studies were being made in Poona, but the results of those experiments and studies we do not know. Even if those results are placed before these engineers, it would be impossible for them to agree

among themselves. I cannot place all the blame on the politicians themselves, because behind them there are these engineers, and they play their politics also. The Maharashtra engineers want to please their Maharashtrian masters, and similarly the Andhra and Mysore engineers. Among these wonderful experts who are trying only to please their masters there must be some judgment somewhere together, and therefore it would be a good thing indeed to send such disputes to these tribunals.

But here, in between comes the midwife, and that is the Central Government. The mother says she is in trouble, the baby wants to come out, but this midwife comes and says, "No, it is not time yet for you." Either the mother would die or the baby would die, or both of them may get suffocated. This is exactly what has been happening. For three or four years this had been delayed. See this tamasha. The Mysore Government has threatened to go to the Supreme Court. Then the Maharashtra Government was threatened to do the same. Suddenly, the Andhra Government says: I am going to take the initiative and go to the Supreme Court. It was only when all the three Governments had made up their mind to go to the courts, exasperated and disgusted with the Government of India's midwifery, that the Government of India thought it best to think about it and fortunately they came to the right decision that instead of having one judge, let there be three judges. There will be three judges. Let them not be either Andhras or from any of the other States parties to the dispute. They should not be from Gujarat or Madhya Pradesh in regard to the Narmada project. When it is about Nagariunasagar, let them not be Maharashtrians or Andhras or Mysoreans; let them be outsiders. They should be judges, either of the High Court or the Supreme Court. Even there, I hope my hon. friends who had given notice of these amendments would have kept this point in

mind; they should not be High Court judges in the same State. But that is not enough. An Andhra may be a Judge in the High Court of Maharashtra or vice versa; he should not be appointed. The point is that they should not be persons who belong to these three States. What happens otherwise is that our local, parochial patriotism will come to play mischief.

MR. DEPUTY-SPEAKER: It is all right to suggest caution. But it casts some reflection on the judiciary that it cannot rise above parochial patriotism.

SHRI RANGA: I appreciate your suggestion. With all respect for the judges, they are also human beings and Indians, Andhras, Maharashtrians and Mysoreans and even when they become judges, cannot divest themselves of their fascination for Andhra, Maharashtra of Mysore localism or parochialism. Therefore, I should like to utter this word of caution so that this could be kept in mind by the Government and by the Chief Justice of the High Court and also by our friends who have given notice of these amendments. Let us hope that once this tribunal is expanded, the Government of India would be more expeditious than they had been till now. It is fortunate that once in a while an expert engineer had also become a Minister without becoming half as bad as the politicians generally are. Even then he has become a bit of a politician and that is why we have had to suffer quite a lot of unnecessary bad blood. Let us hope now that in the light of this new Bill the Centre would be very expeditious in coming to a decision and see to it that these questions are settled impartially by a tribunal like this.

SHRI SHIVAJIRAO S. DESHMUKH (Parbhani): I welcome this Bill at the hands of Dr. K. L. Rao. The hon. Irrigation Minister exhausted all the remedies and attempted everything he can to go in a particular direction but found it difficult and

[Shri Shivaji Rao S. Deshmukh]

ultimately had to resort to this Bill. They are moving this amendment to increase the number of judges on the tribunal. If judges could become more just by an increase in their numbers, the Supreme Court could have been as big as Parliament. But it is not so. The principle of increasing the number of judges could be of some use and can serve the object mentioned in the Bill if they are clear about the objectives. If we know that the water disputes affect millions of people, it affects their lives, it even affects the lives of their progenies for years to come and may well seal their fate completely, when we are very serious in seeing to it that justice is done in such spheres, I think it is too risky to leave it to any judge, be it at the Supreme Court level or at the senior civil judge level.

Justice can only be assured if what is to be judged is clear and if what is to be judged is controversial. If it is a serious dispute, then there should be some guiding line by which the judge could arrive at any conclusion, and in this spirit, I am moving my amendment which stands in my name.

SHRI D. C. SHARMA (Gurdaspur):  
What is that amendment?

SHRI SHIVAJIRAO S. DESHMUKH: At the time when I move the amendment, I can assure my hon. friend that he will have ample knowledge of the wording of the amendment. Now, Sir, the water disputes have been carried on for years together possibly because of politicians, and more so, according to our learned professor, because of engineers. Our hon. friend Prof. Ranga forgets that our hon. friend the Minister is both a politician and an engineer. So, I do not know which quarters he had in mind when he said that the disputes drag on for years together. But I think if this spirit of

parochial patriotism is not to be transgressed to the judiciary, it will not be enough if we insist as to which State that judge should come from. If a particular State which is a party to the dispute applies to the judge in writing that the principles on which the dispute applies to the judge in decided upon first; then I think there is a reasonable guarantee that justice would be done. Why a reasonable guarantee should be had is simple enough: every lawyer knows that the question of fact is more a sacred matter of dispute than the question of law. For instance, whether the court has jurisdiction or not can be tried as a preliminary issue; whether it has a limited area or not could be tried as a preliminary issue. And once the legal issues are settled, then the courts can go into the facts. Therefore, it is left to the discretion of the tribunal. Even if the tribunal fails to exercise its discretion, it will ultimately seal the fate of millions of people. We have to safeguard against this.

We have the experience of the Mahajan Commission. Mr. Mahajan was a man who presided over the Supreme Court of this country. And yet he had shown how communal he could be; he had also exhibited how parochial he could be.

SHRI S. M. KRISHNA (Mandya):  
I rise to a point of order. With great respect to my hon. friend Shri Shivajirao S. Deshmukh, let me submit that, firstly, Mr. Mahajan is not here in this House to defend himself. Secondly, he is dead. And about a person who was the Chief Justice of the country, to say that he was communal is not in good taste.

SHRI A. S. SAIGAL (Bilaspur): Sir,  
a point of order. It is not correct on the part of the Members to say like that as regards the judges who are appointed by the President and with the consent of the Government, and

the Chief Justice of India. If we, the Members here, are going to criticise the judges when they are not here, I think it is not correct.

**SHRI D. C. SHARMA:** He must withdraw those words.

**SHRI S. M. KRISHNA:** I demand that the words should be expunged.

**MR. DEPUTY-SPEAKER:** Order, order. I myself was going to intervene. The hon. Member is perfectly within his right if he were to criticise the decisions, but if he were to attribute motives and say that he was prejudiced by a certain communal consideration or otherwise, it is not fair to him nor fair to this House. (*Inter-ruption*) Therefore, what he has ultimately reported, that is open to discussion and that could be debated here, but if he attributes even by a suggestion, it is not dignified in any manner and that should not be tolerated in this House. Omitting that, he can continue.

**SHRI INDER J. MALHOTRA** (Jammu): His remarks were personal, not about the decision of the Commission So, both the remarks should be expunged.

**MR. DEPUTY-SPEAKER:** The best thing would be, he should withdraw that portion, that he was motivated by communal considerations.

**SHRI SHIVAJIRAO S. DESHMUKH:** My trouble is I am not permitted to complete the sentence, because for anyone who has any understanding of the background to the partition of this country, who wants to read the Mahajan Commission's report, the spirit with which the precedents Mr. Mahajan has quoted would be evident. That explains the man. We are not concerned with the man.

**MR. DEPUTY-SPEAKER:** I have heard you clearly. You said that he was communal and he was prejudiced

because he was communal. That portion you better withdraw. That would be more graceful.

**SHRI SHIVAJIRAO S. DESHMUKH:** I have no hesitation in withdrawing it. But to think that a Judge would be just is a pre-supposition which is nothing sort of danger. When we legislate about the settlement of disputes affecting the lives of millions of people, the elementary precaution this House should take is to see that a Judge, howsoever high and senior he may be, whichever State he may come from, should not be the ultimate decider of the fate of millions of people simply in the air. If you go through the Mahajan Commission's report, you find there innumerable references which are unreasonable and such indiscreet applications of principle that you shudder to think of them. If some guidelines are given to the tribunal that it should first decide upon questions of principle before going into the details of the sharing of waters between different States, it would be in the fitness of things. There have been scores of disputes in world courts. Time and again the issue has been raised before international courts as to what should be the principles on which waters of inter-State rivers should be shared between different riparian States. Even in a federation, the same principles can be imported with such modifications that Indian conditions would imply. Therefore, to insist on decision of principles is just and fair. I honestly urge on the Minister to accept this amendment because it has been moved only but of anxiety to see that justice is not only allowed to be done, but justice is forced to be done.

**MR. DEPUTY-SPEAKER:** I would like to caution members, particularly Mr. Deshmukh. As I pointed out when Prof. Bonga was making his submission are we to give an impression in this House that whatever high position he may be holding a judge cannot be objective and impartial? Is

[Mr. Deputy-Speaker]

it proper and dignified? No member should make such a suggestion in a general way or by insinuation. Your other arguments are quite sound. But if you start with this premise, that is not correct.

SHRI MANUBHAI PATEL (Bahhoi): Prof. Ranga in his speech said that Judges from certain linguistic States like Gujarat or Maharashtra should not be appointed. That is a reflection on the Judges. Judges are Judges, whichever State they belong to.

MR. DEPUTY-SPEAKER: I cautioned Prof. Ranga and he accepted my caution.

SHRI SURENDRANATH DWIVEDY: If I say that the Judges who are to be appointed must have served on the bench for so many years, he must not belong to any particular State, etc., it is no reflection on the Judges. Those principles can be laid down.

MR. DEPUTY-SPEAKER: Mr. Deshmukh was saying that certain guidelines must be laid down for coming to a decision. It was in that context that I referred to it. Nothing beyond that.

SHRI R. D. BHANDARE (Bombay Central): This Bill seeks to bring in a very small amendment. You should not have allowed Prof. Ranga to refer to the disputes which are in existence between different States. Having allowed him making a reference to those disputes, which are in fact in existence, which are points of agitation—disputes regarding Nagarjun, Krishna-Godawari and Narmada—I think other hon. Members would be justified in making a reference to them. These things should not have been allowed. But you were good enough to concede a reference to them. Therefore, as I said, other hon. Members would be justified in making a reference to them.

MR. DEPUTY-SPEAKER: I have not objected to a reference being made to them (*Interruption*).

SHRI A. S. SAIGAL: Shri Ranga has already referred to the dispute over Narmada. I have a right to reply. I come from Madhya Pradesh.

MR. DEPUTY-SPEAKER: When we are discussing this Bill we cannot possibly preclude a reference to the disputes. But the only point is that these disputes should be referred to only incidentally. If hon. Members harp on them it is not good. Some water disputes are there and therefore this Bill has come to enlarge the scope of the Tribunal.

SHRI R. D. BHANDARE: It is not correct to say that because of the disputes this particular amendment has come forward.

SHRI SURENDRANATH DWIVEDY: Sir, are we going to discuss who is going to say what in regard to this Bill? are we on a point of order?

SHRI R. D. BHANDARE: Sir, I am in possession of the House. I am not yielding to anybody.

SHRI SURENDRANATH DWIVEDY: Sir, I rise to a point of order. Is an hon. Member within his rights to say that other hon. Members cannot speak such and such things in this House?

MR. DEPUTY-SPEAKER: Shri Bhandare has made a suggestion. I do not want to shut out completely any reference to the disputes. But because I permitted Shri Ranga to say something it does not follow that all things are permitted.

SHRI D. N. PATODIA (Jalore): Sir, I rise to a point of order. Can an hon. Member give suggestions in the name of a point of order? Shri Bhandare gave suggestions in the name of a point of order. You should have ruled it out of order. Nobody

can preclude a speaker from dealing with the subject of a Bill which is before the House. Therefore, it is a fantastic suggestion that a Member cannot refer to water disputes.

MR. DEPUTY-SPEAKER: Unfortunately, in the name of points of order many things are said. I rule it out.

श्री एस० एम० जोशी (पूना) :  
उपाध्यक्ष महोदय, मैं सिर्फ इतना अर्ज करना चाहता हूँ कि अगर हम लोगों को जजेज के ऊपर कोई रिफ्लैक्शन नहीं करना चाहिये तो यह भी रंगा साहब से मैं कहना चाहता हूँ कि जब कोई डिस्प्यूट हो तो जिस प्रान्त का वह डिस्प्यूट हो उस का जज न हो तो यह भी गता चाँह है।

श्री भारतसिंह चौहान (धार) : उपाध्यक्ष महोदय, यह जो अन्तर्राज्यीय जल-विवाद का प्रश्न है और उस विवाद को निबटाने के लिए यह जो बिल पेश किया गया है वह स्वागत के योग्य है इसमें कोई सन्देह नहीं है। परन्तु इतनी देर से जो यह बिल यहां पर पेश किया गया है उस से यह जाहिर होता है और महसूस होता है कि इन 10 सालों के बीच में जिन कांग्रेस के राज्य में यह एक महत्वपूर्ण समस्या का ने के लिए 10 साल बराबर बिताते रहे यह इनके शासन की दूरगति की एक बड़ी भारी कमी है। यह भलीभाँति हम जानते हैं कि जिस राष्ट्र में कई तरह की कई नदियाँ बहती हैं और यह जल-विवाद उत्पन्न हो सकते थे और जिन नदियों के जरिए हमारा अपने देश को शहल बनाने का एक खाब था और हमारा व्यापार, अर्थिक व सामाजिक उन्नति व देश की मजबूती इस जल के ऊपर निर्भर है उस उतनी बड़ी समस्या का हमने 10 साल से कोई इस प्रकार का एक हल निकालने का विचार नहीं किया। मैं यह कहना चाहता हूँ कि कांग्रेसी सरकार जोकि ऐसी महत्वपूर्ण समस्याओं को हल नहीं कर पाई है उसका यह परिणाम है कि हम आज सूखें मर रहे हैं और देश कंगाल

हो गया है। क्या यह इस बात का सबूत नहीं है? दरअसल यह बिल जो आज लाया गया है यह आज से कहीं पहले लाया जाना चाहिये था। क्या देश का नक्शा बदल गया है? इस देश में नदियाँ चारों तरफ बह रही हैं और यह सब को अच्छे तरीके से मालूम था कि एक प्रान्त से दूसरे प्रान्त में यह नदियाँ बहती हैं और यह जल-विवाद की समस्यायें पैदा हो सकती हैं और वह पैदा भी हुईं। लेकिन यह दुर्भाग्य की बात है कि आज उन जल-विवादों को एक राजनीतिक दृष्टिकोण से ले लिया गया है। पिछले वक्त में इन नदियों के विवादों को ऐसा रूप दिया गया जो कि वांछनीय नहीं था। पूर्ण रूप से एक राजनीतिक उद्देश्य से उन जल-विवादों को टाला गया, निबटाया नहीं गया और विलम्ब करते रहे। परिणामस्वरूप देश की एक बड़ी भारी समस्या और जो एक बड़े महत्व का विषय रहा है वह उलझन में पड़ता रहा। यह एक बात है। ऐसी सैकड़ों बातें हैं जो हैं लेकिन जैसा मैंने कहा यह जल-विवाद की एक मुख्य बात है और वह भी इस कांग्रेसी शासन के काल में इन वर्षों में उलझी पड़ी रही है।

15.37 hrs.

[SHRI THIRUMULA RAO in the Chair]

मैं आपको ध्यान दिलाना चाहता हूँ कि इस मंशोधन विधेयक के द्वारा वन-मैन ट्राइब्यूनल के स्थान पर तीन जजों को होने का यह है वह एक स्वागत योग्य कदम है। लेकिन अदालतों में जैसे लम्बे मुकदमे विचारे हैं लम्बा-लम्बी मुकदमेवाजी होती है और उनके फैसले होने में विलम्ब होता है और जैसा कि प्रभाव इससे होता है ऐसा नहीं होना चाहिये और मुकदमे बढ़ते रहे और अदालतों का चक्कर बढ़ता रहे तो जो देश की समस्या है और जिसके कि ऊपर देश का भविष्य निर्भर करता है उसका क्या होगा। अगर

## [श्री भारतसिंह चौहान]

राजनैतिक दृष्टिकोण इसमें लिया गया तो भगवान ही इस देश का मालिक है और पता नहीं कि इस देश का क्या बनने वाला है ।

मैं इस बात की ओर ध्यान दिलाना चाहता हूँ कि यह जो अदालत या ट्रिब्यूनल कायम किया गया है इन का फैसला जल्द से जल्द आये और शोधता से विवाद संबंधी मामले इन के द्वारा निबटारे जायें । मैं मध्य प्रदेश का हूँ और मुझे यह अच्छी तरह से मालूम है कि वहां क्या स्थिति है । पिछले वक्त में जिस तरीके की बातें हुई हैं और नर्मदा का जो दृश्य मैंने देखा हुआ है वह आज भी हमारे सामने नजर आता है । जिस नर्मदा बांध के बारे में करोड़ों व्यक्तियों का भाग्य निर्भर है, नर्मदा के तट पर दोनों तरफ वह आदिवासी बसे हुए हैं जिनके लिए कि केंद्रीय सरकार बार-बार कहती है कि इन को हम उन्नत करेंगे । पिछले 20 साल से यह राक्षस वायदा करते आये हैं और नर्मदा की जो योजना है उसको टाकते रहे हैं । यह आज बर्दाश्त करने के योग्य बात नहीं है लेकिन मैं आप को कहना चाहता हूँ कि यह उन पापों के कारण है जोकि आप लोग ने उन 40 लाख आदिवासी जोकि नर्मदा घाटी में बसते हैं उन आदिवासियों के भाग्य को इतने वर्षों से बांध कर रक्खा है और उनकी हालत बेहतर नहीं की है । मैं आपका ध्यान दिलाना चाहता हूँ कि यह मध्य प्रदेश और गुजरात दोनों कांग्रेसी राज्य थे लेकिन यह दोनों राज्य मिलकर इस नर्मदा योजना को हल नहीं कर पाये । मैं क्या उम्मीद कर सकता हूँ कि इस तरह की एक योजना को हमारे एक भाग्य को जो उज्ज्वल बनाने वाली चीज है उसको वह अभी भी इस तरीके से राजनीति के चक्कर में डालकर उस को झगड़े में डाल सकते हैं ?

मैं इस बात की ओर भी आप का ध्यान दिलाना चाहता हूँ कि जो निर्णय किये जायें वह जल्दी किये जायें । मैं तीन जजों की अदालत जो बनी है उस का स्वागत करता हूँ, लेकिन उन के निर्णय जल्दी हों । साथ ही इस का भी ध्यान रक्खा जाना चाहिये कि निर्णयों पर राजनीतिक दृष्टि से कोई प्रभाव न पड़े ।

अक्सर यह देखने में आया है कि राज्यों को खुश करने के लिये बातें कह दी जाती हैं । जहां तक मुझे मध्य प्रदेश की नर्मदा योजना का इतिहास मालूम है, यहां तक हुआ है कि गुजरात को खुश करने के लिये जब यहां पर अविश्वास का प्रस्ताव आया था उस समय भी प्रधान मंत्री ने उम को रिफर करते हुए कहा था कि गुजरात के सदस्य जो सुझाव देते हैं वह विचार के योग्य हैं । इस से मध्य प्रदेश में एक अजीब सी अस्थिरता पैदा हो गई थी और वहां के मध्य मंत्री ने हम लोगों को उम के बारे में तार दिया था कि हमारे साथ कहीं अन्याय न हो जाये । इस तरह की बातें सामने आती हैं ।

यही नहीं, यह सोचने की बात है कि अगर सरकार इस समस्या को खत्म करना चाहती तो कर सकती थी । नर्मदा मध्य प्रदेश में 700 मील बहती है और गुजरात में 100 मील बहती है । हम इस समस्या को हल न कर के एक ऊंचा बांध बना कर मध्य प्रदेश की 40 लाख जनता को खत्म कर देना चाहते हैं । वहां पर आज भी हम इस योजना के अन्दर राजनीति को लाना चाहते हैं ।

इसलिये मैं इस बिल के बारे में इतना ही कहना चाहता हूँ कि जो कुछ इस बिल के द्वारा लाया जा रहा है वह एक कदम आगे बढ़ कर ही लाया जा रहा है । हालांकि यह विलम्ब से दस साल बाद आया है लेकिन आया है, यह ही मानता हूँ । लेकिन इस बात

का ध्यान रखना है कि जो ट्राइब्यूनल बन रहा है उस के अन्दर निर्णय जल्दी से जल्दी किये जायें ।

MR. CHAIRMAN: I see a long list of names here. I would request the hon. Members to cooperate with me so that everybody gets his chance. Shri R. D. Bhandare.

The Deputy Speaker has already laid down the general line of debate and has permitted to refer; generally, to disputes that are pending. But the provisions of the Bill have to be adhered to as far as possible.

SHRI R. D. BHANDARE (Bombay Central): Mr. Chairman, Sir, I respect your ruling. I had raised the point. When the Deputy-Speaker allowed the hon. Member to refer to the disputes, then the flood gates are open. It is but natural that in the interest of those States we belong to, we should not allow the points to go undisputed.

Sir, so far as the Bill is concerned, the Bill seeks to incorporate a very small amendment.

In the Act No. 33 of 1956 there was a provision for one-man Tribunal. Now this Bill introduces an innovation. Instead of one individual, the Bill seeks to have three. It says:

"The Tribunal shall consist of a Chairman and two other members nominated in this behalf by the Chief justice of India from among persons who at the time of such nomination, are Judges of the Supreme Court or are Judges of a High Court."

When the Act of 1956 was passed, this point was raised by a number of members; at that time, some of them had insisted that the Tribunal should consist of two persons and some of them had insisted that the Tribunal should consist of three persons. But at that time the suggestions were not accepted. At that time one Judge was thought to be enough to solve the

dispute or to give a decision on a dispute referred to him. Now because of the experience after 12 years, the Government has come forward with this Bill with sufficient experience at its command and Government is trying to make this amendment. I, therefore, uphold the Bill in toto.

While supporting the Bill, I would like to oppose some of the amendments, but I would support the Government amendment..

SHRI DEORAO PATIL (Yeotmal): It has not yet been moved.

SHRI R. D. BHANDARE: I quite understand that it has not been moved. I am looking at the papers before me and, therefore, I am reflecting on those. When I read the Bill as it is, I thought that there was some lacuna,—in case a vacancy arises how that vacancy should be filled in. The original provision in the Bill was that the vacancy should be filled in by the Government. Now the Government has come forward with an amendment, which is quite in tune with the principles accepted in the original Act and in the Bill also, that it should be filled in by a person to be nominated by the Chief Justice. It reads:

"Such vacancies shall be filled by a person to be nominated in this behalf by the Chief Justice of India in accordance with the provisions of sub-section (2) of section 4."

So, this is quite in tune with the principles accepted.

Mr. Shivajirao S. Deshmukh has made a point that, when the dispute is referred to the Tribunal, certain guidelines should be given by the Government, and those guidelines should be accepted by the Tribunal. I do not know whether it will be juridically right to give directions to the members of the Tribunal who are Judges of either Supreme Court or High Court. I do not know whether it can fit in with the concept which

[Shri R. D. Bhandare]

we have accepted, the concept under jurisprudence. I, therefore, simply question the propriety of the suggestion which is sought to be incorporated in the Bill through an amendment by Shri Shivajirao S. Deshmukh.

A point was made by Prof. Ranga that the tribunal should not be presided over by judges from those States which are parties to the dispute. I cannot agree because once we accept that they are judges, they are judges for all theoretical and practical purposes, and their integrity and impartiality should not be questioned or challenged at all. If we were to accept the suggestion of Prof. Ranga, we would in a way be questioning that integrity and impartiality. Whatever may be the arguments, that the judges are after all, persons belonging to the particular State, so they may be swayed by the parochial sentiments—all these could be advanced against any person who might be there. But once we accept a High Court Judge or Supreme Court Judge on the tribunal, the presumption is in his favour. If that presumption is rebutted and proved that they are not impartial or upright or that their integrity is in question, we have some other remedy. Therefore, even that suggestion made by him is not acceptable to me.

Coming to the actual disputes, respecting your guideline that we should not refer to disputes agitating the minds of people in different States, I would like to clarify one point that so far as the Krishna-Godavari dispute is concerned, it is there and we insist that the tribunal should be appointed at the earliest possible opportunity so that this dispute is solved once for all. I am not going into the merits of it, since I accept your ruling that I should confine myself to the measure before the House. I support the measure as has been brought forward.

SHRI H. N. MUKERJEE (Calcutta North East): Mr. Chairman, the main provision of this Bill is generally acceptable. It is a noticeable fact that

controversies in regard to our river waters had reached such a phase that the National Integration Council had to take notice of it and there is a resolution on river water disputes which the Srinagar Conference adopted. Their recommendation was that in view of the complexity of the existing issues, not one Judge but at least, three Judges should be there. I am glad, therefore, that the Minister has brought forward this legislation so that a tribunal of three Judges could look into the river water disputes that are so very much in the picture.

It is a sorry reflection on the state of affairs in our country that we do have these disputes in the manner they have emerged. Bowing to the decision of the Chair, I also am not going into any detail in regard to the different disputes. But I just fail to understand how it is that when there is one party which is in charge of the administration of the whole country—and till recently was in control of all the States in the country—these disputes could go on as merrily and as mischievously as they have as far as the interests of our country were concerned. I have a feeling that we should have put the disputants, those who were carrying on the controversy, in a room, just as members of the jury are locked up, just as Cardinals who elect a new Pope, are locked up, till they agree.

Before 1967, when different parties came to power in the different States, I was in Ahmedabad, and in regard to the Narmada dispute I was taken to a sort of exhibition where they showed us the Gujarat case, and they were telling us that their concern was about the immediate desirability of the project. If the matter is technically so desirable and economically also desirable, it just beats me that a country which has been run by the same political party all over the place has failed in getting a consensus even in regard to these matters, but I am not

going to make much of a point of it. But, I really feel very disturbed when we get to know, as we did last year, that in regard to the Nagarjunasagar project, the merits of which do not know much about, Dr. Rao had come forward enthusiastically with the idea that if Rs. 20 to 23 crores were spent at that particular time, then we could produce in Andhra surplus rice to an extent which would have enabled us almost to do away with PL-480 imports for which we were paying at that time every month about Rs. 50 crores but, it could not be done because in regard to the high dam or low dam or whatever contortions were brought into the picture, the controversy went on and the country was deprived of this chance.

in our country the rivers have been a unifying factor.

गंगे चैव, यमुने चैव गोदावरि सरस्वति  
नर्मदे सिन्धो कावेरि जलेस्मिने सन्निधि कुरु ।

This is the invocation. All these rivers are in different parts of the country. We were reminded of the unity of our country when we thought of our rivers, but the rivers of today have become a point of controversy, a bone of contention. All these disputes are in the picture. Therefore, something has to be done to secure an expeditious solution of these disputes. And three judges, surely, would be a much better body of people, but I have one grouse in regard to this matter.

It seems that the Government can get judges of the High Court, Judges of the Supreme Court as well as ex-judges of the Supreme Court. Ex-judges of the Supreme Court are likely to be a little older than ex-Judges of the High Court. If you want to discriminate between the judges of the High Court and the judges of the Supreme Court, you are welcome, but I do not understand the logic of it. Besides, I am against the idea of ex-judges, whether of the High Court or Supreme Court, being liable to appointment on bodies where the Government has some say, because I have

noticed for many years now, and this has been mentioned repeatedly in this House, that the lure of appointment after superannuation is one of the most demoralizing features of public life in our country. I have had the mortification of even seeing some very distinguished and independent-minded judges trudging along in the corridors of the Secretariat in Delhi in search of some kind of superannuation appointment. I do not like it at all.

The Government has so much patronage. Only the other day, my friend Dr. Ranen Sen asked a question, Unstarred Question No. 1031 on 26th July, and he elicited the information that during the last five years, 419 commissions or committees were set up, and it was added with wonderful irony, that the commissions and the committees complete their work within the specified or extended time limit. Almost every five days Government appoints a commission or committee. In five years there have been 419, and judges look up for appointment. It is a very bad thing for any ex-judge either of the Supreme Court or High Court to look forward to that kind of reward which is now being offered by the Government of our country. Since our friend Dr. Rao is a distinguished engineer, we do have great expectations in regard to what ought to have been done. That is why I wonder why it is that our reverine resources which are so magnificent have not been exploited in the manner they ought to have been.

16 hrs.

I discovered while reading something in the Library that in the last century in Madras Presidency of the olden times, there was an eminent English engineer, Sir Arthur Cotton who did very valuable work. There is a book on him by his daughter which referred to the idea that Sir Arthur Cotton had of linking up the Ganga right from Calcutta to Cape Comorin, connecting Mahanadhi, Godavari, Krishna, Thungabhadra,

[Shri H. N. Mnkerjee]

Kaveri and Tamraparani. That was one idea. Further, he had the idea of a canal on the West coast right up to Karwar, a canal from Madras to the West coast, from Nellore to Wardha and then to link up all these rivers including Tapti and Narmada. This kind of a scheme could be made by a British engineer working in this country in the seventies of the last century. We do not seem to be making much of an advance in regard to this kind of a matter. I do not see why we cannot take some really genuine steps in regard to this matter. The railways are there, no doubt. At the same time our waterways require development in a fashion which I am sure we have not been able to undertake upto this present moment. When we have got engineers, why is it that these disputes become so important? Prof. Ranga very rightly pointed out that even our technicians and engineers get political orientation only because of the lure of office and appointment, publicity and prominence in social life. This is something which goes against the grain of Indian life. Think of our rivers—such beautiful names.

I was a member of a parliamentary delegation which went to the Soviet Union. We discovered how they have connected from the white sea and the Baltic right down to the Black Sea and the Mediterranean and the Caspian Sea. They are all linked because of the canal system. We were shown the Moscow river which at one time was very sluggish but which because of the canal system they had been able to make navigable. Dr. Rao himself has seen it. Maybe, we cannot do it because we have so many other difficulties; I need not go into them in great detail. But why do we not get started? We have such enormous resources. Why do we have to be bottled up with all our ideas lacking fruition because we could not go ahead with imaginative construction of these schemes about which Sir Arthur Cotton could talk about in 1870; still in 1960 we have not been able to do much about it. Therefore,

I do wish that our river waters, wonderful resources of energy and prosperity that we have got in them, should be properly utilised and all hurdles in the way of their utilisation removed. For this purpose, a tribunal is necessary. Unfortunately controversies crop up. But I wish Government does something about it to expedite decisions by these tribunals. In regard to the appointment of ex-judges either of the High Court or of the Supreme Court, I do hope that the Government would give some consideration to the point raised. I had not given notice of an amendment as I very well know the fate of amendments and that is why I thought that it was perhaps a waste of time. However, finding Dr. Rao in perhaps an accommodating spirit, I make the suggestion and if he puts it down, I shall be happy and the public life of this country would secure some kind of a possibility of improvement.

SHRI P. VENKATASUBBAIAH (Nandyal): Dr. Rao has come forward with this amendment after twelve years as he has realised the futility of this matter being settled outside the purview of a tribunal or court Members of the Opposition put a very pertinent question: Did not most of the States involved in these disputes, including the Central Government, belong to one political party?

Sir, these water disputes like the border disputes are such that they will transcend all political barriers. I do not think Shri Nath Pai of the PSP will agree with Mr. Krishna with regard to the Mahajan Commission report or with many other disputes that concern not only the borders but the rivers. So also, the malady is the same with the Congress party. Therefore, I wanted to bring to the notice of the Government that they should not have spent that much of time as to come to this painful realisation that these matters cannot be settled among the States concerned, but that they

should be referred to judges or a tribunal in whose impartiality we do not have any doubt.

Another point which was made out by some of our friends is with regard to the appointment of the judges to the tribunal, and there, the *bona fides* of the judges with regard to which State they belong and what type of people they are, were referred to. I think it is most unjustified and it is not proper on our part to question the impartiality of the judges. We must be free from these ideas, and I am sorry that this matter has lent scope to be discussed in this fashion in this House.

For instance, Mr. Mahajan does not belong either to Mysore or to Maharashtra. Even that poor gentleman is subjected to much criticism about his partiality. The aggrieved party naturally would like to have some causes so as to please their electorate somewhere. In all these matters, my charge against the Government is that we have wasted precious time and we were not able to make the maximum utilisation of the water potential in the country; that we were made to depend upon the PL-480 imports for eternity. We were bound inseparably to a foreign country—whichever country it might be—that has taken away that self-asserting spirit of the nation. If some of these disputes had been settled a long time back, like the Nagarjunasagar project or the Malaprabha, Ghataprabha, Upper Krishna or any other project in Mysore, Maharashtra or Andhra Pradesh, and if they could have come into being, I think the country's food position would have been quite different.

In all these matters, I also see the hand of the bureaucracy wielding its influence behind the scene. The unfortunate controversy with regard to the Narmada water dispute is standing example. It is poor Govind Narain Singh who was uttering parrot-like words that were prompted by Mr. Gulati. Mr. Gulati has been doing this sort of mischief and misleading the poor Chief Minister of Madhya Pradesh, and he is the gentleman who

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was responsible for this Indus Waters Treaty and had done incalculable harm to this country and this man, as Mr. H. N. Mukerjee has rightly pointed out, belongs to the category of superannuated persons who loiter in the corridors of the Government Secretariat in Delhi or some other place to have some appointment here and there. So, I would warn the Government to be aware of these unscrupulous bureaucrats who accentuate the differences between the States and which ultimately go against the interests of the people and the country at large.

The problem is not so insurmountable as to baffle any solution. The main criterion should be this: the waters should be utilised, whether it is in Maharashtra or Mysore, Madhya Pradesh or Gujarat or Andhra Pradesh, because, in this country, whichever big river we take it flows through so many States. It is not as though it is a new thing that we have now discovered. As a matter of fact, these rivers which happen to be the sources of integration, as Mr. H. N. Mukerjee has rightly pointed out, have now become a bone of contention and have aroused considerable passion. For instance, the controversy that went on between Madras and Kerala with regard to a particular project has hampered the development of Kerala. In the long run, both States were the sufferers. From the national point of view, it is better that disputes of this nature are settled quickly.

**SHRI RAJARAM (Salem):** Which dispute?

**SHRI P. VENKATASUBBAIAH:** I do not remember the name of the river, but there was a dispute. But I am not casting any aspersion on the Madras Government.

**SHRI RAJARAM:** I only wanted a clarification. You must be talking

[Shri Rajaram]

of the Bhaktavatsalam Government, not Annadurai Government.

**SHRI P. VENKATASUBBAIAH:** So far as Krishna-Godavari dispute is concerned, the first agreement was made in 1951, but then the States involved were not Andhra or Mysore as they exist today. The complexion was quite different. The composite Madras State was a party to this agreement. Then the award of Hafiz Mohamed Ibrahim came. Whenever these matters are sought to be discussed, a lot of heat is created with the result that we are not able to make the maximum utilisation of the waters.

I hold the view that Dr. K. L. Rao should not appoint retired Judges, whether they belong to the High Courts or the Supreme Court. I entirely agree with the view expressed by Prof. Hiren Mukerjee in this regard. These tribunals must also be given a time-limit within which the dispute should be resolved. There should be a specific stipulation about time-limit in the terms of reference. Since these river water disputes involve going into several technical matters, the tribunals should be assisted by a technical and expert committee.

I would also suggest that the tribunal should not be hamstrung by the imposition of any type of terms of reference from the Government. They must be able to frame their own terms of reference based on international and notional practices. When the dispute is referred to them, it is up to them to decide in what manner it should be settled. In spite of the appointment of the tribunal, even now the concerned State Governments may realise the utter futility of prolonging the disputes, which helps none but injures the interests of the country and may resolve their differences and go ahead with the execution of the projects.

Lastly, I would appeal to Dr. K. L. Rao that the time has come when the Central Government should handle the execution of major river-valley projects. By allotting amounts within the State ceilings, the completion of the projects is delayed and the estimated cost also goes up. In one case, it has gone up from 50 to Rs. 150 crores. There are so many instances like that. So they must first see that all the major important river valley projects are handled by the Central Government and enough finances are allocated to those projects for early execution. Also, they must make up their mind to have a full assessment of the water resources that are available in this country. There is no such data with the Government of India available at present. Therefore, an assessment of the water resources must be made available and the important national river valley projects must be taken in hand by the Central Government. If necessary they must be financed by the Central Government as is being done in the case of three or four national projects by allocating some funds outside the State ceiling. They must do it early so that these projects are completed as early as possible.

**SHRI P. RAMAMURTI (Madurai):** Mr. Chairman, Sir, Shri Mukerjee made a reference to the fact that despite the fact that there has been in existence governments of the same party, namely, the Congress Party, in various States, these river water disputes have not been settled for the last so many years. My hon. friend, Shri Venkatasubbaiah told us that it is a very delicate question and it cuts across all party lines. He said that both with regard to the border disputes as well as with regard to these river water disputes no party would be able to take up a position of opposition. I would like to remind him that when the whole question of Andhra State was there and when Members of the Congress

Party belonging to Tamilnad and Andhra were at loggerheads with regard to the question who should own Madras City or where Madras City should go, our Party members whether they belonged to Tamilnad or Andhra took a unanimous decision that Madras City should be in Madras State.

**SHRI P. VENKATASUBBAIAH:** But in the case of Chandigarh a Communist in Punjab says one thing and a Communist in Haryana says another thing.

**SHRI P. RAMAMURTI:** Similarly, I am sorry Shri Venkatasubbaiah made a mistake with regard to the dispute that exist between Tamilnad and Kerala. Other river water disputes are of a different type. For example, Godawari starts in Maharashtra and flows through so many other States and ultimately through Andhra. So, how the water should be shared between the various States through which these rivers flow is the point at dispute between these various States. But with regard to Madras and Kerala there is no river which starts there and flows into Madras. The dispute there is the other way round. People say that all the rivers that are starting on this mountain, the Western Ghats, flow in such a way that too much water flows into the Arabian Sea. The Kerala Government or the Kerala people will not be able to utilise all these waters. Therefore, the suggestion is, why not divert those waters into Madras State? This has been the demand of the Madras Government for a pretty long time. One such dispute was with regard to Parambikulam. With regard to this Parambikulam water dispute I would like to remind you that where there is a will there is a way. For twelve long years during which period there was Congress Government both in Madras and in Kerala no settlement could be reached at all. They were at loggerheads. But when the Communist Ministry under the

leadership of Shri E. M. S. Nambudiripada came in 1957 the problem was solved within the course of six months. How was it done? It was solved because we felt that this is not a matter between two States but it is a matter where the people are involved, where the welfare of people is involved. Therefore, we said, after all Tamilnad does not need water for irrigation in the months of May, June and July. During that period there is heavy rain in Kerala and, therefore, irrigation in Kerala does not depend upon this river.

There is enough water; therefore let us store it in the Parambikulam Dam, allow the water to flow into Madras during the period when there is heavy rain in Kerala and stop it after that, and during the period when there is no rain in Kerala allow the water to flow into Kerala. This was the device that we found out because there was a will, an approach.

This problem was approached by the Communist Government in 1957 not from the point of view that it was a question of Tamil Nad or Kerala but from the point of view that the people of both the States are people of this country, they are human beings, and therefore all of them should benefit. From that point of view we were able to find a solution.

To our sad regret, this solution that we found out was made a point of attack against the Communist Government in Kerala by nobody else than the Congress Party. Because we gave water at that time they said that this Government must be overthrown because it has given the waters belonging to Kerala to Tamil Nad. That is how they behaved.

Therefore all that I want to point out is that if there is a will, if this

[Shri P. Ramamurti]

problem is approached from the point of view of the well-being of the millions of people of the country, to whichever State they may belong, a solution can always be found for every one of these disputes. Unfortunately the Congress Party in this country during the last 20 years of its existence in government after independence has not been able to bring about a solution because they have not approached the problem from this point of view. I am not now going into what is their point of view. Therefore a situation has come when this question can only be resolved by reference to a tribunal.

Of course, it is not Dr. K. L. Rao's experience that has made him bring forward this Bill. This is a question which has been accepted at the Srinagar Conference. Shri Sundarayya, the General Secretary of our party, raised this question there and asked, "why are you allowing these river water disputes to continue for long?". He said that these things should not be allowed to continue for more than a year and if the concerned States are not able to bring about a settlement within a year the Central Government must refer it to a tribunal. He suggested that instead of having one Judge on the tribunal have three Judges. It was accepted at that conference and as a result of that this Bill has come forward. I am glad that this Bill has come, but this is only one aspect of it.

The tribunal was in existence long ago. Today you are just increasing the number of judges. Very good. But are you going to refer these disputes, for example, the Godavari dispute which has been in existence for umpteen years or the Narmada dispute which has been in existence for nearly 10 or 15 years, to the tribunal immediately so that these

questions are not allowed to continue as a festering sore in the relations between the various States? That is the question.

Therefore, while supporting this Bill, I would only urge upon the Government not to procrastinate, not to delay, not to be moved by political considerations with regard to this State or that State, not to yield to the pressures of Congress groups. I am not talking of other groups, because after all both in Maharashtra and Andhra there are Congress governments. The whole thing has now been functioning on who is the Chief Minister who has greater pull with the Central Government, whether Shri Brahmanand Reddy has the greater pull and with whom has he got a pull; has he got a greater pull with Shrimati Indira Gandhi or has somebody got a pull with Shri Chavan or Shri Morarji Desai? The whole thing is being discussed and decided on the basis of personal equations and pulls and counterpulls. Therefore I would only urge upon the Government at least to take lessons from their experience of the last 20 years and not to delay, not to procrastinate. As soon as your pass this Bill, straightaway refer all these disputes to the tribunal and be done with the matter.

श्री प्र० सि० सद्गल (बिलासपुर) :  
सभापति जी, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। मैं आज यह कह सकता हूँ कि अब वह जमाना अगया है जब कि सेंट्रल गवर्नमेंट को अपने हाथों को कड़ा करके जितने भी बड़े बड़े प्रोजेक्ट्स हैं, उन सब को अपने हाथों में ले लेना चाहिये। इस का कारण यह है कि अब जो रुपया हम इन कामों के लिये देते हैं, प्रान्तों में वह रुपया उन कामों पर खर्च नहीं हो रहा है। मेरा यह प्रोपन सार्ज है और जिस का उदाहरण आपके परिदे से मंत्री महोदय के समना रखन चाहता

हं—स दो प्राजेक्ट इस का सुबूत है। यहाँ से जितना पैसा देना चाहिये था, वह बराबर दिया गया, लेकिन ठीक तरह से कार्य न हुआ हो या उस का सही इस्तेमाल न हुआ हो, तो इस में गतनी उन की है, सैन्ट्रल गवर्नमेंट की गलती नहीं है।

आज नर्बदा प्रोजेक्ट के लिये जो चीज चल रही है, जिस का कि उल्लेख हमारे एक माननीय सदस्य ने किया, मैं चाहूंगा कि जरा इस चीज पर गम्भीरता से विचार करें। जो आदमी गरम गरम दूध को पी लेता है और जब उस का मुंह बल जाता है, उस के बाद वह दही की छाछ को भी फूंक फूंक कर पीता है। हम जले हुए हैं—अब तक मध्य प्रदेश के साथ जो व्यवहार हुआ है—मैं नहीं चाहता कि गड़े हुए मुर्दे को उखाड़, लेकिन मैं यह जरूर चाहूंगा कि ईमाददारी और सच्चई के साथ जो भी ट्रिब्यूनल मुकर्रर किया जाये, उस में सुप्रीम कोर्ट और हाई कोर्ट के जजेज रखे जाय। लेकिन इस के साथ ही जैसा मेरे मित्र मुखर्जी भाई ने कहा—मैं भी चाहूंगा कि जिनका पद खत्म हो चुका है, उन को कृपा इस में लेने की कोशिश न करे। इस का कारण यह है कि कभी कभी वे भी कान्फ्लिक्ट में आ जाते हैं।

मेरे पूर्व वक्त ने यह कहा कि इस में सारा खेल गुलाठी का था यानी नर्बदा प्राजेक्ट में सारा खेल गुलाठी का था। मैं उन से निवेदन करना चाहता हूँ कि गुलाठी नौ सरकार के एक इंजीनियर थे, जो सलाह दिया करते थे। जिस तरह हमारे यहाँ हमारी सरकार को सैक्रेटरीज सलाह दिया करते हैं, सैक्रेटरी अपने विचार को रखते हैं, मानना या न मानना मिनिस्टर का काम है। इसलिये यह कहना कि वे जो सलाह देते थे, चीफ मिनिस्टर वही करते थे—मैं इस की मुखालफत करना चाहता हूँ। इस तरह से चीफ मिनिस्टर

के खिलाफ लांछन लगाना अच्छी चीज नहीं है, खास कर मध्य प्रदेश में। मैं आपको यह कहना चाहता हूँ कि ऐसी बात नहीं है कि मध्य प्रदेश के बोलने वाले नहीं हैं, मध्य प्रदेश के भी बोलने वाले हैं। इस लिये मैं मंत्री महोदय से अनुरोध करना चाहता हूँ कि आप इन सब बातों को मद्दे नजर रखते हुए, जिस वक्त भाषण करें सब बातों को स्पष्ट करें।

सभापति महोदय, जितने भी प्राजेक्ट्स हैं—उन सब के बारे में मैं अपने भाई का समर्थन करता हूँ कि अब वह आ गया है कि हम ट्रिब्यूनल बनाएँ और ट्रिब्यूनल के जरिये जितने भी मामले हैं, वह सब बेली का मामला है, वही गोदावरी-कृष्णा का मामला है—उन के फैसले करायें। आपने इस में तीन जजों की नियुक्ति वा जो प्रावीजन रखा है, मैं उस का मंथा करती हूँ। इस के द्वारा कम से कम एक जज को ही यह अधिकार नहीं होगा कि उस का फैसला सब के लिये बाइन्डिंग होगा, तीन जजों में से दो जज एक तरफ होते हैं और एक जज दूसरी तरफ होता है, तो दो जजों के फैसले को हमें मान्यता देनी पड़ेगी।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

MR. CHAIRMAN: Shrimati Jayaben Shah.

श्री महाराज सिंह भारती (मेरठ) :  
आपको एक उधर से और एक उधर से बुलाना चाहिये।

MR. CHAIRMAN: I could, certainly, call the party leaders. But there are a number of Members, irrespective of parties, who are directly affected by the existing disputes.

SHRI SURENDRANATH DWIVEDI: That does not necessarily mean that we should be ignored.

**MR. CHAIRMAN:** I have to regulate the debate within the time allotted.

**SHRI SURENDRANATH DWIVEDY:** You are changing the order.

**MR. CHAIRMAN:** I am looking to the party strength and then calling Members.

**SHRI SURENDRANATH DWIVEDY:** There is a convention that we have been following. You are violating that. Always one speaker from the Congress side and one speaker from the Opposition side is called. We follow that convention.

**MR. CHAIRMAN:** I bear that in mind.

श्रीमती जयाबेन शाह (अमरेली) :  
चैयरेमन साहब, आज जो बिल सदन के सामने आया है, उस से एक तरह से हम को खुशी होती है कि हमारे देश का जो सब से बड़ा मसला है, उस के हल के लिये एक दरवाजा खुला है, लेकिन यदि दूसरी नजर से देखें तो दुख भी होता है। हमारे देश में हम नदियों के पानी के लिये झगड़ते रहें—मेरे ख्याल से इतिहास में ऐसा ही लिखा जायगा। हमारे देश में इतनी नदियाँ हैं, लेकिन झगड़े की वजह से आज सरकार को ऐसा बिल लाना पड़ा—यह कोई शोभा की बात नहीं है।

एक सदस्य ने कहा कि यह सब कांग्रेस वालों के राज्य में हुआ। अगर उन का भी ऐसा ही राज्य चले, मैं तो चाहती हूँ कि लम्बे असें तक चले, और देखें यह एक ड्यूमन नेचर का सवाल है, कांग्रेस वालों का सवाल नहीं है, इधर या उधर का सवाल नहीं है, इस में पार्टी राजी नहीं है। अभी जैसा मुख्यमंत्री साहब ने बतलाया कि हमारे देश की जो नदियाँ हैं, वे हमारी संस्कृति की, इंदीयन की बहुत महत्वपूर्ण चीज थीं और आज भी हैं, जिस पर हम पले हुए

हैं उसी को लेकर हम झगड़ते हैं जिसके कारण आज हमारे देश में जो मजूती होनी चाहिये थी वह न होकर हम टुकड़े टुकड़े में बंट रहे हैं। मैं देशमुख जी के मन की बात जानती हूँ, वे महाजन कमीशन से नाराज हैं इसलिये उनके मन से ऐसी बात निकली। तो मैं चाहती हूँ कि यह हिल जा आया है उस पर जल्दी से जल्दी अमल दिया जाये। आज कितने झगड़े हैं उनको यहाँ पर बतलाने की जरूरत नहीं है। मैं गुजरात के बारे में बताना चाहती थी लेकिन मध्य प्रशासकों को भाई आये हैं उनका कुछ डर लगा, वे गरम दूध पिये और जल गये और फिर छाछ भी पीने में डर रहे हैं इसलिये मैं बताना चाहती थी कि गुजरात के लोग ऐसा नहीं हैं जो कि आपको जला देंगे। मैं आपको तसल्ली दे रही हूँ कि आपको हमसे डरना नहीं चाहिये। अगर किसी को लगे कि गुजरात ने जो दावा किया है वह नेशनल इन्स्ट्रुमेंट में नहीं है तो मैं समझती हूँ कि गुजरात को भी वह बात नहीं करनी चाहिये और हम कभी भी उसके बारे में कुछ नहीं कहेंगे।

सभापति जी, मिनिस्टर पर भी जब इलजाम लगाया जाता है तो मुझे बड़ा दर्द लगता है। मिनिस्टर होने से पहले वे इंजीनियर थे। जब वे एम० पी० ही थे तब हम साथ साथ इस्टीमेट्स कमेटी में बैठते थे और वहाँ पर वे बिल्कुल आब्जेक्टिव दृष्टि से बात करते थे, उनकी तो हम पालिटिक्स सिखाने लगे हैं, पहले उन्हें पता ही क्या था, वे तो एक आब्जेक्टिव दृष्टि और इंजीनियर की दृष्टि से बात करते थे। वे बेचारे तो बड़ी उलझन में पड़ गये हैं।

जजों के बारे में भी कहा गया। ठीक है, अगर एम० पी० के दिल में यह दात आजाये, उनको यह डर पैदा हो जाये कि अब हमारी जूडांशियरी भी तटस्थ नहीं है वह भी पार्टिजन व्यू ले सकती है तो फिर आम जनता के दिल में क्या होगा? जनता तो

कुछ-कुछ ऐसा मानती ही है और उसके ऊपर अगर हम यहां से स्टाम्प लगा देंगे तो फिर उससे हमारे देश का कोई लाभ नहीं होगा और न झगड़े का ही निपटारा ही रहेगा। महाजन वमीशन से अगर महाराष्ट्र बातां को दुःख है तो मैं कहती हूँ कि इसमें अब ता ट्रिब्यूनल तय किया गया है जिसमें तीन जज होंगे, उनका भी जो कुछ फैसला होगा वह भी हर एक को सैटिसफाई नहीं कर सकेगा। इसलिये वहीं न इहाँ तो झगड़े का अन्त होना चाहिये, जनता को यह बात समझनी है। जब ट्रिब्यूनल के पास हम जाते हैं तो उसका फैसला फाइनल ही है, यह बात जनता को सीखना ही पड़ेगी। हमें जनता को यह नहीं सिखाना है कि वह फैसला गलत है और फिर उस पर ऐजिटेशन शुरू हो जायें। ऐजिटेशन करने से द्वा देश का कोई फायदा नहीं होता है। इन बड़ी बड़ी नदियों पर अगर दस साल पहले उ बांध बन गये होते तो आज हमारी हालत बहुत ही अच्छी होती। आज जो हम सारी दुनियां में अन्न के लिये घूम रहे हैं वह दशा आज हमारी नहीं होनी यदि हम मिलजुल कर काम करते।

फूड जॉन के बारे में भी मैं एक बात कह देना चाहती हूँ। बड़ी नदियों का पानी जहाँ जहाँ जाता है वहाँ अधिक प्रोडक्शन होता है लेकिन जब वहाँ पर अधिक प्रोडक्शन होता है तो वे यह कहने लगते हैं कि इस अन्न को हम ही रखेंगे, किसी दूसरे को नहीं देंगे। तो इस चीज पर भी हमें ध्यान देना की जरूरत है कि ऐसी बात नहीं होनी चाहिये वरना फिर लोग यह भी कहने लगेंगे कि यदि उनके यहाँ पानी जायेगा तो वे ज्यादा प्रोडक्शन करने लेंगे और हमको भूखे रखेंगे। सरकार को ऐसी पालिसी रखनी होगी कि वह पानी इस सारे देश का पानी है और वह प्रोडक्शन सारे देश का प्रोडक्शन है।

पी० एम० के बारे में जो कहा गया कि उन्होंने गुजरात के एम० पी० से कुछ कहा तो कच्छ का संरक्षण करना मुश्किल है, यहाँ पर पानी आ जाता है तो उन्हें ने सजेस्ट किया था कि नर्मदा का पानी पहुंच सकता है, तो मध्य प्रदेश जितना पानी चाहे उतना पानी ले ले, बाकी जो पानी है वह समुद्र में बह जाता है, उससे मेरे खयाल में कच्छ का संरक्षण भी आसान हो जायेगा। पी० एम० ने इन वन-क्वेट में अपनी यह योजना बारी थी। अगर अपने देश के संरक्षण की बात आवे तो यही कहना पड़ेगा कि और भी नदियों का पानी बहाओ तक हमारे देश का संरक्षण हो सके। इसमें गुजरात का ही सवाल नहीं है बल्कि सारे देश का सवाल है। इस बात को विशाल हृदय से देखने की आवश्यकता है। दुनिया, भी यह समझे कि हम छोटी-छोटी बातों पर लड़ने वाले नहीं हैं। फिर तो पाकिस्तान भी रहेगा कि हम भी नदी का पानी के लिये लड़ेंगे। तो मैं इस बिल का स्वागत करती हूँ लेकिन साथ साथ यह भी चाहती हूँ कि हमें देश में कोई ऐसा मौका नहीं आने देना चाहिये जिसके लिये हमें झगड़ना पड़े।

**SHRI SURENDRANATH DWIVEDY (Kendrapara):** This Bill is a very simple measure which wants to replace the existing one-judge Tribunal by a three-judge Tribunal. So far as the Bill is concerned, one could have no objection to such a measure. But when I went through the statement of objects and reasons, it was not clear to me as to what is the urgency for making the Tribunal a three-man body. If it is in pursuance of the resolution passed at the National Integration Council meeting in Srinagar, and they have stated it, I have nothing to say. But Government have not made out a case to show that this one-man Tribunal has ceased to function, has not satisfied the disputant States and, therefore, it has become necessary to have a three-man tribunal.

[Shri Surendranath Devivedy]

So far as the Tribunal is concerned, it has existed since 1956 when the Bill was passed. As has been stated earlier, even then this question raised, why make it a one-man Tribunal, make it a three-man Tribunal. But Government in their wisdom opposed that idea; even amendments to that effect were rejected.

Now, I would have understood it if any dispute in these years had been referred to this Tribunal. But not one has been. When any reference is made to the Congress Party having been in power all over and still the disputes have arisen and there is no negotiation and settlement and so they are responsible for it, my hon. friends opposite are very much surprised and ask the question: why make such an accusation; this is not a question based on party lines. It is all very well to say so. But I want to ask: in spite of this provision in this Bill, how is it that these disputes, which, everybody agrees; are major disputes, between these States continue? Everybody agrees that if these disputes were resolved, the country would by this time have probably become self-sufficient in food. So I would like to ask why these disputes were not referred to the existing Tribunal. Do they themselves accept the principle that, after all, rivers are a national wealth and they will be used for national purposes, no matter whether the States through which they pass are Congress-governed or non-Congress-governed? Do they say that whoever stands in the way, motivated by parochial interests will not be tolerated, and that is why this provision was made? Negotiations galore go on. Take these two disputes. For how many years have these negotiations gone on? Experts report, that is not accepted; Ministers intervene, that is not accepted; the Prime Minister intervenes, that is not accepted. We wait for whom? Hence by merely amending the situation does not improve.

Why have they not referred the matter to the tribunal even in regard to the Krishna-Godavari dispute? All the three States must agree, then only it will go to the tribunal. If they do not agree, why do you wait, causing so much loss to the nation? I would have been satisfied if the Bill had stated that whenever there is a scheme or project for utilization of river waters where a dispute is likely to arise, it is the Central Government which will go into it and decide it immediately if possible, otherwise the matter will go to the tribunal without waiting for the concurrence of the concerned States. If there is such a provision, I think it will serve the purpose for which the National Integration Council passed this resolution.

16.42 hrs.

[MR. SPEAKER in the Chair]

Our own people are fighting for water. The other day I saw an advertisement in Bombay called the Indian Oxygen Ltd., as if there is also European or American oxygen. Here also, there is Maharashtra water, Gujarat water, Andhra water etc. The Central Government is, therefore, responsible for what is happening today.

Secondly, a question has arisen regarding the judges, to which my hon. friend Shri Ranga also referred. Nowadays, we have become so helpless that we seek the assistance of the Supreme Court not only in judicial but also administrative matters. This will be referred to Supreme Court for appointment of the members of the tribunal. A point was raised that the concerned person must not belong to the State which is a party to the dispute. Some members have raised objection to this, saying that the judges once appointed are judges for the whole country, and that their impartiality and integrity should not be questioned. I quite agree. Nobody is questioning

the integrity and impartiality of the Supreme Court or High Court Judges or even the retired judges. Of course, as has been stated a retired judge may be looking forward for some favours. This particular provision is necessary in order to protect the judge himself. Suppose I am a judge in a High Court and I belong to a particular State, and I am appointed on the tribunal to settle a dispute concerning that State. I may do the right thing and apply the most correct, judicial mind. Still, there may be people who may not be satisfied with my judgment and instead of looking at it from the judicial point of view they will create suspicion by saying: because this man belongs to that state, his judgment is vitiated. It is not only a question of giving the right judgment; it must appear to the people that it is the right decision. This provision is necessary in order to save the members of the tribunal. Whether from Andhra or Maharashtra or some other State, after all he is an Indian and we all expect that when judges sit in such tribunals, they will bring the national point of view to bear, more than anything else. We all accept that. By and large, we must say that it goes to the credit of the judiciary that they have acted in a laudable manner, in a creditable manner. There is, therefore, no question of casting any aspersions on them. That is a salutary amendment and I hope the Minister will accept it.

I should also like to know from the hon. Minister as to how many cases of disputes are there at the present moment and how many had been resolved. As I have stated already, if these cases have not been resolved, it is because of the unwillingness of the concerned people. Is it not a fact? Let us not ignore realities. Is it not a fact that these matters were not referred to the tribunal because your own people would not agree to it and you did not want to dissatisfy your own men in the States? We should stick to

some principle. I do not agree that interim reports should be submitted. There is no question of any interim reports. Principles about not only water disputes but about border disputes also should be settled. If you go into the whole question of the border disputes, you will find that we have made a mess of it. For little things, some villages here and there, for small linguistic populations this side or that side, if we had decided on the principles in the beginning as we decided on the question of reorganisation of States, this matter would have been solved long ago. We did not do that. I would have preferred a permanent National tribunal for any arbitration of this nature on disputes about water or border and then there is an end to it once the matter is referred to them. Since the Government has not made up its mind, even in regard to that, I suggest that in these cases they must take upon themselves the responsibility, without waiting for the States concerned, to refer such matters to the tribunal so that for all times, there is an end to these unnecessary and undesirable disputes.

**श्री तुलसी दास जाधव (बारामती) :**

अध्यक्ष महोदय, इस बिल को गपेट करते हुए, मुझे सरकार से यह कहना है कि अभी तक इन के लिए एक जज वाला ट्रिब्यूनल होता था लेकिन अब एक की जगह पर इग अमेडिंग बिल द्वारा आप 3 जज का ट्रिब्यूनल प्रोवाइड करने जा रहे हैं लेकिन अभी तक इस देश में जल-विवाद के बारे में जो झगड़े रहे हैं उन में से एक भी झगड़ा अभी तक इन ट्रिब्यूनल को नहीं सौंपा गया है। दूसरी बात यह है कि देश में जो ऐंभ डिस्प्यूट्स हुए वह भी कुछ ज्यादा नहीं हुए। एक तो कृष्णा-गोदावरी का और एक नर्मदा का, ऐसे दो ही झगड़े इग बीस वर्ष के अरसे में देश के सामने आये हैं। मैं जानना चाहता हूँ कि अब एक जज अर्वाइंट करने के बजाय तीन जज अर्वाइंट करने से इस झगड़े में क्या तब्दीली होगी। आज यह बात भेरी समझ में नहीं आ रही है। जब एक जज था

## [श्री तुलशीदास जाधव]

तब यह झगड़ा उन को क्यों नहीं सौंप दिया गया क्या तीन जज अप्वाइंट करने का ही इन्तजार था कि तीन जज अप्वाइंट करने के बाद झगड़ा उन को दे दोगे ।

मैं कहना चाहता हूँ कि इन बिल का वाटर डिस्प्यूट से कोई भी ताल्लुक नहीं है । जब तीन जज इन का फैसला करेंगे तो अभी ही क्यों न फैसला हो जाये ? इस बिल के अनुसार जो जितने झगड़े देश में हैं उन्हें तुरन्त जजों को सौंप दिया जाना चाहिये ताकि उन का निर्णय जल्दी हो जाये । ऐसा किया गया तो जो उत्पादन खाद्य आदि का करना है उस में ज्यादा से ज्यादा सहूलियत पैदा होगी ।

मैं झण्डे के कारण इस सरकार को मुबालिफत करता हूँ ऐसी बात नहीं है, लेकिन इस कृष्णा-गोदावरी के झण्डे के बारे में हम रोजाना देखते हैं अखबारों में कि यहाँ कैमिनिस्टर, स्टेट मिनिस्टर और एग० पंज० में चर्चा होती है । अभी तक एक जज था, अगर उस को सौंप देते तो इस का कुछ न कुछ निर्णय हो जाता, लेकिन ऐसा हुआ नहीं । मेरे जैसे आदमी की दिक्कत यह होती है कि महाराष्ट्र में जो वहाँ के मिनिस्टर हैं वह कहते हैं कि हम बहुत सी योजनाएँ यहाँ भेजते हैं लेकिन उन को मंजूरी नहीं मिलती, और जब यहाँ मंत्री महोदय से बात करते हैं, डा० के एल० राव के पास जब हम जाते हैं—वह स्वभाव से बड़े अच्छे हैं, काम में हौशियार हैं और उन पर अविश्वाम करने का कोई कारण नहीं है—तो वह कहते हैं कि हमारे पास जितनी योजनाएँ आई हैं हम उन सब को मंजूर कर चुके हैं, हम ने अपने पास किसी को रखा नहीं है । हम लोगों की समझ में नहीं आता है कि इसमें किस की गलती है । हम को गलती नजर आई नहीं । लेकिन अखबार में रोज पढ़ते हैं कि गवर्नमेंट ने आज जाहिर किया कि कृष्णा-गोदावरी का झगड़ा महाराष्ट्र, आन्ध्र और मंभूर इन तीनों का है और चूँकि अभी तय नहीं हुआ है इसलिये उसे ट्राइ-

यूनल को सौंपा जाय । महाराष्ट्र गवर्नमेंट ने नॉटिस दी, आन्ध्र गवर्नमेंट भी झगड़ा करती है और मुझ से पहले श्री वेंकट सुब्बया और दूसरे माननीय सदस्यों ने नागार्जुन सागर के बारे में कहा कि नागार्जुन सागर तैयार हो गया है लेकिन उस के लिये भरपूर पानी नहीं है ।

मेरा कहना यह है कि मेट्रन गवर्नमेंट इस दिल में तय करे कि कोई जज किनी चाँज का ज्यादा दिन तक बैसी ही पड़ा न रहने दें क्योंकि इस में बड़ा ताकत खर्च होती है और आपन में वैंर और हेट्टेड पैदा होता है तथा साथ ही देश के डेवलपमेंट में बाधा पैदा होता है । आज पानी इतर जाय या उधर जाये इस से फायदा नहीं होता है । आज अध्याक्ष महोदय के प्रदेश को पानी जाय तो चावल ज्यादा पैदा होगा और हम भी खायेंगे । इस में कोई झगड़ा नहीं है ।

**एक माननीय सदस्य :** अगर मिलेगा तब तो ?

**श्री तुलशीदास जाधव :** लेकिन इससे लिये जो निर्णय देना है वह आप जल्द से जल्दी दें । मैं यह समझ सकता हूँ कि डिपार्टमेंट में लोगों की साथ लेना पड़ना है और पार्टी को साथ लेना पड़ना है, मध्य को समझना पड़ता है, लेकिन समझाने का तरीका भी इस रीति से न हों कि उस में बार-बार लोगों को समझाना पड़े और काफी समय लग जाये । जैसे कांट में न्याय देना हो तो उस के तुरन्त मिलने में फायदा होता है । बहुत देर से न्याय मिले तो जिन का न्याय मिलता है उन के प्रति भी अन्याय हो जाता है । इसलिये शीघ्रता से निर्णय हो, ऐसी मेरी प्रार्थना है ।

मुझ से पहले माननीय सदस्य ने जो कुछ कहा वह सही बात है । आज जो सरकार है, वह है जुडीशियरी ही या एग्जिक्यूटिव ही, उस के ऊपर हम भले ही न हों । लेकिन हमारी भी कुछ ताकत है । इसलिये सब कुछ जुडीशियरी की तरफ ही भेजे उस के बजाय हम भी एक

जगह पर बैठें और आपस में लेन देन करें यह व्यवसाय अच्छा होगा। मैं संसदाय गवर्नमेंट ले कहना चाहता हूँ कि जब कोई मामला कोर्ट में जाता है तो जज के सामने साक्ष्य बनाना होता है और उस को देखने में देर होना है। इस भार को भी सरकार को अपने ऊपर से हटाना चाहिये। इसलिये उस की अपनी शक्ति खर्च कर के, अपने गुड आफॉज का इस्तेमाल कर के, दोनों सरकारों से कह कर तुरन्त इस मामले का निर्णय कराना चाहिये।

दूसरी बात यह है कि मुझे मालूम नहीं है कि इन मामलों में जो जज होते हैं वह टेक्निकल ज्ञान रखते हैं या नहीं, लेकिन वाटर डिस्प्यूट के बारे में इंजीनियरिंग का ज्ञान तो उन को होना ही चाहिये। इसलिये मेरी प्रार्थना है कि जो जज कोर्ट में हों वह वजाय रिटायर हुए जज के रिटायर हुए इंजीनियर होने चाहियें और जो चीफ जस्टिस हों वह उन को अप्वाइंट करे। जो पब्लिक सेक्टर में आफिसर रखे जाते हैं उन के बारे में मैं क्या कहूँ। वह आई०सी०एस० होते हैं और ला एण्ड आर्डर रखने का उन को ज्ञान होता है। उन को अस्ट्री का ज्ञान नहीं होता है और इसलिये, जैसा मैंने कल कहा, उस में नुकसान होता है। अगर प्राइवेट सेक्टर में 8 या 10 परसेंट मुनाफा होता है तो पब्लिक सेक्टर में 1.2 या 1.3 परसेंट होता है। इस तरह से देश की सम्पत्ति का नुकसान होता है और देश में एफिशिएंसी नहीं रहती है। साथ ही देश में ग्राइडल कंफिडेंसिटी होती है जिस के सामने कोई उद्देश्य नहीं होता है। इस तरह से देश की जो एकानामि होती है उस की स्पीड देश के अनुकूल नहीं होती है और देश पीछे जाता है दूसरे देशों की तुलना में। मलयेशिया में मैं गया था तो वहाँ एकानामिक स्पीड इतनी तेज है कि हम बीस वरस में अगर तीस मील की स्पीड से चलते हैं तो वह 11 वरस में 100 मील की स्पीड से चलते हैं।

वाटर डिस्प्यूट के बारे में भी मेरी मंत्री महोदय से विनती है कि इस अगड़े के लिये जो

इस विषय के ज्ञानी हैं, जैसे इस विभाग के मंत्री डा० के एल० राव हैं, जो कि सब जानने हैं श्री शायद कोई ऐसा मिनिस्टर प्राज नहीं जो उतना जानता हो, ऐसे लोगों को उस में रखा जाय। जब मंत्री महोदय यहां पर आकड़े देते हैं तब हम को उन्हें समझने में दिक्कत होती है लेकिन वह मेल ट्रेन की तरह आगे चला जाते हैं। जिस तरह से वह होशियार हैं उसी तरह से इस अगड़े के लिये वह होशियार आदमी रखें।

इस के बाद मैं यह कहना चाहता हूँ कि कृष्णा, गोदावरी और नर्मदा का जहां तक सवाल है, हम लोग आपस में न अगड़ें और सरकार से भी मैं विनती करता हूँ कि वह हम को ऐसा मौका न दे कि आन्ध्र के एम०पी० कुछ बोलें, महाराष्ट्र के एम०पी० कुछ बोलें और हम लोग कुछ न बोलें। जब हम अपनी कांस्टिट्यून्सी में जाते हैं तब लोग यह कहते हैं कि आन्ध्र जाने बोलने हैं लेकिन आप कुछ नहीं बोलने। उन के डर से हम को बोलना पड़ता है। यहां बैलेंस रख कर हम को बोलना पड़ता है डिमांडेसी में, इस का ज्ञान थोड़े ही आदमियों को होता है। लेकिन सरकार ऐसा मौका न दे कि हम आपस में अलग अलग तरह से बोलें। हम लोग देखते हैं कि नागार्जुनसार प्राज चलता है और अच्छा चलता है लेकिन हमारा पानी ले कर ही उस का फायदा हम को पूरा नहीं मिल पा रहा है।

**श्रीमती जयाबेन शाह :** हमें भी मिलना चाहिये।

**श्री तुलशीदास जाधव :** मैं कहता हूँ कि गुजरात को भी नर्मदा का पानी मिलना चाहिये। इसमें हमारा अगड़ा नहीं है। लेकिन इतनी विनती है कि उस का वेग उतना न रहे।

17 hrs.

**श्री महाराज सिंह भारती (मेरठ) :** अध्यक्ष महोदय, यह जो नदियों के पानी का अगड़ा होता है वह आखिर होता क्यों है, इस की तह में जाना जरूरी है। मेरे ब्याल से इस के दो बड़े कारण हैं। एक कारण तो यह है कि नहरों के पलावा सिंचाई के जो

[श्री तुलशीदास जाधव]

दूसरे साधन हो सकते थे उन का विकास इस सरकार से नहीं किया है। जैसे मद्रास में 4 लाख पम्पिंग सेट हैं और पूरे देश के अन्दर 8 लाख पम्पिंग सेट हैं। अब जो जमीन ऊंची नीची है वहाँ बांध बना कर बरसात का पानी रोक कर उस पानी को सींच के जरिये जमीन को दिया जाये और फिर पम्पिंग सेट के जरिये उस को आप निकालें तो वह सिस्ट्र-लाइज भी होगा और अच्छा भी होगा। जब मद्रास में 4 लाख पम्पिंग सेट हैं तो पूरे देश में कम से कम 25 या 30 लाख होने चाहिये, लेकिन उस के बजाय कुल 8 लाख हैं। अब जो डिमांड है वह बहुत बड़ी है। जहाँ ऊंची जमीन नहीं है फ्लैट जमीन है मैदान पड़े हुए हैं वहाँ तो बड़े-बड़े नलकूप लगाये ही जा सकते हैं। देश के अन्दर सिंचाई का विकास हम कर नहीं पाए हैं और सिंचाई को उपेक्षा की दृष्टि से देखा गया है मैं चाहता हूँ कि वर्तमान सरकार में मीनूदा जो मंत्री जा हैं उन में हिम्मत हो तो वह मेरी इस बात को कंस्ट्रिक्ट करें। पूरे देश में क्या यह सही नहीं है कि पांच परसेंट ही आप सिंचाई के लिए दे रहे हैं? मैं जानता हूँ कि बीस प्रतिशत का आप लक्ष्य बना रहे हैं। अगर आप इसी रफ़ार से चलते रहे तो आप दो हजार साल में भी जितना सिंचाई के लिए बिजली की आवश्यकता है, उसको पूरा नहीं कर पायेंगे। सरकार ने जो अन्याय अल्प सिंचाई की उपेक्षा करके किया है, किसानों का बिजली न दे कर किया है, उसको वह दूर करे। उस अन्याय को तरफ अगर देश का निगाह चला गई तो मैं आपको चेतावनी देना चाहता हूँ कि यह काग्रेस की सरकार दो मिनट में फूट से उड़ जाएगा। इससे बचने के लिए सरकार लोगों को एक दूसरे से लड़ाने का काम कर रही है ताकि इस बाब पर उनका ध्यान ही न जाए। मुझे तो इस में एक लम्बा गेम नजर आता है। सरकार जानबूझ कर लोगों को लड़ा रही है और सेट्रल गवर्नमेंट को जो रोल भ्रमा करना

चाहिये उसको वह भ्रमा नहीं कर रही है। अगर यह बात नहीं है तो मैं जो सवाल करना चाहता हूँ उसका मुझे सीधा उत्तर दिया जाए। क्या वजह है कि यमुना की टोंस नदी के ऊपर किशाउ बांध जिस में उत्तर प्रदेश के साथ-साथ दिल्ली, राजस्थान और हरियाणा को पानी जाना था, जिस के बारे में एग््रीमेंट हो गया था, कोई शगड़ा नहीं था, सारी बातें तय हो गई थी उसको चौथी योजना का अंश नहीं बनाया गया है? क्या वजह है कि आपने गंगा के ऊपर जिस में कोई शगड़ा किसी का नहीं है बांध बनाने की कोई स्कीम नहीं बनाई है? इतना ही नहीं क्या वजह है कि आपने चौथी योजना में यह तय कर दिया है कि कोई नया बांध आप नहीं बनायेंगे? अगर सारे प्रदेश आपस में समझौता कर लें और कोई शगड़ा कहीं न हो तो क्या आप में यह हिम्मत है कि आप सिंगल नया बांध बना दें? है ही नहीं। फंड्स नहीं हैं। उपेक्षित इनको आपने कर रखा है आपने तय कर रखा है कि नया बांध बनाना ही नहीं है। जब तक प्रदेश लड़ेंगे नहीं तब तक सब आपको क्राबिल कहेंगे नहीं। आप किसी लायक नहीं हैं। इसलिए प्रदेशों को लड़ा दा और कहाँ कि हम क्या करें ये प्रदेश लड़ रहे हैं कम्बख्त हम तो बहुत कुछ करना चाहते थे।

सिंचाई के सिलसिले में जिस तरह से गलतफ़ुर्मा है उसी तरह से बिजली के सिलसिले में भी बड़ी गलतफ़ुर्मी है। लोगों का समझाया जाता है कि तुम्हारे यहाँ बांध बनेगा, तुम्हारे यहाँ बिजली आएगी और बिजली तुम्हारे काम में आएगी। आज नहीं लेकिन आज से पहले अगर यह बात कही जाती तो सब की समझ में आ सकता थी लेकिन आज नहीं आ सकती है। जब पूरे देश में सिर्फ 23 लाख किलोवाट बिजली पैदा होती थी उस वक्त यह बात लोगों की समझ

में आ सकती थी। आज एक करोड़ किलो-वाट बिजली पैदा आप कर रहे हैं। इस योजना के बाद दो करोड़ हो जाएगी। फिर चार करोड़ होगी। जिस रफ्तार से तकनीकी विकास चल रहा है और बिजली की आवश्यकताएं बढ़ रही हैं और हम बिजली बढ़ाना चाहते हैं, उस में अगर कोई यह कहना चाहे कि इस सूबे में अगर एक पनबिजली घर बन गया तो बड़ा इसका काम हो जाएगा, कुछ माने नहीं रखता है। आप देखें कि आज जितनी जितनी नदी घाटी योजनाएँ देश में बन सकती हैं उन सब की शक्ति चार करोड़ किलोवाट से ज्यादा बिजली पैदा करने की नहीं है। बीस साल के बाद इस मुल्क में पंद्रह सोलह करोड़ किलोवाट बिजली पैदा होगी, उस वक्त जब आप एटोमिक बिजली घर को बन्द करेंगे सफाई के लिए, तब बिजली कहां से आएगी, थर्मल पावर को बन्द करेंगे सफाई के लिए तब बिजली कहां से आएगी। जब लोड बढ़ना है और तीन घंटे के लिए आपको ज्यादा बिजली चाहिये तब बिजली कहां से आएगी। सिर्फ हाइडल ही ऐसी चीज है जिस में आप पानी को रोक सकते हैं और तीन घंटे अगर फाल्ट लोड चाहिये तो तीन घंटे के लिए आप उसको चला सकते हैं और बिजली प्राप्त कर सकते हैं। उस वक्त थोड़े समय के लिए बिजली बढ़ाने का आपका काम थर्मल और एटमिक बिजली से नहीं चल सकेगा। जब आपको सफाई करनी होगी तब आप बरसात के फाल्टू पानी से और जैनेटर सैट चला सकते हैं और बिजली प्राप्त कर सकते हैं। लेकिन आज तो हर सूबा तेरा और मेरा स्वार्थ समझ बैठा है, इसको छोड़ कर अगर पूरे देश के लिए हाइडल पनबिजली की बात हमारे विभाग से निकल गई और यह बात भी निकल गई कि इससे पूरे देश का विकास हम करेंगे, बिजली घरों का सफाई का काम करेंगे और फाल्ट लोड देने को जबरन हो तो वह भी करेंगे और अगर हर ए. सी. सूबा दिमाग में

यह ले कर बंठ गया है। हाइडल पनबिजली को उसको चाहिये तथा देश के विकास से उस प्रदेश का कोई संबंध नहीं है तो न विकास का काम हो सकेगा और न ही देश में बड़ा भारी बिजली का प्रोग्राम ही हो सकेगा। उस में जो कैटेलेटिक का काम करता है, सफाई का, घटाने बढ़ाने का, समय पर देने का, वह फिर नहीं हो पाएगा और बड़ा भारी देश के साथ अन्याय होगा। मैं चाहता हूँ कि हम को खुले दिल से देश को इसके बारे में बताना चाहिये।

यह कहा गया है कि यह बिल कुछ झगड़े निपटारने के काम में लया जाएगा मन्मथ अगर झगड़े निपट जाएं तो बहुत अच्छा होगा। लेकिन कैसे निपटेंगे झगड़े? मंत्री जी ने अपने प्रश्न में ए. ज. म. व. कहा जो मुझे बड़ा प्यारा नजर आया उन्होंने कहा कि जो पानी है वह किसी एक का नहीं है, राष्ट्र का है। मन्मथ राष्ट्र का वह पानी है। बाकी में अगर राष्ट्र का होता तो क्यों न राजस्थान बेचारे का भी ध्यान रखा जाता।

श्री रणधीर सिंह : (रहतक) भाइयों का पानी दे तो रहें हैं।

श्री महाराज सिंह भारती : अगर इस बेचारे में झगड़ा होता और समझौता नहीं हो जाता तो कहां उसको पानी मिलता। हिमाचल और पंजाब का मामला था, राजस्थान बेचारे का क्या मतलब। वह न लेने में और न देने में था। पानी निकलता है हिमाचल से, गुजरात है पंजाब में से और चला जाता है पाकिस्तान को, राजस्थान वालों को कौन पूछता? नर्मदा को ही आप देख लें। राजस्थान वाले पानी मांग रहे थे उसका उसको भी उस में से पानी देने की बात थी। अब तो उसकी कोई चर्चा ही नहीं होती है और वह उभरित हो गया है। मैं उत्तर प्रदेश से आता हूँ। वह गंगा नदी है। अगर केन्द्रीय सरकार और पूरा यह

[श्री महाराज सिंह भारन.]

हाऊस मिल कर यह कहे कि गंगा नदी को बांध कर हम उत्तर प्रदेश के लिए छोड़ देगे तो हम कहेंगे कि हे महानुभावो, इसका कम से कम दो हिस्से पानी आप राजस्थान ले जाओ, हम इसका क्या करेंगे। आप हमें इसमें डुबोयो ? हमें पता नहीं गंगा में पानी पाना है। जा ज्यदा फ़ंड आने हैं तो पानी क्यूसेक पानो उस में डिमाई होता है। आठ दस हजार क्यूसेक तो मिनिमम सिंचार्ज उसका। अगर यह कहा जाता है कि जो पानी है उसका इस्तेमाल पूरे देश के हित में होना चाहिये तो इससे कोई इन्कर नहीं कर सकता है। लेकिन सवाल यह है कि पानी का सही इस्तेमाल कैसे हो।

आप देखें कि दुनिया में जो टैक्नीक है वह बहुत बदल गया है। जो पानी आपने फसल के लिए दिया उस पानी का जब सीपेज हो गया, वह पानी जब नीचे गया तो उस पानी का हीरोजेंटल बोरिंग करके, उसको निकाल कर दुबारा सिंचाई के काम में उसको लाना होगा और यह दुनिया कर भी रही है। एक तरफ तो दुनिया इस कदम बदल गई है और दूसरी तरफ आप अपने मुल्क की हालत को देखें। हमारे मुल्क में बहुत पानी है। अगर आप चाहें तो पहाड़ों पर बांध बना कर, सुरंग लगा कर, पानी की धारा को मोड़ सकते हैं। आपके कच्छ का रन है। उस रन में किसी जमाने में सिन्धु नदी पड़ती थी और एक नदी जाती थी जो सरस्वती के नाम से पुकारी जाती थी। राज स्थान में से हो कर घग्घर नदी गुजरती थी। वह खत्म हो गई है रेगिस्तान में। सरस्वती का भी लोप हो गया है। अगर आप चाहें तो गंगा का पानी घग्घर में पहुंचा सकते हैं और उसको कच्छ के रन में ले जा सकते हैं। लेकिन इन सब के लिए पैसा चाहिये। पैसा तो है नहीं। आप मंत्रिमंडल का हिसाब लगा लो कि इस में कितने किसान हैं और कितने नान-किसान हैं। आपको पता चल जायगा कि नान-किसानों की हकूमत बनी हुई है।

आप यह भी देखें कि जब बजट पर बहस होती है तो और चीजों पर तो जदस दस घंटे खर्च कर दिये जाते हैं लेकिन जब सिंचाई और बिजली का मामला आता है तो तीन घंटे ही दिये जाते हैं, डेढ़ घंटा बिजली के लिए और डेढ़ सिंचाई के लिए। उस में से भी अधिकतर समय मंत्री ले जाते हैं। मुझे तो डर लग रहा था कि मुझे बोलने का इस पर अवसर मिलेगा भी या नहीं मिलेगा। सभापति महोदय, रूलिंग दे रहे थे कि विरोधी दल के जो नेता हैं उन सब को तो बूलावा दिया है और अब दूसरों को बूलवाने की कई जरूरत नहीं है। मैं तो जोशी जी से कहने वाला था कि जब मुझे बोलना हो तो कृपा करके मुझे दो घंटे के लिए संसदा का नेता चुन लिया, करो तभी मुझे सभापति महोदय बोलने देंगे।

सिंचाई के मामले में बहुत बड़ी उपेक्षा बहुत बड़ी खिलवाड़ बरती गई है। यह एक बुनियादी चीज है। आपने अच्छा किया जो इस बिल को आप यहां लाए। लेकिन साफ कहना चाहता हूं कि सरकार की नीयत सिंचाई का इंतजाम करने की नहीं है, बांध बनाने की नहीं है, प्रांज संचलाने की नहीं है। अपना पीछा छुड़ाने के लिए आप लोगों को लड़ाना चाहते हैं, भिट्टे भिड़ाना चाहते हैं। इस बिल को लाकर अगर आप संतोष देना चाहते हैं जनता को तो इससे जनता का संतोष होने वाला नहीं है।

अन्त में मैं जजों के सिलसिले में एक बात कहना चाहता हूं। मुझे बड़ी तकलीफ हुई जब बड़े बड़े समझदार लोगों ने यह कहने की कोशिश की कि उा सूबे का जज नहीं होना चाये। अगर हम सचमुच समझते हैं कि जजों की भी भावनायें भड़क सकती हैं अपने सूबे के पक्ष में, तो मैं दूसरी बात कहना कि आपका यही गवर्नमेंट की

धीर ध्यान क्यों नहीं गया है। यह जो दिल्ली में सरकार बैठी है, इसके भी तो अपने जज हो सकते हैं। इनकी तरफ आपका ध्यान नहीं गया है। मंत्री या प्रधान मंत्री या कोई और चुके से अपने मिलने वाले को जज बना कर तुम्हारी गर्दन कटवा दे तो क्या करोगे। इस तरह से तो इस चीज का कोई अन्त नहीं है। ज्यूडिशरी और एग्जिक्यूटिव का हिसाब पार्लियामेंट से अलग होता है। दोनों अलग-अलग चीजें हैं। फिर हमें इतमीनान तो करना ही पड़ेगा। एग्जिक्यूटिव की आप चाहे जितनी नुवता मानी कर। उसको ठीक करने के लिए लेकिन ज्यूडिशरी पर आपको यकीन करना ही पड़ेगा, कोई चारा ही नहीं है। अगर उस पर इस तरह से बहस चलने लगेगी तो जिन्होंने इस बात को उठाया है, वे मुझ से बड़े हैं और मैं उनका बड़ा सम्मान करता हूँ, लेकिन मैं कहूँगा कि फिर डेमोक्रेसी के लिए कोई टिकाना नहीं रह जाएगा। आज हम देखते हैं कि जब भी कोई ज्यादानी होता है तब यही कहना पड़ना है कि ज्यूडिशियल इनफ़ायरी होनी चाहिये। हम तो तत्काली रखनी चाहिये और यह समझ कर चलना चाहिये कि जज कोई भी हो, कहीं का भी हो, वह ठीक फैसला दे।

मैं आशा करता हूँ कि जिन बातों की तरफ मैंने मंत्री महोदय का ध्यान खींचा है और जो जो जानना चाहा है कि सब क्लेमैंट कैसे बनेंगे और कैसे उस पानी का ठीक से बंटवारा आप करेंगे और अगर सचमुच में इन बातों का फैसला हो गया तो क्या आप में इतनी शक्ति है कि आप बड़ी-बड़ी रिवर वैली प्रोजेक्ट्स चला सकें ? मैं आशा करता हूँ कि मंत्री महोदय जब उत्तर देने के लिए खड़े होंगे तब मेरी इन बातों का जवाब जरूर देंगे।

MR. SPEAKER: We allotted 2 hours for this and that is over. We should try to finish as quickly as possible. I think, it will have to be carried over to tomorrow.

DR. K. L. RAO: We may finish it today.

MR. SPEAKER: We have got half-an-hour discussion at 5.30 P.M. How is it possible? Shri Sequeira.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Mr. Speaker, Sir, this Bill seeks to amend an existing Act. While, I find, it is a step forward, an improvement in a very small respect, I would like to submit you that it does not touch the main problem in connection with inter-State water disputes.

The main problem in connection with these disputes is delay that arises between the time a dispute is referred to the Central Government and sent by the Central Government to a tribunal. It is this delay that causes the heat, the bad blood and all the other troubles that are contributing to national disintegration in their own way. This is what requires an amendment, if I may so submit, in clause 4 to the effect that once a dispute is sent to the Central Government, the Central Government should be bound by law, within a specified and a short period, to refer it to a tribunal; One year or 1½ years, whatever is considered just.

Sir, we have a tendency to create a tribunal, a separate judicial or quasi-judicial body for almost every law that we pass here these days. We have the Supreme Court, an independent judiciary and highly respected. The inter-State disputes are disputes of considerable interest with long-lasting effect affecting millions of people. Why should we not have these disputes decided by the Supreme Court? Why is it necessary that we should have a separate tribunal? If we confer upon them jurisdiction to decide the disputes, in addition to having the traditional weight, the traditional respect which the people have behind their decisions, we shall have the advantage of a permanent tribunal which in successive judgments can enunciate

[Shri Erasmo de Sequeira]

principles which may not only avoid succeeding cases but will be applied to them if they do arise and are referred to them.

Having suggested such an amendment, I should have stopped at that. But I thought that it would not be accepted by this Government which seldom displays the sense that one would like to see from them. So, I suggested two alternatives. My first amendment refers to retired persons being nominated to this tribunal. This is a tendency again that we have—and I do not know why—of disturbing retired persons from the rest that they have earned by long service. We have, even in this discussion seen what can happen. Our motives can be attributed to it. How can it be said they are running around the corridor of the secretariat? Why should we have retired persons to be appointed on these tribunals? Why should we ourselves say that the current generation does not have the ability to handle current problems? So, I oppose the appointment of retired Judges, both of the Supreme Court and of the High Courts to these tribunals.

My other amendment deals with High Court Judges. I have suggested that the Tribunal should consist only of the Supreme Court Judges and not of High Court Judges. I do not believe that a Judge from one State cannot be judicious while judging a dispute that affects his own State. To accept such thinking would be to allow the whole concept of an independent and judicious judiciary to fall flat on its face.

17.15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

When I make this suggestion that High Court judges should not be on this Tribunal, I do so based on this thinking. These disputes arise at

State level and I feel that it is right that when they arise at one level, adjudication should be done at one level higher. The High Court is at State level and, therefore, I have suggested the higher level, namely, the Supreme Court level.

This is all that I have to say on this Bill. I hope, the hon. Minister will think seriously over what I have said about the delay and will come forward with an amendment soon placing upon himself a time-limit because the Government has shown that it is not able to do unless it is compelled to send it to the Tribunal by law because other considerations come in and stop them from doing it. I also do hope that we shall have either the Supreme Court of India or only sitting judges of the Supreme Court judging these disputes which, I hope, will be referred to them promptly once this Bill and the necessary amendments are passed.

MR. DEPUTY-SPEAKER: The hon. Minister.

DR. K. L. RAO: I shall be very brief. I want that this Bill should be passed today. I shall, therefore, be very brief in my reply . . .

SHRI RAJARAM (Salem): Are you allowing the Minister to reply? We have not been given any chance. The discussion on this Bill could continue tomorrow.

SHRI N. K. SOMANI (Nagaur): The Speaker said this a little while ago.

DR. K. L. RAO: I shall be very brief in my reply . . . (Interruptions)

MR. DEPUTY-SPEAKER: I shall try to accommodate the members in the Third Reading.

SHRI RANDHIR SINGH: This is a very important Bill, with which we are very vitally concerned. North India has been ignored. What is it?

**SHRI ANBAZHAGAN** (Tiruchengode): May I submit to the Deputy-Speaker . . . (Interruptions)

**MR. DEPUTY-SPEAKER:** I wanted to call Mr. Rajaram. I saw his name, but it came rather too late. I thought that we could conclude the general debate . . .

**SHRI RAJARAM:** No, no.

**SHRI S. M. BANERJEE** (Kanpur): When the hon. Speaker was in the Chair, he said that the discussion on this started at 3 O'Clock. and two hours were over. But some of the members pointed out that it was very important and some more time should be given, and the Speaker said that this discussion would continue tomorrow. Here is a Party which has not participated. The D.M.K. is third in the Lok Sabha in its composition. How is it that they will speak only in the Third Reading? Why not now?

**MR. DEPUTY-SPEAKER:** I may point out that as soon as I came to the Chair, I saw that his name was there but he had not been called. The discussion will naturally be concluded only tomorrow. All right. Let Mr. Rajaram speak.

**SHRI RANDHIR SINGH:** Why not this side, Sir? They have all spoken.

**SHRI S. M. BANERJEE:** Whatever has been said by the Minister should be expunged.

**MR. DEPUTY-SPEAKER:** You are laying down a new procedure. This is not a thing to be suggested.

Mr. Rajaram.

**SHRI RAJARAM:** Dr. K. L. Rao, an eminent Minister, has brought forward this Bill, "The Inter-State Water Disputes (Amendment) Bill, 1968". Most of the parties have welcomed this Bill. I am also welcoming this Bill with some amendments which have been given by my hon. friend, Shri Lobo Prabhu. I think, I must support these amendments. But before that, I want to say a few words about my State.

As far as Madras State is concerned, it is not a land of plenty of water or a land of disputes; it is a land of lakes and wells. My hon. friend belonging to S. S. P., Shri Bharati, informed the House that the Madras State has four lakhs of pump-sets. There is no other go for us because we have no perennial source of supply of water, there are no perennial rivers in our State, except the Kaveri which is shared by Madras and Mysore (Interruption). There is no dispute between us. There is an agreement between Madras and Mysore and there is the Mettur Dam which supplies water to the Tanjore Delta which produces a lot of paddy for our people. We are also supplying good paddy to the Kerala people.

Recently I saw a news item in the papers that the Mysore Government has a plan to construct a small project called Hemavati project.

**AN HON. MEMBER:** Big project.

**SHRI RAJARAM:** Big project. This is on a tributary which is connected to Kaveri. If they construct it, I fear that the water that comes via Mettur may be stopped and the Tanjore Delta may go dry. This is my worry. I request the Minister to look into this matter in a general way and so settle it that the Madras State does not have to go without water. For the information of the House, I may say that we are utilising every single drop of water available in our part of the country to cultivate every bit of land available.

Coming to the Bill proper, for this Tribunal which we are going to constitute—there is a big expenditure also involved in it, nearly Rs. 1,50,000 — if we appoint local Judges, it may lead to doubt among the people. Of course our judiciary is supreme and is separated from the executive at the higher level. But if Judges belonging to the disputant States are appointed to the Tribunal, people may not believe in the impartiality of their judgment. So I am in agreement with the point made by Shri Ranga in this respect.

[Shri Rajaram]

Then it was said that only Supreme Court Judges who are retired should be appointed to the Tribunal. It is not necessary to insist on such a condition. It is a fact that there are retired High Court Judges who are as good as Supreme Court Judges. Our retired High Court Judge Shri P. V. Rajamannar is more than a Supreme Court Judge. Nobody can dispute it. So any High Court—or Supreme Court—Judge can decide these questions.

There is one lacuna in the Bill in that no time-limit is specified for determination when a dispute is referred to the Tribunal. If no time-limit is specified within which the Tribunal has to give its verdict, there is no meaning in having this procedure. Without it, the Tribunal will go on and on, continue their sittings and shift from place to place, collecting evidence and spending the hard-earned money of the common man of this country and the disputes will never come to an end. So I request the Minister to indicate a time-limit for this purpose in the Bill.

On the question whether the Judges on the Tribunal should be retired Judges or serving Judges of the High Courts or the Supreme Court, my submission is that if retired Judges are appointed, they will take their own time. I am not blaming them. I have great respect for them; they have done great service to the country, no doubt. They have occupied a high place in the judiciary of our country. But as far as this Tribunal is concerned if we want to get things done quickly, we must appoint to the Tribunal serving Judges of the High Courts or the Supreme Court. I understand that under the existing enactment, no dispute has been referred to the existing Tribunal. This should be avoided in the case of the new Tribunal contemplated. The Central Government must refer the disputes immediately to the Tribunal. Then only there will be an end to

these disputes and people will get water for irrigation for their agriculture; then only we can stop PL 480 imports. We are spending our hard-earned foreign exchange on this PL-480. I am requesting the hon. Minister to stop this PL-480 and other imports of food by avoiding all these disputes in the country.

As far as my State is concerned, there are no disputes. There is only one small thing between Mysore and Madras, the Hemavati project, and I think Dr. Rao can do justice to that.

SHRI D. N. TIWARY (Gopalganj): It is never too late to mind. We have wasted twelve years of our precious time for settling the disputes. Had this matter been taken up earlier in 1956 when the original Act was passed, we could have done much more than what we are doing now. Food shortage to a large extent might have been wiped out if the agriculturists had got water, if the disputes had been resolved.

There are not only inter-State disputes, but also hinderances in the flow of water can be created in various ways. Take the case of the Gandak project. U. P. was not doing its job for a very long time, and so water could not be taken to a certain part of Bihar. Water has to be taken from U. P. to Saran District. U. P. was not doing its job, and therefore we had to suffer. Thousands of acres of very valuable land, high-yielding land, were acquired by the Government, and they are lying fallow for the last five years. In my own district it is more than 10,000 acres. If we take the yield for the last five years, it would be more than ten lakhs maunds. We have lost that. We are not getting water. Perhaps we shall get water till 1972 when U. P. condescends to do its part of the job and construct the channel there. We have been requesting Dr. Rao and his predecessors to take up the work Centrally and do the job themselves,

but they have not done this so far. I doubt whether this project can be completed within the revised time schedule which he has been pleased to lay down. I am also afraid that there is an impression in U. P. that they are not profiting greatly by this Gandak project, but it is the life line for the people of North Bihar. There is no industry in North Bihar, and we only depend on agriculture. If we do not get water, our agriculture does not prosper. So, I would request Dr. Rao not only to look into inter-State disputes but also into the question of preventing water from passing from one State to the other by delaying the construction of channels. What he has done so far I do not know, but my impression is that this work has been neglected for a long time. The agriculturists have suffered not only by not getting water, but also by the acquisition of their land. So, if he looks only into the inter-State disputes, this sort of matter would not be solved.

The other question is about the appointment of judges. I do not think that it matters very much whether the tribunal consists of a single judge or three judges. If you can find one impartial judge, he can do the job. I do not know why it was necessary to bring in three judges into the tribunal. When I read the Statement of Objects and Reasons, it is said that because it affected a large number of persons and millions of people would suffer, it would be necessary to appoint three judges. We know that such matters even between one country and another are generally entrusted to one single man. In order to hide the inefficiency, indecision and inaction of the department, the new Bill has been brought forward and the plea is: because one judge cannot decide these matters, there should be three judges. I do not think this sort of argument is going to convince anybody. No matter was ever referred to Tribunal and so you cannot say: one

judge has failed. The appointment of three judges is just an eyewash. What is needed is that he should take immediate steps to expedite these matters and settle these disputes at an early date so that the agriculturists may get early benefit.

17.32 hrs.

#### HALF-AN-HOUR DISCUSSION

RESIDENCE OF TAGORE AT SAHAJADPUR SEIZED BY EAST PAKISTAN GOVT.

SHRI SAMAR GUHA (Contai): An example of what a sordid conspiracy of a crude type of politics can be even in the case of a temple of our culture is provided by the repelling instance of what has been done to the historic residence of Rabindranath at Sahajadpur in Pabna district of East Pakistan. Before I deal with the whole issue, I shall read from one of the daily papers published from Dacca—*Sangbad*—so that it can go on record; it is in Bengali.

SHRI C. K. BHATTACHARYYA (Raiganj): It is easy Bengali and may I suggest that for each sentence you give the English translation!

MR. DEPUTY-SPEAKER: . . . Also keep in mind the time-limit; you will get ten minutes:

SHRI SAMAR GUHA: There will be a little relaxation. I shall read it in Bengali for record and give the English summary afterwards.

(The hon. Member read the Bengali quotation)

\*“The Kachari Bari of Shahajadpur is bearing the memory of Kabiguru Rabindra Nath Tagore. But the condition of this historical house is like an orphan. The house, for want of the repair, is going to break down Sands and plasters are falling from the walls. Water percolating through roof and that it seemed the house may collapse any day.

\*Translation of the quotation in Bengali.