

do agree to nominate a member from Rajya Sabha to associate with the Committee on Public Accounts of this House for the unexpired portion of the term of the Committee ending on the 30th April, 1969, in the vacancy caused by the resignation of Shri M. M. Dharia from the Committee and do communicate to this House the name of the member so nominated by Rajya Sabha."

MR. SPEAKER: The question is:

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate a member from Rajya Sabha to associate with the Committee on Public Accounts of this House for the unexpired portion of the term of the Committee ending on the 30th April, 1969, in the vacancy caused by the resignation of Shri M. M. Dharia from the Committee and do communicate to this House the name of the member so nominated by Rajya Sabha."

The motion was adopted.

12.54½ hrs.

INTER-STATE WATER DISPUTES
(AMENDMENT) BILL—contd.

MR. SPEAKER: The House will now take up the Inter-State Water Disputes (Amendment) Bill moved by Dr. K. L. Rao. The Business Advisory Committee allotted two hours and we have already spent 2 hours and 35 minutes. The Speaker has the discretion to extend the time by half an hour and that also had been taken up. I do not think that by extending the time by half an hour further we shall be able to please anybody because a number of them want to speak. Therefore, may I now request the hon. Minister to reply?

श्री देवराव पाटिल (यवतमाल) :
साज भी मंत्री महोदय ने कुछ नये प्रजेक्ट्स
अजे हैं इसलिए टाइम तो लगना ही है ।

MR. SPEAKER: Amendments will be taken up at the time of clause-by-clause consideration.

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO): I must thank the hon. Member for their contribution.

12.55 hrs.

[MR. DEPUTY SPEAKER in the Chair.]

Two aspects were prominent in the discussion. One was the impact of the disputes on the development of the irrigation potential in the country. The second was by way of comment on the provisions of this Bill. With regard to the first aspect, I want to submit that there are a large number of inter-state rivers in the country and practically all the disputes had been settled except two, which are giving some trouble and are matters of controversy. Matters relating to the Chambal river, for example, are being settled by mutual agreement between Madhya Pradesh and Rajasthan. Similarly, there are many other rivers in the country and in all these cases there has been very good co-operation and I am proud to say that in spite of the very many big-sized rivers of our country and the extent of our country, the disputes are completely or practically insignificant. There are only two disputes in the main, one in regard to the Krishna-Godavari and the other in regard to the Narmada. These are the only two disputes which are persisting, and I would not say that the development of the country is in any way retarded except in one case, that is Narmada.

Now, a large number of projects have been sanctioned in the different States. For example, in Maharashtra, one of the projects sanctioned is the Bheema costing about Rs. 42 crores. It was sanctioned three years back, but so far, we have spent much money on it, about Rs. 2½ crores. Likewise, in Mysore, the Upper Krishna project costs about Rs. 59 crores.

[Dr. K. L. Rao]

and we have spent barely Rs. 2 crores on that in spite of the fact that the project was sanctioned five years back. In Andhra Pradesh, the Pochampad project costs Rs. 40 crores, and we have spent barely Rs. 8 crores on it. What I want to submit is that it is not want of sanction of the project that is coming in the way of the development, but it is the financial resources and the strains on the various States that are coming in the way. As I said, the disputes have no impact on the irrigation or on the food production of this country. The only exception is in the case of the Narmada. There, I would accept that there is a certain amount of retardation, though there again, the Tawa project in Madhya Pradesh has been sanctioned long ago, but it has not made any headway; it is still at the bed level. I am sorry for that, but I would accept that in the case of the Narmada, there has been some retardation. Therefore, the disputes have had practically no impact at all on the irrigational development of our country. On the other hand, I think that in this country, over the last 20 years, we have developed our irrigation to double, and likewise, food production has gone up from 50 million tonnes to 100 million tonnes. Such a rapid rate of development in irrigation has not occurred in any other part of the world. No country in the world has had irrigation to the extent of 45 million acres in less than 20 years. It is a very stupendous achievement and that itself will indicate that the disputes have not come in the way of development of this country.

Shri P. Ramamurti has said that an agreement was entered into in regard to the Parambikulam-Aliyar project because of the presence of the communist government in Kerala. He is not very correct, because that agreement went into trouble in 1960 again, and then another additional agreement had to be entered into between Madras and Mr. Pattom Thanu Pillai,

who was then the Chief Minister in Kerala. Even now, there is again further trouble about the project, in relation to the agreement, and we have to resolve the dispute between Madras and Kerala.

What I want to submit is that water is colourless; it is odourless; it is devoid of politics; and there is no meaning in taking some sort of a stand and then trying to come to conclusion out of that. Similarly, Shri Maharaj Singh Bharati said that the Kishau project was not sanctioned because the Government wants to create a dispute and that is why it was not sanctioned. It is rather far from the truth. On the other hand, I must say that in the Kishau project, though there are five States involved in it, an agreement was arrived at nearly five years back. If we were not able to take up the project, it is because of the want of finance, Uttar Pradesh and Himachal Pradesh have to bear the burden, and they do not have sufficient money for this project, and that is why it is not taken up. Otherwise, it is a very good project; it is an excellent project.

श्री महाराज सिंह भारती: (मोठ): वही तो कहता है जैसा आप कह रहे हैं।

DR. K. L. RAO: It is a period by which you can develop irrigation very well in the region of Agra and adjoining areas. It is only a question of finance that is coming in the way.

MR. DEPUTY-SPEAKER: I did not want to interrupt you, but I hope you will conclude in 10 minutes; if possible, we will sit for 10 minutes more.

DR. K. L. RAO: I would need about 15 to 20 minutes.

MR. DEPUTY-SPEAKER: I am sorry I did not want to interrupt your speech; if it will take a longer time, I will have to adjourn the House for Lunch.

SHRI C. K. BHATTACHARYYA: It is the usual lunch hour; he may resume his speech after Lunch.

MR. DEPUTY-SPEAKER: I just tried to see if we could adjust. Anyway, the House is now adjourned for Lunch.

12 hrs.

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

Lok Sabha then re-assembled after lunch at five minutes past Fourteen of the clock.

[MR. DEPUTY-SPEAKER in the Chair]

INTER-STATE WATER DISPUTES
 (AMENDMENT) BILL—contd.

MR. DEPUTY-SPEAKER: Dr K. L. Rao.

DR. K. L. RAO: Sir, I was saying in the morning that the river disputes in India are very few. There are practically only two un-resolved disputes and they have not come in the way of the development of irrigation or food production in the country. Some members were saying that PL 480 imports are still going on because of these disputes. It is not so. The food gap exists because of the rising standard of life and secondly due to the very heavy increase of population. It only indicates that if we want to catch up and bridge the gap, we should accelerate the pace of our irrigation projects and complete them more quickly and we should also undertake more projects. I was therefore very amused when Mr. Tiwary was saying that his district of Saran which is at the very end of the western Gandak canal was not getting water, because UP is not coordinating. I want to say sympathetically that it is not correct. On the other hand, Gandak project, which is one of our very

best projects in the country which would irrigate 85 lakh acres when completed, is an example of the very excellent cooperation between UP and Bihar. That made it possible to take up this project. U.P. has been doing the work. But the limitation is of funds. Actually it was not correct to have started the work in Saran District.

SHRI D. N. TIWARY (Gopalganj): I would like to tell Dr. Rao that goodness always suffers. Because it is a very good project, therefore it is suffering.

DR. K. L. RAO: After all, it is a project of Rs. 150 crores. You have got to find finance from everywhere. This year a larger amount of assistance is being given and the project is being accelerated. I want to confine myself to this fact there is no use trying to misunderstand every problem. On the other hand, as I said, there is excellent co-operation between Uttar Pradesh and Bihar and the project is a result of this.

The hon. Member, Shri Mukrejee, said that Mr. Arthur Cotton, a great engineer of the last century, conceived that connection with various rivers and the rivers themselves are a unifying force. He regretted very much that it is not so now. We entirely agree with him that we should develop our inland river system for navigation and we should develop it to be a unifying force. It is not that we are not aware of it. The only difficulty is finance. For example, Farakka Barrage and the feeder canals, if they were done in the time of Mr. Arthur Cotton in the last century it would have cost only Rs. 15 lakhs whereas today it is costing us Rs. 15,000 lakhs. One thousand times the cost has gone up in these 120 years. That is where the difficulty is faced. Otherwise, we could have done these navigation projects. In fact, it is one of our ambitions that when the Farakka Barrage is completed we should have a naviga-

[Dr. K. L. Rao]

tion canal between Farrakka in Ganga to Dhubri in Brahmaputra via Tees-taso that we can have our own inland navigation between the rest of India and Assam. That is one of our aims. Unfortunately, the project is costing Rs. 200 crores and that is why we are hesitating at the moment in view of the financial stringency of which the House is fully aware. We are fully aware of the necessity of developing the country and we are doing it in a very big way. If more is not done it is entirely due to financial stringency. It has nothing to do with disputes.

There is one point about which I would like to submit to the House in all humility. Quite a large number of Members were saying that we should have these tribunals and as soon as any dispute arises we should immediately rush to the Tribunal. This is exactly what should not be done. Tribunal should be the last resort. These inter-State river problems can be solved in two ways. One is by inter-State litigation and the other is by inter-State negotiation and agreement. Litigation is a contentious approach to a problem and agreement is made with the co-operative effort of the parties concerned. For the health of the nation, in order to ensure that people live together in peace and get together, the unifying force is agreement. It is never done by tribunals, never by litigation and other methods. The least we encourage tribunals the better. It is only in cases where it is impossible for us to do anything else that we should resort to tribunals.

In this connection I would like to give this hon. House a few very interesting quotations from eminent jurists. Late Mr. B. N. Rau, one of our greatest jurists, who was Chairman of the Indus Commission in 1941, a Commission set up in those days, when Sind and Punjab were fighting over Indus waters, to settle the dispute between the two States

wrote like this:

"With a view to saving time, we propounded on the first day of the session certain general principles for distribution of the water of inter-provincial rivers, which seemed to us to emerge from a study of the practice in other countries and which we desired the parties to comment upon in due course."

The first condition is this:

"The most satisfactory settlement of disputes of this kind is by agreement...."

This is what a judge himself is saying. He says:

"The most satisfactory settlement of disputes of this kind is by agreement, the parties adopting the same technical solution of each problem as if they were a single community undivided by political or administrative frontiers."

Afterwards, he went into the evidence and so on. But he has advocated as the very first point or the main principle that it should be done by agreement.

Similarly, the FAO has laid down the following criterion:

"The only practical way of settling such controversies of rivers passing through more than one State would be by agreement reached by give-and-take in a spirit of good neighbourliness and accommodation."

Now comes a very interesting and very important judgment.

The Supreme Court of the United States in a judgment has written this:

"The reason for judicial caution in adjudicating the relative rights of States in such cases is that, while we have jurisdiction of such disputes, they involve the inter-

ests of the quasi-sovereigns, present complicated and delicate questions and due to the possibility of future change of conditions, necessitate expert administration rather than judicial imposition of a hard and fast rule. Such controversies may appropriately be composed by negotiation and agreement, pursuant to the compact clause of the Federal Constitution. We say of this case, as the court has said of inter-State differences of like nature, that such mutual accommodation and agreement should, if possible, be the medium of settlement, instead of invocation of our adjudicatory power."

So, I have pointed out three of the very eminent observations to show that the best method of settling river water disputes is by agreement and negotiations and not by tribunals. It is this principle that we have been following and we have been successful in this, except in two cases! one is the case of the Krishna-Godavari waters. One hon. Member asked why this was not referred to a tribunal in 1956 when the first Act was passed. But I may tell him that when the first Act was passed, there was no dispute. That dispute arose only in 1960. That is one of the disputes that has defied our attempts to solve it. Therefore, we are sending it to the tribunal very regretfully. As soon as this Bill is passed, we shall be taking the necessary steps in that behalf.

The second is that of the Narmada waters. In regard to the Narmada, I still have hopes; we should make every attempt to solve the problem, because in this case the problem is more solvable. For example, there is complete agreement between Madhya Pradesh and Gujrat regarding the volume of water in the river. There are lots of points of agreement.

One hon. Member said in a very passionate way that Gujarat was going to submerge the lands of Madhya Pradesh and so on. That is not a fact. The fact is that not a single acre in Madhya

Pradesh more than what is indicated by Madhya Pradesh is going to be submerged according to the proposals that have been made. Therefore, I would appeal to the hon. Members of Gujrat and Madhya Pradesh and the Chief Ministers of both the States to discuss and settle it between themselves. We do not want to interfere at all from the Centre. Let them try to settle it themselves, and if necessary, we shall feel very happy and we shall have the privilege to give any assistance that they may need, but they must try to solve the problem between themselves. Therefore, I feel that it should be possible to make some more attempts in this regard. It is true that Gujrat has sent us a request for reference of this matter to the tribunal. But we are holding it back. We still hope that it will be possible to settle this by negotiation and agreement.

I would request hon. Members to kindly ponder over this namely whether it is not necessary for us to settle this first by negotiations rather than to encourage the going of these disputes before a tribunal. We should try to solve this ourselves by settlement, agreement and negotiations.

I shall now make few observations on the various points that have been raised in regard to the provisions of the Bill. Shri Sequeira has suggested that the Supreme Court may be declared as the tribunal. I would submit that this is contrary and repugnant to the provisions of the Constitution. Article 262 (2) debars the Supreme Court or any other court from having any jurisdiction over these river water disputes. Similarly, section 11 of the parent Act also says that no court will have any jurisdiction.

SHRI VIKRAM CHAND MAHAJAN (Chamba): Why does he not amend the Constitution.

DR. K. L. RAO: The Constitution itself will have to be amended. It is not worth all that trouble. Further there is nothing that is gained also

[Dr. K. L. Rao.]

by that. Therefore, it is not much of a point to be thought of.

Shri Shivajirao S. Deshmukh has said that we must give a direction to the tribunal that they must issue an interim report. I would submit that it is not like a pay commission or other commissions which have to give some interim report. We must remember that the tribunal has got very vast and extensive powers, because the tribunal's finding is final and binding. There is no appeal either to the Supreme Court or any other court. Government also cannot interfere in this matter. Therefore, it is necessary that no adjudication can be given piecemeal. One has to go through the various stages. We cannot put any restriction on the judges. Once we place a matter before the tribunal, it is up to the tribunal to deal with the subject as it thinks fit.

I do not know where from my hon. friend Shri Surendranath Dwivedy has got the impression that we are making a provision here that unless all the States agree, we cannot set up any such tribunal. It is not so. In fact, all that the relevant clause says is that any State can make a request that the dispute be referred to the tribunal. The only condition is that the Centre must be satisfied that it is not possible to settle it by negotiations. That is the only clause that we have put in. Otherwise, it is not necessary for the States to come to any agreement on this point. My hon. friend had made a very elaborate point on this. I think it arose out of some mistaken understanding of the provision.

SHRI S. S. KOTHARI (Mandsaur): The Madhya Pradesh Chief Minister and the State Government have been saying that the Centre is partial to Gujrat as compared with its attitude towards Madhya Pradesh. What has the Centre done or what has the hon. Minister done to dispel this doubt in the minds of the Madhya Pradesh

Chief Minister and the M. P. Government?

DR. K. L. RAO: I have already made an appeal to the hon. Members from Madhya Pradesh and Gujrat to discuss this matter together, and I shall be very happy to discuss with the hon. Member separately. It is a big story. I shall give him the whole story and then he will see that this is more due to other extraneous factors coming in than anything else. If he studies these things, sifts the things and then comes to brass-tacks and comes to pure water he will find that it is very simply and it can be solved. That is why I have said that this is one of the disputes which can be solved.

SHRI MANUBHAI PATEL (Dabhoi) We would very much like to arrive at a compromise amicably. May I know whether there is any basis for coming to a compromise within a definite time-limit?

DR. K. L. RAO: I would be very happy if the hon. Members of the two States would meet me separately and we shall do our best. Let us all put our heads together and try to arrive at some solution.

There is another important point which many Members have raised. I entirely share the anxiety of Members that the tribunal should be so composed that it should create the maximum confidence in the impartiality of its judgment. So, some hon. Members have suggested that we should mention specifically in the Bill that the judges should not come from the States concerned in the dispute. I want to submit in this connection that our judges are world famous and they have gained a name in the world for their profound judgment and for their impartiality. Also, our Chief Justice knows very well how we to give a fair deal to all persons, and he will also have the various statements, and speeches and

expressions made by the Members before him and he will take the necessary action in the matter. My point is that we should not inscribe in any law anything which will impair the prestige of our judiciary, even by implication. That is very important. By implication also we should not give any indication that our judges are not capable of being impartial because of certain considerations; that would be very bad on our part. Therefore, I regret that it will not be possible to accept any amendments in that regard. Therefore, I would request hon. Members not to press that point.

Many hon. Members have said that the judges must be serving judges and that retired judges should not be taken in. There is some force in that, but why that was put in was that the Supreme Court has got very limited strength—there are only about 11 Judges—and they have got very heavy work of their own; so it will not be possible for them to spare many judges for tribunals. That is how the thing has come about. Anyway, having regard to the wishes of the House, I have thought over the matter and I have given notice of an amendment which confines the membership of the tribunal to serving judges.

I have tried to cover the various points raised by hon. Members and I now request that the Bill be taken into consideration.

SHRI ERASMO DE SEQUEIRA (Marmagoa): The hon. Minister has said that there is a prohibition in article 262 of the Constitution to the Supreme Court having jurisdiction in these matters. There is no such prohibition there. I will read that. It reads:—

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

that is, inter-State water disputes.

It is true that Parliament in section 11 of the original Act, which we are today amending, has debarred the jurisdiction of the Supreme Court in such matters, but Parliament has done it and Parliament can undo it. We also have power under article 138 to confer jurisdiction on the Supreme Court. So there is no such prohibition in the Constitution.

DR. K. L. RAO: I am sorry. Article 262 (2) says:—

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

In pursuance of this in 1956 we passed the Inter-State Water Disputes Act and section 11 of the Act very clearly lays down... (*Interruption.*)

SHRI ERASMO DE SEQUEIRA: That is precisely what I said. What we have taken away can give again.

DR. K. L. RAO: If the Constitution can be amended, everything can be amended.

SHRI ERASMO DE SEQUEIRA: There is no such prohibition.

DR. K. L. RAO: But what is it that you get by that? After all, the Supreme Court has got very limited number of Judges, they have got a heavy amount of work of their own and they cannot spare them.

SHRI ERASMO DE SEQUEIRA: You can dispose of the suggestion on merits, but please do not say that there is Constitutional prohibition. There is no such prohibition.

MR. DEPUTY-SPEAKER: The question is:

“That the Bill further to amend

[Mr. Deputy Speaker.]

the Inter-State Water Disputes Act, 1956, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up clause-by clause consideration of the Bill.

Clause 2— (Amendment of section 4).

SHRI LOBO PRABHU: Sir, I beg to move:

Page 1,—

(i) line 10,—

omit, "or have been,"

(ii) line 11, add at the end—

"and who do not belong to the States engaged in the dispute." (2)

SHRI J. MOHAMMED IMAM (Chitradurga): Sir, I beg to move:

Page 1, line 11,—

add at the end—

"who have not had any connection with or interest in any of the States that are parties to the dispute" (3).

Page 1,—

after line 11, insert—

"Provided that the Tribunal shall be constituted within six months after the request is made by the State Government to refer the dispute to the Tribunal under subsection (1) of section 4." (14).

SHRI ERASMO DE SEQUEIRA: Sir, I beg to move:

Page 1,—

for lines 8 to 11, substitute—

"(2) For the purposes of this Act, the Supreme court shall function as the Tribunal." (7).

Page 1, line 11,—

omit "or have been," (9).

Page 1, line 12,—

omit "or the Judges of a High Court" (10).

Dr. K. L. RAO: Sir, I beg to move:

Page 1,—

for lines 8 to 11, substitute—

"(2) 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 of a High Court." (16).

SHRI LOBO PRABHU: Sir, I am grateful that the hon. Minister has accepted two of the three amendments proposed by me. The first amendment proposed by me related to the appointment of ex-Judges of the Supreme Court. This has been conceded in his own amendments. But I am a little surprised that instead of accepting the amendment as I moved it and accepting the text as it stood, the Ministry or the Law Ministry has thought it fit to add that the Judges should be "from among persons who at the time of such nomination". This may imply that a Judge about to be retired may be appointed and his appointment would be valid even after he has retired. To that extent the purpose of the amendment will be frustrated. I would like the hon. Minister, who has conceded so much, to concede the whole text of the amendment as I have moved it, because I see no purpose in using the words "at the time the appointment is made". It will be enough to say "who are Judges of the Supreme Court and of the High Courts."

I would like, in this connection, to say that this principle which the Minister has conceded here is of

importance for all the Ministers. Yesterday, the hon. Member, Shri H. N. Mukerjee, and the hon. Member, Shri A. D. Mani, in the Rajya Sabha, brought up this point that judiciary is coming into contempt because of the queues of High Court Judges waiting to be appointed. I had occasion also, sometime ago, when Mr. Dhavan's appointment was made, to point out that appointing a Judge to any particular post is not only an act of favour to him or an act of discrimination against others but it affects the very independence of the judiciary. In fact, I would like to bring forward an amendment to the Constitution that like the Auditor General and the Members of the Public Service Commissions, Judges should not be eligible to any appointment or work under the Government. This alone will assure them the necessary independence and the necessary status which is required of them.

MR. DEPUTY SPEAKER: You are mistaken. The Auditor General is also appointed, not directly, to some office.

SHRI LOBO PRABHU: I give credit to the ingenuity of Government. But the text stands that the Auditor General shall not take any appointment under the Government. As I said, I bow to such evasion that can come in. But I would like that this occasion may be noted by Government as one when it has introduced a worthy change that a Judge, when he has done enough work, should not be disturbed and should not also be a disturbing factor to the whole system of judiciary.

My second amendment which still remains for me to press is that Judges belonging to the States engaged in the disputes should not be appointed to the Tribunal. The hon. Minister has, certainly, made a point that we should cast no reflection on the Judges. But is it a reflection involved in it? This is a fact that in order not only to secure impartiality but also to give an appearance of

impartiality in disputes which are very very delicate, which are liable to be misunderstood, there should be no occasion to consider or to appoint any Judge belonging to the States engaged in the dispute. There is the principle of law that no Judge can try a case in which he or his relations are personally involved. It is that same principle which is being applied here in respect of a wider context. The argument that the Supreme Court Chief Justice would take note of the fact is not entirely correct. We heard yesterday some Members mentioning that Judges can be appointed who belong to the States concerned. It is quite possible that the Supreme Court Chief Justice may also say he sees no reason to be bound by this convention.

I would suggest to the hon. Minister, when he has created a record by accepting two of my amendments, to improve the record, to accept all the three amendments of mine, to agree that no Judge who belongs to the State which is engaged in the dispute should be appointed to the Tribunal.

SHRI VIKRAM CHAND MAHAJAN: According to them, there should be blood test of Judges to find out how much blood is of Andhra and how much of Maharashtra if the disputes is between Andhra and Maharashtra, to debar them.

SHRI LOBO PRABHU: May I suggest there are ordinary tests of reasonable human beings? (*Interruption*).

MR. DEPUTY SPEAKER: I would appeal to the hon. Members not to bring politics so far as judiciary is concerned. It is said that waters are polluted with politics, and they have to adjudicate because of these politics.

SHRI ERASMO DE SEQUEIRA: There is a conflict between what you say and what he says. He says there is no politics in it.

MR. DEPUTY SPEAKER: Therefore, there are disputes.

SHRI ERASMO DE SEQUEIRA: I have proposed three amendments.

One is to the effect that the Supreme Court shall function as the Tribunal. I still feel that this would have been a right solution because the Supreme Court has got the tradition, has got prestige, has got respect, behind all its decisions. And these are major matters with very far-reaching and long-lasting effects. Therefore, I believe that decisions from them would carry weight and prestige and they would not only be binding but acceptable, and acceptable without any hard-feeling.

We are all in agreement that these disputes should be settled by negotiation. The question of going to a Tribunal or court only arises as a last resort. But I would go back to what I said yesterday, that it is not constitution of a Tribunal that is the real problem but the delay between the time the dispute arises and the time it is referred, in case of failure by negotiation, to an adjudicating authority. The hon. Minister himself, in one of the learned pronouncements that he quoted has given an important justification for this; in one of the opinions just quoted, he says that there is no substitute for an agreement reached by a given date—if there is a final date in front of the negotiating parties and both of them keep an eye on that date and both of them come closer to what they really want and what they really are prepared to accept from the extreme positions that they took at the beginning of the negotiation. I appeal to the hon. Minister to go back to the original Act and amend section 4 to the effect that, if a dispute arises and within a specified period if they are unable, by negotiation, to reach an agreement, it shall stand referred to the Tribunal or court or whatever is the adjudicating authority. I am not going to press this amendment to the

vote, but still I feel that that would be right.

Of the other two amendments, one of them has been accepted, namely, that retired judges shall not serve on this Tribunal.

The third amendment refers to the question of High Court judges serving on the Tribunal. Again, as I said yesterday, I do not accept or do not think that merely by virtue of the fact that a judge comes from a certain State he is unable to be judicious on a dispute that has arisen in that particular State; if this were true, I am afraid all our judicial authorities would have to look to another country, and that hardly seems fair or necessary. But I do feel, as I said yesterday, that, if a dispute arises at one level—High Court is at the level of the State—, the adjudication should be at one level higher which is the Supreme Court Level. I know there is a feeling that there are not enough Supreme Court judges or they do not have enough time, to go into these disputes. But I would again like to say that these are major disputes, the implications are very very important, the effects are very very far-reaching and long-lasting, and they affect millions of people. I do not think that there is even a single Supreme Court judge who would not be prepared to serve on such a dispute and to give the benefit of his seniority, of his status of his experience, to a decision on such disputes. I would, therefore, again appeal to the hon. Minister to please accept this amendment, namely, that the inter-State disputes on water be adjudicated by sitting Supreme Court judges.

SHRI J. MOHAMED IMAM: I have given three amendments of which one has already been accepted by the Minister. The second one reads as follows:—

add at the end—

“who have not had any connection with or interest in any of the States that are parties to the dispute.”

The third amendment is as follows:—

Page 1,—

after line 11, insert—

“Provided that the Tribunal shall be constituted within six months after the request is made by the State Government to refer the dispute to the Tribunal under sub-section (1) of section 4.”

Regarding the amendment that the Judges should be free from any personal contact with any State which is party to the dispute, my hon. friend, Shri Lobo Prabhu, has explained it in detail. As the Minister himself has stated in the statement of objects and reasons, an equitable and just decision on the issue of river disputes is absolutely necessary as millions of lives in this State affected are involved, and any wrong decision will practically ruin those people. In such circumstances, it is necessary that we do take abundant precaution to see that a just decision is given by the members of the Tribunal who may be Judges. We must see that they are not hampered in any way. This is all the more necessary as the Minister has sought to raise the number from one to three. When the Tribunal consists of three members, it is always possible that there will be a divided opinion and divided verdict and there may not always be unanimity. In such a case, the parties affected will have something or other to find fault with.

Personally, I would have preferred a one-man Tribunal. This was done in 1956. When an amendment to an Act is sought to be made, it must always be based on the past experience

of the working of the Act, whether there are any defects or lacunae to be removed in the parent Act. But in this case, the Minister has sought to change the strength of the Tribunal from one to three without giving any chance for the Act to be operated. The Act came into effect in 1956 and till 1968, it has been kept in cold storage. So how can he say that the existing Act is defective in any way without giving it a trial? On the other hand, as has been said, the Act was not invoked when there was delay in settling a dispute and when even a request was made by the Government of Mysore as far back as 1964, for invoking it.

I do not want to say anything against the Minister. But recently it was said that the Minister, in order to fortify himself, has brought in an Andhra gentleman as Chairman of the CWPC. When some States are at loggerheads with Andhra, the Chief Engineer of Andhra has been brought in as the Chairman of the CWPC. That would really create a suspicion in the minds of such States as have to fight against Andhra in connection with water disputes. On this, I am not find fault with anyone. But I say this to stress that it is always necessary that our Judges are above suspicion. Caesar's wife must always be above suspicion.

After all, a Judge has to decide certain important issues. You must take care to see that he is not connected with any interested State. Human nature being what it is, blood is always thicker than water. Of course; I agree with you that at present we have an eminent Chief Justice of India, we have eminent Judges. Most of them may retire after two years, but this Act will remain for ever, disputes will come for ever, and this Act has to be invoked and it has to apply not only to present Judges but also future Judges. So, I endorse the reasons given by my friend, Mr. Lobo Prabhu for accepting this amendment.

[Shri Mohamed J. Imam]

This is my second amendment that within six months of the request made by any State to refer the matter to a tribunal, the Central Government must appoint a tribunal. This is based on past experience. The disputes between Andhra and Mysore, between Maharashtra and Andhra, the disputes over Krishna Godavari waters have been there for over a decade. The Minister said in the preliminary stage agreement and negotiation must be gone through. I appreciate that, but when that fails, it is the duty of the Central Government to appoint a tribunal. The Mysore Government in 1964 applied to the Central Government to appoint a tribunal to adjudicate this dispute, but the Central Government and the Ministry have been delaying. So, I submit that when a request is made by any State, instead of causing inordinate delay, the Government and the Minister must appoint a tribunal within six months in order to avoid unnecessary litigation or unhealthy spirit between the States. It will be in the interests of the States, and I hope this amendment will be accepted.

SHRI TENNETI VISWANATHAM (Vishapatnam): I want to say a few words on the three points covered by these amendments.

Starting with what my friend has just said, six months time seems to be a very good corrective. I am sorry I am not able to agree with the Minister that agreement is the best method. Agreement is the best method until the dispute arises, but once the dispute arises and they come to the Minister with a regular complaint asking for reference to a tribunal, there is not use again thinking of an agreement. In cases of restitution of conjugal rights, sometimes, Magistrates try to put the two people in a room to see if they can come to an agreement, and they often fail. Similarly, here there is no use wasting further time.

The second important point is that agreements are liable to be questioned. Sometimes agreements though not made on the basis of political strength,

when political influence and political strength changes, come to be questioned. That is exactly what has happened in the famous disputes. Therefore, Parliament wisely passed special legislation that if there is no agreement, the matter should be immediately referred to a tribunal. With that little difference, I agree with whatever the Minister has to say. So far as the judges are concerned, I am sorry I am unable to agree with the argument that there must be a statutory imposition that the judges coming from states involved in the dispute should not be there. It is a reflection of the worst type in my opinion. We are prejudging the partiality or the impartiality of the judges once you say that the judges of these states cannot be there.

I agree that the Central Government should not take a long time. The longer the delay, the greater the chance for politics to step in. Water disputes are not settled because of the delay which gives time for politics to get into it and get mixed up with water. Water is good, as he says but politics makes it turbid; it becomes green and worthless. Therefore, there should be a time-limit. These disputes should be settled as soon as possible.

The hon. Minister says that these disputes have not affected the progress of our food production. I wish it were true. His appreciation of the position is slightly different from ours. It is very good that the matter has come here. When once these things are settled, India will be happy; unless these things are soon settled, we shall be getting into further troubles. These are very explosive matters. In my humble opinion, water, women and religion if properly used will make heaven of earth; if improperly used will make hell of heaven.

DR. K. L. RAO: There is nothing more that I can add to what I had already said. I had explained at length why we could not accept any of these

amendments. The hon. Member Shri Lobo Prabhu referred to one point. Suppose a judge has been nominated as a member of the tribunal and he is going through a case. He may be reaching the age of retirement in a few months. When a judgment is to be delivered if a new man is to be appointed and he comes in, a difficult situation would arise. In order to avoid such contingencies this provision has been made. Actually we expect that these tribunals would not take much time; they should finish their work early. We are also sure that the hon. Chief Justice will take this into account when he selects Members. I do not know if I should be thankful or grateful to hon. Mr. Imam for casting reflections on me. I am sorry he does not know the fact. The Chairman of the Water, Power and Irrigation Commission is selected by the U. P. S. C. of which the Chairman is a Maharashtrian. I may also tell the hon. Member that the previous Chairman of the C. W. P. C.
(Interruptions.)

SHRI RANDHIR SINGH (Rohtak): Why should you bother about his allegations?

DR. K. L. RAO: I am sorry that the Mr. Imam should have cast reflections about this matter at this stage. I wish he goes and tells the Mysore engineers to qualify; let them qualify, the post becomes vacant almost every year or every two years. Let them qualify. The Chief Engineer of Mysore was not found fit for this post at the time the selections were made.

SHRI J. MOHAMED IMAM: Mysore was the first place in the whole of India to have hydro electric works. Do not cast reflections on the engineers of Mysore; they are the pioneers in this field.

MR. DEPUTY-SPEAKER: You made this allegation and he has every right to reply.

DR. K. L. RAO: I want to be very definite when I say that Mysore en-

gineers are my very best friends and they are first-class men. What I am saying is that the present Mysore engineers were also considered by the Union Public Service Commission and they were not found fit this time. I would only appeal to Shri Imam to see that at least in the next selection they will be coming in. Therefore, there is no such question which was referred to by him; I am sorry that this was imported. Anyway, I regret that I have got to oppose all the amendments that have been proposed.

MR. DEPUTY-SPEAKER: I shall put all the amendments, excluding Government amendment No. 16, to the vote, together.

Amendments, Nos. 2, 3, 7, 9, 10 and 14 were put and negatived.

MY. DEPUTY-SPEAKER: I shall now put amendment No. 16.

SHRI LOBO PRABHU: The amendment is mine; it has been accepted by the Government.

MR. DEPUTY-SPEAKER: Partially, you said, it has been accepted.

SHRI LOBO PRABHU: I do not mind an amendment which they have made to my amendment but it is my amendment.

MR. DEPUTY-SPEAKER: Now, it is too late. I shall put the Government amendment No. 16 to the vote. It has been moved by Dr. K. L. Rao. The question is:

Page 1, for lines 8 to 11, substitute

"(2) 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 of a High Court." (16).

The motion was adopted.

SHRI S. M. BANERJEE (Kanpur): Let it be put that Mr. Lobo's amendment moved by Government be accepted by the House.

MR. DEPUTY-SPEAKER: The wording is different. His amendment is lost along with the others. Now, the question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3— (Amendment of section 5.)

MR. DEPUTY-SPEAKER: There are some amendments. Is Shri Shivajirao S. Deshmukh moving his amendment?

SHRI SHIVAJIRAO S. DESHMUKH (Parthain): Yes, Sir. I move:

Page 2,—

(i) line 2,—

for "sub-section" substitute—
"sub-sections"

(ii) after line 5, insert—

(5) If Central Government or any disputant State Government apply to Tribunal within thirty days of reference of water dispute under sub-section (1), for preliminary adjudication on matters relating to General Principles of sharing of waters of Inter-State river or river-valley, and their application, the Tribunal shall investigate the matter so raised and report their decision to Central Government by submitting Interim Report:

Provided that the Tribunal shall always be deemed empowered to allow any exceptions in their report under sub-section (2). (11).

SHRI DEORAO PATIL: I move:

That in the amendment proposed by Shri Shivajirao S. Deshmukh; printed as No. 11 (ii) in List No. 4 of amendments,—for "General Principles" substitute "Equitable Principles" (15).

It is an amendment to an amendment.

MR. DEPUTY-SPEAKER: I have seen it.

SHRI SHIVAJIRAO S. DESHMUKH: Sir, I take this occasion to congratulate Dr. K. L. Rao for the spirit of accommodation which he has shown and the indulgence he has been pleased to confer on this House by agreeing to the principle that only sitting judges of the Supreme Court should be the members of the tribunal. Therefore, I am more encouraged to plead with him that he would also accept my amendment because the purpose of my amendment is not only to seek justice but to ensure that justice is done. It is common knowledge that any one who is conversant with law knows that preliminary issues of law are always raised in all civil matters and they are tried separately as issues of law and a specific finding is given by way of a preliminary judgment. Therefore, if any party to a suit claims that the suit is barred by limitation, the issue is first tried whether or not the suit is barred by limitation. If there is a plea of misjoinder of party or nonjoinder of party or transposition, that is first decided. If an objection is raised on some ground or the other, the court first considers it, and that is taken as a separate issue and a separate finding is given. Therefore my amendment ensures that if a disputant State wants to raise the question of equity on principle and wants to put before the tribunal that the question of principles should be decided first, there should be no quarrel with this application, and the law should ensure that such applications are expeditiously disposed of on such reasonable investigation as the tribunal finds it necessary. Yet, my amendment takes an abundant precaution this way: that it gives almost unqualified discretion to the tribunal to prove and to prescribe any exception to the principle which the tribunal would have accepted.

The principles of sharing the river waters are well known. In this country, we had passed 10 years back a law to decide the inter-State water disputes, but at the time of moving the amendment—this is for the information of my friend Shri Bhandare—the Government has absolutely next to nothing of experience, because never has any dispute in the history of this Act been referred to a tribunal. The principles of sharing of river waters are well known and a number of disputes are there. There has been an abundance of disputes in many States. Almost every river which flows through a certain geographical area of a State has always been a subject matter of dispute before the International Court of Justice.

These courts by a series of findings have upheld certain principles which the civilised world has accepted. We will be proving ourselves uncivilised if we shy from those principles and if we do not accept this amendment. I would just read my amendment. I accept Mr. D. S. Patil's amendment to my amendment. My amendment reads thus:

"If the Central Government or any disputant State Government apply to Tribunal within thirty days of reference of water dispute under sub-section (1) for preliminary adjudication on matters relating to Equitable Principles of sharing of waters of inter-State river or river-valley and their application, the Tribunal shall investigate the matter so raised and report their decision to Central Government by submitting Interim Report.

Provided that the Tribunal shall always be deemed empowered to allow any exceptions in their report under sub-section (2)."

With these words, I urge upon the Minister to accept my amendment.

श्री बृचराज पाटिल : उपाध्यक्ष महोदय, श्री शिवाजीराव का जो संशोधन है वह तो न्यायाधिकरण को कुछ कामकाज के बारे

में आदेश देने के बारे में है। अगर यह सभा उन का संशोधन मान लेती है तो मेरा संशोधन भी खर हो जायेगा। मेरा संशोधन तो यह है कि जनरल प्रिसिपुल्स के स्थान पर इक्वीटेबिल प्रिसिपुल्स रखा चाहिए क्योंकि इक्वीटेबिल प्रिसिपुल्स का अर्थ न्यायसंगत और संतोषजनक प्रिसिपुल्स से होता है जब कि जनरल प्रिसिपुल्स का अर्थ जनरल प्रिसिपुल्स ही होता है।

DR. K. L. RAO: I am sorry these amendments are not acceptable. I only want to say that Mr. Deshmukh is a very distinguished lawyer and he can submit all these things before the Tribunal.

MR. DEPUTY-SPEAKER: I will now put amendment No. 15, which is an amendment to amendment No. 11.

SHRI SHIVAJIRAO S. DESHMUKH: I am accepting the amendment to my amendment, Sir.

MR. DEPUTY-SPEAKER: Order, order. I am proceeding according to the rules. I will now put amendment No. 15 to the House.

Amendment No. 15 was put and negatived.

MR. DEPUTY-SPEAKER: I will now put amendment No. 11 to the House.

Amendment No. 11 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Insertion of new section 5A.)

SHRI DEORAO PATIL: I am moving my amendment No. 1.

SHRI LOBO PRABHU: I am moving my amendment No. 5.

DR. K. L. RAO: I move Government amendments Nos. 6 and 17.

MR. DEPUTY-SPEAKER: Mr. Dhar is absent. His amendments are not moved.

SHRI DEORAO S. PATIL: I beg to move:

Page 2, line 10,—

for "the Central Government"

Substitute "the Chief Justice of India" (1).

SHRI LOBO PRABHU: I beg to move:

Page 2, line 14,—

for "from the stage at which the vacancy is filled".

substitute "from the stage when the vacancy arose" (5).

DR. K. L. RAO: I beg to move:

Page 2, lines 10 to 12,—

for "the Central Government shall appoint another person in accordance with the provisions of sub-section (2) of section 4 to fill the vacancy".

substitute—

"such vacancy 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" (6).

Page 2, line 14,—

for "from the stage at which the vacancy is filled".

substitute—

"after the vacancy is filled and from the stage at which the vacancy occurred". (17).

SHRI LOBO PRABHU: The Government has adopted the same technique. They have accepted my amendment that the proceedings will continue from the time the vacancy arose, but added to it something totally unnecessary after the vacancy is filled. There are eminent lawyers like Mr. Deshmukh and others. One principle of law is, you

should not add more words than necessary. I again press that Government, which has accepted my amendment, should not take the credit of adding to it something totally unnecessary. They should allow the amendment to stand in my name and not in theirs.

श्री बेवराव दाटिल : उपाध्यक्ष महोदय, जैसा कि मंत्री महोदय ने पहले बताया यह बिल बहुत सिम्पुल था, कांस्टीट्यूशन आफ ट्रिब्यूनल और फिलिंग आफ वेकेंसीज के बारे में लेकिन जो अमेंडमेंट आए हैं उनसे पता चलता है कि ड्राफ्टिंग डिपार्टमेंट कैसे काम करता है। गवर्नमेंट के अमेंडमेंट से पहले मेरा अमेंडमेंट था और मुझे खुशी है कि गवर्नमेंट का खयाल इस क्लॉज की तरफ गया और वह इस संशोधन को लाई है। गवर्नमेंट के इस संशोधन से मेरा मतलब पूरा हो जाता है इसलिए मैं आपके द्वारा सभा से अपना संशोधन वापस लेने की इजाजत चाहता हूँ। साथ ही एक बात और कहना चाहता हूँ कि जल के कई विवाद बहुत दिन से चल रहे हैं। इसमें एक प्रिसिपुल जजेज के लिए रखा या है—एट दि टाइम आफ नॉमिनेशन ही मस्ट बी ए जज। मैं इतना ही कहूंगा कि शुरू का जो एग्जिस्टिंग क्लॉज था उसमें सिंगिल-जल ट्रिब्यूनल था और उसमें रिटायर्ड जज ट्रिब्यूनल का सदस्य बन सकता था, लेकिन इसमें वह नहीं है। हालांकि यह पालिसी का सवाल है लेकिन मैं चाहता हूँ कि मंत्री जी इस पर विचार करेंगे योंकि हमको जजेज नहीं मिल रहे हैं और इस वजह से देर होनेकी सम्भावना न रहे। हम नहीं चाहते कि कोई भी विवाद ट्रिब्यूनल के पास जाय और यह हकीकत है कि कोई भी आदमी नहीं चाहता है कि वह बकील के पास जाय, वह नहीं चाहता कि मैं डाक्टर के पास जाऊं या मैं साहूकार के पास जाऊं। इन तीन आदमियों के पास तब आदमी जाता है जब अपरिहार्य स्थिति हो जाती है प्रश्न के हक की भाशा भ्रम हो जाती है। इसलिए मैं मंत्री महोदय से रिक्वेस्ट

करूंगा कि वह इस नतीजे जल विवाद ट्रिब्यूनल को भेजने में देरी मत करे और मैं अपने अमेंडमेंट को बिदङ्ग करने की हाजस से इजाजत चाहूंगा।

15 hrs.

DR. K. L. RAO: Sir, I oppose all other amendments and I request the House to accept my amendments Nos. 6 and 17.

MR. DEPUTY-SPEAKER: Has Shri Deorao S. Patil the leave of the House to withdraw his amendment No. 1?

Amendment No. 1 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: I shall now put amendment No. 5 moved by Shri Lobo Prabhu.

Amendment No. 5 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put the Government amendments together. The question is:

Page 2, lines 10 to 12,—

for "the Central Government shall appoint another person in accordance with the provisions of sub-section (2) of section 4 to fill the vacancy".

substitute—

"shall vacancy 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" (16).

Page 2, line 14,—

for "from the stage at which the vacancy is filled".

substitute—

"after the vacancy is filled and from the stage at which

the vacancy occurred". (17).

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put the clause as amended to the vote of the House. The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5, 6 and 7 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. K. L. RAO: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

श्री रणधीर सिंह : उपाध्यक्ष महोदय, इस इंटर्-स्टेट वाटर डिस्प्यूट्स (अमेंडमेंट) बिल पर काफी अमेंडमेंट्स माननीय सदस्यों ने पेश किये। गवर्नमेंट अमेंडमेंट्स पास हो गये बाकी एक दो को छोड़ कर रिजैक्ट हो गये। लेकिन एक बात में बड़ा वजन था और वह बात मैं कहना चाहता हूँ कि अभी जो इनके निबटाने में काफी समय लगता है और सालों यह मामला लटकते रहते हैं। तो उन के निबटाने की कोई एक मियाद फिक्स कर दी जानी चाहिए। आप खुद लाइयर हैं और एस एलैबनशन पेंटीशन में 6 महीने की मियाद होती है और वह मियाद रखना जरूरी होती है क्योंकि वह बहुत जरूरी मामला होता है उसी तरीके से यहां भी एक मियाद रख दी जाय। एलैबनशन पेंटीशन को जो जज ट्राई करता है और वह भी

[श्री रणधीर सिंह]

ट्रिब्यूनल है और पहले उस के निबटारे में 4-4 और 5-5 साल लग जाया करते थे। उस के निबटारे के लिये जो मियाद रख दी गई है वह ठीक ही की गई है। मुझे यहां भी खदशा है कि इस बिल के तहत जो ऐक्ट बनने जा रहा है और जो ट्रिब्यूनल और फोरम आप क्रिएट करेंगे तीन जजों का, मैं समझता हूँ कि उस के सामने आने वाले जल-विवाद सम्बन्धी मुकद्दमे साल दो साल में खत्म होने वाले नहीं हैं और वह मामले वहां पर कई कई साल तक लटकते रहेंगे।

गुड़गांव कैनल का झगड़ा, गुड़गांव जिले को जमुना से पानी देने का झगड़ा और किसानों का झगड़ा, यह सारे झगड़े इतने लम्बे समय से बगैर हल हुए लटकते चले आ रहे हैं। खाम तो पर मैं कहना चाहता हूँ कि यह किसानों का झगड़ा उत्तर प्रदेश और हरियाणा के दरमियान लम्बे असें से चला आ रहा है। इसी तरीके से गुड़गांव कैनल की बाबत हरियाणा और उत्तर प्रदेश के दरमियान कोई 20 साल से गड़ा चलता आया है। अगर आप उस के लिए एक कमीशन मुकर्रर करें तो शायद 5-7 साल और लगेंगे। मुझे शुबहा है कि जब तक आप कोई मियाद मुकर्रर नहीं करेंगे तब तक यह झगड़ा लटकता ही रहेगा। आप इस ऐक्ट के तहत रूल्स बना दीजिये। रूल्स बनाने की ताकत गवर्नमेंट को होगी। आप उन में यह स्पेसिफाई कर दें कि साल में या छै महीने में, इतने दिन में इस का फैसला अगर एप्रीमेंट से नहीं हुआ तो फिर उन्होंने ने यह फैसला करना है। रूल्स में एक इस के लिये आप को मियाद देनी पड़ेगी।

मेरे दोस्तों ने जो दूसरी मांग की और जो कि मंजूर नहीं की गई उस में बड़ा वजन था। अब जैसे कि कल हमारे देश के एक शानदार जज मेहरचन्द महाजन के ऊपर जो हमला किया गया उस से मुझे दुःख हुआ। मैं नहीं

चाहता कि उसे दुहराया जाय और उस का जिक्र किया जाय। हमारा यह देश बहुत बड़ा है और यहां के पड़े लिखों और अनपढ़ों की किवी की भी नियत खराब नहीं है लेकिन एक पार्टी के हक में फैसला होना। कितने हो आप भक्त बन जायें, फरिश्ते बन जायें, जज ने एक पार्टी के हक में और एक पार्टी के खिलाफ तो फैसला देना ही होता है और जज के भी खिलाफ फैसला होगा वह दुनिया भर की गंद उस जज के खिलाफ उछालेगा। मैं चाहूंगा कि जहां जुनूबी दरियाओं की बाबत कोई झगड़ा हो तो शुमाली हिन्दुस्तान से जज हो और इसी तरह अगर शुमाली हिन्दुस्तान की दरियाओं का झगड़ा हो तो जुनूबी हिन्दुस्तान के जज रखें जायें।

रिटायर्ड जजों को ट्रिब्यूनल में न रखने वाली बात भी मेरी समझ में नहीं आती है। आखिर रिटायर्ड जज भी इंसान हैं और मेरी समझ में रिटायर्ड जजों को शामिल नहीं करना चाहिए, यह गलत बात है।

इस के अलावा इस में कहा गया है कि सुप्रीम कोर्ट के रिटायर्ड जजों को तो ट्रिब्यूनल में शामिल किया जायेगा लेकिन हाईकोर्ट के रिटायर्ड जजों को उसमें शायद नहीं किया जायेगा तो यह भी कोई उचित नहीं जंचता है। हाईकोर्ट के जज भी उतने ही जिम्मेदार हैं जितने कि सुप्रीम कोर्ट के जज जिम्मेदार हो सकते हैं। इस के अलावा इतने जज भी सुप्रीम कोर्ट के हम कहां से लायेंगे क्योंकि देश में 4-5 दरियाओं के पानी के मसले खड़े होंगे। पानी एक बड़ी ही महत्वपूर्ण चीज है और किसान दिन-रात पानी, पानी की ही बात करते हैं और पानी के मसले को लेकर पड़ोसी राज्यों में झगड़े अवश्य उठेंगे। अब भाखड़ा पानी के ऊपर पंजाब और हरियाणा में झगड़ा हो ही रहा है इसलिये यह झगड़े और बढ़ेंगे। इसलिये पानी का मसला बहुत जबरदस्त है और पानी सिर्फ पानी ही नहीं बल्कि वह आबेहयात है।

पानी पर जमीन की पैदावार निर्भर करती है और उपज पर मनुष्य का जीवन निर्भर करता है। पाकिस्तान को हम क्या बुरा भला कहें खुद हम राज्यों में आपस में इस के ऊपर नहीं बनती है और झगड़े चलते रहते हैं। जितनी ज्यादा तरक्कीयाफता स्टेट्स होंगी पानी के झगड़े उतने ही ज्यादा चलेंगे इसी तरह से जो आर्टिफिशल रिस लाई जायेंगी वह भी पानी से ही चलेंगी, और इसलिये दरियाओं और नहरों के पानी को लेकर भी विवाद उत्पन्न होगा। एक, एक नहर, कुएँ, तालाब और दरिया के ऊपर झगड़ा है और जैसा मैंने कहा यह इंटरस्टेट वाटर डिस्प्यूट्स की तादाद बढ़ेगी . . .

SHRI SURENDRANATH DWI-VEDI: It is really a very valid point. Will this also include artificial waters?

श्री रणधीर सिंह : हमारे यह झगड़े उस से बढ़ेंगे। जितनी ज्यादा देश में तरक्की होगी, जितनी हमारा ज्यादा से ज्यादा तमद्द न बढ़ेगा उतने ही ज्यादा यह हमारे पानी के झगड़े भी बढ़ेंगे। जाहिर है कि जितने ज्यादा यह झगड़े बढ़ेंगे उतने ही हम अधिक जजैज चाहेंगे। अब कांस्टीट्यूशन के मुताबिक सुप्रीम कोर्ट के जजों की तादाद 16 से ज्यादा नहीं हो सकती है और हाइकोर्ट में जाहिर है कि उन से तादाद ज्यादा नहीं हो सकती है। इसके लिये हमें कांस्टीट्यूशन में तब्दीली करनी पड़ेगी ताकि ज्यादा जजैज लाये जा सकें। इस पर हमें सोचना होगा।

मैं चाहूँगा कि मिनिस्टर साहब हैं ने जो यह हाइकोर्ट के रिटायर्ड जजैज उस में न लेने की बात रक्खी है उस पर पुनर्विचार करें क्योंकि हाइकोर्ट के जज सुप्रीम कोर्ट के जजों से कोई कम जिम्मेदार नहीं हैं और हाइकोर्ट में भी एक से एक शानदार जज मौजूद रहे

हैं। श्री मुल्ला जैसे शानदार जज हाइकोर्ट में रहे हैं और वह सुप्रीम कोर्ट के जजों से अगर ज्यादा नहीं तो कम फकल और तजुर्बा भी न रखते होंगे। मैं चाहूँगा कि वहाँ के रिटायर्ड जजों की भी काबलियत और तजुर्बा का फायदा उठाना चाहिये।

मैं अंत में कहना चाहूँगा कि यह भाखड़ा, किसान बांध और गुडगांव कनाल के पानी का मामला ठीक से सुलझाया जाय और अभी गुडगांव कनाल से हमें 16000 मुरब्बा मील में से केवल 3000 मुरब्बा मील के लिए पानी मिला है। 13000 वर्गमील के लिए बाकी है और मैं चाहूँगा कि हरियाणा के साथ इसाफ किया जाय ताकि हम सारे देश का पालन पोषण कर सकें। धन्यवाद।

श्री बलराज मधोक (रक्षित दिल्ली) : यह अर्मेडिंग बिल जिस रूप में पास हो रहा है में समझता हूँ कि वह स्वागत योग्य है। जो एक, दो संशोधन मंत्री महोदय ने मान लिये हैं मसलून यह कि ट्रिब्यूनल में एक जज के बजाय तीन जज कर दिये हैं यह भी एक अच्छी चीज है।

मैं इस अवसर पर बहुत संक्षेप में केवल दो बातें कहना चाहता हूँ। पहली बात तो वह है जिसे श्री रणधीर सिंह ने कहा कि इंटर-स्टेट वाटर डिस्प्यूट्स बहुत लम्बे नहीं खिचने चाहिए, यह देर तक नहीं लटकते रहने चाहिए। पानी का मसला बड़ा महत्वपूर्ण मसला है और इसका निबटारा जल्दी होना चाहिए। अगर ट्रिब्यूनल मुकर्रर कर दिया और उस में यह मसले 4-4 साल तक चलते रहें तो वह ठीक काम नहीं होगा। इसलिये अगर इस बिल के अन्दर ऐसा प्राविजन डाला जा सकता है तो डाल दिया जाये कि ट्रिब्यूनल के पास जो भी रैफ्रेंस जाय तो वह ट्रिब्यूनल उस मामले के ऊपर अपना फैसला 6 महीने या साल के अन्दर दे दे।

[श्री बलराज मधोक]

मंत्री महोदय ने अपने भाषण में जो यह कहा कि इन इंटर-स्टेट वाटर डिस्प्यूट्स के बावजूद हमारी इरीगेशन की पोर्टेसिलिटी पर असर नहीं पड़ा, उपज में फर्क नहीं पड़ा तो मैं उन की यह बात मानने को तैयार नहीं हूँ। अगर नर्मदा वाटर का झगड़ा न होता और नर्मदा प्रोजेक्ट बन गया होता तो जाहिर है कि मध्य प्रदेश और गुजरात के अन्दर अधिक भूमि सिंचाई के अन्तगत आ जाती और अगर वैसे हो जाता तो क्या वहाँ पर अधिक उपज न होती? इसलिये यह कहना कि इन झगड़ों के कारण उपज पर फर्क नहीं पड़ा, सिंचाई पर असर नहीं पड़ा, यह एक गलत बात है : असर पड़ा है। असर न पड़े इस के लिए आवश्यक है कि आप लोग झगड़े को जल्दी निपटायें। इस के लिये ट्राइब्यूनल मुकर्रर किया गया है। इस ट्राइब्यूनल के लिये टाइम लिमिट मुकर्रर की जाये कि इस के अन्दर जो रिफरेंस मिले उसका फैसला वह कर दे।

दूसरी चीज यह है कि हमारा मारा देश एक है। हम गलती की अपने प्रान्तों को राज्यों की संज्ञा दी। यह प्रान्त है, राज्य नहीं है। जो इंटरनेशनल स्टेट्स हैं उनके जो झगड़े होते हैं उनके साथ इन प्रान्तों के झगड़ों की तुलना करना गलत है। हमारे सारे देश के झगड़ों में चाहे वह पानी का हो या किसी और चीज का, छोटे छोटे झगड़ों को निपटाते समय यह देखना चाहिये कि देश का लाभ किस में अधिक होगा। हो सकता है कि एक दरिया गुजरात से गुजरता हो लेकिन दूसरी जगह पानी डाल देने से देश का लाभ अधिक होता हो। इस लिये जब किसी चीज के बारे में रिफरेंस होता है तब केवल राज्यों की बात सोची जाय यह ठीक नहीं है। सारे देश का फायदा देखना चाहिये, और यह चीज बड़ी स्पष्ट होनी चाहिये। अबल तो इस बिल में ही इस का स्पष्टीकरण कर दिया जाना चाहिये, लेकिन

चूंकि स्पष्ट नहीं की गई है यह बात, इस लिये जब ट्राइब्यूनल मुकर्रर किया जाये तो तब उस को स्पष्ट कर देना चाहिये कि जब भी कोई इस तरह की डिस्प्यूट हो तो उस पर विचार करते समय वह किन राज्यों के अधिकार में है, इस बात को छोड़ कर ओरव-आल देश का हित किम में है, अधिक से अधिक लाभ देश का कसे हो, इस का विचार कर के ही कोई निर्णय किया जाये।

यह दोनों बातें आवश्यक है। इस के बिना ट्राइब्यूनल के बावजूद हमारा उद्देश्य पूरा नहीं होगा।

श्री श्रीकारनाम बोहरा (चित्तौड़गढ़) : उपाध्यक्ष महोदय, मैं चाहता था कि राजस्थान के बारे में यह चर्चा होती, लेकिन मुझे खुशी है कि माननीय मंत्री महोदय ने आज चम्बल प्रोजेक्ट के बारे में अपना उत्तर देते हुए कहा। मैं समझता हूँ कि झगड़े की तस्वीर तो हमारे राज्यों के प्रतिनिधियों ने रक्खी है, लेकिन यह प्रसन्नता की बात है कि सभी प्रान्तों में जल का विवाद खड़ा नहीं हुआ है। चम्बर प्रोजेक्ट को ले कर मध्य प्रदेश और राजस्थान में अच्छे ढंग से समझौता हुआ और आज चम्बल प्रोजेक्ट की वजह से लाखों बीघे जमीन पानी पी रही है और दूसरी सभी जगह भी वह पहुंच रहा है। इसी तरह नर्मदा के बारे में गुजरात, राजस्थान और मध्य प्रदेश में कुछ समझौता हुआ है। लेकिन मैं एक निवेदन करना चाहता हूँ कि जो नदी जल विवाद का विषय है वह तो चलने वाला ही रहेगा। आज नहीं तो कल उठेगा। इस लिये कि हम ने अभी तक उस बात को हृदयंगम नहीं किया है कि हमारी नदियां किसी राज्य या प्रान्त को नहीं हैं। जब तक हमारे दिमाग में यह बात नहीं बैठेगी कि इस देश की जितनी भी वेल्थ है, चाहे नदी के पानी की या बिजली की, वह सारे देश की है, तब तक मेरा ख्याल है कि कभी कभी जो हमारे अन्दर प्रान्तीयता की भावना उभर आती है और हृष्य क्षेत्रीयता

की लहर में बह कर विरोध करने लगते हैं, वह चीज खत्म नहीं हो सकती है। मैं मानता हूँ कि इस देश में अब भी प्रान्तीयता बहुत अधिक है, लेकिन जैसा हमारे मंत्री महोदय ने कहा कि हम एप्रीमेंट पर ज्यादा जोर देना चाहिये वनस्वित ट्राइब्यूनल के फैसले के, अगर यह चीजें फैसले से और कानून के द्वारा ही फैसले होने वाली हैं तो मुझ शंका है कि यह बात ठीक ढंग से तब तक नहीं हो सकती है जब तक हमारे अन्डर अलग अलग राज्यों की भावना रहती है। इस लिये हम को ज्यादा से ज्यादा इस बात पर ध्यान देना है कि हम इन नदी परियोजनाओं को राष्ट्रीय ढंग से चलायें। इस लिये मेरा यह सुझाव है कि हमारी नदी परियोजनाओं का जितना काम हो, बिजली का या पानी का, वह सेंटर के हाथ में रहना चाहिये। जिस तरह से हमारे शरीर में नसें होती हैं और उस पर शरीर का ढांचा खड़ा रहता है, उसी तरह से हमारी नदियां हैं। जो देश में अनेक अवयव हैं अगर हम को उन्हें ताकतवर बनाना है तो भी मौका अयो, हम को नदी परियोजनाओं को मेट्रल सब्जक्ट मानना चाहिये।

श्री एस० एम० जोशी (पूना) :
उपाध्यक्ष महोदय, मुझे खुशी है कि इस विधेयक के तीसरे वाचन के समय में इस का समर्थन कर रहा हूँ। खुशी इस लिये है कि हमारे देश में अनेक झगड़े रोज बरोज बढ़ते जा रहे हैं और हम लोगों की यह कोशिश होनी चाहिये कि जहां तक हो सके इन झगड़ों को खत्म करें। यह एक कदम ऐसा उठाया गया है, जिसे मैं समझता हूँ, झगड़े जन्म से जल्द तय हो सकते हैं।

मैं एक बात जरूर कहूंगा कि गो कि हमारे मंत्री महोदय ने, जिन के लिये हमारे दिल में बहुत इज्जत है, सम्मान है एप्रीमेंट पर जोर दिया है, फिर भी सब कुछ एप्रीमेंट से ही नहीं हो जाया करता है। बस उसूल के हिसाब से तो एप्रीमेंट का उसूल बहुत

अच्छा है, मगर कभी कभी यह होता है कि जिस चीज को हम एप्रीमेंट समझते हैं वह एप्रीमेंट नहीं रहता है। अगर एक हुकूमत ने एप्रीमेंट किया है तो इसका यह मतलब नहीं होता कि जनता ने यानी सब लोगों ने एप्रीमेंट किया है। महाजन कमिशन को ही देखिये। अगर सब लोगों की राय से महाजन कमिशन नियुक्त होता तो फिर झगड़ा न होता, और मेरे जैसा घादमी तो जरूर कहता कि सब लोगों ने मिल कर कमिशन की नियुक्ति के लिये मान्यता दी है। अब वह जो फैसला देंगे उसे हमें मानना चाहिये। मगर इस हुकूमत ने, खासकर महाराष्ट्र की कांग्रेस हुकूमत ने जल्दबाजी में ऐक्शन के ऊपर निगाह रख कर महाराष्ट्र के लोगों की राय पूछे बिना, अपोजीशन के लोगों की राय पूछे बिना फैसला किया और कह दिया कि एप्रीमेंट हो गया। यह गलत चीज है। इस लिये बेहतर यह होगा, जैसा श्री देशमुख ने कहा, कि पहले हम लोग यह एप्रीमेंट कर कि उसूल क्या होगा। अगर उसूल पर एप्रीमेंट हो जाता है तब जजों के लिये भी बात आसान हो जायेगी। जब एप्रीमेंट नहीं हो रहा तब एक ही रास्ता रह जाता है कि झगड़े को ट्रायब्यूनल के पास भेज दिया जाय।

हमारे श्री लोबो प्रभु ने जो अमेंडमेंट दिया है, मैं ने उस पर काफी सोच विचार किया। मुझे लगता है कि अगर वह अमेंडमेंट हम ने स्वीकार नहीं किया तो अच्छा ही हुआ आखिर कहीं पर तो हमें विश्वास रखना चाहिये। जो सुप्रीम कोर्ट के चीफ जस्टिस हों उन के ऊपर तो हमें कुछ विश्वास करना चाहिये। मान लेना चाहिये कि वह अपने डिस्क्रीशन को इस्तेमाल करेंगे। मान लीजिये कि महाराष्ट्र और मध्य प्रदेश में झगड़ा हुआ। और उत्तर प्रदेश में महाराष्ट्र के कुछ लोग पहले से, 200 साल पहले से आकर बस गये और वहां के बाशिन्दे हो गये और वहां

[श्री एस० एम० जोशी]

पर हाई कोर्ट के जज हैं, अगर हम ने उन को नान-महाराष्ट्रियन समझ कर नियुक्त किया तो क्या मध्य प्रदेश के लोग आपत्ति नहीं उठाएंगे। इस लिये संशोधन नहीं किया यही अच्छा हुआ। कहीं तो हम को विश्वास रखना चाहिये। श्री लोबो प्रभु को भी कोई दुःख नहीं मानना चाहिये।

SHRI LOBO PRABHU: It has gone on record.

श्री एस० एम० जोशी : वह ठीक है, लेकिन मैं मानता हूँ कि सुप्रीम कोर्ट के चीफ जस्टिस की बात माननी चाहिये। इस लिये जो कुछ भी स्वीकार किया गया है वह ठीक है।

आखिर में एक बात कहूंगा। मुमकिन है, जैसा हमारे हरियाणा के मित्र ने कहा, सुप्रीम कोर्ट या हाई कोर्ट के पास जज पर्याप्त संख्या में न रहें। तब फिर आप क्या करेंगे? अभी तो हम लोगों ने पूछ लिया है सुप्रीम कोर्ट के चीफ जस्टिस से कि वह हमारा झगड़ा लेंगे या नहीं, नहीं तो अगर मैं सुप्रीम कोर्ट का चीफ जस्टिस होता तो कहता कि हमारे पास काफी गड़े पड़े हुए हैं, हमें क्या इन झगड़ों में डाल रहे हो। लेकिन जब पूछ लिया है और उन्होंने मान भी लिया तब ठीक ही है लेकिन यह भी किया जाना चाहिये कि जरूरत पड़ने पर ज्यादा जजेज को अप्वाइंट किया जाये, लेकिन जल्द से जल्द फैसला होना चाहिये।

मैं इस लिये बिल का स्वागत करता हूँ और समर्थन करता हूँ।

श्री भुवभाई पटेल : उपाध्यक्ष महोदय, अभी जिन नदियों का झगड़ा हुआ

वह सिर्फ नदियों का झगड़ा नहीं था, बल्कि वह हमारी राष्ट्रीय एकता का सवाल भी बन गया है क्योंकि आखिर में पानी के झगड़े का बहाना बना कर एक राज्य दूसरे राज्य से झगड़ता है। जितने राज्य हैं वह सब एक ही देश के हिस्से हैं, लेकिन इन के झगड़े के कारण सफर करना पड़ता है आम जनता को और सफर करना पड़ता है देश की जो तरक्की हो रही है उस को इस लिये जिनशकल में यह विधेयक आया है उस का स्वागत करते हुए मैं एक दो बातें कहना चाहता हूँ। जैसा कहा गया है कि सब भूमि गोपाल की, उसी तरह सारे देश का पानी गोपाल का होना चाहिये। जैसे सारी भूमि का सरोकार सारे देश से होता है उसी तरह से पानी भी सारे देश का है।

श्री मधु लिमये : पानी सारे देश का है लेकिन नर्मदा हमारी है।

श्री भुवभाई पटेल : मैं तो नर्मदा के बारे में कहता हूँ कि वह इधर बहती है, अगर वह उड़ीसा की तरफ ले जाई जा सके तो ले जाई जाये। सब से गरीब प्रदेश है, वहां बह ले जाई जाय। अगर उस की तरक्की होगी तो सारे देश की तरक्की होगी, असम की तरक्की होगी या पंजाब की तरक्की होगी तो मैं समझूंगा कि गुजरात की तरक्की हुई है क्योंकि आखिर भारत का एक हिस्सा अच्छा होता है, मजबूत होता है तो दूसरा हिस्सा भी मजबूत होगा। इस लिये मैं यह बात कहता हूँ तो मेरे मन में नर्मदा की बात नहीं है। मेरे दिमाग में तो भारत की बात आती है। कोई नदी हो, उस का किसी प्रदेश में झगड़ा नहीं होना चाहिये क्योंकि वह भी तो इसी हुकूमत का प्रदेश है। यहां पर प्रदेश का सवाल नहीं है मुल्क का और राष्ट्र का सवाल है। इस लिये मैं इस बात का स्वागत करता हूँ कि अगर

समझौता हो सके आपस में तो जरूर हो। लेकिन जैसा ठीक ही कहा गया है कि वांटर इज पोल्यूटेड बाई पालिटिक्स। पानी में पालिटिक्स का जहर डाला गया है इस लिये मैं अनुभव करता हूँ कि इस में बात चीत से काम हो सके तो अच्छा है, नहीं तो ट्राइब्यूनल से कहना चाहिये कि वह जल्द से जल्द फैसला दे। फैसला चाहे कुछ भी आए, आपने कहा है कि इट शल बी बाईडिंग आन बोथ दी साइड्स। मैं कहूँगा कि इट मस्ट बी बाईडिंग आन आल दी साइड्स, यह आपको रखना चाहिये।

आपने टाइम लिमिट का कोई जिक्र नहीं किया है। मैं चाहता हूँ कि इसका जिक्र भी कर दिया जाना चाहिये। ज्यादा से ज्यादा छः महीने में फैसला आ जाना चाहिये। इसकी वजह यह है कि उसके बाद योजनायें बनती हैं और उनको पूरा करने में आठ दस साल लग जाते हैं। इसका नतीजा यह होता है कि जनता को फायदा दस साल के बाद मिलने लगता है। अगर फैसला आने में देर हुई तो इसका मतलब होगा कि जनता को फायदा और भी देर से मिले। इसलिए मैं चाहता हूँ कि छः महीने के अन्दर अन्दर फैसला आ जाना चाहिये।

जितने भी देश में पानी के बारे में झगड़े हैं, वो चार पांच झगड़े उनके बारे में चाहे फैसला किसी के भी पक्ष में जाए या किसी के भी विपक्ष में जाए, फैसला छः महीने के अन्दर जा जाना चाहिये और उसके बाद उस पर अमल शुरू हो जाना चाहिये। ऐसा कुछ आप करें तो अच्छा होगा।

SHRI S. D. PATIL (Sangli): Mr. Deputy-Speaker, Sir, this is a very simple amendment to sub-section (2) of Section 4 of the Inter-State Water Disputes Act of 1956. This is a very simple amendment, no doubt, but we have seen during the last two days how the Members of this House have taken keen interest and have advanced their own views. Therefore, even though it is a very simple amendment,

it has got its own importance and significance.

This amendment is making a provision of having three Judges on tribunal instead of one Judge. There was already a provision in the original Act of appointing a Tribunal but only a one-man Tribunal. Now, this amendment makes a provision to appoint more than one Judge. So, there is a hope that no injustice can be done to any problem that will be referred to them. It has been our experience that the one-man Tribunal cannot satisfy the problem that is before him because such water disputes involve very important points, high technicalities and also socio-economic problems. Under the circumstances, it is desirable that instead of one-man Tribunal, there should be a Tribunal consisting of three Judges. That is why this amendment has been brought forward.

Also, it is a right step taken by Dr. K. L. Rao. This problem was also discussed in the National Integration Conference at Srinagar and it was decided that such problems, such disputes, which are pending for more than three or five years should be decided and for all and that a permanent machinery should be set up. It is in accordance with that decision that this amending Bill has been brought forward by Dr. K. L. Rao. I congratulate Dr. K. L. Rao for this.

Lastly, I would like to say a few words with regard to the appointment of Judges on the Tribunal. It has been said by many of my learned friends that there should be some restriction put on the selection of the Judges. It is rejected, no doubt, but a Judge means a Judge. When he sits in the chair of a Judge, he is required to do justice to the Problem, not to the people. After all, he is a Judge and you must rely upon his decision. Therefore, there should be no restriction at all upon the selection of the Judges.

With these words, I support the Bill.

श्री अशुल पानी वार (गुडगांव) :
हमारे सब साहब जानते हैं कि मेरी वाटि-
ट्यूएन्सी में सिबाय एक हल्के को छोड़ कर

पिछले साल सभी जगह समंदर ही समंदर बना हुआ था और उन्होंने खुद जा कर उसका दौरा किया था। 1965 में सात करोड़ की फसल तबाह हुई थी, 1957 में नौ करोड़ की और पिछले साल ग्यारह करोड़ की। कारण यह है कि वहां पानी के निकास का ताल्लुक राजस्थान और उत्तर प्रदेश से रहता है। पानी का निकास पूरा न होने की वजह से दिक्कत पैदा होती है। चाहे आप ट्रिब्यूनल मुकर्रर करें या खुद फसला करा दें, हरियाणा राजस्थान और उत्तर प्रदेश के बीच में इसका फैसला हो जाना चाहिये। इस वक्त भी आप हवाई जहाज से जाकर देख सकते हैं कि यूनाहाना ब्लाक में होडल ब्लाक में सौहना ब्लाक में और नूह ब्लाक में पानी भरा पड़ा है और ऐसा मालूम पड़ता है कि समंदर वहां आया हुआ है। अब इस के बाद उसका कोई उपाय होना चाहिये, एक तो मेरी आपसे यह दर-खास्त है।

दूसरा मेरा कहना यह है कि स्वर्गवासी श्री मेहरचन्द मह जन जिन को आपने खुद मुकर्रर किया था, और जो अब मर चुके हैं, उन्होंने कोई भी फर्क दिया.....

MR. DEPUTY SPEAKER: That remark has been withdrawn; don't refer to it.

श्री: अब्दुल गन: बार : इन पर सारे देश को गर्ब है। मैं और कुछ नहीं कहना चाहता हूँ। इतनी ही अर्ज करना चाहता हूँ कि किसी न किसी तरह से आप हमारी बीमारी का इलाज करें क्योंकि जिस हल्के को मैं रिप्रिजेंट करता हूँ, उसकी जा तकलीफ है उसकी आपके द्वारा राव साहब की खिदमत में रखना मेरा फर्ज था और मैं आशा करता हूँ कि वह हमारी किसी भी तरह से मदद करेंगे।

श्री: अब्दुल गन: बार (कौड़ा) -
हमारे राव صاحب जानते हैं कि हमें कन्सल्टेन्सियस में सौलै अिक-
हल्ले को चहोर को चहले साल सौदी

जके सल्लर ही सल्लर भला हो ता!
और अहोण ने खुद जा कर उस का दौरा
किया था - 1965 में सात करोड़ की
फसल तबाह हुयी थी - 1957 में नौ
करोड़ की और पिछले साल 11 करोड़
की - कारन ये हे के रमान पानी का
नकास का तعلق राजस्थान और अतर प्रदीश
से ररता हे - पानी का नकास पूरा न
होने की वजे से दकत पैदा हुयी हे -
चाहे आप ट्रिब्यूनल मकर्रर करीन या खुद
फसले करा दीन - हरियाने र राजस्थान
और अतर प्रदीश के बेहे मीन अस का
फसले हो जाना चाहेये - अस रकत
भी आप हुानी जहा: से जा कर दीके
सकते हैं के योताने ब्लाक मीन र
होडल ब्लाक मीन र सुहेले ब्लाक मीन
और नूह ब्लाक मीन पानी भरा पड़ा हे
और असा मेलुम पता हे के सल्लर
रमान आया हो हे - अब अस के बेद
अस का कौनी अयाने होना चाहेये - अिक
तो मेरी आप से ये दरखास्त हे -

दूसरा मेरा कहना ये हे के सुर्ग
बासी श्री महर चन्द मेहाजन जन को
आप ने खुद मकर्रर किया था और जो अब मर चुके
हैं - अहोण ने कौनी भी फसले दिया

MR. DEPUTY SPEAKER: That remark has been withdrawn; don't refer to it.

श्री: अब्दुल गन: बार - इन पर सारे
देश को गर्ब है। मैं और कुछ नहीं कहना
चाहता हूँ। इतनी ही अर्ज करना चाहता हूँ
कि किसी न किसी तरह से आप हमारी
बीमारी का इलाज करें क्योंकि जिस हल्के को
मैं रिप्रिजेंट करता हूँ, उसकी जा तकलीफ है
उसकी आपके द्वारा राव साहब की खिदमत
में रखना मेरा फर्ज था और मैं आशा करता
हूँ कि वह हमारी किसी भी तरह से मदद
करेंगे।

SHRI R. D. BHANDARE (Bombay Central): On a point of order. You are quite an experienced Parliamentarian; you know the rules and regulations and the Constitution better than the rest of the members. Therefore, I am raising this point of order under rule 94 on the scope of the Third Reading of the Bill. I do not want to thwart the discussion that you might allow. I have no quarrel if you allow members who would like to speak. But I am certainly for the sanctity of the rules. The scope of discussion in the Third Reading is on "the Bill as amended", and there are decisions on this given in the State Assemblies, in the British Parliament and here also. The scope of discussion in the Third Reading of the Bill is on "the Bill as amended be passed". But now there is a general discussion, a discourse going on . . .

MR. DEPUTY-SPEAKER: I quite agree, they are going beyond the scope of the discussion permissible at the last stage of the Bill when it has to be passed. But the thing is that most of the members who just now had some say had no opportunity to speak before, and, as you know, like language, water is also a very sensitive element in our country. So, I must try to give an opportunity to members. I know the limits. Therefore, I am requesting them to confine themselves to two minutes each.

SHRI R. D. BHANDARE: I beg your pardon and crave your indulgence. I am on the rule, Sir. If you allow them, I have no quarrel with the Chair. But some sanctity should be attached to rules.

SHRI P. RAMAMURTI (Madurai): He is entirely wrong. (*Interruptions*).

SHRI R. D. BHANDARE: I am on a point of order.

SHRI BAL RAJ MADHOK: By now one member could have spoken . . . (*Interruptions*).

MR. DEPUTY-SPEAKER: I agree with you in the sense that the rules
1239 (ai) LSD—11.

that you have quoted are perfectly right. The scope of the discussion at this stage is very limited.

SHRI R. D. BHANDARE: Therefore, the discussion should be regulated. The House should not be treated lightly and light-heartedly.

SHRI SURENDRANATH DWIVEDI: He is a new member . . .

SHRI R. D. BHANDARE: It is not a question of new member or old member. I object to the term used by him.

SHRI SURENDRANATH DWIVEDI: He must have learnt by now that the Deputy-Speaker is taking due precautions to see that those who had participated earlier do not speak at this stage. So, there is no question of repetition. All are new points.

SHRI R. D. BHANDARE: That is beside the point; whether new or old Members, that does not matter. The rules are there. I am on the sanctity of the rules. A Member may be new, he may be very raw, he may be very ignorant, but the rules are, as they are, as old as this August House and they ought to be implemented. That is my prayer.

MR. DEPUTY-SPEAKER: We have already exceeded the time. This is one thing. You have also rightly pointed out the rule. But, as I said earlier, those who could not get an opportunity to speak earlier, are being allowed just two minutes. For instance, yesterday nobody from Rajasthan spoke. Nobody has spoken from Mysore so far. I am observing it, and I am trying to accommodate all the States as far as possible.

SHRI P. RAMAMURTI: Mr. Bhandare is entirely wrong. The rule says that in the Third Reading the scope of the discussion will be on the "Bill as amended". This was the proposition put. But in the Bill as amended, you find the words "river water-disputes" and members are talking only about them.

SHRI DATTATRAYA KUNTE (Kolar): I was trying to understand your ruling on the point of order raised by Shri Bhandare. Unfortunately, you having conceded that he was in the right..

MR. DEPUTY SPEAKER: Yes; in pointing out to me the scope of the debate. If he has pointed out the scope of the debate at this stage and you have accepted it as correct, what is happening in the House is otherwise.

SHRI P. RAMAMURTI: It is not happening otherwise—it is river, water and dispute.

SHRI DATTATRAYA KUNTE: My hon. friend, Shri Ramamurti may say that it is river, water and dispute and so there is nothing wrong in saying anything under the sun. But either we have rules and we follow them or if it becomes necessary in order that representation is given to all States to place their viewpoint, the rules be accordingly amended. But to have rules and not to observe them is really very bad for a formal organisation like the Lok Sabha. When we have rules of procedure, who is going to decide? I am sure it is not the prerogative of the Speaker or the Chair to decide what the procedure should be. The procedure is laid down so that everyone in the House knows what the procedure is and ought to be.

If we are not going to follow the procedure, what would happen is that a raw, ignorant new member like me would think that this is the scope of the debate at the third reading stage and so I should not get up on this occasion to speak, but I would find other members getting up and getting an opportunity to speak. This is discrimination. If some members say that this has been our past practice and we continue to follow it, some day they ought to reform themselves. Otherwise, I submit the position will be that there is no rule and discretion will be left to the Chair. Therefore, I would like you to uphold the rules.

MR. DEPUTY-SPEAKER: Apart from the rules, we have exceeded the

time and again we are extending it. That is one thing. I was all the time keeping in mind the scope of the debate. But there is one difficulty. Though there are rules of procedure, the Chair will have to take into consideration that this is a sovereign, representative body.

SHRI DATTATRAYA KUNTE: Give them opportunity at the first reading stage.

MR. DEPUTY-SPEAKER: I could not accommodate them then. As I said, I was looking for a Member from Mysore to speak. But nobody was there.

SHRI K. LAKKAPPA: I am here.

MR. DEPUTY-SPEAKER: I am trying to confine the debate to its scope as far as possible, but I must give them some opportunity to articulate their local grievance on this occasion. It is not strictly following the rule, I know; but this latitude must be given in the interest of giving an opportunity to unrepresented States.

SHRI DATTATRAYA KUNTE: I must clear my position. I am not against giving any member an opportunity. But you must tell him while he is speaking to following the rules. Give an opportunity to all the 520 members, but let them be relevant in their remarks at least at the third reading stage.

SHRI PILOO MODY: On a point of order. The Transport Minister is reading a newspaper. He should read 'Marine Times', not 'March of the Nation'.

MR. DEPUTY-SPEAKER: I do not think it is *March of the Nation*.

SHRI D. N. PATODIA (Jalore): The very fact that it was necessary to bring forward this new legislation, howsoever insignificant the amendments may be, at least proves one point, that the previous law was not adequate to deal with water disputes.

I must concede that these amendments by themselves are not going to be adequate to resolve these water disputes, and so long as the Centre is not in a position to exercise its authority more effectively on the States, this problem is not going to be solved.

I remember that until 1919 river waters were a Central subject. Every body has admitted that rivers are national property. May I therefore request the hon. Minister that with this piece of legislation, a piece of advice may also go to the States that this is the last time when the Centre is giving a chance to them to settle the disputes amicably or by arbitration, and that if the same behaviour continues by the States, the Centre will have to take over an important subject like river waters, that it cannot permit river waters to be an item of dispute among different States like this.

The second point is about Rajasthan. The hon. Minister during the last Session admitted that Mr. Khosla, while giving his recommendations on Narvada, has suggested that a sufficient area in Barmer and Jalore Districts of Rajasthan should be brought under irrigation through Narvada waters as it would help increase production to the extent of rupees hundred crores. In the interests of national food production he should see to it that Mr. Khosla's recommendations are fully implemented and pressure should be exerted by the Centre in this respect.

SHRI C. K. BHATTACHARYYA (Raiganj): No body has spoken from that part of area from which I come.

MR. DEPUTY-SPEAKER: Shri H. N. Mukerjee has spoken.

SHRI C. K. BHATTACHARYYA: When you are calling more than one member from the Opposition from the same State, you should allow at least one Member from the Congress side. When you allow an Opposition member from a State, a Congress Members from that State must also be allowed.

SHRI E. K. NAYANAR: Have they got any member from Kerala on that side?

SHRI K. LAKKAPPA (Tunkur): I am very happy that the Minister for Irrigation have conceded that he is guilty of negligence, of not discharging his duties as a Minister, of doing injustice in respect of the water dispute between Mysore and Andhra. All along the Mysore State Legislative Assembly passed a resolution unanimously that the matter should be decided early without creating any controversy or giving room to parochialism, disintegration etc., but unfortunately this matter has been hanging fire because Dr. Rao representing Andhra . . . (interruptions) That is the background. Now he has come to his senses. If the Govt. of India had exercised prudence, this matter could have been settled amicably. Unfortunately, under Congress rule this kind of parochialism has been displayed during the last twenty years. (interruptions).

MR. DEPUTY-SPEAKER: This is all irrelevant and you must conclude now.

SHRI K. LAKAPPA: So far as this amendment is concerned, the Government of India should give a categorical assurance that they would immediately refer the matter to the tribunal soon after its constitution the dispute between Mysore and Andhra about the sharing of the river waters. Secondly, will this Government give an assurance that it will not indulge in parochialism and obstruct the just share of the water of Mysore? They had been delaying this matter and not referring the matter for arbitration. I want a categorical assurance on these points while he replies to this debate. I request Mr. Rao that he should assure the House that he would not interfere in such controversial matters.

DR. K. L. RAO: I wish to thank all the hon. Members for the contribution they have made and for making it pos-

[Dr. K. L. Rao]

sible to pass this amendment. I should only add that the hon. Members who had participated in the third reading stage have raised so many problems and made so many suggestions that I feel tempted to say that the irrigation which is only 25 per cent in the country today should be increased as rapidly as possible to a much higher percentage. I am sure all the hon. Members will give the necessary assistance.

MR. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.43 hrs.

PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH): I move:

"That the Bill further to amend the Press and Registration of Books Act, 1967, as passed by Rajya Sabha be taken into consideration."

This Act was amended in 1965 and it came into operation on 1st November, 1965. Applications had to be filed before December 1965. Unluckily on account of the Pakistani war, the application could not be filed and the formalities cannot be gone through by the Jammu and Kashmir Government. The amending Bill extends the time till December 1968 for filling the application.

15.44 hrs.

[SHRI THIRUMALA RAO in the Chair]

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Press and Registration of Books Act, 1967, as passed by Rajya Sabha, be taken into consideration."

Shri Kothari.

SHRI S. S. KOTHARI (Mandsaur): I am grateful to you for permitting me to speak on this Bill. I would request the hon. Minister to ensure that the retrospective effect which he wants to give to the Bill would be legally valid. The Bill states that "... and shall be deemed always to have been substituted." In view of these words, I would suggest that he should kindly examine this aspect of the matter.

Sir, how long are we going to pass Act after Act extending individual Indian laws to Jammu and Kashmir? It is a grave indictment of this Government's policy that over a period of 20 years, it has failed to integrate Jammu and Kashmir into India. The other day, when the hon. Speaker was speaking, he made a point; I would not like to repeat what he said, but a legitimate question arises as to how long are you going to depend upon the support of international powers with regard to Kashmir. Already dark clouds are visible on the international horizon. I would submit that steps should have been taken by this Government to integrate Jammu and Kashmir into India. Actually, had they exercised their imagination it should have been possible to encourage the Kashmiris to come and settle down in India and also to enable other Indians to go and settle down in Kashmir. The complexion of the population would have changed and probably the Kashmir problem would not have been there now ... (*Interruption*)

I would suggest that the Constitution should be amended to provide that this artificial distinction between Jammu and Kashmir and the rest of India is removed completely; once and for all Kashmir must be completely absorbed by India as an integral part, and the international powers should not be allowed to play with this problem as they appear to be doing.

It is on account of the ineptitude of this Government that this Bill has been brought before Parliament today. In 1965 Parliament had passed an Act