

Bill

Mr. Deputy-Speaker: It is unnecessary and nothing is involved. The hon. Prime Minister has already said that there is absolutely no foundation for that, and the question ought not be interpreted to mean any such thing.

Shri Kamath (Hoshangabad): On a point of information, may I ask whether Government has had the hardihood to disregard the peremptory but sound advice given by the hon. Speaker on the 5th of this month regarding the amendment of the Constitutional provision in respect of quorum? I am reading from the official transcript.....

Mr. Deputy-Speaker: Order, order. If any Member wants to make any suggestion or motion, he will kindly intimate to the Speaker. He need not go to the Speaker's room. I will bring it here tomorrow, if I find there is something to be brought up before the House. The proceedings of the House ought not to be interrupted. Many things have to be done by the hon. Members, by the Government and by all of us concerned. This is not a matter which can be brought up before the House. Let him write to me. I will consider if it could be allowed to be brought before the House in the form of a motion.

INDIAN TARIFF (SECOND AMENDMENT) BILL.

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

RIVER BOARDS BILL

Mr. Deputy-Speaker: The House will now resume further discussion on the motion for concurrence in the motion of Rajya Sabha for reference of the River Boards Bill to a Joint Committee.

Originally three hours had been allotted for this motion. Half an hour was deducted yesterday towards the discussion on the point of order raised yesterday. Out of the 2½ hours, 1 hour and 20 minutes were availed of yesterday. This would mean that the discussion on the motion will conclude by about 1-40 P.M. today, that is, after 1 hour and 10 minutes from now, when the motion regarding economic policy will be taken up for which 10 hours have been allotted.

The Private Members' Business will be taken up at 4-30 P.M. As already decided, the House will sit up to 7 P.M. today.

The House will now proceed with the further consideration of the motion moved by Shri Gulzarilal Nanda on the 29th September, 1955.

Shri Sinhasan Singh (Gorakhpur Dist.—South): The Bill under discussion appears to be a Bill which is more or less persuasive than directive. This Bill depends more or less on the will of the provincial Government to join in this measure. I find that the two Bills read together are of the same nature and to some extent try to solve the problem of inter-State disputes and river valley projects. But I find a great difference here. In clause 11 of the Inter-State Water Disputes Bill, I find there is no appeal to the Supreme Court or any other court. A similar provision is not made in the River Boards Bill. Here also, if a dispute is decided after arbitration, similar powers should be given. Otherwise, there will be a loophole left for a State to go to some court. Here also in clause 22 (4) it is said that the decision of the arbitrator, shall be final. So far

*Introduced with the recommendation of the President.

as the election disputes are concerned also, the decision of the election tribunal is final so far as that Act is concerned but still appeals go to the High Court and then to Supreme Court. In one Bill—the Inter-State Water Disputes Bill, there is a provision that no decision arrived at by the arbitrator will be taken to the Supreme Court. Similar provision should have been made in the River Boards Bill also that any decision arrived at by the arbitrator should not be taken to any court because if that provision is not made here I fear that the decision of the arbitrator can be taken to the Supreme Court or High Court on appeal.

I find that the whole thing depends upon the will of the provincial Governments. You cannot appoint a Board unless the provincial Government requests for one. It will be subject to a notification and the notification also will be subject to their approval. The proviso reads:

“Provided that no such notification shall be issued except in consultation with the Governments interested with respect to the proposal to establish the Board the persons to be appointed as members thereof and the functions which the Board may be empowered to perform.”

In sub-clause (1) you say that the Central Government may on a request received in this behalf from a State Government or otherwise, by notification establish a River Board. But this latter provision takes away the force of ‘otherwise’ because it could not be done unless you again consult the provincial Governments. The difficulties will remain if the provision is retained as it is. I submit that this Bill as it is only a Bill requesting the provincial Governments to co-ordinate or co-operate in the attempt of the Central Government to go ahead with river valley projects. This Bill, in my opinion, should have been an all round Bill as the Constitution provides because

it deals with water power and irrigation. You could have taken resolutions from States for enacting a Central Act and brought a Bill covering all the States instead of leaving the implementation of this to the approval of the States.

Yesterday, an hon. Member said that instead of having several Board, distinctive Boards according to the rivers, we could have zonal Boards. For instance, India can very well be separated into 3-4 zones according to the river systems—Brahmaputra system which covers Assam and Bengal, Gangetic system which covers U.P., Bihar and Bengal, the Sind system which covers Punjab and a part of Rajasthan, if I may say so, the fourth system—the Deccan system—covering Tapti and other rivers. Then these Boards can very well have a definite scheme of development of the river projects. Of course we do not know what will be the divisions of the States henceforward. In my opinion, the Central Government should establish Boards according to the zonal systems of the rivers. We have the zonal system of railways. The development of the rivers also may be on a zonal basis and need not be left to the States but should be taken up by the Central Government. Otherwise, in my opinion, they may not properly be implemented. This Act may remain a dead letter like so many Acts that we have passed and not implemented. Ultimately most of the money is to come from the Government—the Central Government. If the Government has any intention to go forward then they should modify the Bill in such a form so that it may be compulsory applied; it need not be left to the sweet will of the States concerned. What I find is that this Board is going to be only a consultative advisory body. It can give advice which may or may not be accepted. The Board must be given some legal powers to enforce the decision. That is not done here.

In both these Bills—the Inter-State Water Disputes Bill and the River

[Shri Sinhasan Singh]

Boards Bill—I find there is a provision for having assessors. A Judge of Supreme Court or of a High Court will be appointed as arbitrator but he will be aided by assessors appointed on the recommendation of the Central Government. We have already had experience of assessors in criminal cases. The provision relating to assessors has now been amended. Why should we have them here? I do not find from the Bill what powers they have. They will be sitting along with arbitrators and say yes or no. We have already come to the conclusion that an assessor is no good because the advice is not acted upon and is not taken into consideration. It may or may not be taken into consideration. This clause providing for assessors should not find a place. When a Judge is deciding why should be burdened with two or three assessors sitting by his side. It reads here:

“The arbitrator may on the recommendation of the Central Government, appoint one or more persons as assessors to assist him in the proceeding before him.”

What assistance there will be? The arbitrator is getting all powers of a civil court. He can summon the witnesses he likes. My opinion is that this is a redundant provision and will result in unnecessary expenditure.

Then I find that the provision with regard to the appointment of arbitrator is that the Chief Justice of India may appoint an arbitrator from among the Judges of retired—Judges of the Supreme Court and the Judges of a High Court. The provision reads like this:

“The arbitrator shall be a person to be appointed in this behalf by the Chief Justice of India from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court.”

That means even be retired Judges of the Supreme Court are eligible to

be appointed as arbitrator whereas the retired Judges of a High Court are not eligible. Sir, I have been holding a long view that this Government is not doing justice to the country by appointing retired persons in service. Here also I say that no retired persons should be put on the job when we have got acting Judges to decide cases. This will be a temporary job and our Judges can be spared for deciding these cases. When you are not having retired High Court Judges I think this clause regarding the appointment of retired Judges of the Supreme Court should also be removed.

We are finding everywhere some talk going on, among the officers even, that retired persons are getting extension and they are being reposted on special duty with the result that junior officers who could have had a chance of coming up are being held up. I am glad that in this Bill, so far as High Court Judges are concerned, you are not providing for the appointment of retired High Court Judges. But, you are allowing retired Judges of the Supreme Court to be appointed as arbitrators. In my opinion this provision should also be removed and this must be the one Bill passed by the supreme body of the Parliament of India in which no retired person will be getting a palce and this will go a long way towards solving our other problems also.

With these remarks I only would like to express my fear that this Bill may not be so much useful as it would have been, had there been an all round Bill providing for the appointment of Boards by the Central Government on zonal basis and asking the State Governments to join and cooperate with it by acting according to the decisions of the Board so far as the projects are concerned because I find that most of the money is given by the Central Government.

With these words I express the hope that the Select Committee will go into it and try to amend the Bill so that

when the Bill comes back from the Select Committee we will find it much improved and this clause 4 about the appointment of the Board being left at the mercy of the States may be removed.

Sir, I support the Bill.

Shri Basappa (Tumkur): I welcome this Bill and the motion for its being sent to the Select Committee. While doing so I should like to lay emphasis on the objects of this Bill, namely, that it is meant for regulation and development of inter-State rivers and river valleys. Of course, the necessity for developing these inter-State rivers for the use of the country is felt everywhere and it is also a fact that there are a number of disputes with regard to these inter-State rivers. These disputes, as our hon. Minister has already pointed out, are existing from a very long time; in some cases 20 years, 30 years. Therefore, these disputes should be settled once for all so that the different parts of the country may develop to its fullest extent possible. How to resolve these disputes is the next question that will certainly come before our minds. Naturally, therefore, the Central Government will have to look into the matter and will have to appoint a Board. Whenever there are disputes between the various States the Central Government will have to come forward and appoint these Boards. The scope and powers of these Boards are enunciated in this Bill and the Select Committee will look into all those powers and also the purpose for which this Board is going to be constituted.

This Board will have enormous work to do and if still its advice is not taken up by the various States then ultimately the matter will have to be referred to arbitration. Of course, I wish that the States will follow the advice given by this Board and will act up to it; but, still there may arise some cases when it will not be possible for them to do so in which case the question of arbitration will come and we are told in this Bill that the

Chief Justice will appoint an arbitrator and his decision will be final. These are the contents of the Bill and if there are any defects in the Bill they will be looked into by the Select Committee.

While I welcome the Bill in this way I cannot refrain myself from saying a few words because certain Members in this House have commented upon the actions of the State Governments. I wish that the Members of this House would refrain from doing so because it will create certain misunderstandings or misgivings. Therefore, I stand in this House today to say that those statements are not correct. If I do not say that then the impression left will be that certain governments are not co-operating with other governments which is very bad indeed. My friend Shri Raghavachari and some others who spoke yesterday referred to Mysore Government and said that it was not co-operating with certain other governments, in this matter. It pained me very much to hear these words from an elderly gentleman like Shri Raghavachari. I wish another Member belonging to his party Shri M. S. Gurupadaswamy himself, would refute the arguments of Shri Raghavachari in this respect. He said, there are rivers like Jaimangali and Pennar the waters of which are taken by Mysore itself and not allowed to run into other States at all. That is a wrong statement, a wild allegation which has not been proved at all. I wish he would have given instances to show how the agreements, which have been entered into, have been violated in this respect.

Then there is this very big question of Tungabhadra. I hope the States Reorganisation Commission, which is going to submit its report shortly, will also write something about Tungabhadra; how water should be made use of and all that. Again, in this connection—you know, Sir, and I need not bring to your notice, how Tungabhadra water is being used, how that can be made better use of and all these things—arguments were

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advanced that the Mysore Government is not co-operating with other governments. I say that all those statements are wrong; because, there is the Tungabhadra Board of which Mr. Gokhale is the Chairman, and the Chairman himself has stated that he has been getting co-operation from all governments so far as the development of Tungabhadra waters are concerned. With regard to the various problems connected with this we have to look into the various aspects of the question. First of all there is the agreement of 1944 wherein it is stated how the waters will have to be used and all our actions should be based on that agreement. Supposing there is surplus water then the governments concerned—the Hyderabad Government, the Madras Government and the Mysore Government—will have to come to certain arrangements with regard to the surplus water, enter into certain agreements and those agreements should be acted upon.

When all these things are there, it should be considered, when a dam is put up across a river, whether the nearby surrounding areas should be irrigated first or the water should be taken to several miles away without even feeding the nearby areas. What is the purpose for which Tungabhadra project was constructed? What is the scope of it? These things must be gone into carefully and if there are backward areas surrounding that they must be irrigated first. After that, if there is surplus water let it be taken to distant places, I have no objection at all. I have no objection if water is being taken to distant places after satisfying the needs of the nearby backward areas.

Again, my friend Shri Lakshmayya said about high level canals of Thungabhadra River. When low level canal water is not completely utilised properly as decided by the Tungabhadra Board, where is the question of going into high level canals? Let us see first of all whether the waters of the Low level canal are used properly or not.

Mr. Deputy-Speaker: So far as this Bill's concerned, it is a Bill for the purpose of settling disputes and for the formation of river boards which will settle all differences and give advice from time to time. That is the main purpose of the Bill. In individual cases, the question whether there has been fair-play by one side or the other is not a matter here before us.

Shri Basappa: How the dispute will have to be settled by the board, what are the principles that should guide the board to decide these disputes, the nature of the disputes—these are the points which I wanted to bring forward in a few words.

So far as the high-level canal is concerned, the Mysore Government has never said that it will not co-operate with the other Government. Only, it wants a proper discussion of the subject so that its views also may be placed before the proper authorities. That is all with regard to the high-level canal. I need not say much on that aspect.

Now, there were other charges also made against us. If charges are made, and if I do not answer them or if I do not explain the proper view of the Mysore State, then an impression will be left in the minds of the Members and that impression will harm the State from which I come.

Mr. Deputy-Speaker: If some charges have crept in which are not germane to the issue, they may be ignored. It is not as if the Mysore Government is going to be affected by them.

Shri Basappa: There are many inter-State rivers with which the various Governments are concerned. But since you say that I need not dilate on those charges regarding these points, I shall close those points. I only say that regarding inter-State rivers, there are many disputes, and those disputes will have to be solved amicably, and the boards that are going to be constituted will look into all the matters including the scope of the agreement entered into prior to the formation of the boards, and how far they can be

given full effect to. While deciding these matters, the boards will have to consider the area submerged and the number of acres of land that have been submerged and also the number of people who have suffered. It should not be that all losses should accrue to one State and all gains accrue to another State. I therefore say that the area surrounding the dam and the area and the people that suffer on account of the construction of the dam should be taken into consideration in deciding any of these questions. I hope the Joint Committee will go into all these matters and decide them properly.

Shri Raghavachari (Penukonda): I request your permission to reply to the allegations made by my hon. friend—the allegations which he was pleased to hurl against me.

Mr. Deputy-Speaker: I will allow him to make his personal explanation later on.

Shri Achuthan (Crangannur): I heartily welcome this measure as well as the Inter-State Water Disputes Bill. I have one doubt only. For the second Five Year Plan, all the States have prepared their plans and have discussed them with the Planning Commission. They are going to be finalised. How can the plans to be formulated by the river boards fit in with this? That is my difficulty. I cannot understand how the measures to be formulated by the river boards under this Bill can be implemented and how they will fit in with the plans prepared by the State according to their own whims and fancies and according to their own resources. The States have prepared their own plans with their own resources and facilities. How those plans will fit in with the schemes that may be envisaged by the river boards is the doubt that has arisen in my mind.

I think this is a great measure. In fact, considering the topographical and physical features of this vast country of ours, this Bill is quite welcome,

especially when many rivers are passing through many States including my State. So, a central body or a common body, irrespective of considerations of one particular State or other, should go through the question dispassionately and assess the financial resources and facilities and then bring forward a plan which will, so to say, bind both parties together as well as the Central Government. Unless this is done, progress with regard to the irrigation, power and industrial projects will not take place very soon. In that light, this measure is really welcome.

Now, I doubt whether this advisory capacity of the boards will be sufficient. According to me, if there is a river flowing through different States, and if it is to be harnessed to the best advantage, then, work must be done only by a central body. Take, for instance, X and Y States. I shall not mention names. X will have its own plans and if it thinks that the water flowing through the State must all be utilised for that State alone, it may think that it has to be done for its own advantage. Similarly, Y also may think that unless the water of that river flowing through that State are harnessed to its own advantage, that river may not be of use. That is the sort of difficulty that will arise and such a dispute has arisen and a reference has been made in regard to the waters of the Tungabhadra.

Mr. Deputy-Speaker: There is an Inter-State Water Disputes Bill, and it was sent to the Joint Committee yesterday. Such matters as he has raised now will be referred to the body created under that Bill. The river boards will just give concrete shape as to how they are to be co-ordinated.

Shri Achuthan: There will be occasions for changes to be effected in the plans themselves. Suppose X is prepared to spend Rs. 10 crores according to the river board's scheme, Y may be prepared to spend only Rs. 5 crores, say, for the same scheme. So, that difficulty would arise. Therefore, how

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are you going to fit in these schemes with the second Five Year Plan of all the States? That is my point. This is a problem which has to be tackled very cautiously and tactfully. Otherwise, the atmosphere would not be calm; blackmailing will be there; heated words will be exchanged. Such difficulties will arise. So, this work must be entrusted not only to competent men but to tactful men. The interests of the country alone must be the aim and no particular State or States should be borne in mind.

Then, in the selection of the judges, care must be taken to see that judges from the particular State concerned are not chosen, as far as possible. Even though there may be some merit in the person chosen from the particular State concerned in the dispute, people may have their own suspicion. So, it is better to see that judges belonging to the States concerned in the dispute are not taken in for the purposes of arbitration. Judges from other State may be taken for this purpose. That is my suggestion. I wholeheartedly welcome the Bill.

Shri Raghavachari rose

Mr. Deputy-Speaker: I will come to that afterwards.

Shri Raghavachari: The Member who hurled criticisms against me must be here when I reply. At another moment, he may go out.

Mr. Deputy-Speaker: He would not go.

Shri Raghavachari: I do not wish to take more than a couple of minutes.

Mr. Deputy-Speaker: All right.

Shri Raghavachari: All that I wish to say is, I stand by every word that I have said yesterday, in respect of the other Bill.

Shri Basappa: The House will judge it.

Shri Raghavachari: Please wait. I was sorry to hear my friend say that a responsible man and an elderly man, made those remarks. I say that because I am a responsible man, I have made a responsible statement and every word of it is borne out by facts and records. I only want to submit that Shri Basappa—I am sorry to say—has allowed his emotion to take the place of reason.

Shri S. L. Saksena (Gorakhpur Distt.-North): I welcome this Bill. I shall make a few suggestions. Its title is the River Boards Bill, but in clause 4, is made an Inter-State River Boards Bill. I would like the Bill to be the River Boards Bill throughout, and whether there is a single river passing through one State or one single river passing through many States, the Central Government should have power to constitute a Board for it. There must be a single body with powers to make recommendations. The Central Government should have the power to take the initiative to create such River Boards both for inter-State Rivers and for single State rivers.

Then, in clause 5(2), I would like afforestation to be included in the subjects mentioned the special knowledge of which may qualify a man to be a member of the Board. As it is, you have mentioned only irrigation, electrical engineering, flood control, navigation, etc., but not afforestation. I think afforestation is part of the development of river valleys and so afforestation should be included in that clause.

I support the proposal made by my friend Shri Sinhasan Singh that the approval of all the States to all the members of the board is not necessary. The approval of that State for the member coming from that State alone is necessary, so that there may be a practical possibility of forming a board. Otherwise, any one State can hold up the formation of the inter Board by objecting to the membership of any single member.

The Minister of Planning and Irrigation and Power (Shri Nanda): Will he please repeat that point?

Shri S. L. Saksena: The proposal is that the membership of the board will have to be approved by all the States through which the river oases.

Shri Nanda: I do not think so. Where is it said?

1 P.M.

Shri S. L. Saksena: In clause 4(1) it is said that "no such notification shall be issued except in consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform." It need not be in respect of all the members.

Shri Nanda: Consultation only.

Shri S. L. Saksena: But is it to be done in respect of all the members?

Shri Nanda: That is left to discretion.

Shri S. L. Saksena: So long as it is confined to the members that they propose it is all right. Otherwise there might be some unnecessary controversy. I suggest that this should be confined to the members that they propose and not for the appointment of all the members.

Then in clause 13(b), the Bill refers to preparing schemes, including multi-purpose schemes for the purpose of regulating or developing the inter-state river or river valley even where a State has not come forward with any such scheme on its own initiative.

I hope the first scheme under this Bill will be a multi-purpose scheme for training and controlling the rivers Ghaghra, Gandak and Rapti. The hon. Minister said that he was thinking of constructing small dams for these small rivers. The rivers Gomti or Tons may be small, but the Ghaghra is as big as the Ganges itself and the Gandak is as big as the Kosi.

Shri Nanda: I said about Rapti and Tons.

Shri S. L. Saksena: The Rapti is also as big as the Kosi. These rivers, namely, Ghaghra, Rapti and Gandak, are very big rivers and I would suggest that for them we may have big comprehensive multi-purpose schemes. They are bigger than the Sutlej, and bigger, I think, than many rivers for which large multi-purpose schemes have been discussed in this House, for instance, in respect of the Krishna and the Godavari. I would suggest that a big comprehensive multi-purpose scheme on the model of Bhakra-Nangal or Damodar Valley schemes should be prepared for the Ghaghra, Rapti and the Gandak under this Bill. I would request the hon'ble minister that he may immediately ask some engineers to make surveys and to prepare a scheme on the basis of the data which is available.

As I mentioned the other day, in the U.P. in 1938 the Chief Engineer, Mr. Wattell, prepared a scheme for taming the Ghaghra costing about Rs. 30 crores, and he said that when it was put into effect it would be of very great use to the State. The hon. Minister may send for that scheme also. He may ask the engineers to prepare a comprehensive multi-purpose scheme for the rivers, Ghaghra, Rapti and Gandak, to control and tame them, for the purpose of irrigation and power as well as for flood control. These rivers pass through an area which is the poorest and the most thickly populated, the population being one thousand per square mile. Therefore, if you have irrigation and power also, that will be all consumed and the people there will become well to do, and the scheme will be a very great success even financially.

Shri S. N. Das (Darbhanga Central): The present Bill is meant for harnessing various rivers, especially the inter-State rivers in the country to the best advantage of the country. It is well known that India is endowed with very rich resources both in land

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and water, but the rich resources of water have not been harnessed to the best advantage of the country so far. This step for the formation and organisation of River Boards is, I think, a welcome step, and the hon. Minister is to be congratulated on that.

I think it would have been better if there had been a National Commission for the regulation and development of all the water resources in the country, instead of having so many Boards in so many parts of the country involving various States. I think it would have been better to have a comprehensive scheme to utilise the water resources of India to the best advantage of the country irrespective of any State. It would have been better to have a National Commission for the utilisation of the water resources in the country. Even now I would suggest that the Joint Committee may see that, instead of having so many different *ad hoc* Boards, inter-State Boards, they may frame this Bill in such a way that there could be provision for a National Commission. This National Commission should be duly authorised to act when the time comes for the appointment of any other inter-State Boards, if that is found necessary at that time. Therefore the first point that I would like to emphasise is that there should be a National Commission and not *ad hoc* inter-State Commissions or Boards of this nature.

The second point that I would like to make is this, that if there are *ad hoc* Boards the Bill does not provide the basis on which there would be representation on them. It has been provided that the Board will be constituted and members thereon will be appointed in consultation with the various States. But I think it will be better if a provision is made with regard to the basis on which representation will be made, to avoid any future dispute. And in that case, if there are separate *ad hoc* Boards, the various States will find that the provisions made with regard to the representation are sufficient and then they would

like to work according to the decisions given by that Board.

Then I would like to support the suggestion made by my hon. friend Shri Reddy who said that to the functions of the Board there should be the addition of an item regarding rehabilitation of the displaced persons when any such measures are taken and persons or villagers are displaced.

With regard to clause 19 relating to the budget of the Board I would like to suggest that the budget should not only be forwarded to the Central Government but when these inter-State Boards are appointed and if they prepare a budget—and they should prepare—that budget should be approved by the Central Government. That would be better.

There is an item that these Boards will conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as water power generation, irrigation, navigation, flood control, etc. With regard to this I would like to say that although there are some research stations in our country, they are not sufficient. So far no efforts have been made by the Central Government with regard to basic research as well as applied research. I would like to suggest to the hon. Minister that sufficient funds should be allocated, a permanent fund should be created from which all-round researches on the utilisation of water resources could be carried on by an organised body, may be by a statutory body.

And here I would like to mention one other matter, namely, that as regards the research workers engaged in such basic researches in various Laboratories in the country—not only water research but other scientific researches—the salary and terms and conditions of service of these research officers are not at par with those of the administrative officers, and therefore brilliant young men who are endowed with some scientific instinct, instead of going to researches, prefer to go and join the

administrative service, and in that way the nation is not able to utilise the services of these young persons for research work. I would therefore like to suggest to the hon. Minister that such young persons may be given an attraction to take to this research work by providing them better salary and better terms and conditions of service, so that young and scientific talent may not go astray to the administrative departments.

In clause 22 there is a provision that the decision of the arbitrator shall be final and binding on the parties and shall be given effect to by the Governments interested. I do not know in what way the decision will be forced on the Government. There must be some mention. If there is a Board and if the various States agree to such a Board, then the decision should be final and there should be some penalties in order to enforce the decisions. If there is a State which does not like to execute any project and if that State is not interested, then that State should be forced by some penalty clause, that is, the Central Government should stop the financial aid that is given to that State.

With regard to the submission of returns I would suggest that the reports of returns should be laid on the Table of the House whenever they are submitted.

With regard to the audit of accounts I think it would be better if a specific mention is made that the accounts of these River Boards, when they come into being would be audited by the Auditor-General.

I think the two Bills that we are going to send to the Joint Committee are very welcome Bills and they have come none too soon, and I think, with the adoption of these two Bills, the rick resources, specially the water resources of our country, the immense potential resources of our country will be utilized for irrigating the millions of acres of

land for production of food, for intensive industrialisation of the country, flood control and for providing a cheap means of transport by water.

In the end, I would like to stress that there should be a National Commission—not an *ad hoc* commission but a National Commission. It may be necessary to have some branches of that Commission in order to work out certain specific projects.

With these words I support the Bill and I hope that before the Bill comes back from the Joint Committee, the Joint Committee will incorporate in the Bill the suggestions which I have made here.

I support the Bill.

Shri Thanu Pillai (Tirunelveli): When I heard the speeches of friends opposite yesterday, I was wondering whether I was listening to the speech in the Indian Parliament or in the United Nations of the States of India. Whatever might have been the reasons for giving the States certain powers of autonomy in the Constitution as then constituted, when there was no consideration of planning by the Centre, those provisions do not fit in completely now. Then there was no ideal of socialistic pattern of society which we have envisaged now. Then it might well have been a necessity there. But today we have started re-thinking on many lines and it is time that we re-think about powers in respect of the States, which our friends want to guard so zealously. As Mr. Saksena just now observed, this Bill, though it starts as a River Board Bill, develops into an inter-State Rivers Bill. Nobody can object to the Government appointing a Board which will go into the question of certain rivers which flow through different States. But what about River which flows in one state only but regionally it could be exploited only by the joint efforts of certain other States. I do not know whether the clauses which are contained in this Bill could be interpreted in such a manner that certain areas

[Shri Thanu Pillai]

cannot be covered by this Bill. So, I would like the hon. Minister and the Joint Committee to consider whether it should be inter-State River Board Bill or simply the River Boards Bill.

My friend Mr. Punnoose yesterday said that he would like to preserve the rivers of Travancore-Cochin for posterity and not like them to be exploited here and now. He said that he would rather have the waters preserved because he said "if we give it to Madras, we cannot take it back". I do not know whether he believes that in future the Arabian Sea will dry up and a hinterland would be developed in the West to receive the rivers that flow westwards or is it the policy that whatever happens for those waters, it should not be made available to the people in Madras or to some other State where it could be utilized. I can understand if he had said that if the resources are utilized by the adjacent State, then the adjacent State must be deprived of the authority of controlling the produce being taken or transported to the other State. I am sure that by joint effort if both Travancore-Cochin and Tamil Nad utilize the waters, then all the food that is necessary for that area can be produced by joint exploitation. But the approach to the problem by my Hon. friend is "covet not thy neighbour's wife and covet not thy neighbour's water". I should like to suggest that let my Hon. friend not covet power through poverty and pestilence and through instigation to consequences of that poverty. It is time that we developed this country and integrated it into one union, not through those means that are being suggested, but integrated through irrigation and preserve it with power because irrigation and power, jointly exploited, developed and utilised by the neighbouring States, will bring unity in our area and that alone will contribute to the real unity and strength of India. If these natural resources are to be left as they are and not exploited it will bring into play provincialism and counter-pro-

vincialism and the result will be that India will be poorer. If only one part is developed and not other parts, there may not be equality and there may not be real unity. As often as possible, those who have not been able to sit together, whether it is in the North or South, will utilize the Board for the exploitation of the rivers. Therefore, I request the Minister to consider whether this River Boards Bill should not be changed into an all-comprehensive Bill so that it can take the whole picture of India and develop the regions wherever it is necessary, and solve inter-State problems whether it is between Mysore and Andhra or Andhra and Madras or Madras and Travancore-Cochin. There should not be any difference in treatment. With these words, I support the Bill.

Shri S. C. Samanta (Tamluk): India is land of so many long flowing rivers. For example, some big rivers beginning from the Himalayas flow through Hardwar, Uttar Pradesh, Bihar and Bengal and join the Bay of Bengal. These rivers were not harnessed before Independence. Now we are for harnessing the waters of these rivers. So it is wise that we must have an Act to control the disputes that may arise while utilising these resources.

We are taking so many multi-purpose schemes and multi-purpose river valley schemes and in that every State may have some grievances. But those grievances, so far as I remember, were being redressed mutually. But a time has come when that cannot be done. Yesterday, a friend from Mysore openly declared, we have no disputes with the States around us. Next to that, another friend said, that there are disputes, that disputes will arise and it is wise that the Government have come forward with this Bill before us. I whole heartedly support the Bill and its reference to the Joint Committee.

I should like to refer to clause 22 where the question of arbitrator has been dealt with. Yesterday, we referred to a Joint Committee a Bill for settling disputes and when we have established these River Boards, we will also be referring to the arbitrators the cases that would arise. I was thinking whether these arbitrators will be given so much powers as we want to give to the tribunal for settling inter-State disputes. Two organisations are being formed almost for the same purpose, though under the two Bills, the conditions in which the disputes will be referred to the arbitrators and to the tribunal are somewhat different. I would request the Government to give thought to this so that the tribunal or arbitrator may do the same work.

I shall come to clause 13, dealing with powers and functions of the Board. It is very gratifying that so much power has been given to this Board to execute so many things. I find it stated here: promotion and control of navigation; promotion of afforestation and control of soil erosion. We are having the ravages of flood very often. Unless we take to the promotion of afforestation and control of soil erosion, floods can never be checked. I am glad that this Board is going to take up this work, not in one State, but in the whole of India. If this work is not taken up, all the other good steps contemplated by the hon. Minister and expressed before us yesterday in respect of so many States, would have only temporary effect. For permanent remedy, we must have afforestation. If we kill one tree, we must plant ten instead. We must have afforestation so that there will be no erosion. There is silt ~~or~~ deposited from erosion in the rivers. On account of that, havoc comes upon us in the form of floods. We are glad that this work has been entrusted with this Board, and we hope that the needful will be done.

I have no time. I would request the hon. Minister to give thought to

this question of the tribunal and the arbitrators, and also to the question of giving ample powers to the Board for the work of afforestation for flood control and for navigation purposes also.

Shri Nanda: I am so glad that this Bill has the wholehearted support of all sections of the House. I am happy that the main purpose of this proposed legislation is being so clearly appreciated in this House. The purpose is that we should provide for the unhindered development of the water resources of the nation on an integrated basis in order to secure optimum results. This is being very clearly appreciated. But, my embarrassment is that the House wants to go farther than I, the Government, and the Bill intend to. I very clearly enter into their feelings. I fully appreciate what is at the back of the mind of the hon. Members when they make this suggestion. There is value in it. But, my difficulty lies partly in the Constitution and partly also in the consideration that the results that we are aiming at will be secured better by the structure and the machinery that has been incorporated in this Bill rather than in taking powers and centralising all the functions in the hands of the Central Government.

Related to this aspect of the question, there were suggestions made, why not have only the Central Government dealing with all these matters a national commission which approves of the schemes and get them executed, and a machinery which does not depend upon the advice of a Board or any dilatory arrangement which, according to hon. Members, these Boards would mean. There was also a suggestion that not only the inter-State rivers, but also the rivers which are confined to one State may also be brought within the jurisdiction of this measure. I referred to the Constitution. I referred to the practical considerations. In the Constitution, entry 56, which is, as I pointed out, the basis for this Bill has made it very explicit: regulation and develop-

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ment of inter-State rivers and river valleys. So, this is the limited jurisdiction for the purpose of this Bill. Furthermore, in entry 17 of the State list, the scope of the exercise of powers by the States has also been laid down: Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I, to which I have referred to. These are the confines within which we have to function so far as this legislation is concerned. I might furthermore add that, apart from the fact that we have to work within the four corners of the Constitution which provides for this country a federal structure, I do not see how we are going to benefit by not enlisting the goodwill and co-operation of the States where all these functions have to be carried out. The Central Government simply by issuing orders or taking authority for the whole of the country is not going to discharge these functions more effectively or more efficiently or to the greater satisfaction of the people. This might create more difficulties and more complications. This is on the whole a good approach. Hon. Members have directed most of their attention to this machinery of Boards and rightly so. This is the pivot of the whole machinery that is being provided for carrying out the objects of this legislation.

Objection is raised to the advisory functions of the Board. It is asked, why not make it final and binding in the first instance. There is some misconception that the Board having given advice and the particular advice not being accepted by a State we are rendered helpless, and the intentions of the legislation therefore cannot be carried out. This is not so. This is one step. This is one stage. There is the other stage of arbitration, so that wherever the advice of the Board is not accepted, not carried out, not agreed to, then the Central

Government or either party can go to the arbitrator on the issues in dispute. The points of difference can be referred to the arbitrator and a decision taken, so that there is provision for bringing these matters to a stage of finality and not leaving them in the middle in the undecided condition.

Then there was the question relating to the same subject—and that was again based on some misunderstanding—viz., if you make it contingent on initiating the matter by the States and the States having initiated the matter, they are in the hands of the Board in the first instance and later on in the hands of the arbitrator, there may be liabilities flowing from that, financial liabilities which may not be to liking of the States concerned, to the State which has been responsible for initiating the machinery. Therefore, the inference is drawn that States will be chary of making any reference to the Board at all, and thereby the whole procedure will become ineffective. The position is that one State or another, the State which is interested, is interested sufficiently to approach a third party for the purpose of clarification, for the purpose of advice, in order that certain important schemes from which it expects to draw large benefits by way of irrigation, power etc., may not be held up. They are sufficiently interested to go to the Board in order that this delay may be cut short, so that the fact that there are going to be financial liabilities is not going to come in the way of a reference, because large vital interests of the States are concerned in it. If one State does not do it, another is going to do it for its own sake.

And then, before the Board is constituted, there has to be consultation, before members are appointed there has to be consultation. So, it is said since it depends upon consultation, the States may act in a manner that the intentions of the legislation may be defeated and no Board may

come into being. This is also a misunderstanding, because I may refer again to that expression in clause 4 "or otherwise". This consultation is just consultation, and if there is...

Shri Sinhasan Singh: The proviso, I said, takes away.

Shri Nanda: The proviso says that no such notification shall be issued except in consultation with the Governments interested. Prior consultation is necessary. Prior approval or consent is not necessary. Therefore, the procedure of consultation will certainly be gone through in a very real way, and it has got its advantage, but if consultation still leaves a residue of disagreement, that should not stand in the way of a notification being issued. That is my answer to the point of the hon. Member. A notification will still issue if the Central Government feels that in spite of doubts and disagreements expressed by one State or the other, it is proper that a notification should issue.

Pursuing the same line of thought, hon. Members suggested that we should provide through the Central Government, finances for executing schemes and central machinery for executing schemes, because if the States do not carry out the advice, what then? I shall answer that question. The arbitrator having been approached and having given a decision or the scheme having been adopted, it is quite a very valid question. The decision is there. One State has to acquire land and has also to initiate some other steps in order that something may be set up here and the work may be executed, but if it refuses to do so, what happens? There, I have again and again to invite the attention of the Members to this clause 16(c). Whatever it is, all that power, all the possibilities of remedying any neglect or refusal on the part of one State, all those are stated here in 16(3). It is within the power of the Central Government to inspect or cause to be inspected any works undertaken by any Government interested. One of the States says: "Here is

the award which provides for certain steps to be taken by the other State, certain powers to be exercised by the other State, that is not being done." Then, at its request or even otherwise, the Central Government may step in and assist the Government interested in taking these steps—it is made very clear and specific—for the execution of the scheme. So, with the organisation which the Central Government has, with its resources, it should not be difficult for the Central Government to go and do the things which are not being done by the State, and it should be done in pursuance of the award of the arbitrator.

Then, there was this question of the functions of the Board. All the functions that have been incorporated are, of course, to the liking of the Members, nothing has to be reduced, but there are suggestions to enlarge those functions. Rehabilitation of displaced persons was mentioned. In the list of functions, there is another added: "such other matters as may be prescribed". Possibly these things could be included in that. But, if the Joint Committee when it takes up this matter for consideration comes to the conclusion that an addition of this kind will be useful, certainly it is open to the Joint Committee to do that.

Then, there are some other minor suggestions about the functioning of the Board. It is said that the Central Government should accept the advice of the Board if both the States agree on a certain course. It need not be mentioned that unless there is good reason to the contrary, this will be done. The reason may lie in the other approach which most of the Members have suggested, and which betokens very deep and great concern for avoiding any waste of resources, for securing the maximum development. It may be that on such grounds the Central Government may have some ideas which it may be necessary to put before the arbitrator. And a very

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important consideration which accounts for this machinery that has been incorporated in this Bill is that it may be that the Central Government may dispense with all this and say: "We do all that", but hon. Members will realise that the States concerned have their own views, and would it not be better to give them this opportunity, this satisfaction that it is not some people sitting here in the Central Government who dispose of their destiny regarding such vital matters, but that they have a chance, an opportunity of appearing before the Board in the constitution of which they have participated? Even after having done that, if they still feel dissatisfied, then there is another step provided. There is an arbitrator in the person of a Supreme Court Judge or a High Court Judge. These safeguards are very necessary. It may be that this procedure involves a little more time. But on the other hand, this is necessary from the point of view of the collaboration of the States, which is indispensable, and the satisfaction of the States and the people that in such matters as for instance where sharing of the waters of rivers is concerned, and where irrigation of large tracts of a State is concerned, the matter is not decided by just a few people sitting at the Centre, but it is decided after it has been fully thrashed out, fully examined, and fully scrutinised in all its aspects, not only from the technical point of view but also at the judicial level. This is the justification for the machinery that has been provided.

Shri Viswanatha Reddy (Chittoor): Where there is unanimity of opinion among the States concerned, what objection is there for the Central Government to include in this Bill a peremptory provision to the effect that that scheme will be accepted?

Shri Nanda: There will be no occasion at all for that. The question is that there may be only two States

that enter into the dispute at the moment, but a third State also may be concerned, a lower riparian State or certain areas of it. In such a case, the objective of integrated development may require the Central Government to step in. Some hon. Members have said, let us have a master plan, and let the regional plans be fitted into that master plan. Supposing there is that master plan, then in order that a decision taken on any matter confined to two States may not conflict with the overall scheme of development that we have for the whole country, it is necessary that the Central Government should have an opportunity to have their say. It is not that the Central Government can override the board; it is not that the Central Government can dispense with the reference to the arbitrator. But they can also go before the arbitrator or the board. Therefore, this is not a matter which should cause any kind of worry to anybody that any untoward consequences will flow from such a discretion being permitted to the Central Government.

Certain other points were raised in regard to the appointment of the arbitrator. One or two hon. Members raised the question, why have a retired Supreme Court judge, why not have a retired High Court Judge? On the other hand, there was a suggestion entirely contrary to this, and it was asked, why have a retired Supreme Court Judge at all, why not have only a working Supreme Court Judge.

In fact, originally we had made a provision only for a working Supreme Court Judge. But we referred the matter to the Chief Justice of India, and we received his advice thereon. And the alteration that has been made is on the basis of that advice. It may be that on considerations of availability of persons, we would have preferred the other courts. And in fact, if we had provided for a serving or working Supreme Court Judge, as

one hon. Member said, it might have strengthened the idea of those who would be in favour of restricting these posts only to working judges. But as I stated, we were entirely in the hands of the Chief Justice of India. His advice was that we may include sitting judges of the High Courts and retired judges of the Supreme Court. We have abided by that advice. And that is the justification for the present provision. I have already dealt with certain other points raised by the hon. Member, before he came, and it would not be possible for me to repeat it now.

One other point was raised, saying that let no question be left to the Supreme Court to decide, exclude the jurisdiction of the courts altogether, and let no court, including the Supreme Court, be permitted to take cognizance of any question arising out of this legislation or any decision of the arbitrator appointed under this measure. In fact, we had provided for such a thing in the other Bill regarding inter-State water disputes. But there is a difference here. The reason for this is as follows. In the other case, the Constitution itself has made a provision to that effect. Article 262 (2) specifically provides:

"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)."

We were acting under this article of the Constitution in the case of the other Bill. But in this case, it is not open to us to provide for such exception.

I think I have dealt with all the points that have been raised. If there are any other points left, they can be taken up in the Joint Committee and considered there.

Mr. Deputy-Speaker: The question is:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys made in the motion adopted by Rajya Sabha at its sitting held on the 15th September, 1955 and communicated to this House on the 19th September, 1955 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely, Shri Piare Lal Kureel 'Talib', Shri Sohan Lal Dhushiya, Shri Sunder Lal, Shri Vyankatrao Pivajirao Pawar, Shri Ramappa Balappa Bidari, Shri Chandrashanker Bhatt, Shri G. R. Damodaran, Shri M. Sankarapandian, Dr. M. V. Gangadhara Siva, Shri M. K. Shivananjappa, Shri Laxman Sharwan Bhatkar, Shri Nand Lal Joshi, Shri P. Ramaswamy, Shri Anirudha Sinha, Shri Lalit Narayan Mishra, Shri Nayan Tara Das, Shri Ranbir Singh Chaudhuri, Shri Lakshman Singh Charak, Shri Basanta Kumar Das, Shri Sitanath Brohmo-Chaudhury, Shri B. Ramachandra Reddi, Shri Kadiyala Gopala Rao, Shri Nikunja Behari Chowdhury, Shri Y. Gadilingana Gowd, Shri Jaswantraj Mehta, Shri V. Veeraswamy, Shri Bahadur Singh, Shri R. Velayudhan, Shri Anandchand and Shri Gulzarilal Nanda."

The motion was adopted.

MOTION RE ECONOMIC POLICY

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ture (Shri A. P. Jain): With your permission, I would like to move the motion standing in my name, with a