

I have finished. I think there is another substitute motion,—or, is it only one motion?

Mr. Deputy-Speaker: There is only one motion by Shri S. N. Das. He accepts the original motion, but says further that "all possible steps be taken to help the State Governments concerned in the matter".

3 P.M.

Shri Nanda: I do not think that the wording of the substitute motion is quite fair, because we are doing the best. We are doing all that can be done. I think this may not be very appropriate.

Shri S. N. Das: My substitute motion as recast by me reads thus:

"This House having considered the note on flood control projects for inclusion in the Second Five Year Plan, while appreciating the efforts of the Central Government for having set up an organisation at the Centre to deal with flood control measures, hopes that all possible steps in co-ordination with the State Governments be taken to carry out the flood control measures."

Pandit Thakur Das Bhargava: (Gurgaon): This is not mere appreciation. It has a sting about it.

An Hon. Member: Graceful appreciation.

Mr. Deputy-Speaker: What does the hon. Member say?

Shri S. N. Das: I will amend the motion, still further. This is the final form:

That for the original motion, the following be substituted:

"This House having considered the note on flood control projects for inclusion in the Second Five Year Plan appreciates the efforts of the Central Government in this regard."

Shri Nanda: I am prepared to accept it.

Mr. Deputy-Speaker: The question is:

That for the original motion, the following be substituted:

"This House having considered the note on flood control projects for inclusion in, the Second Five Year Plan appreciates the efforts of the Central Government in this regard."

The motion was adopted.

Mr. Deputy-Speaker: So, the substitute motion is passed. We will proceed to the next business.

INTER-STATE WATER DISPUTES BILL

Mr. Deputy-Speaker: The House will now take up the motion for concurrence for reference of the Inter-State Water Disputes Bill, 1955, to a Joint Committee.

The Minister of Planning and Irrigation and Power (Shri Nanda): I beg to move:

"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 adjudication of disputes relating to waters of inter-state rivers and river valleys made in the motion adopted by Rajya Sabha at its sitting held on the 12th September, 1955 and communicated to this House on the 13th 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 Dhusiya, Shri Sunder Lal, Shri Vyankatrao Pirajirao Pawar, Shri Ramappa Balappa Bidari, Shri Chandrashankar Bhatt, Shri G. R. Damodaran, Shri M. Sankarapandian, Dr. Gangadhara Siva, Shri M. K. Shivananjappa, Shri Laxma

[Shri Nanda]

Shrawan Bhatkar, Shri Nand Lal Joshi, Shri P. Ramaswamy, Shri Anrudha Sinha, Shri Lalit Narayan Mishra, Shri Nayan Tara Das, Shri Ranbir Singh Chaudhuri, Shri Lakshman Singh Charak, Shri Basanta Kumar Das, Shri Sitanath Brohmo-Chaudhuri, Shri B. Ramachandra Reddi, Shri Kadyala Gopala Rao, Shri Nikunja Behari Chowdhury, Shri Y. Gadilingana Gowd, Shri Jagantraj Mehta, Shri V. Veeraswamy, Shri Bahadur Singh, Shri R. Velayudhan, Shri Anandchand, and Shri Gulzarilal Nanda."

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7. The purpose of this Bill is very clear and I hope unexceptionable. The structure and the provisions of the Bill are very simple. It is hardly necessary for me to take up much time of the House in explaining the purpose and the provisions of this Bill, particularly when this matter is going to be taken up in a Joint Committee where all the details of it will be properly looked into.

I may explain the importance of this measure. It relates to inter-State rivers and disputes connected with inter-State rivers. These inter-State rivers are not just a few. Most of the rivers in the country are inter-State rivers and if you compute the water resources of the country, you will find that much of the prosperity of the country and the economic development of the country is bound up with the development of the water resources; and if anything impedes or hinders the development of the rivers and the river valleys of the country, that will put a serious brake on the progress of the country. Disputes regarding the utilisation of the waters of inter-State rivers have occurred in the past. Such disputes are pending now. These are not ordinary disputes affecting the interests of a few people here and there. Before me I have information about what has been happening in the country for

the last half a century or more. There are disputes which are 50 years old and not yet resolved. Some of them have been resolved. I have before me some disputes which have been there for the last 20 years and some for the last 10 or 5 years. If we take an important project, we will find that one year of delay of an important irrigation and power development project may mean a loss for the nation, not of a few thousands or lakhs of rupees, but of crores of rupees. We can realise what is at stake for the nation. In certain cases, these disputes are about matters which actually are not of very great consequence. That is to say, considering that the delay means so much loss, what is at stake for one side or the other is comparatively very small. As far as the disputes in the course of the last five years are concerned, I am talking of the Plan period. We have succeeded in resolving some of them. Some of them still remain; but this is the experience of other countries also. As the pressure on water resources increases, the risks of such disputes becoming more numerous and more serious also increase. When there is all the water that anybody needs, the question does not arise. The moment the utilisation proceeds and what remains becomes limited, then everybody may scramble for whatever is available. At the moment, there is no machinery in the country, except the good offices of the Planning Commission and possibility of agreement, for the settlement of such disputes. At the time of the framing of the Constitution, it was realised that such need would arise, and provision has been made in article 262 for this specific purpose. A specific provision has been made enabling Parliament to pass legislation whereby a machinery is created for the settlement of inter-State water disputes. It is in pursuance of that that we have brought forward this Bill.

I need not take the time of the House in explaining the provisions of

this Bill. There are a very few clauses. The procedure visualised in this measure starts under clause 3, with a reference from the Government of any State which apprehends or which is confronted with a dispute or which has reason to believe that the interests of the State or any of the inhabitants thereof in the waters of an inter-State river valley have been or are likely to be affected prejudicially. When that situation arises, this Government may refer the matter to the Central Government. The Central Government then takes charge of this question. The steps that have been provided for the purpose of settlement of such a dispute have been indicated. In clause 4 it is stated:

"On a request received in this behalf from any State Government, the Central Government may, for the adjudication of the water dispute, by notification in the Official Gazette, constitute a Water Disputes Tribunal....."

An obligation arises for the Central Government to constitute a tribunal. The composition of the tribunal is stated in the same clause: the tribunal consists of one person only nominated 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 the High Courts. In addition, it is laid down that to provide technical assistance to the tribunal, assessors may be appointed. A duty has been laid on the Central Government or power may be exercised by the Central Government to make recommendations in this behalf. There may be one or more persons appointed as assessors. After the appointment of this tribunal, subject to certain other provisions, it may investigate the matters referred to it and then submit a report to the Central Government. This is provided in clause 5. It makes a report setting out the facts as found by it and giving its decision on the matters referred to it.

Then, there is another stage. If the Central Government finds that in the report or decision of the tribunal anything requires explanation or the Government feels that it needs guidance on any matter originally referred to the tribunal, it can, under clause 5(6) within three months from the date of the decision, refer back the decision of the tribunal for reconsideration. Then, the tribunal may confirm or modify. The decision of the tribunal will then be published and that is the end of the dispute. Further more, there are those provisions made in order to equip the tribunal with the necessary powers which are of the usual routine character. There is an important provision in clause 8 which says:

"Notwithstanding anything contained in section 3 or section 5, no reference shall be made to a tribunal of any dispute that may arise regarding any matter which may be referred to arbitration under the River Boards Act."

I have mentioned this for the reason that just in a little while we are going to take up this other Bill also. The question will arise as to what is the relationship between these two. I think I can reserve that for the occasion when the other Bill comes up. The two Bills are complementary. They occupy independent ground, and yet they are related. This Bill deals with the question of disputes only. A water dispute is defined in clause 2(6). I need not repeat the wording of this clause. Usually disputes arise in connection with sharing of water and apportionment of the power potential of the rivers. They arise in connection with the diversion of waters from one basin to another. Another source of disputes is that in the carrying out of a project, the works which are necessary have to be done in the area of one State and the benefits are to be derived by the people of a different State, so that the State which is entitled to the water or power, etc., cannot derive that benefit unless the other State

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co-operates and sets up those works which may be partly in both the States or entirely in the other State. There may be the question of various stages in a power project. One stage may be in one State and another in another State. Co-ordination is required. In clause 3, three typical situations have been mentioned. One is, any executive action or legislation taken or passed or proposed to be taken by the other State: something which the other State does which comes in the way of the full exercise of the rights of the other State. Second, failure of the other State or any authority therein or to exercise any of the powers: that is refusal or neglect to do certain things required by the other State. Unless the other State carries out its obligations, nothing can be proceeded with. Third, and this happens a number of times, the failure of the other State to implement the terms of any agreement relating to the use, distribution or control of such waters. There may be an agreement. But, disputes may arise in regard to the interpretation of that agreement. In one case between two States, I know an agreement was there. The dispute about interpretation revolved round the point whether the use of water for irrigation also included the right to generate power out of that. And that held up the development of power for years and years. Some Hon. Members will be recalling as to where this happened. Fifty years elapsed and this development was retarded on that account.

I have mentioned the major clauses of this Bill. I have also referred to the article of the Constitution on which this Bill is based. I had correctly given its number, but I could not lay hands on the exact wording of it, and before I conclude, I would like to draw the attention of the House to this particular article. it reads:

"(1) Parliament may by law provide for the adjudication of any dispute or complaint

with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

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

Shri Ramachandra Reddi (Nellore): May I suggest that both the Bills may be taken together, so that there may be one discussion. It may be somewhat convenient. In fact, they are complementary.

Mr. Deputy-Speaker: What about the hon. Minister? The suggestion is that both the Bills may be taken up together, and there may be a single discussion. I shall put the motions separately.

Shri Nanda: I think it will be better that we dispose of them one by one. This can be dealt with independently and the other one also may be taken up independently.

Mr. Deputy-Speaker: Motion moved:

"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 adjudication of disputes relating to waters of inter-State rivers and river valleys made in the motion adopted by Rajya Sabha at its sitting held on the 12th September, 1955 and communicated to this House on the 13th September, 1955 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely; Shri Piare Lall Kureel Talib, Shri Sohan Lal Dhusiya, Shri Sunder Lall, Shri Vyankatrao Pirajirao Pawar, Shri Ramappa Balappa Bidari, Shri Chandrashanker Bhatt, Shri

G. R. Damodaran, Shri M. San-
karapandian, Dr. M. V. Ganga-
dhara Siva, Shri M. K. Shiv-
ananjappa, Shri Laxman Shra-
wan Bhatkar, Shri Nand Lai
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-Chau-
dhury, Shri B. Ramachandra
Reddi, Shri Kadiyala Gopala
Rao, Shri Nikunja Behari
Chowdhury, Shri Y. Gadilingana
Gowd, Shri Jaswantraj Mehta,
Shri V. Veeraswamy, Shri Baha-
dur Singh, Shri R. Velayudhan,
Shri Anandchand, and Shri Gul-
zarilal Nanda."

There are no amendments to this motion.

Shri T. B. Vittal Rao (Khammam): Is there no date fixed by which the report should be submitted?

Mr. Deputy-Speaker: That is there in the original motion. We are now only recommending names to be included in the Joint Committee. I shall give first chance to hon. Members who did not participate in the discussion on flood control.

An Hon. Member: Those who spoke or those who did not?

Mr. Deputy-Speaker: Those who did not. All this relates to water. First the flood; after preventing the flood, comes water dispute.

Shri Raghavachari (Penukonda): I welcome the motion regarding this Bill. (I am glad, though some time has passed, it has come) and it is desirable that we must immediately address ourselves and make this into law.

I entirely agree with the observations made by the hon. Minister in his opening remarks that some of these disputes between States held up the progress of many an economic adventure which would have served the common interests of more than one State.

I do not wish to take time, but will only mention the experiences we had about the way in which the States stood in the way of progress before. (17) It was natural as we could then expect, not under the present set-up of a whole unified India where the interests of one State are practically the same as the interests of the other part of the country. Then there always prevailed the same kind of rivalry or, let me say, their own interests and of their own people and their prosperity. All these things came in the way of a proper adjustment of these disputes.

I belong to the present Andhra,—the old Madras State on the border of Mysore,—and unfortunately my district, and I believe your district also, Chittoor, is bordered in more than one direction by Mysore State. My district and its taluks are entirely bounded, except for ten or twelve miles in between; all round we are surrounded by this—I forget the name of that serpent which coils and breaks the bones.

Shri G. S. Singh (Bharatpur-Sawai Madhopur): Python.

Shri Raghavachari: Python. Our taluks are so surrounded by the borders of Mysore, and apart from the experience you, Sir, I dare say, have of rivers like Tungabhadra and other big rivers, I am now concerned only with a particular aspect, because this relates to inter-State rivers. There is one river called Pennar which flows from Mysore, has its source in Mysore and then comes to our district. It is not only the river, many of its tributaries also. So also in your district, the Palar comes from Mysore. It has its source in Nandidrug and then it flows through Chittoor and then to the other parts of.....

Mr. Deputy-Speaker: Madras State.

Shri Raghavachari: Invariably, what happens is, as I already submitted, each State was concerned only with its interests and of the population of that State alone, and the rights of the

[Shri Raghavachari]

lower areas were always neglected, and the result was that the entire waters were cut off, and our rivers today happen to be only rivers where there is sand and no water.

For instance, I just referred to the difficulties that we are experiencing in the Pennar. The Pennar has a tributary called Jaymangali which comes from and through Tumkur district. The Mysore Government has taken the maximum possible advantage of the waters in the upper reaches of this Jayamangali and the upper reaches of this Pennar also which should otherwise flow into the river and its tributaries. The result has been that today in all those parts which were part of the bigger Bellary district in those days, the tanks are never full. And my own experience of these forty years is that we have never seen the tanks receive water beyond a month or 1½ month's supply. These were tanks under which two to three thousand acres of garden land used to grow arecanut, cocoanut etc. And now it is all a desert. You have experience of Agali and other parts where people have not even sufficient water to drink. That is the consequence. In this way the upper reaches have been banded up. You know, Sir, after twenty five years of agitation across the Pennar and the Kumudvati they built a dam, and they wanted to divert the waters to fill a number of tanks. The previous Government anticipated this trouble, and entered into an agreement with Mysore that up to a distance of about eleven miles from the then Madras borders, the Mysore State should do nothing by way of depriving the waters that would otherwise flow through this river. This was the agreement entered into between the Mysore Government and the Madras Government. The late Shri N. Gopalswami Ayyangar, when he was Collector of our district, wanted to enforce the terms of this agreement. He caused an inspection to be made of the upper reaches of the rivers, and he found that almost at every three or four

miles, there was a dam built, and the waters diverted to the Mysore fields. So, he wanted to enforce the terms of the agreement that had been entered into. But it was found extremely difficult to enforce it. At a conference, the Mysore Government would say that they would not divert the waters, but after the conference they would again go on with the diversion. There was no agency that could easily be approached to settle this dispute, and there was no arrangement for arbitration or anything of that kind to get this agreement enforced. This was the real difficulty that was felt all along.

Then, the Mysore Government resorted to another kind of action. I just wish to mention that. In this Bill, tributaries also have been included in the definition of 'rivers'. That is a very necessary precaution. For, the Mysore Government used to divert the waters of the tributaries, after they were requested not to divert the waters of the main river Pennar. They used to say, the agreement relates only to the waters of the Pennar, we are taking the waters only from the tributaries. We all know that in the course of the river, there are so many tributaries that come and join it. If the waters of the tributaries are diverted, then what will remain to flow in the main river? There is nothing at all left in the main Pennar river. This year there were floods, and towns and cities were washed away, but in the river that flows through my State, there has never been a flood even once, and there is not enough water in our tanks, whereas the tanks in the upper reaches are all full. This is because the waters have been diverted by the Mysore State.

Therefore, the agency or the machinery that is proposed to be set up is absolutely essential. If and when this Bill becomes law, water disputes that arise between one State and another can be referred to this agency, and thus much of the harm that is done now can be avoided. So, from this point of view, also I welcome this Bill.

But there are one or two other points on which I would like to say a few words. Of course, the Constitution itself provides for excluding the jurisdiction of the Supreme Court in regard to inter-State disputes of this nature. That provision is there already, for we do not expect responsible institutions like the States to go to court for enforcing any decisions arrived at after arbitration. So, there may not be much difficulty in this regard.

But I have noticed in this Bill one or two provisions on which I am a little concerned. For instance, I would like to draw your attention to clause 5(3) which reads:

"If, upon such consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed on any matter not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may, within three months from the date of the decision, refer back the decision of the Tribunal for reconsideration and on such reference, the Tribunal may confirm or modify the decision given by it and shall forward the same to the Central Government."

To begin with, it is the Central Government that initiate action and set up this tribunal. But later on, power has been given to either the State Government or the Central Government to refer back to the tribunal any matter which requires explanation or in respect of which some guidance is required. That means that both the Central Government and the State Government together, or either of them alone can act. But then a difficulty may arise in this connection. In clause 12 it is stated:

"The Central Government shall dissolve the Tribunal after it has submitted its report and as soon as the Central Government is satisfied that no further reference

to the Tribunal on its decision would be necessary."

The Deputy Minister of Irrigation and Power (Shri Hathi): Not within three months anyway. It will not be dissolved within three months.

Shri Raghavachari: My point is this. It might happen that a decision is given by the tribunal, and the Central Government may dissolve it. But there is no time-limit laid down in this connection. I think if a phrase 'subject to the provisions in the other sections' had been included, it would have been much better. As it is, we find that the Central Government may dissolve the tribunal after it has submitted its report. But we do not know whether it is the first report, or the second report which is submitted after reconsideration of any matter that is referred to it. Anyhow, that is a small matter which can be looked into, so that there may not be any trouble later on.

The next point that I would like to touch is this. Under this Bill, it is provided that this tribunal is going to be only an *ad hoc* one, and not a permanent one. That is probably because it is not expected that there will be very many disputes. But apart from that, it is clear that as many times as there are disputes, so many times the tribunals will be set up. So, there is no insurmountable difficulty in this regard.

But the real point is that once you provide for an agency like this, then disputes will begin to crop up in greater numbers, and more occasions may arise when the power given under this Bill may have to be exercised.

I do not wish to take more time. But I would only say that I welcome this Bill, and I would suggest that provision must be made to refer these disputes more expeditiously and also to decide them more expeditiously, so that the projects that are waiting to be undertaken and completed may not be kept in abeyance for years together.

Shri N. E. Muniswamy (Wandiwash): I also welcome this Bill wholeheartedly. But I wish this bill had come much earlier.

Shri U. M. Trivedi (Chittoor): May I disturb my friend a minute? Unfortunately, these two Bills which were introduced in the Rajya Sabha were not available to me today. Generally, copies of these Bills are available, as we enter the Members' waiting hall near the Notice Office. But today, they are not at all available. They must have been circulated certainly. I do not say that they have not been circulated. That is not my grievance. But my grievance is that copies of these Bills ought to be made available to us. I have been hunting for these Bills for nearly half an hour, and I have not been able to get them. I request that some arrangement may be made so that we may get copies of these Bills.

Shri Punnoose (Alleppey): They might have gone down the river.

Shri S. L. Saksena (Gorakhpur Distt.—North): I was told that these Bills were supplied by the Rajya Sabha.

Mr. Deputy-Speaker: These Bills were printed by the Rajya Sabha. And I think they were circulated to hon. Members.

Shri U. M. Trivedi: That is true. But they were circulated long ago.

Mr. Deputy-Speaker: Hon. Members are expected to preserve those copies.

Shri U. M. Trivedi: That is correct. I do not dispute that point. My only point is that we used to get these copies near the Notice Office, but today they are not available there.

Mr. Deputy-Speaker: Certain copies are kept there for hon. Members who casually come in. Today probably the copies have been exhausted. The office has sent for 30 more copies now.

These are all matters which can easily be managed without their being stated on the floor of the House.

Shri U. M. Trivedi: If I got the copies, I wanted to raise a constitutional point.

Shri Punnoose: Then it is better not to give him the copies.

Shri U. M. Trivedi: On a point of order. With my hon. friend's permission, I want to raise this constitutional point.

The Inter-State Water Disputes Bill contains the following provision in clause 10:

"The presiding officer of a Tribunal and the assessors shall be entitled to receive such remuneration, allowances or fees as may be prescribed."

This means that an expenditure is to be incurred from the Consolidated Fund of India. Any expenditure or any appropriation that is provided for from the Consolidated Fund of India is governed by the provisions of Article 110 of the Constitution.

Mr. Deputy-Speaker: Was this provision there in the original Bill itself?

Shri U. M. Trivedi: This is the original Bill, and I am reading from it.

Mr. Deputy-Speaker: I have also got a copy of the Bill before me. The hon. Member will notice that these three lines in clause 10 have been printed in bold letters, whereas the other clauses have not been printed in such bold letters.

Shri U. M. Trivedi: I do not know why it is so:

Mr. Deputy-Speaker: Anyway, it is there, even in the original Bill as introduced in the Rajya Sabha. The hon. Member will also see that the President has in pursuance of clause (3) of Article 117 of the Constitution, recommended the consideration of the Bill. That means the President has given his sanction for the introduction of the Bill. The hon. Member will find a note to this effect printed on the back cover of the Bill.

Shri U. M. Trivedi: This sanction is for the consideration of the Bill. My

objection is to the introduction of the Bill in the Rajya Sabha. My point is that this Bill cannot be introduced in the Rajya Sabha. The question of consideration of the Bill comes only later.

Shri S. S. More (Sholapur): May I rise to a point of order regarding the hon. Member's submission? If any irregularity has been done in the Rajya Sabha, can it be a subject for a point of order in this House?

Shri U. M. Trivedi: My point of order is this, that under Article 110..

Mr. Deputy-Speaker: Can it be introduced at all in the Rajya Sabha?

Shri U. M. Trivedi: Under Article 110, first the definition of a Money Bill is given. Sub-clause (1)(e) says:

"the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure".

So this is chargeable to the Consolidated Fund of India. Then comes the provision under Article 117(1):

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President—

I am laying emphasis on the words "shall not be introduced"—

"and a Bill making such provision shall not be introduced in the Council of States".

So there is a positive prohibition against introduction in the Council of States. The certificate that is granted is that of consideration. That question arises after the introduction.

Mr. Deputy-Speaker: Therefore, even if the President should give sanction, this is a Money Bill which cannot be introduced in the Council of States?

Shri U. M. Trivedi: Quite right.

Mr. Deputy-Speaker: That is what the hon. Member says. Now, what is the objection of the hon. Member, Shri S. S. More?

Shri S. S. More: My submission was that even conceding, for the sake of argument, that a certain irregularity had been committed as far as the introduction of this Bill was concerned in the Council of States, could that irregularity be the subject of a point of order in this House? The Chair here is not permitted to give a ruling on the irregularity—possible irregularity—that may have been committed there.

But regarding the second point which he raised, of its being a Money Bill—and the certificate proves that even Government have accepted that it is a Money Bill—I go to his support and say that to that extent, on the face of it, a certain irregularity has been committed and it will be within your province to rule on that, because our joining or concurring with the motion of the Rajya Sabha would mean that we are surrendering the prior right given to us by the Constitution as far as this Bill is concerned.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): We can never surrender it.

Shri S. S. More: It may amount to that. My hon. friend, Shri Jaipal Singh, says with great emphasis that we will never surrender.

Shri Jaipal Singh: Never, never.

Shri S. S. More: It will depend on your ruling.

Shri Jaipal Singh: A Money Bill cannot originate there.

Shri Barman (North Bengal—Reserved—Sch. Castes): I want to say something.

Mr. Deputy-Speaker: Why not hear the hon. Minister first?

Dr. Ram Subhag Singh (Shahbad South): The Law Minister can give his

[Dr. Ram Subhag Singh]

opinion. Why not invite the Law Minister?

Shri S. S. More: The Law Minister may be commissioned.

Shri Nanda: I do not regard myself as fully competent to defend this point, but just having a look at Article 110, an interpretation which occurs to a person—though he may not be fully versed in the niceties of Constitution—is this:

"For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters...."

which means, if it is just these things and no other matters of substance....

Several Hon. Members: No, no.

Shri Nanda: All right. If it is not so, I will not take your time. (*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Shri Nanda: I will have to take the help of the Law Ministry for this purpose.

Shri Barman: As I understood Shri U. M. Trivedi, his submission is that it is a Money Bill, because the member of the tribunal will have to be paid. My submission is that this is nothing but an incidental expenditure, and if his contention is to apply, there is no Bill that can be passed in any House or by Parliament or by any legislature, the working of which does not entail even in an indirect way some expenditure from the Consolidated Fund. Here the Chief Justice of India will nominate one person to be the member of the tribunal, who will be a Judge of the Supreme Court or a High Court. So that he is already an official of the Government serving under the Government. No extra payment is going to be provided for his pay. He will incidentally discharge certain functions which are imposed upon him by this legislature under the law that we are going to

pass. This is nothing but an incidental expenditure and it cannot be treated as a Money Bill.

Shri Nanda: That was my point also.

Shri Barman: I submit there is no Bill that can be passed by a legislature, the working of which does not entail any expenditure. On that analogy, no Bill can be introduced in the Rajya Sabha. I submit that this contention that it is a Money Bill is not correct.

Dr. Ram Subhag Singh: The analogy is not quite correct.

Mr. Deputy-Speaker: The point of order relates to clause 10.

"The presiding officer of a Tribunal and the assessors shall be entitled to receive such remuneration, allowances or fees as may be prescribed".

This is not charged as referred to technically in Article 112 under which certain items of expenditure are charged on the Consolidated Fund of India so much so that this House has no right to vote against them, that is, non-votable. Now, this is not so. No doubt, sub-clauses (c) and (d) of Article 110(1) are there:

"the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into—

We are not concerned with all that—

"or withdrawal of moneys from any such fund".

It need not be charged. All moneys must be put into the Consolidated Fund and thereafter appropriated after sanction or put into the Contingency Fund—the minimum necessary—and then appropriated by law. Therefore, this may come under either the latter portion of (c) "withdrawal of moneys from any such Fund" or (d) "appropriation of moneys out of the Consolidated Fund of India". This may come under both these sub-clauses. Then there is Article 117. Now, it is clear; we need not even labour this point because the hon. Mover himself felt that this comes under this clause—clause (1)

of Article 117—which requires the previous sanction of the President. Unless it is construed to be a Money Bill, no sanction of the President is necessary at all. Therefore, I do not think it is even necessary to labour this point. We can assume this, that it is a Money Bill, and then proceed to apply the other portion of Article 117 which says in clause (1) that it shall not be introduced in the Council of States. Therefore, *prima facie*, there seems to be very great force in the objection raised by the hon. Member.

So far as Article 110 is concerned, Shri Barman has said that the Constitution should not be interpreted so foolishly or so badly.....

An Hon. Member: So nicely.

Mr. Deputy-Speaker:.... as to make it necessary to ask for sanction for every one of these Bills and then prevent the jurisdiction of the Rajya Sabha.....

Shri V. P. Nayar (Chirayinkil): Why not?

Mr. Deputy-Speaker:... saying that any Bill cannot be introduced. The only point is whether it should be initiated here or there.

Dr. Ram Subhag Singh: It should be here.

Mr. Deputy-Speaker: But to say that it must be only these things and that the effect of a Money Bill can be taken away or jurisdiction given to the Rajya Sabha by adding some two or more other clauses, not entirely of a money nature, is not correct. Therefore, by no device can jurisdiction be conferred where it is not and taken away where it is. The addition of other clauses does not make it the less a Money Bill. Let us see whether any of those incidental matters will not make it a Money Bill. For that if we see clause (2) of Article 110 which makes provision for incidental matters of this kind, it provides for the imposition of fines etc.; it is imposition and not withdrawal. If there had been some provision made for the with-

drawal of small sums of money then it can cease to be a Money Bill. I tried to search and search whether any such exception is made in case small sums are withdrawn from the Consolidated Fund, and appropriated. As in the case of the imposition of licence fees etc., no exception is made in the case of small expenditure involved. Expenditure even to the smallest extent requires the sanction of the President and that sanction was obtained. Therefore, all other matters over which we have been spending time is unnecessary. We will proceed from this stage.

The sanction of the President has been obtained. Once it has been obtained, it is only this House that has jurisdiction. I will allow, anyhow, the discussion to go on....

Several Hon. Members: What

Mr. Deputy-Speaker: Hon. Members are taking the first half of my sentence and are impatient to hear the second half. I am not going to commit any error after having been enlightened to such a great extent by hon. Members. What I suggest is, let us proceed with the discussion. Meanwhile, the hon. Minister will call the Law Minister. Let me hear him also and then finally dispose of this point.

My attention has been drawn to another point by the office, viz. whether or not the consideration of the Bill in each House requires a separate sanction or recommendation of the President. It might have been recommended for consideration there. Whether there is a separate recommendation for consideration by this House is another point. We are not on that point just now. Let us consider it later.

The main point is whether, when, on the face of it, the recommendation has been given as if it were a Money Bill under Articles 110 and 117(1), it can be introduced at all in the Rajya Sabha. In the meanwhile, let hon. Members go on with the discussion and let the hon. Law Minister be brought here.

[Mr. Deputy-Speaker]

The endorsement is that the President, in pursuance of Article 117(3) of the Constitution of India has recommended the consideration of the Bill by the Rajya Sabha. On these two points I would urge upon the hon. Minister to get the Law Minister here and satisfy the House.

Shri Jaipal Singh: May I point out that the Law Minister and all the Members of the Treasury Benches are welcome to place their views. But, a very serious point has been raised here and it affects the authority of the Lok Sabha. The point in short is that according to the Constitution anything relating to a Money Bill can originate here and here only and nowhere else; and there is no argument about it.

Shri S. S. More: Regarding the second point which you have been pleased to raise, namely, that there is no independent sanction or recommendation of the President for the introduction of this Bill in this House, I should say that, as far as this House is concerned, what is really placed before the House for our consideration is a certain motion, that this House concurs etc. I am taking a perfectly legalistic view in this matter. Whether it is favourable to the Government or not is another matter. We are discussing the motion that "This House concurs etc." Such a motion of concurrence will not, I believe, come under Article 117.

But, as far as the first point is concerned, Article 109 is very categorical and it will be difficult even for the Law Minister to get out of it.

Shri V. F. Nayar: As your attention has been drawn to the fact that there is no recommendation of the President for consideration of this Bill in this House, I want a ruling from you whether, even though there is no such recommendation, we can proceed with the discussion because to my mind it appears that so long as there is no recommendation of the President for a discussion in this House, it is beyond our competence to discuss that.

Mr. Deputy-Speaker: Is there a similar clause in the other Bill also? Why should these two clauses, clause 10 in the one and clause 17 in the other be printed in bolder type than the rest? (Interruption) My suspicion is that they might not have been there when the Bills were originally introduced.

Shri Hathi: They were in the Bills as originally introduced; nothing was added.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Let the Law Minister come, Sir.

Shri S. S. More:

Mr. Deputy-Speaker: I do not want to hear anything more on this. I have heard Shri More. Let him kindly resume his seat. I will give him every opportunity. This kind of argument in instalments is not right. If any one suggests anything, he should not get up and speak. I think, with all his experience in courts of law he knows that no judge will allow him to do this. If the hon. Member has forgotten to mention something, let him forget. There are other hon. Members to take it up.

So far as this matter is concerned, the only point is this. It appears *prima facie* that the other House has no jurisdiction to entertain this. It may be considered later when the Bill is introduced here whether we can make a reference to a Joint Committee; that is another problem. *Prima facie* this is a Money Bill and exclusive jurisdiction is here. Under those circumstances, is it at all necessary to continue this matter or should we go to other matters? I now leave it to the hon. Minister.

Shri Nanda: Of course. I won't suggest that the House adjourn its business till the Law Minister arrives. Before we took up this Bill in the Rajya Sabha we had secured advice as to the admissibility of it there. We were advised that it was a perfectly proper course. We are trying to secure the presence of the Law Minister. Meanwhile the discussion may

proceed because, I think, you have not yet given your ruling.

Mr. Deputy-Speaker: I have not yet given my ruling. Let me hear the hon. Law Minister.

Shri Jaipal Singh: I hope you will forgive me for repeating myself. You were also one of the Constitution-makers and you are no less than the Law Minister.

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Mr. Deputy-Speaker: What I am submitting is this for the consideration of hon. Members. Let us not spend time over this matter as to whether the other House has jurisdiction or has no jurisdiction. If that House has no jurisdiction, it is useless to consider this matter and we will be stultifying ourselves in joining any Joint Committee or making any recommendations to that House regarding the Joint Committee. In that way it will be useless to go on with the discussion. If, however, the hon. Minister will come and persuade us to take a different view on the statute, then we may not be spending away our time. My own suggestion is that we may go on with the discussion.

Shri Asoka Mehta (Bhandara): There is the difficulty and that is the other objection which has been raised.

Mr. Deputy-Speaker: So far as the other one is concerned, the Bill as such is not here. This is only a consideration of a motion by the other House. No Bill or amendment shall be moved without the sanction of the President. Therefore, the position is not so clear. The other objection is not so clear as this objection. Let us hear the hon. Minister. Have we got any other work before the House?

Shri Rame (Bhusaval): May I speak a word, Sir?

Mr. Deputy-Speaker: What is the word? The only point is whether the other House has jurisdiction to entertain this Bill, and if it has not, our concurrence will be wrong. If it has, we can proceed with the deliberations.

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Shri Raghavachari: My suggestion is that the next item on the agenda may be proceeded with without wasting the time of the House.

Mr. Deputy-Speaker: I agree, but the next item also is liable to the same difficulty. Is the hon. Minister ready for the other one?

Shri Hathi: That does not seem to concern us.

Shri Jaipal Singh: I am sorry I have not been able to finish my sentence. No Minister, not even the Law Minister, has any right whatever to persuade us in the Lok Sabha against the very definite, explicit authority of the Constitution. What I am trying to point out is that you were good enough, as you are usually very very generous to all of us, including the Ministers...

Mr. Deputy-Speaker: Order, order. I am not able to hear the hon. Member. Will hon. Members kindly keep silent?

Shri Jaipal Singh: It is not a question for the Law Minister or any other Minister. It seems to be very very clear that a Money Bill cannot originate anywhere except here. That is the point. There is no question of our being persuaded to consider something in contravention of the very very clear authority of the Lok Sabha in this question.

Mr. Deputy-Speaker: I agree.

Shri Jaipal Singh: There is no room for any persuasion. The Treasury Benches may have sweet words or such sorts of things, but the point is...

An Hon. Member: Why is he afraid?

Mr. Deputy-Speaker: The hon. Member has misunderstood my language. All that I said was: let him persuade us. We are not going to yield to persuasion if otherwise it is illegal. "Let him persuade" means "let him persuade by arguments". Therefore, hon. Members who have not had an opportunity of speaking on floods may speak now. Shri Jaipal Singh may speak.

Shri N. R. Muniswamy (Wandiwash): I was speaking and let me continue my speech.

Mr. Deputy-Speaker: Let him continue in that case. (*Interruption*). About this point we can just forget ourselves, but let us come back to the House. Shri Swamy was speaking. Let him speak on the Bill until we come to some definite conclusions on this point.

Shri Jaipal Singh: I raise a point of order that we just cannot discuss it until that point is settled.

Mr. Deputy-Speaker: If a point of order has been raised, it is open for me to decide it. To decide the point of order, I want to hear the other side. In the meantime let Shri Swamy go on.

Shri S. S. More: Though I have received from you a reprimand, I still want to persist in raising a point of order. When a point of order has been raised, it is the duty of the Chair to dispose of the point of order. Till then the whole business of the House is held up. That is why my submission is that if the Bill is ab initio void due to its being introduced in the other House, by carrying on a debate on it, which is ab initio void we will be doing nothing else but violating our own rules.

Shri Bogawat (Ahmednagar South): Can he order the Chair to give a decision immediately? The Chair may give it today or tomorrow.

Mr. Deputy-Speaker: Hon. Members are fully aware that when a point of order is raised, it is open to the Speaker to dispose of it and give his ruling. In extraordinary matters relating to jurisdiction, the precedents are that the Speaker does not take the responsibility of deciding it himself. He places the matter before the House for its decision. Now I may follow the other course of leaving it here and ultimately allowing the House to decide one way or the other. I am not bound immediately to give a ruling on a question like this; taking away the jurisdiction is an extraordinary matter. Under those circumstances, there

are authorities for both sides, and so far as jurisdiction is concerned, the Chair is always chary and does not wish to take the responsibility of deciding it itself. But for the purpose of giving the benefit to the other side to explain the matter, I am requesting the hon. Law Minister to come and explain the circumstances under which what is apparently not the jurisdiction of the Rajya Sabha is within the jurisdiction of the Rajya Sabha. I am not going to give a ruling on it. I will leave it to the House and the House can vote both on the facts and on the law.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is hardly a matter on which the House votes. I do not know how the House can be called upon to vote suddenly in this way. Of course, on matters of rule-making etc. the House will decide. Here a legal interpretation is hardly decided by voting. Somebody decides, either the Speaker or the Supreme Court or somebody else, but not my voting, I submit. We have introduced this Bill in the other House after taking the opinion of our legal advisers. I am not a lawyer. I am merely stating that we took the opinion of our legal advisers and acted upon it. We did not do it casually without taking such opinion. Now the matter may be proceeded with and I submit to you and the Speaker to consider it and no harm will be done as it is only a question of appointment of a Committee. The broad question will be considered more carefully by you and the Speaker; if necessary, we can make our suggestions to you and others and then it can be decided. The work need not hang over in this particular matter.

Pandit Thakur Das Bhargava (Gurgaon): In regard to this point, I for one do not agree with your view that this matter should be decided by the House. If you kindly see article 110, the ruling of the Speaker is the final word about it. If the Speaker says that it is a Money Bill, no power on earth can say that it is not a Money Bill. In a matter like this, you or the Speaker,

whoever be in charge of it, should deliver the ruling and not leave it to the House.

Secondly, it is not necessary for you to just now deliver your ruling. I hope this is a matter to be considered. One argument was brought out by Shri Nandaji on the basis of the wording in Article 110 but whether it is good or bad may be considered by you at leisure. The point may be considered whether it is a Money Bill in the sense that there are other provisions in the Bill except those which are mentioned in article 110. You may after consulting further authorities in the matter decide whether it is or is not a Money Bill. Therefore, I beg of you not to decide upon it just now, but to decide after consulting your authorities. I know of so many authorities by virtue of which it cannot be held to be a Money Bill. Your view has also been propounded that Government cannot make a non-Money Bill a Money Bill by including certain provisions. That is the matter which has to be decided; it is a very important matter. If it is a money Bill, then it is clear that it should not have been introduced there; we will be stultifying ourselves by allowing the Money Bill to be introduced in that House. So far as this House is concerned, we are very jealous of our rights. We want a money Bill to be introduced only here and at no other place. You can give your considered ruling after considering the pros and cons of the matter. The legal opinion may also be considered. The ruling need not be given in haste at the spur of the moment.

Mr. Deputy-Speaker: I am afraid what I said has been misunderstood. The hon. Prime Minister was evidently under the impression that I am going to put this question of law straightaway to the vote of the House. It is not so. What has been done in this case is this. The President also has sanctioned. Whenever there is a point which goes to the foundation of the jurisdiction of this House or the other House, the Speaker does not take

the responsibility of deciding the question of jurisdiction. Many instances have occurred where doubts were cast as to whether a Bill relating to a certain matter was within the purview of the States—the States List or the Union List. The Speaker refused to give his ruling and left it to the House. So, on the point of jurisdiction, after hearing all the arguments and after considering them in due course it is open to the House to accept or not to accept. That is what I meant.

I do not want to take the responsibility on myself nor am I going to put this to the vote of the House immediately for deciding this question one way or the other.

Secondly, I wanted to hear the hon. Law Minister. Thirdly, there is the point with regard to the legal opinion. Unfortunately in this Bill it is felt that the legal opinion is that this is a Money Bill: on the back of it is printed that the President's sanction has also been obtained under Article 117(3) and therefore it is a Money Bill. If it is a Money Bill, then alone the President's sanction under article 117(3) has to be obtained. On the back of these two Bills the President's sanction has been endorsed for no other purpose. Unless it is a Money Bill, the President's sanction is not necessary at all. Article 117 is referred to specifically. Therefore, it is urged on the one side that we need not go into this matter whether it is a Money Bill or not; it is admitted by the Government themselves that it is a Money Bill.

The Minister of Legal Affairs (Shri Pataskar): May I explain?

Mr. Deputy-Speaker: That is what I wanted to hear.

Shri Pataskar: There is no doubt that the sanction of the President has been obtained which, I believe, is required under article 117. Article 117 refers to special provisions as to financial Bills. So, it relates to 'financial Bills'; it is distinct from Money Bills mentioned in article 110. That distinction has to be borne in

[Shri Pataskar]

mind. I may just read out that portion. It says:

"(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States..."

That is true. A Bill under Article 110 shall not be introduced or moved except on the recommendation of the President. There is a proviso:

"Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax."

Then it reads:

"(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill, which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill."

Now, it is no doubt true that some expenditure will have to be incurred for carrying out what is mentioned in clause 10 of this Bill. Naturally, therefore, under sub-clause (3) it is necessary that it should be sanctioned

by the President. But that is different from saying that it does amount to a Money Bill as defined under Article 110. Article 117(3) says that if there is a Bill which if enacted and brought into operation would involve expenditure—not necessarily a Money Bill but any Bill—from the Consolidated Fund of India it should not be passed by either Houses of Parliament unless the President has recommended to that House. Therefore, 117(3) is a distinct provision made in the Constitution for a specific purpose. It also refers to both Houses of Parliament. Therefore, whenever there is a Bill of the nature mentioned in sub-clause (3) of Article 117, that is, which would involve some expenditure when brought into operation from the Consolidated Fund of India, it shall not be passed by either House of the Parliament unless the President recommends. It is under that clause that we obtained the sanction of the President for the purpose of consideration of this Bill.

Now let us turn to Article 110. Here the heading is: procedure in financial matters; that is what precedes article 112. Article 117 relates to special provision as to the financial Bills. So, it is a financial Bill. There cannot be any doubt about this. There are so many Bills and there has to be some provision for some expenditure or the other; it has to be incurred out of the finances of the Government. But a Money Bill is specifically defined in Article 110. If a Bill is of that type, it shall be deemed to be a Money Bill. Article 110 says:

"(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely—

(a) the imposition, abolition, remission, alteration or regulation of any tax..." etc.

Sub-clause (c) says:

"the custody of the Consolidated Fund or the Contingency Fund"

of India, the payment of moneys into or the withdrawal of moneys from any such Fund."

This Bill does not say that some particular amount shall be withdrawn from the Consolidated Fund of India. All that it says is that the presiding officer shall be entitled to such remuneration, allowances etc. as are prescribed. What section 10 says is this; a certain amount of expenditure will be incurred by the Government. Whenever we bring any legislation in this House, it does require some expenditure on the part of the Government for the committees, etc. That does not mean that all of them are Money Bills. Some distinction has to be drawn with respect to the interpretation of these articles. If there is any provision for the custody of the Consolidated Fund or the Contingency Fund of India or for payment of moneys into or withdrawal of moneys from any such Fund, it is all right. But there is no such provision that the money shall be taken only out of such a Fund.

Shri S. S. More: What is the source from which you will get money?

Shri Pataskar: That by itself does not make this a Money Bill unless there is some provision which is made in this Bill by which we try to do one of the things mentioned in sub-clause (c) or (d). Of course some expenditure has naturally to be incurred whenever you pass any Bill, whenever you appoint committees. Ultimately, I know, the Parliament and the Speaker as the head of this Parliament who is the custodian of its rights—he is the final authority. There is a sub-clause (3) which says that if any question arises whether a Bill is a Money Bill or not, the Speaker's decision shall be final. I therefore, submit that it is no doubt a financial Bill as contemplated by the provisions contained in Article 117(3) and so it was necessary to obtain the permission of the President for the consideration of this measure by either House of Parliament. Therefore, naturally, permission was obtained

but it does not mean that by obtaining permission, Government admit that it is a Money Bill. On the contrary, Government's contention is that it is not a Money Bill because it does not fall within any of the categories mentioned there.

Shri S. S. More: Sir, will you permit me to bring to your notice one provision, viz. clause 9 of the Bill according to which it is the Central Government which appoints this Tribunal and that will pay the remuneration according to clause 10 immediately the appointment is made; and when the decision is given the payment has to be recovered by way of cost from the States concerned and all that payment will go again into the Consolidated Fund of India.

Mr. Deputy-Speaker: My position is this.

Shri Raghavachari: Sir, there is one point.

Mr. Deputy-Speaker: I do not want to hear any more points; I am not going to decide the matter. What I am going to do is this. I have heard the hon. Minister for Legal Affairs. He says that the endorsement on the back of the Bill is under Article 117(3) which says that without that endorsement or sanction of the President no Bill shall be passed in any of the Houses, whereas under Article 117(1) no Bill shall be introduced or moved. So, there is a difference between clause (1) and clause (3) of Article 117. Clause (1) of Article 117 refers to items (a) to (f) in Article 110. The hon. Minister contends that notwithstanding the fact that clause 10 of this Bill might involve expenditure which ultimately, after an appropriate measure or a Bill, may have to be withdrawn from the Consolidated Fund either under clause (c) or (d) directly this is not the only matter which is regulated in which case alone it will become a Money Bill and, therefore, the recommendation of the President under Article 117(3) is not because it is a Money Bill but any Bill where any

[Mr. Deputy-Speaker]

money has to be drawn from the Consolidated Fund, though it would be a Money Bill, but all the same, for its passing the President's sanction is necessary for it involves expenditure. There is a difference between the one and the other; that is what the hon. Minister contends. Further, even if as is contended by some on this side of the House that it is a purely Money Bill, then, as has been pointed out by the hon. the Prime Minister the jurisdiction to decide this matter is in the Speaker. I now recollect that on a prior occasion when I was holding the Chair and the question was as to whether a Money Bill has to be sent from this House or not and when serious doubts were raised in the other House on an endorsement made by the hon. Speaker, I felt that the Speaker's name being specifically mentioned here, the Deputy-Speaker had no jurisdiction to look into this matter. Therefore I feel as to whether the Speaker should himself give a ruling here whether it is a Money Bill coming under Article 117(1).

Shri Jawaharlal Nehru: Sir, may I submit that it is in no case a Money Bill? Whatever it is, it is not a Money Bill; it is a financial Bill. Whether that argument applies or not, it is a different matter. It is not a Money Bill and there is no argument, surely, on that basis.

Mr. Deputy-Speaker: I agree. The only point of division is whether it is purely a Money Bill as contemplated under Article 110 or whether it is a financial Bill as contemplated under Article 117(3). If it is a question of purely Money Bill that has to be decided only by the Speaker; otherwise it can be decided by me.

Pandit Thakur Das Bhargava: Even if it is a doubtful case the decision of the Speaker is final under Article 110.

Mr. Deputy-Speaker: I agree. But the point is whether I can decide the point here.

Shri Raghuramaiah (Tenali): There is no valid question whether it is a

Money Bill. Only if there is a valid question Article 110(3) can be invoked. It postulates a valid question. If the Bill does not fall under Article 110 (a) to (f) and it falls only under Article 117(3), that is to say if it is clearly a financial measure and not a Money Bill, then, I submit, there is no question at all to go to the Speaker on this point.

Shri Bogawat: If the Speaker wants he may, give the decision and may drop the Bill. Why waste time unnecessarily?

Mr. Deputy-Speaker: I will reserve my opinion. Let the discussion go on and at the end if it has no jurisdiction I will say so and the matter will be closed.

Shri Raghavachari: If you will kindly refer to Article 110, clause (2) you will find there are certain very significant words. It says:

"A Bill shall not be deemed to be a Money Bill by reason only that it provides... etc. etc."

and then it says:

"or for the demand or payment of fees for licences or fees for services rendered...."

Mr. Deputy-Speaker: No expenditure is referred to there.

Shri Raghavachari: It says that a Bill shall not be deemed to be a Money Bill if it provides for payment of fees for services rendered.

Mr. Deputy-Speaker: Let the House go on with the discussion. I have heard enough about the point of order raised on this side of the House and also the reply by the hon. Minister for Legal Affairs. Now, the discussion will go on.

Shri Jaipal Singh: May I suggest that we revert to our old subject and we continue with the flood debate?

Mr. Deputy-Speaker: Let us go on with the discussion now.

Shri N. E. Muniswamy: I do not know whether in the present context we must congratulate our Minister or express our sympathy as regards this Bill. It has been held up for over sixty minutes and we have not been in a position to make out whether it is in order or not to discuss it. If after having delivered my speech your ruling is otherwise then my entire speech might be ordered to be expunged.

Now, coming to the Bill itself we have just now heard the speeches with regard to flood control measures which are necessary due to inundation. After that we have now come to water disputes and about settling disputes. We are going to have River Boards. Therefore, the arrangement in the agenda seems to have some sequence with regard to inundation, dispute and then adjudication.

Now, let me take the merits of this Bill itself. Sir, the Minister has been pleased to say that this Bill has been introduced because of the provision of Article 262 of the Constitution. Here I may be permitted to read Article 263. It says:

"263. If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by

it and its organisation and procedure."

If there has been any dispute with regard to water between the States or between the Union on the one side and the States on the other the Minister could have invoked the provisions under Article 263 and that Council after having been appointed by the President and after having been directed as regards procedure etc., could have given its findings and thereafter its findings could have been given effect to by other methods. When we have got a separate provision in this Constitution I do not think this Bill is quite in order. But, as we are having laws with regard to railways and we are also having laws for airways evidently the learned Minister wanted to have laws for river-ways also. It looks as though it is very essential from his point of view but I would respectfully submit that he could have invoked the provisions of this article and he could still have achieved the objectives of this Bill.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri N. E. Muniswamy: I have not spoken for even 5 minutes.

Mr. Deputy-Speaker: He cannot speak for the whole time.

Shri N. E. Muniswamy: It was held over for nearly one hour and I have only just started to speak. I will finish in five minutes, Sir.

We know, as a matter of fact, that there had been very many disputes, and it has been referred to by the previous speaker also, with regard to Mysore and other States. I know for certain that there is already an existing dispute. I know for certain that already there exists a dispute between Madras and Mysore with regard to the Palar river on the agreement that was entered into some 30 or 35 years back between the Governments of Madras and Mysore with regard to the construction of a bund called Bathamangalam Tank on the Palar river. As a result of the dispute, the waters that have been flowing all along have

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been impounded and there is at present no water at all there. One of the terms of the agreement is that they should not construct more than nine feet of the bund. Now, what happened was, some 20 years back, that bund was again increased by another nine feet. The reason adduced by the Government of Mysore was that due to silting, and the accumulation of sand and silt, the entire bund was submerged and that, therefore, another bund of nine feet had to be constructed.

As regards the usage of the water also, it has been stated that it should be used for industrial purposes only and not for agricultural purposes. They have already infringed the rules, as regards this agreement, by using the water for agricultural purposes also. This dispute was there for a very long time and nothing has been done, and even though many steps have been taken under article 263 of the Constitution, nothing has been achieved. I hope that by the provisions of this Bill, this long-standing dispute, so far as Madras and Mysore are concerned, can very well be settled, especially because there is a provision in the Bill in clause 3(c). This clause says:

“the failure of the other State to implement the terms of any agreement relating to the use, distribution or control of such waters,”

As regards the control and distribution of water, the tribunal can certainly intervene, but there is one catch. After having appointed the tribunal, and after having received the report, the State Government or the Central Government will be asked again to peruse the findings given by the tribunal, and if the State or the Central Government is not in entire agreement with the decision given by the tribunal, it will again be referred to it with some other modification or reference and the tribunal has to come to some finality in the light of the reference or modification so made.

This would create another trouble. Ordinarily, I have noted that even in the law courts, when any decision or any agreement has been arrived at by any commissioner or receiver, and when the matter—if it is a question of a limited bank—goes to a committee, the committee takes a different angle of view and something results. Therefore, the best thing is to leave the matter for the Government concerned, instead of having another reference to the same tribunal. The Government can still decide the case themselves, in the light of the observations or reactions that has been received. So far as that aspect is concerned, this provision may be deleted by the Joint Committee. Any further reference to the tribunal would only lead to some difficulties.

Shri Nanda: What has to be deleted?

Shri N. R. Muniswamy: The provision regarding the reference to the tribunal for the second time.

Shri Nanda: It is the same tribunal.

Shri N. R. Muniswamy: I am opposed to that, because a reference to the same tribunal might create some other difficulty. In the light of the fresh circumstances that might be placed before it, it might altogether take a different view. Therefore, instead, the Central Government itself can take the responsibility and carry on with the work. Some modification here and there and some rectification could be effected by the Central Government, instead of referring the matter to the tribunal once again, because the tribunal will be placed again in an embarrassing situation owing to the subsequent development or circumstances that might come to their notice.

The other point to which I would like to refer is about the constitution of the tribunal. The present provision is that the tribunal will consist of only one person who is to be nominated by the Chief Justice from among persons who are, or have been, judges of the Supreme Court or

are judges of a High Court. My submission is, instead of appointing a judge, we can ask any individual who has got large experience in engineering as well as public activities to occupy the position, and he may be in a better position to judge the matters. If really judicial experience is needed, I do agree that a High Court judge or a judge of a Supreme Court may be in a better position, but then, he must be assisted by at least two or three associates who must have some experience in engineering and other aspects. Therefore, I would suggest that along with the judge, whoever he might be, two other persons must sit. In other words, the judge must have the assistance of two other public men who have got experience in engineering and other aspects. These two persons might belong to the category of assessors or of co-opted members. Instead of having only one judge, I would suggest that this suggestion of mine may be considered.

The tribunal has been given the powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents and material objects;

(c) issuing commissions for the examination of witnesses or for local investigation;

(d) any other matter which may be prescribed."

So far as the issuing of commissions for the examination of witnesses or local investigation, I think it is not at all advisable to have such a provision. We have already referred the matters for adjudication by a judge. Again giving the judge this power of issuing commissions for the examination of witnesses or for local investigation and getting separate reports thereon will lead to difficulties. Even after getting the

report of the commissioner, and after examining the local witnesses, the trouble would arise this way. Instead of sending a commissioner to examine the local conditions, it is always better that the tribunal itself goes to the locality and finds out the real position. The third party should not be asked to examine the witnesses and conduct local investigations.

I shall now refer to the last point, and I shall have done.

Mr. Deputy-Speaker: He must conclude now.

Shri N. E. Maniawamy: One minute more. Having submitted its report, it is deemed that the tribunal will be asked to close its work. Instead of dissolving the tribunal, I say that it can continue, until the time of three months expires. This is the time-limit given for the Central Government or the State Governments to refer back the decision of the tribunal for reconsideration. Even after the report is received, the period of three months may yet be given to the tribunal, and within that time, it may be decided whether the period of the tribunal should be terminated or not.

पंडित ठाकुर दास भार्गव : यह जो बिल आपके स्वरूप है और जिसको कि एक सिलेक्ट कमेटी को सौंपने के लिए कहा गया है, मैं इसका स्वागत करता हूँ। हमारे हिन्दुस्तान में जिस कद्र परमात्मा ने बरकतें दी हैं, उसका भंदाबा हम सब लोग लगा सकते हैं। हिन्दुस्तान में बड़े से बड़े दरिया, बड़े से बड़े पहाड़, बड़ी से बड़ी नहरें और बहुत सी दूसरी चीजें ऐसी हैं जो शायद दूसरे मुल्कों को नसीब नहीं हैं...

Shri Punnoose: Two hours have been set apart for this Bill. Will the time spent over the point of order be deducted from this period?

Mr. Deputy-Speaker: It is always included in the time allotted for the Bill.

Shri Punnoose: That will be very hard in this particular case.

Mr. Deputy-Speaker: The hon. Member need not have raised that point of order.

Shri Punnoose: That is a different matter. The validity of the Bill itself was questioned. It was about the birth of the Bill, and so, let not that time be counted in the lifetime of the Bill!

पंडित ठाकुर दास भार्गव : मैं अर्ज कर रहा था कि परमात्मा की कृपा से हम इतने खुशानसीब हैं कि हमारे मुल्क में हवा, पानी, रोशनी, धूप और ऐसी ऐसी दूसरी चीज मौजूद हैं जो इन्सानी जरूरतों के लिये निहायत जरूरी हैं और वह इतनी मिक्रदार में मौजूद हैं कि दुनिया के बहुत से देश उनके लिये तरसते हैं। विलायत में आप जायें, थोड़े अर्से के बाद आप उनके यहां जैसा मौसम है उससे दुखी हो जायेंगे। उनके यहां इस तरह का मौसम है जिस मौसम में हम लोगों के लिये रहना मुश्किल हो जाता है। लेकिन जब कभी वहां जोर से धूप निकलती है तो लोग फाइन डे मनाते हैं और बाहर जा कर अपना वक्त अच्छी तरह से गुजारते हैं। हमारे देश में ये चीजें बहुत बड़ी मात्रा में मौजूद हैं। इसी वजह से बन्दे मातरम् में हम गाया करते हैं "सजलां, सफलां, शस्य श्यामलां" आदि आदि। लेकिन यह सब होते हुए हम अपने को मुसीबतों में पाते हैं। मैं ने सारी बहस सुनी। श्री सक्सेना जी की दिल दहला देने वाली बातें सुनीं जिनसे मालूम होता है कि पानी ही हमारी आफत बना हुआ है। गर्मी के मौसम में हम देखते हैं कि धूप ही हमारी मुसीबत का बायस बनी हुई होती है। लेकिन मुझे यकीन है कि अगर हम इन चीजों का सदुपयोग करें तो हम अपने देश में इन्सान की जरूरत की व चीजें पैदा कर सकते हैं जो कि दूसरे देशों को नसीब भी नहीं हैं।

बतलाया जाता है कि इस देश में हम अपने पानी का सिर्फ ७ फीसदी काम में लाते हैं और ९३ फीसदी बगैर इस्तेमाल हुए समुद्र में चला जाता है। हम देखते हैं कि हमारे यहां ऐसे इलाके हैं जो यहां हाउस में रोज झगड़ते हैं कि हमारे यहां पानी नहीं है, इसलिये हम बैकवर्ड हैं। इससे मालूम होता है कि कहीं तो हमारे देश में पानी बहुत ज्यादा है और कहीं पानी बिल्कुल नहीं है। मसलत है कि यह हर एक हिन्दुस्तानी के लिये जैलेंज है कि वह अपने देश की इन न्यामतों को इस तरह से इस्तमाल करे कि ये हमारे लिये फायदेमन्द साबित हों। मुझे याद है कि जब सन ४९ में भाखरा डैम बनाया जा रहा था तो उस वक्त की पंजाब गवर्नमेंट ने गवर्नमेंट आफ इन्डिया से कहा था कि अगर हमको ७० करोड़ रुपये और आप दें तो हम हिन्दुस्तान की सारी जरूरत के लायक अनाज पैदा कर सकते हैं। अगर पानी का ठीक इन्तिजाम हो तो अकेला पंजाब इतना अनाज पैदा कर सकता है कि इस देश में किसी के दिमाग में भी यह बात न आये कि यहां कभी अनाज की कमी हो सकती है। मुझे उम्मीद है कि इस देश में बहुत से ऐसे जरखेज इलाके हैं कि अगर वहां पानी का ठीक से इन्तिजाम हो तो वे इतना गल्ला पैदा कर सकते हैं जो कि इस देश की जरूरत से काफी ज्यादा होगा। लेकिन यह हमारी बदकिस्मती रही कि हम अर्से दराज तक दूसरे लोगों के कब्ज में रहे जिनको देश की उन्नति करने की परवाह नहीं थी। जहां उनको परवाह थी वहां पर उन्होंने पानी को इस्तेमाल करने की कोशिश की। मसलन उन्होंने नार्थ वेस्ट पंजाब में वाटर सिस्टम बनाया और उससे लोगों को बहुत ज्यादा फायदा हुआ। लेकिन जहां नार्थ वेस्ट पंजाब में पानी का इतना इन्तिजाम किया गया वहां साउथ ईस्ट पंजाब को पानी से महरूम रखा गया।

यह इंटर स्टेट रिवर्स का सवाल है, इसलिये मैं आपकी तबज्जह भाखरा डैम की स्टोरी की तरफ दिसाना चाहता हूँ। तकरीबन ४० बरस से जयादा हुआ कि भाखरा डैम की तबज्जह पेश हुई थी। उस वक्त सिन्ध और पंजाब में इस पर झगड़ा चला। इस झगड़े में बहुत असें तक गवर्नमेंट आफ इंडिया उलझी रही। सिन्ध वाले कहते थे कि अगर पंजाब में यह डैम बनाया जायगा तो उनकी नहरों के पानी का लेवल नीचा हो जायगा। यह मामला विलायत तक गया और आखिर यह फैसला हुआ तुम एक आरबिट्रेटर मुकर्रर करो, पंजाब इतना रुपया सिन्ध को दे, उसके बाद यह तै होगा कि यह डैम बने या न बने। तो मेरे कहने का मतलब यह है कि यह साउथ ईस्ट पंजाब का ऐसा इलाका है जिस पर ४० साल से न वहाँ की गवर्नमेंट ने तबज्जह दी, न गवर्नमेंट आफ इंडिया ने तबज्जह दी और न सेक्रेटरी आफ स्टेट फार इंडिया ने तबज्जह दी। एक गवर्नर साहब ने तो हिसार में आ कर फरमाया कि अगर इस जिले को हम पानी दे देंगे तो हमको रिफ्रूट कहाँ से मिलेंगे और यह जो यहाँ अच्छे मवेशी पैदा होते हैं ये कैसे पैदा होंगे। इन वजूहात से हिसार के जिले के पानी से महरूम रखा गया। मैं अब से अर्ज करना चाहता हूँ कि बात दर असल यह थी कि ये इंटर स्टेट झगड़े बहुत जबरदस्त होते हैं। जैसा कि अभी नन्दा जी ने फरमाया, इन मामलों को तै नहीं होने दिया जाता। हमारे यहाँ झगड़ा चल रहा है कि गुड़गांव से होकर नहरें उत्तर प्रदेश को चली जाती हैं पर हमारे यहाँ के गांवों को पानी से महरूम रखा जाता है। मैं यह नहीं चाहता कि ५० पी० को पानी न मिले लेकिन हमारे यहाँ भी तो यह समस्या है। मुझे नन्दा साहब ने दुस्त किया था और कहा कि गुड़गांव के कुछ हिस्सों को पानी दिया जाता है। मैं यह मानता हूँ लेकिन जितना पानी हमको मिलना चाहिये उतना नहीं मिलता है।

और इसकी बजह साफ है। पंजाब में जो वाटर रेट्स हैं उससे ५० पी० में कई गुना ज्यादा है। इसलिये ५० पी० वाले तो यह शिकायत करते हैं कि हमारे यहाँ रेट ज्यादा है और पंजाब वाले यह शिकायत करते हैं कि हमें पानी नहीं मिलता। तो इन इंटर स्टेट वजूहात से ये मामले तै नहीं हो पाते। ये झगड़े हर जगह मौजूद हैं। हम देखते हैं कि गांवों में रोज पानी के ऊपर झगड़े होते रहते हैं क्योंकि पानी पर आदमी की जिन्दगी का दारो-मदार है। जिस तरह से एक इलाके में खेतों में पानी देने के लिये झगड़े होते हैं, इसी तरह से ये इंटर स्टेट झगड़े भी हैं। इनका होना लाजिमी है। लेकिन इनके लिये कोई पावर होनी चाहिये जो कि इनको रिजाव्व करे। हमने अपने कांस्टीट्यूशन में यह लिखा दिया है कि इन झगड़ों का फैसला करन का अस्तियार हाईकोर्ट और सुप्रीम कोर्ट को नहीं होगा बल्कि गवर्नमेंट को होगा क्योंकि हम नहीं चाहते थे कि कोई एक स्टेट अपने हुकूम की बजह से सारी रिवर की यूटिलिटी का सत्यानाश कर दे। इसलिये मैं समझता हूँ इस बिस्स में जो यह प्रावीजन रखा गया है कि गवर्नमेंट को अस्तियार होगा कि वह चाहे जिस तरह से इंटर स्टेट रिवर्स के बारे में फैसला करे, यह बहुत माफूल है। दूसरे बिल के मूताबिक जो बोर्ड बनेगा उसको यह फैसला करने का अस्तियार होगा। एक स्टेट को यह अस्तियार नहीं होगा कि जो रिवर इसके जूरिस्टिक्शन में से गुजरती है उसके बारे में वह कह सके कि उस पर उसका कब्जा है और वह उसको दूसरी स्टेट में यूज नहीं होने देगी। चुनावे यह ठीक ही है कि ऐसे मसले गवर्नमेंट आफ इंडिया के अस्तियार में रहें।

मैं ने फ्लड कंट्रोल पर जो बहस हुई उसको सुना, और मैं अर्ज करना चाहता हूँ कि जो तकरीर नन्दा जी ने शुरू में की उसको

[पंडित ठाकुर दास भार्गव]

मुनकर मुझे बहुत तसल्ली हुई। हम देखते हैं कि दूसरे डिपार्टमेंट्स में हमारी शिकायतों की कोई सुनवाई नहीं होती। लेकिन मुझे खुशी है कि इस डिपार्टमेंट में सब 'प्रोविसेज' के मेम्बरो को बुलाया जाता है और उनको अपनी बात कहने का मौका दिया जाता है। यह भ्रमलग बात है कि हमारी बात को माने या न माने, लेकिन जो हम कहना चाहते हैं उसको कहने का तो हमें मौका मिलता है। जिस तरह से गवर्नमेंट ने इस फ्लड के मामले को वार बेसिस पर हल करने की कोशिश की है उसको देख कर मुझे उम्मीद होती है कि इस देश का काम तेजी से चलेगा। मैं नन्दा जी को इसके लिये मुबारकबाद देता हूँ। मुझे इन बिलों को देख कर बड़ी खुशी होती है और मैं चाहता हूँ कि ये बिला तरमीम के पास हो जायें ताकि गवर्नमेंट आफ इंडिया को अस्तियारात मिल जायें और जिस को इस बारे में शिकायत हो वह उस से अपनी शिकायत कर सके और अगर कोई स्टेट इन्साफ नहीं, करती तो इन्साफ हासिल किया जा सके। मैं उन बदकिस्मत आदमियों में से हूँ जिन को पंजाब गवर्नमेंट से इस बारे में सब से ज्यादा शिकायत है। हमारा इलाका पंजाब में है लेकिन पंजाब गवर्नमेंट हमारी तरफ घ्रांख उठा कर भी नहीं देखती। अब मुझे उम्मीद है कि हमारे साथ इन बिलों के पास होने से इन्साफ हो सकेगा। मैं तो चाहता हूँ कि इस बारे में स्टेट्स की सारी प्रावसं गवर्नमेंट आफ इंडिया को दे दी जायें ताकि सेन्टर इन्साफ कर सके। मैं तो समझता था कि इस मामले में मैं ही सब से ज्यादा बदकिस्मत हूँ, लेकिन मैं यहां पर बहुत मेम्बरो को शिकायत करते देखता हूँ कि उन की स्टेट ने इस मामले में इन्साफ नहीं किया है। अगर गवर्नमेंट आफ

इंडिया को ये प्रावसं मिल जायेंगी तो अगर कोई स्टेट इन्साफ नहीं करेगी तो गवर्नमेंट आफ इंडिया इन्साफ कर सकेगी।

मेरे दोस्त एन० आर० मुनिस्वामी ने दो बातों पर कटाक्ष किया है। उन की राय से हाईकोर्ट के जज का फैसला नातिक होना चाहिये। हालांकि इस के अन्दर एक प्रावीज है कि हाई कोर्ट के जज का फैसला नातिक नहीं होगा बल्कि गवर्नमेंट को अस्तियार है कि अगर वह चाहे तो तीन महीने के अन्दर उस फैसले को इंटरप्रिेशन के लिये और गाइडेंस के लिये या एक्सप्लेनेशन के लिये वापस कर सकती है। मेरे ख्याल में मेरे लायक दोस्त का शायद ऐसा ख्याल होगा कि जैसे गवर्नमेंट को इण्डस्ट्रियल डिस्प्यूट्स ऐक्ट की दफा १५ में यह अस्तियार है कि वह उस को तबदील कर सकती है और जैसा कि बैंक एवार्ड के सिलसिले में हम ने देखा, लेकिन यहां पर इस तरह का अस्तियार नहीं है। इस के अन्दर दोनों चीजें कायम हैं। इस में अगर कोई जज गलती कर दे तो सेंट्रल गवर्नमेंट जो सारे हमारे हकूक की निगहबानी करती है, उस को अस्तियार है कि वह उस का फैसला उस के पास वापिस भेज दे इस वजह से नहीं कि फैसले की अपील गवर्नमेंट सुनती है और अगर कोई गाइडेंस देना हो या इंटरप्रिेशन देना हो तो उस को वापिस भेज देती है और उस ट्रिब्यूनल को यह अस्तियार दिया गया है कि उस फैसले को माडिफाई कर दे या कनफर्म कर दे। मैं श्री एन० आर० मुनिस्वामी के जूडिशल सेंस से अपील करूंगा कि वह इस को इस रोजनी में देखें और उन का यह ख्याल गलत है कि वह जो जज है उस के फैसले को गवर्नमेंट रद्द कर देगी, बल्कि उसी जज को अस्तियार है कि वह उस फैसले को कनफर्म कर दे या उस को

माहिफाई कर दे, प्रलवता अगर उसे कोई
माइडेंस देनी हो तो दे सकती है

Shri V. P. Nayar: That portion of the speech may be made in English.

Pandit Thakur Das Bhargava: I can also speak in English, but I will be wasting my time. I shall take two minutes. My humble submission is this. The High Court Judge gives the award or judgment or decision ultimately. The provision is this.

"...anything therein contained requires explanation or that guidance is needed on any matter not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may, within three months from the date of the decision, refer back the decision of the Tribunal for reconsideration and on such reference, the Tribunal may confirm or modify the decision given by it and shall forward the same to the Central Government."

It is not as if the Central Government can say, your decision is wrong and so we overrule it. On the contrary, the High Court Judge is given the power, for guidance or explanation, to confirm or modify as he chooses. There is absolutely no objection so far as this is concerned. It is perfectly true—I am not speaking so far as the Supreme Court Judges or High Court Judges are concerned with any disrespect in any way—that the technical knowledge which the Government has got is certainly much more than what a Supreme Court Judge or High Court Judge can have in matters of this nature. So far as the decision is concerned, it is the Tribunal's; it is not a case of the Government taking any decision.

When I read clause 8, I am very happy. Clause 8 says:

"Notwithstanding anything contained in section 3 or section 5, no reference shall be made to a Tribunal of any dispute that may arise regarding any matter which

may be referred to arbitration under the River Boards Act."

These River Boards have got certain powers. They are overall powers to decide how a river shall be put to optimum utility etc., and can only be exercised by the Central Government in regard to certain matters which are not minor, but which do not go to the root of the matter. Then, the tribunal is to be appointed under this Inter-State Water Disputes Bill and the other powers are with the Government. Therefore, so far as this Bill goes, this is a very good Bill along with the other Bill. Reading the Bill as a whole, I am convinced that Government means business. The Government of India will not be discharging its duty if it gave these powers to any of the judicial courts, and their decision is taken as if they decided rights to property. These are not rights in property. They are very important rights. I am very happy that right provisions have been made with regard to this matter, in accordance with the Constitution. Even in the Constitution, the law-givers had taken this view that in regard to these matters the powers should remain with the Government as such and should not be made over to the State Governments or even to judicial officers. I am glad that this principle has been accepted. I have every hope that when these Bills are effectuated, we shall have many more dams, many more irrigation schemes, much more use of our rivers. According to me, if the rivers are used rightly, even one or two States will be able to produce the entire grain needed for the country.

Shri Punnoose: This is a short Bill and I welcome it. As the Minister said, such an enactment was long overdue. A number of very important disputes have been hanging fire all these years and the progress of the country has been very much impeded by these disputes. Therefore, that the Government of India have now made up their mind to come with such a Bill is quite welcome.

[Shri Punnoose]

But, I do not believe that the mere enactment of a Bill like this can solve our difficulties entirely. There are certain sources from which these disputes have been coming up in the past. There have been statements in the other House persuading the Central Government to expedite matters. No doubt, disputes have to be expeditiously settled. But, we should not do so at the cost of the interests of the particular States involved. As the hon. Minister stated, there is a lot of ignorance with regard to these things. The people of a particular State believe that if something is done with regard to their rivers running through that State over the boundaries of that State, something very calamitous will happen to them. The Central Government by taking upon itself the responsibility of controlling these things, cannot extinguish these doubts. These matters should be cautiously proceeded with. The local demands, the aspirations of the particular States, etc., have to be taken into consideration. Certain aspects of this Bill itself have to be more fully discussed when the other Bill comes up. The whole difficulty with this question is that the Government of India have not got in their possession a clearcut plan, what I would call a master plan for the whole of India, what are the water resources of India, and how best they can be used. If the Government had such a plan, it would have been easy to settle the disputes, and convince particular States that giving some water here or raising some bund in some place or putting up some dam will not go against its interests. While we proceed expeditiously, we should also make up our mind to see that whenever any step is taken, the participating States are convinced of the step that we take. Else, the question of water may be settled. But, that would create a lot of bad blood. That would, in the long run, go against the interests of the country.

5 P.M.

In this Bill, it is provided that any State may take any dispute for arbi-

tration to the Central Government. It is very necessary that all the important long-pending disputes should be settled. But, it should be noted that very recently, a tendency has developed to a large extent that the neighbouring States cast jealous eyes on the waters of the other States. I think if Moses were alive today,—he said covet not thy neighbour's wife—he would have said, covet not thy neighbour's rivers. The hon. Minister made a short reference here to a particular dispute between the Travancore-Cochin State and Madras. There is a river, the biggest river in our State, but one of the smallest in India, the Periyar. We are particularly fortunate in one sense that all our rivers are exclusively ours, almost all barring one. Therefore, we have not to enter ordinarily into disputes. In the eighties of the last century there was some agreement between the Durbar of the then Travancore State and the then Madras Government with regard to the diversion of a certain amount of water from the Periyar river, and that for a song, for a very petty amount, I am only happy it was given, but the difficulty is that today it has become an inter-State river, that the Durbar on that occasion either through means fair or foul, I mean freely or under duress, probably under duress, gave permission to divert some water has got us involved in disputes. I do not say that the claims made by the Madras Government are absolutely unjustified, or that we should not give them any concessions. We on this side of the House do not believe that the various States of India are going to develop in competition as one against another, but in co-operation and with mutual understanding. Therefore, the largest amount of help should be given to the neighbouring State, no doubt, but in this particular case a certain amount of water was given for irrigation purposes. Years after the Madras Government wanted power to be generated from it. So far, what the Minister has said is correct, but the Minister has not stated whether for the generation of power more water

was demanded by the Madras Government. That is a detail of which I am not informed at the moment.

Some months back, the hon. Minister had a talk with us, Members from Travancore-Cochin State, and he said, of course in his own good-natured way: "So much water is running to the ocean in Travancore-Cochin State. Probably you will be more than prepared to share, or to give some of it to Madras." Strangely enough for him I said: "No". I said: "Suppose this water flows to the ocean for some years more, we can stop it; if not we, our children can stop it, but suppose it goes to Madras, we can never reclaim it." And therefore, what should be done in a condition like that is that we should have, as I said, a master plan.

In a State like Travancore-Cochin we are blessed with water. One hundred and twenty inches of rain is our average annual rainfall. But you should remember that water is one of our very few gifts. We are not endowed with many other things. Therefore, we would be naturally a little hesitant in entering into deals.

Coming back to this Periyar case, in the thirties the case went for arbitration. Both Governments agreed for arbitration, and some Calcutta High Court Judge gave a judgment that Madras has no right to generate electricity out of the diverted water without coming to terms with the Travancore Government. After that when the case was decided in favour of the then Travancore Government, it was generously offered from the Travancore side: "Come on, we shall have a joint enterprise." It invited the Madras Government to have a joint enterprise for generating electricity, but that has not been accepted. I am not here to defend the Travancore-Cochin Government, either the Durbar or the Congress Government. Certainly the Madras Government has to be given all possible help, but this aspect of the question should be considered and that

is why I said in the beginning that the particular people involved, the States involved will have to be delicately handled. Therefore, is it sufficient for a particular State to say that it has a dispute with regard to some water, or should the Central Government make a preliminary enquiry, or at least call the representatives of both the States, make some preliminary study and then decide whether it should be given to arbitration. That, I think, the Joint Committee should consider.

Then, the appointment of a Supreme Court Judge or an ex-judge of the Supreme Court is proposed. I do not believe in a single man tribunal like that. At least three people must be there. I am not very particular that engineers should be there. Of course, the Judge can receive their opinion, but at least three people should be there, because it is not a question of giving justice only; it is a question of convincing others that everything has been done to do justice. In this particular case provision is only for two assessors. That I do not think is sufficient.

I welcome the clause for referring back, because if there is a mistake, this is not something which can be easily overlooked, when it is necessary to refer back a case, it should be referred back. The hon. Minister stated in the other House that it is meant only to refer back point at dispute. With that I agree, but if in considering those disputed points some other previous decision has to be disturbed, it will have to be done. I want the Joint Committee to look into that matter also.

Here the powers of the tribunal are given. I believe that the powers must be very wide and also that any number of witnesses should be allowed to come in, to produce whatever evidence they have. With regard to the Joint Committee, I think it has got a very, very important task to perform. I do not know how far the State Governments have been consulted with regard to this Bill. The Joint Committee, I think, should invite representatives of States to

[Shri Punnoose]

come and give their views, and if necessary the Joint Committee should have the facility to undertake some travel,—because this is a very important issue over which there have been disputes pending far long. I think the Joint Committee must go into the whole question in very great detail.

Mr. Deputy-Speaker: Shri Lakshmayya.

Shri S. L. Saksena: On a point of order, Sir. I think clause 11 of this Bill is *ultra vires* of Articles 136 of the Constitution. Can this Parliament take over the powers of the Supreme Court which have been conferred on it under the Constitution? Article 136 says:

“(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under the law relating to the Armed Forces.”

All tribunals are under the Supreme Court, and the Supreme Court can pass an order against any judgment, decree etc., passed by a tribunal for an appeal. Because of this, clause 11 of the Bill will be *ultra vires* of the Constitution.

Shri Hathi rose.

Mr. Deputy-Speaker: Does he want to say anything?

Shri Hathi: Only this, that Article 262 of the Constitution says:

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

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

So, there is explicit provision in Article 262.

Mr. Deputy-Speaker: Under Article 262 enough power has been given to Parliament to remove the jurisdiction of the Supreme Court in particular cases as water disputes.

Shri Lakshmayya.

Shri U. M. Trivedi: On a point of information, may I know how long we will continue this discussion?

Mr. Deputy-Speaker: We started at 3 P.M. We will go to the other Bill as soon as this Bill is finished.

✓ **Shri Lakshmayya (Anantapur):** I think the hon. Minister for introducing this Bill. The hon. Minister ought to have introduced this Bill earlier, particularly when the Government have been contemplating the construction of a number of power projects, and projects for giving irrigation facilities to the country. Such a Bill is necessary for our country as she has got a number of mighty rivers. For instance, in the South we have got big rivers like Godavari, Krishna, Pennar, Cauvery and others. In the north we have got the gigantic Ganges, Jamuna, Brahmaputra and a number of tributaries. We have got plenty of water in the rivers. But we are using only 5 per cent. of the water. To make full use of the water, we have contemplated all these irrigation schemes. You are aware that in the villages, even in the small villages, there are disputes for water and, particularly, for the canal water. Large sums of money are spent in courts and the disputes would go on for five years, ten years and twelve years. Similarly, between the States a number of disputes would arise

because all our long rivers are flowing through two or three States. This Bill relates to inter-State rivers and river valleys.

For instance, I may tell the House, there is the Nandikonda Project in Rayalaseema. Two States have interest in this and there is the Upper Pennar Project. The river takes its rise and flows through Mysore State. Some five or six years back there arose a dispute between the Mysore State and Andhra in regard to three projects; Bhairavani Thippa Project, Upper Pennar Project and Tunga Bhadra Project. Even now they are not settled. The dispute for Upper Pennar Project—was in relation to the submersion of a few acres of land—dry and useless land about hundred and fifty acres in extent. On account of that the work was suspended for three years. Later on, our Minister went to Bangalore in person and got it settled.

Another thing that is hanging fire in Andhra State, particularly in Rayalaseema, is the dispute in regard to the water of Thunga Bhadra Project for 'High level Canal'. The dispute over Bhairavani Thippa Project is still not settled. The foundation was laid some four years back. The work rests with the foundation stone alone. It has not progressed at all.

Similarly, in the North, when the rivers are long and are flowing through a number of States, disputes are likely to arise. So, a Bill of this sort is necessary.

This Bill derives its power from article 262 of the Constitution. Of course, most of the provisions that are embodied in the Constitution are incorporated here. This is the first stage of the Bill, that is, referring to the Select Committee. Therefore, I wish to say that I am very happy.

Regarding the nomination to the Tribunal, the Bill contemplates that he must be either a Judge of the High Court or the Supreme Court. The assessors must also be persons of high character. They must be per-

sons of integrity and honesty. Instead of two assessors (one from each State) I suggest that there should be one more to give advice to the Tribunal.

With regard to the time, it is better that a time-limit is fixed; otherwise it may go on for months and years together. I should like to join some of the Members in suggesting that the Tribunal and the assessors should make personal inspection of the works that are in dispute—the water dispute and all that. They should see them in person to have a better understanding of the case, then examine witnesses before they come to decision on that. This is another thing which should be provided for in the bill.

With regard to the other things, when the Bill comes for debate we will express our opinion. But anyhow I want such disputes to be settled—adjudicated—as early as possible. For everything co-operation and co-ordination is necessary. I am sorry to say that I did not get an opportunity to speak in the flood control debate. I should like to tell the House now how such non-co-operation and non-co-ordination would hamper the progress of the work. I had the fortune of seeing the Kosi Project. It was a pleasure to see four organisations, such as the Auxiliary Cadet Corps, the Shramadhanis, the Bharat Sevak Samaj, and a host of labourers employed by private contractor, working on the construction in the Kosi Project. It was really a pleasant sight. I was reminded of the Ramayana incident when the bears and monkeys were busy in constructing the bridge, that huge bridge which linked India with Lanka. I was reminded of those days of Rama and Ravana. These people were working from 5-30 to 10 and evening from 4 to 7 P.M. during the days of summer—and we could see the sweat of their brow. We could see that they were working with so much vigour and enthusiasm. I appreciated the spirit of the people there, particularly, the Shramadhanis, who

[Shri Lakshmayya]

were working for a period of ten to fifteen days without touching a single penny out of that. Really, I very much appreciated the co-operation of the people and the spirit of the people. There should be more co-operation amongst the people because non-co-operation will lead to the hampering of the work. Similarly, the disputes between the States would also hamper the progress of our project work. Unfortunately, there was no co-operation in Kosi project work between the engineers and the Shramadhani workers and the Bharat Sevak Samaj. The engineers were interested in the private contractors for reasons best known to themselves and they were not co-operating with the other organisations. They were not showing the sites and marking them for work. They were not giving proper guidance. The Shramadhani workers, who are not paid even a penny, and the Bharat Sevak Samaj workers who were working with enthusiasm were helpless on account of the non-co-operation of the engineers. As the Minister has stated, they constructed only 50 miles. If they had full co-operation and full co-ordination of the engineers, these people would have constructed at least 80 or 100 miles there. That is why I say that an Act of this type is necessary just to settle the disputes, quarrels etc. I welcome the Bill whole-heartedly and I support the measure once again.

Shri Nanda: I am so sorry that the House has not been able to avail itself of the full quota of time to which it was entitled for the discussion of this Bill.

Shri U. M. Trivedi: On a point of order. The Minister is replying. That means, after the hon. Minister has spoken, can we take vote upon this Bill?

Mr. Deputy-Speaker: I will give my ruling and then the House can vote or not. So far as the facts are concerned, let it be finished.

Shri Nanda: It has received support from all the Members who have spoken. Particularly, a powerful plea on behalf of the Bill has been put in by the Hon. Member Pandit Thakur Das Bhargava. There is not much that I have to deal with in answer. Some of the small points of detail can be taken up in the Joint Committee.

One issue that was raised at the very outset was about the use of Article 262 rather than Article 263. I think the simple answer is that Article 263 deals generally with matters of co-ordination whereas Article 262 has been specifically inserted in the Constitution for this purpose, that is, the purpose of inter-State water disputes.

Then, regarding the particular clauses of the Bill, one or two points have been raised. Some of them have already been answered. Why do we restrict the choice in respect of the personnel to a Judge?

I need not give an elaborate reply. A point was made that these being technical matters, why not have a technical man or a man drawn from public life. In regard to that I would invite attention to sub-clause (2) of clause 4 which provides for the appointment of assessors to help the judge. In such matters of great moment to the life of large communities in the country a judicial view has ultimately to be brought to bear upon them. It is essential that it should be a judge who should preside over this tribunal.

There was the question of our referring back a decision of the tribunal. This has been very adequately dealt with, that it is a very proper provision. It may be, as was pointed out, that the tribunal having considered the matters, something new has arisen, or there is some technical aspect of it which has to be brought to the notice of the tribunal;

and it is really to help the tribunal to take a fuller view of the matter that ultimately the decision is left entirely to the discretion of the tribunal itself.

There was one other point regarding clause 5(3). In one place the Bill says that within a period of three months a reference may be made to the tribunal. But in another clause, namely in clause 12, there is no such time-limit placed and power is given to the Government to dissolve the tribunal after it has submitted its report. If it is at all necessary to clarify this, it can be done in the Joint Committee. The moment a State has indicated its mind to make a reference, I mean the moment the Central Government finds anything requiring to be considered, of course there is not going to be a dissolution of the tribunal. So this is a matter of detail which can be attended to.

Then there was some general point made about dealing with the States in a manner that we do not alienate them. Hon. Members will find presently, when we deal with the other Bill, that the susceptibilities of the States have been taken care of fully. And even here there is no intention to just rush to a tribunal. It will be only after every other possibility—the possibility of a settlement by agreement—has been exhausted, it is, only then that recourse may be had to the tribunal. And it is quite probable that with that power of reference to a tribunal, in that background of reserve power, use of it may not be very frequent; because the parties know that ultimately some third party is going to settle and it is much better that the parties concerned with the help of the Central Government dissolve the dispute themselves.

Reference was made to the question of master plan, etc. That is a very relevant consideration, but it arises much more in connection with the other Bill, and I will explain that aspect there.

There was one little matter urged by an hon. Member about Travan-

core-Cochin State. There can be no intention of ever depriving a State of all that is due to it before another State is allowed to appropriate any of those resources. And so far as power is concerned, it is not a question of giving water and not being able to take it back; because power is transmitted over very large areas over transmission lines, and it can certainly be adjusted, used and distributed for all the legitimate claims of the States concerned. So there should be no fear in the minds of hon. Members that there will be anything to which the States can take any reasonable exception regarding the operation of this legislation when it is enacted.

Sir, I do not wish to take any more time.

Pandit Thakur Das Bhargava: May, I know if the States had been consulted in regard to this legislation?

Shri Nanda: The States have been consulted overmuch. I think hon. Members were rather very indulgent to me and they did not ask this question, "Why did you not bring this Bill, such an urgent piece of legislation, earlier?" The answer is that since 1950 various drafts have been coming to and fro and various conferences have been held and the whole matter has been thrashed out fully.

Mr. Deputy-Speaker: Before putting the motion to the vote of the House I will give my ruling.

Pandit Thakur Das Bhargava: May I suggest that you may be pleased to take up the other Bill and we may proceed with its discussion and the motions may be put to the House after you have been pleased to deliver your ruling? Because, if the ruling is that we should not proceed with this, then it is useless to put it to vote. You have been pleased to order that discussion shall go on. But the discussion may stop here and we may discuss the other bill upto the present stage and you may be

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pleased to give your ruling before the motion is put; because if the motion is put, then we are making ourselves a party to it and we will be stultifying ourselves if your ruling is that it is a Money Bill.

Mr. Deputy-Speaker: I will give my ruling now.

Pandit Thakur Das Bhargava: If the ruling is being given now it is all right.

Shri U. M. Trivedi: To my mind it is very clear that there is some confusion on this question of its being a Money Bill or not, and that is why I wanted to raise this question. I do not for a moment say that it is a Money Bill or anything of that kind. I say that the provisions of Article 110(3) do not apply here; and therefore the interpretation which is being put, that the Speaker's decision on this point that it is a Money Bill is final, is not correct. I say with very great respect that this is not the point which I wish to submit before this House. My contention is only this much. It is not the question of its being a Money Bill which could be considered, introduced or moved. The question is only this. Under Article 117 if there is a Bill which covers any of those things enumerated in clauses (a) to (f) of Article 110, if there is any Bill which makes provision for any of these—it is not a question of Money Bill—if such a Bill is to be introduced, it cannot be introduced in the Council of States. I can refer to May's *Parliamentary Practice* also in this connection. It becomes then a question of breach of privilege of this House if such an introduction has taken place in the Council of States.

Therefore, my contention is not as you have understood. My very humble submission is, I am not for a moment raising this question of its being a Money Bill or not. The question is that various matters as enumerated from (a) to (f) in Article 110(1) of the Constitution cannot be introduced in the Council of States.

Mr. Deputy-Speaker: Even if it is not a Money Bill under Article 110, under Article 117 as a financial Bill also it ought not to be introduced in the Rajya Sabha that is the point of the hon. Member.

Shri U. M. Trivedi: Yes. I do not wish to say anything on the question whether it is a Money Bill or not. That is not the point here.

Pandit Thakur Das Bhargava: I would request you to see the Financial Memorandum to the Bill. It says the money will be taken out of the Consolidated Fund of India. Where is the doubt? Government itself says that the money will be taken from there and from nowhere else. How can Government blow hot and cold when they say this in lines 6 and 7 of the Financial Memorandum?

Shri S. N. Das (Darbhanga Central): It may be by appropriation.

Pandit Thakur Das Bhargava: Appropriation is a subsequent affair. But here they have provided for withdrawal from the Consolidated Fund of India under clause 10 itself.

Mr. Deputy-Speaker: I have considered the point of order, and I shall give my ruling now. Whatever ruling I give in regard to this Bill will apply also to the other Bill. If I were to hear the points of order in regard to both the Bills, but reserve my ruling on both and give one ruling later on, then possibly all the time may be wasted. So, I have considered the matter even as the discussion was going on, and this is what I feel.

First of all, I shall state clearly the objections that have been raised. Now, this is a Bill which has been introduced in the Rajya Sabha and referred to a Select Committee, and our assistance has been invoked for the purpose of having a Joint Committee. It is certainly open to this House to say, this Bill, to the Select Committee on which our co-operation has been sought, is not within the

competence of the other House, and therefore, we are not going to participate in the Select Committee or pass this motion. The point therefore is whether the other House had jurisdiction to proceed with this Bill which has been referred to a Select Committee on which we have been asked to co-operate.

The objections that have been raised are as follows: firstly, it is a Money Bill; and secondly, even under sub-clause (c) of clause 1 which relates to withdrawal of moneys from the Consolidated Fund of India, and under sub-clause (d) of clause (1) which relates to appropriation of moneys out of the Consolidated Fund of India, any Bill that makes provision either for withdrawal of money from or appropriation of money out of the Consolidated Fund becomes a Money Bill. And under Article 109, no Money Bill can be introduced in the Council of States. On this ground, exception is taken.

The answer to that objection has been stated by the hon. Minister of Legal Affairs in this. He says that in the opening words of clause 1 of Article 110 it is said that a Bill which makes provision only for items mentioned in sub-clause (a) to (f) or ancillary items mentioned in sub-clause (g) alone can constitute a Money Bill. But here there are no such incidental matters; but other matters, are there. So, it is not purely a Money Bill, and it does not come under that category.

Shri U. M. Trivedi also says that he is not taking exception to this on the ground that it is a Money Bill. Therefore, it may be taken for granted that the objection to this measure is not on the ground that it is a Money Bill, but on the ground that it is a financial Bill under Article 117, and that under clause 1 of Article 117, no financial Bill which contains provisions relating to the items mentioned in sub-clauses (a) to (f) of clause 1 of Article 110 can be introduced in the Council of States.

As against this, the hon. Minister of Legal Affairs drew the attention of the House to clause 3 of Article 117 where it is said that any measure which involves an expenditure from the Consolidated Fund of India requires the sanction of the President before it is passed. Now, clause 1 of Article 117 bars the very introduction or moving of a Bill, if it relates to sub-clauses (a) to (f) of clause 1 of Article 110, in the Council of States.

Now, there is a difference between a Bill which is contemplated in clause 1 of Article 117 and a Bill which is contemplated in clause 3 of Article 117. No doubt, in the marginal note to Article 117, the entire article has been given the heading 'Special provisions as to financial Bills'. But from the manner in which clause 1 of that Article has been worded, and the different wording that has been followed in clause 3 of that article, it appears that Article 117 as a whole seems to contemplate two classes of financial Bills; one class of financial Bills consists of those Bills which strictly refer to items mentioned in sub-clauses (a) to (f) of clause 1 of Article 110, and which contain provisions exclusively for that purpose; these Bills are called money Bills; the second class of Bills consists of those Bills which, on account of these provisions being included along with other provisions are not Money Bills; they are only financial Bills, and they belong to one category by themselves. In other words, the two classes are: Bills where specific provisions have been made for withdrawal of moneys from the Consolidated Fund as contemplated in sub-clause (c) of clause 1 of Article 110, or for appropriation of moneys out of the Consolidated Fund as contemplated in sub-clause (d) of the same clause; and Bills where such specific provisions have not been made.

But a Bill may involve incidentally some expenditure from the Consolidated Fund of India. That Bill is contemplated only in clause 3 of Article 117. This Bill is different from the other Bills; though in the Financial Memorandum attached to

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the present Bill it might be said that this Bill would involve some expenditure, yet it is not inconsistent with the provision made in clause 3 of Article 117. Clause 3 of Article 117 definitely contemplates cases where directly there is no provision in the Bill, or in any clause in the Bill, for withdrawal of moneys from the Consolidated Fund or for appropriation out of the Consolidated Fund, but incidentally the effect of a provision in it will involve spending money out of the Consolidated Fund. It is for such Bills that provision has been made in clause 3 of Article 117.

Reading clauses 1 and 3 of Article 117 together, I find that clause 1 seems to refer to cases of Bills which come under sub-clauses (a) to (f) of clause 1 of Article 110, and where specifically and in so many words, provision is made for the withdrawal of moneys from or appropriation out of the Consolidated Fund.

Here in this Bill, it is contended that in such terms, there is no withdrawal of money from the Consolidated Fund provided for, nor has appropriation out of the Consolidated Fund been asked for. But all the same, it affects the Consolidated Fund; it involves expenditure from the Consolidated Fund. On this ground, therefore, it is contended that this Bill, though a financial Bill, does not come under clause 1 of Article 117, but it exclusively comes under clause 3 of Article 117. If this opinion prevails, then there is no provision in clause 3 of Article 117 similar to the one made in clause 1 of that Article preventing the jurisdiction of the Rajya Sabha so far as the introduction of this Bill there is concerned. There is no similar provision in clause 3 of Article 117. But there is this provision there, that where such a Bill is introduced in the Rajya Sabha or here, before it is passed, the sanction of the President is necessary. That sanction has been obtained under clause 3 of Article 117, as has been endorsed on the back cover of the Bill.

Therefore, on a maturer consideration, and after hearing both sides, I come to the conclusion that this Bill is neither a Money Bill which comes under Article 110, nor a financial Bill which comes under clause 1 of Article 117, but exclusively a Bill which though a financial Bill comes under clause 3 of Article 117, and for which only at the time of passing or before passing, the President's sanction is necessary.

Therefore, I rule that this Bill is quite in order. And if we decide that matter here, we will not be committing any error of jurisdiction.

I shall therefore put the motion to vote now.

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 adjudication of disputes relating to waters of inter-State rivers and river valleys made in the motion adopted by Rajya Sabha at its sitting held on the 12th September, 1955 and communicated to this House on the 13th September, 1955 and resolves that the following members of Lok Sabha be nominated to serve on the said Joint Committee, namely, Shri Piare Lall Kureel Talib, Shri Sohan Lal Dhusiya, Shri Sunder Lall, Shri Vyankatrao Pirajirao Pawar, Shri Ramappa Balappa Bidari, Shri Chandrasanker Bhatt, Shri G. R. Damodaran, Shri M. Shankarapandian, Dr. M. V. Gangadhara Siva, Shri M. K. Shivananjappa, Shri Luxman Shrawan Bhatkar, Shri Nand Lal Joshi, Shri P. Ramaswamy, Shri Anirudna Sinha, Shri Lalit Narayan Mishra, Shri Nayan Tara Das, Shri Ranbir Singh Choudhuri, Shri Lakshman Singh Charak, Shri Basanta Kumar Das, Shri Sitanath Brohmo-Chaudhury, Shri B. Ramachandra Reddi, Shri Kadi-
ala Gopalrao, Nijunja Behari

Chowdhury, Shri Y. Gadlingana Gowd, Shri Jaswantraj Mehta, Shri V. Veeraswamy, Shri Bahadur Singh, Shri R. Velayudhan, Shri Anandchand, and Shri Gulzarilal Nanda."

The motion was adopted.

RIVER BOARDS BILL

Mr. Deputy-Speaker: The House will now take up the motion in regard to the River Boards Bill. Two hours had been set apart for the previous Bill, and three hours for the present Bill. As the point of order relates to both Bills, I would divide the time taken on the point of order between that Bill and this Bill. I must have closed the debate on the previous Bill by 5 o'clock. We started discussion on that at 3 o'clock. But we have finished it at about 5.35 P.M. That means, we have taken half an hour more on that Bill. That half an hour will be taken away from the time allotted to the present Bill for which three hours have been provided for. The House will sit today up to 7 P.M. So, we shall have 1 hour and 20 minutes today for this Bill. The balance of the time for this Bill will be given tomorrow. This Bill will have 2½ hours in all.

The Minister of Planning and Irrigation and Power (Shri Nanda): I beg to move:

"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 Dhusiya, Shri Sunder Lal, Shri Vyankatrao

Pirajirao Pawar, Shri Ramappa Balappa Bidari, Shri Chandrasanker Bhatt, Shri G. R. Damodaran, Shri M. Shankarapandian, Dr. M. V. Gangadhara Siva, Shri M. K. Shivananjappa, Shri Laxman Shrawan Bhatkar, Shri Nand Lal Joshi, Shri P. Ramaswamy, Shri Anirudha Singh, Shri Lalit Narayan Mishra, Shri Nayan Tara Das, Shri Ranbir Singh Chaudhuri, Shri Lakshman Singh Charak, Shri Basant Kumar Das, Shri Sitanath Brohmo-Chaudhuri, Shri B. Ramachandra Reddi, Shri Kadiyala Gopala Rao, Shri Nikunja Behari Chowdhury, Shri Y. Gadlingana Gowd, Shri Jaswantraj Metha, Shri V. Veeraswamy, Shri Bahadur Singh, Shri R. Velayudhan, Shri Anandchand, and Shri Gulzarilal Nanda."

The House, for the purpose of this Bill also, has its time curtailed and I will try to compress the observations that I have to make in putting this motion before the House as much as possible. This Bill is, I may mention, based on, and derives its authority from, entry 56 in the Union List in Seventh Schedule. It reads:

"Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest".

Thus we have in this Bill clause 2 which reads:

"It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided."

The above provision of the Constitution is thus linked up with this clause of the Bill.

In order to carry out this purpose, certain arrangements have been made in this Bill. But what is the purpose?