

**Matter of Urgent  
Public Importance**

[Shri Jawaharlal Nehru]

relatives of those who lost their lives on the Jammu side of the border as a result of this incident."

**Shri Kamath:** The date of this?

**Shri Jawaharlal Nehru:** This was on the 19th May, 1956.

The Prime Minister of Pakistan made it clear that this does not imply admission of any liability on Pakistan's part on account of this incident. He had suggested that a joint statement might be issued by us to make this point clear.

In the course of my reply dated May 30th, after replying to his various arguments, towards the end, I said that I appreciated the offer made by him to make an *ex-gratia* contribution of Rs. 100,000/- towards the rehabilitation of the relatives of those who lost their lives in the Neko-wal border incident and I accepted it. As for the joint statement, I said, I was agreeable to make it and I sent him a draft.

I do not think I have received any reply to this letter from him.

I may mention that for some time past I have been suggesting to the Prime Minister of Pakistan that our correspondence regarding the Neko-wal incident should be published in full. The Prime Minister of Pakistan pointed out that this might not be desirable as this would necessitate the publication of the U. N. Observers' Report also, and for this permission had to be taken from the United Nations. Our information is that the U. N. Secretary-General has no objection to this publication if the two Prime Ministers agreed. I have again asked the Prime Minister of Pakistan for his permission to publish this correspondence.

Now, hon. Members will see that in the course of answering a supplementary question I had said that—these are important words relating to the matter—'Ultimately the Pakistan Government agreed, as a special

case to give'—I forget the amount I had said—'some money for the relief of the families of those who had been killed.' That is what I have stated. It was completely in accordance with that. I did not wish to quote that fully because of this argument going on as to whether the letter should be published or not. But I made it clear that as a special case they agreed to give some money and subsequently I said Rs. 100,000/-. There are the facts.

The Pakistan Government issued a communique which is based on this, that they have not agreed to give any compensation. It may be considered strictly correct that they did not agree to pay compensation. I accept that, but they might have stated in that communique that they agreed to give Rs. 100,000/- for the relief of the people concerned

#### RIVER BOARDS BILL

**Mr. Speaker:** We shall now take up further consideration of the motion that the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river Valleys, as passed by Rajya Sabha, be taken into consideration. Shri Gulzarilal Nanda will conclude his reply.

**The Minister of Planning and Irrigation and Power (Shri Nanda):** When the House rose last evening I was engaged in dealing with the point urged repeatedly in the House that while the legislation was intended to carry out a very essential purpose, Government had not armed itself adequately with powers which might enable it to carry out that purpose effectively. It was further contended that even the agencies and the machinery created by the law through which Government proposed to function are, in their turn, not invested with adequate powers. It was said, for example, that the River Boards

have only the function of advising and it was asked, 'if that advice is not accepted, what is to follow?' They thought that in a matter so vital as the development of the rivers and river valleys of this country, the position should not be left so vague as this. And, following this, there was an insistent question as to why the Bill could not be amended in the sense that Government itself may be in a position to give a binding decision, or, alternatively, the Board should be armed with powers to make a final decision.

Some of the Members further said that not only should Government play a decisive role in settling the schemes which have to be implemented but it should also undertake the function of implementing those schemes in case there is any difficulty or delay in the implementation of these schemes. These raise very important issues, issues of very great consequence and, normally, it would have taken me considerable time to deal with them. An elaborate answer would be required. But, since I have already dealt with this matter at fair length at an earlier stage, I do not think I should take up much of the time of the House on this issue. I shall, however, explain the position very briefly.

The answer is two-fold. First is, as to whether a binding decision follows the processes of law as laid down in this Bill. It may be that Government, has not got that power. But, if hon. Members see the various provisions of the Bill, they will find, at the end, an authority which can make an authoritative pronouncement and give a binding decision. It is the arbitrator. I would acknowledge that this is a somewhat lengthy procedure. It may be considered that it may involve some delay. I shall explain it in another way. But the answer to the question whether there is provision for a binding decision or not is very clear, and that is that it is there in the scheme of the Bill. That is, if the advice of the Board is

not accepted by one party or the other, then the aggrieved party can approach the arbitrator and the arbitrator, after going through due process, will be in a position to state as to what should be the scheme, who should pay for it, and what should be share of liabilities etc.

But the more important answer lies in a different direction. That relates not only to the decision but also to the connected arrangements regarding the implementation of the scheme. In this Bill, the provision is that if an arbitrator says that a particular scheme has to be carried out, then, it becomes the duty of the parties concerned to carry it out. But, in addition, there is a provision that the Central Government can step in, either at the request of the parties or *suo motu* to give such assistance as may be required for the implementation of the scheme.

The more important part of the answer is this. As I said, let us not look at this legislation in isolation from the other apparatus that exist for the purpose of dealing with the same problem. Let us not forget that, so far as the development of these rivers in the various States is concerned during the last 4 or 5 years, a great deal of work has been done; investigations have been made; schemes have been formulated and implemented and the requisite machinery has been built up. There is the Planning Commission which decides what is the scheme which is going to be admitted into the Plan and which is to be carried out this year or next year in the course of the 5 years.

As hon. Members know, the plan goes through the National Development Council, on which the Chief Ministers of the States are represented, then it comes to the Parliament and becomes a plan in which all the schemes are there.

**Pandit Thakur Das Bhargava** (Gurgaon): May I know what sort of obligation is there for the States to execute what the Advisory Board

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asks them to do? Under clause 15 it is not so. The schemes become approved, but there is no obligation to carry them out.

**Shri Nanda:** I am explaining this. Since it is an award of the arbitrator, under clause 22(4), "the decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them". So far as the words are concerned, they are there.

**Pandit Thakur Das Bhargava:** So far as an award is concerned, it is binding upon the parties. If the Board approves the scheme, the execution of the scheme is not binding or obligatory upon the States, according to clause 15.

**Shri Nanda:** Therefore, I was pointing out that this has to be understood in the context explained by me, the context of the plan, the context of a committee which has been already set up to scrutinise the schemes, to vet the schemes, which come from the various States. After technical scrutiny and approval, they go into the plan. The decision of the arbitrator relates also to those schemes. When an approved scheme is there, one party is prepared to carry it out while another is not prepared to carry it out and then the party which is affected adversely goes to the arbitrator and says that a particular State is refusing to carry out a duty which is cast on it by the Board and it approaches the arbitrator to say what the rights and duties of the parties are. So far as a definite or final decision on the point is concerned, it will be there. The question may still be that a State says "We will not or are not going to implement the decision of the arbitrator". I do not think that that situation can arise, but there are provisions in the Constitution to cope with such a kind of a situation. The real thing is that we do not anticipate that that much work will fall on these Boards, because, as I

said, scores of schemes every year are being taken up and dealt with on the lines visualised in the Bill. Various investigations are carried out and disputes also arise. There are differing points of view and differing claims and they are being resolved now through the agency of the Central Water and Power Commission and through the Planning Commission. Therefore, all these things are being done as it is.

The need for this measure is to obviate any chance or any possibility of a dispute on the merits of the schemes themselves. Whatever the Central Water and Power Commission or the Central Government are doing, we thought it would be better to introduce between the Government and the State a machinery which might have some kind of an authority arising in the first instance out of its technical competence—the Board has got technical experts and specialists of all kinds—and secondly through an impartial person who will have nothing to do with one State or another or the Central Government. Therefore that authority will be in a position to make a declaration which will not only have a binding effect but which will also have a moral authority. There is the moral authority of the Central Government today which makes it possible for all these things to be dealt with now, and this is a kind of a reserve power. I believe that the machinery that is being created or sought to be created and the provisions that are inserted in this Bill would go far enough to deal with any situation that may arise; it is not intended to deal with some situations which we do not anticipate to arise. There is a further fact that it is possible for us to take all those powers. I do not think it is possible for us, as has been suggested, to execute the schemes and then to ask the States to make their payment. We have not got that power. Development of irrigation and power is a function vested in the States themselves. Suppose a State refuses to carry out a scheme, what is

to be done? We cannot go and carry it out ourselves and then compel the State to pay. It will be very easy for a State not to carry out a scheme and for us to go and implement it ourselves and be placed in an invidious position. The fact that there is an arbitrator improves the position for the administration; also there is greater provision made for respecting the susceptibilities of the States in this matter. They have the confidence that there is a machinery which will deal with this matter in an impartial manner. This is a major question arising out of the discussion of this Bill. I have tried to explain that the best that is possible now is being done in the matter. Some of the amendments which hon. Members have moved are linked up with this issue and that is the answer to all those amendments also. It is possible that they have a different conception and a different scheme of a Bill, but the concept and scheme of this Bill are different from theirs. Their view can be adopted, but we have not chosen to do so because we believe that in the circumstances of the administration of this country, this will lead to better results. Although it may mean not one step but two steps or three steps, those three steps will possibly lead to better results ultimately then forcing something on the States irrespective of what they may have to say at one stage or another.

Some points have been raised about the way these Boards are constituted and the way they function—why not have a single Board? Why have so many Boards? It would make the functioning of the Board impossible because at one time there may be two or three places where a question may arise, where the questions may be of different degrees of importance, and it is better to have a flexible arrangement. There may be some questions about floods, there may be questions about river pollution or soil conservation. Questions may be of different types or character. Therefore, the composition of the Board also will have

to be adapted to the requirements of the situation. A single Board idea is not very suitable for the purpose we have in view.

Regarding the composition of the Board it was stated that we have here only specialists and experts; but who is going to sit in judgment upon those experts? In the wording of the clause relating to the constitution of the Board, it will be found that these experts are not only technical experts having special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, but also administration or finance. Therefore, a specialist of a different order also comes in. Administration is a very wide general concept; it is not such a narrow composition as is feared by hon. Members.

It was further suggested: why not have some representatives of the States on these Boards? We are not precluded from doing that. In fact, in the original Bill, in the Statement of Objects and Reasons, it had been specifically mentioned that the intention is to get people—both experts and others connected with administration or finance—as far as possible from the States. That will be very useful because the matters which will be dealt with by the Boards will concern the various States. Therefore, that will be our effort and we will do it as far as it is necessary and practicable.

Some minor issues were raised as to whether there was any scope for arbitration at all. Shri Tek Chand raised them. He said: "Here is an advice given to both parties. They did not accept it. Does it become a dispute?" It is a narrow interpretation. We have specifically stated that after the advice had been given, if it was not accepted, then, the non-acceptance of the advice created a certain situation. In that situation, one party feels that its due share is not being given or the other party is not discharging its

[Shri Nanda]

responsibility. It has then to come up before the arbitrator. I do not think there is any valid objection regarding the functioning of the arbitration machinery.

It was stated that we were disposed to have too many advisory committees. The advisory committees which are intended under this Bill are of a very different nature. Assessors will not suffice because special questions may arise. On one technical point, the advice of a certain person may be required; one or two persons may have specialised in that particular subject. One or two committees may be needed during the proceedings in connection with a matter before the board. There may be one committee; there may, at times, be more than one committee.

There are one or two smaller points. It has been said that we have no defined rivers. I answered the question on the spot that the tributaries of a river are also included in the term 'river'. That has been specifically mentioned in the relevant clause itself. If a river is not a perennial river, will that also come under this clause? I do not think it is necessary to define all that. If there is no water in a river for a day or two, it does not cease to be a river. That is clear. The hon. Member may take it from us that there is no difficulty with regard to the interpretation.

Who is going to audit? It was asked. There is not going to be much of an audit or much of an expenditure here. Provision for audit has been made and I do not think there is anything more to be done about it. We were asked to place the rules on the Table of the House as early as possible. We shall do that. But, I do not agree that it is possible to do it within thirty

days because the time is not sufficient for consulting all the States; it may take longer. But, we shall try to place the rules on the Table of the House as early as possible after we have consulted the States in this connection.

I have covered the whole ground. There are some amendments. I am not moving the amendment in my name; it is a verbal matter which can be done by the hon. Speaker himself. There are some other amendments and I have already given my reasons for not accepting them. I entirely agree with the intention of Pandit Bhargava in tabling the amendments.

Shri D. C. Sharma (Hoshiarpur):  
Then, why not accept them?

Shri Nanda: The object has been achieved in a different way. I have explained it fully. What the hon. Member wants is already being done in a different way. Therefore, I do not accept that amendment.

Then, there is the amendment of Shri R. D. Misra. That is about the salaries, allowances and conditions of service of arbitrators as well as of assessors. We have made provisions regarding the members of the boards, etc. But with regard to the arbitrators, we did not bring them within the purview of the rules made by us. These appointments are to be made by the Chief Justice and, maybe, the conditions attached to them are also being laid down by him. At any rate, these will differ in different circumstances and it is not possible to make an inflexible arrangement.

There are one or two other verbal amendments but I do not think they are necessary at all.

There is another amendment by Shri R. D. Misra.

**Mr. Speaker:** He need not go into the amendments in detail, now.

**Shri Nanda:** I wanted to point out what the intention was. The clause to which that amendment refers does not admit of this amendment. This does not deal with conflicts as such. This Bill deals with methods of co-ordination, which will indirectly resolve the disputes and conflicts. So, it is not necessary.

**Mr. Speaker:** The question is: "That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** Further clause-by-clause consideration will be held over.

**Shri L. N. Mishra (Darbhanga cum Bhagalpur):** There are not many clauses nor many amendments. Would it not be possible to finish this Bill in a few minutes time?

**Mr. Speaker:** If it is only a question of five or ten minutes it is all right. There are certain amendments.

**Shri Tekur Subrahmanyam** is not in his seat and so not moving. **Shri R. D. Misra.**

**Shri E. D. Misra (Bulandshahr Distt.):** I am not moving.

**Pandit Thakur Das Bhargava:** I am moving my amendments.

**Shri Gadgil (Poona Central):** Those who have given notice of amendments were under the impression that they would be needed at a particular stage and propriety requires that whatever has been put down in the Order Paper should be scrupulously followed.

**Pandit Thakur Das Bhargava:** The persons may be under the impression that what is put in in the agenda will be followed and so they may not turn up here.

**Mr. Speaker:** In view of this objection, we will take up the third reading of the States Reorganisation Bill. It is now 12-30. We will go till 3-30.

STATES REORGANISATION BILL.  
—conclid.

**Shri A. K. Gopalan (Cannanore):** I suggest that four hours may be allotted. In the second reading so many big changes had been brought forward. So, in the third reading we must be allowed to say some thing.

**Mr. Speaker:** I agreed to allot three hours; four hours were asked for. We will finish the discussion at about 3-30. We may take four or five minutes more.

**Shri Kamath (Hoshangabad):** May I request that those hon. Members who did not get a chance to speak at the earlier stages of the Bill or at the time of the discussion of the SRC Report may be given a chance now?

**Mr. Speaker:** Hon. Members must also bear in mind that those hon. Members who did not take part or take any interest in this matter need not be called. Several hon. Members applied their minds to all these various stages of the Bill. Nobody prevents hon. Members coming earlier but hon. Members come only at the time of the general discussion or the third-reading. In between, there is a lot to be done and it falls to the lot of a few hon. Members to worry themselves to look into all these clauses. Therefore, I must not also ignore them. I only want to say that I cannot ignore the hon. Members who have shaped this Bill. Should we ignore those who took a lot of interest and bring in those who have not taken any part in shaping this Bill? If they have not taken any interest they won't take any interest at all.

Now, the hon. Minister has got some formal amendments. He may move them.