

Shri Satya Narayan Sinha: Time was given. At one o'clock it will be presented.

Shri Jaipal Singh: Till the Bill as reported by the Joint Committee has been presented we are not seized of it. But in anticipation something has been announced.

Mr. Speaker: There is no harm he says

Dr. Rama Rao (Kakinada): May I know if it is the recommendation of the Business Advisory Committee to prolong the session by a week or ten days?

Shri Satya Narayan Sinha: That has been circulated to all the Members. Till the 13th of September the House will continue.

Shri T. B. Vittal Rao (Khammam): Why not till the 14th?

Mr. Speaker: Why not the 15th?

Shri T. B. Vittal Rao: 14th is a Private Members' day.

Shri Jaipal Singh: The point is whether this Bill, in anticipation of which the hon. Minister for Parliamentary Affairs has, sort of, dared to tell us that this business will be before the House, will come up on the 15th or before the 15th.

Shri Satya Narayan Sinha: I have said 16th.

Shri Jaipal Singh: Is he sure that no further extension of time will be called for?

Shri Satya Narayan Sinha: Extension of time for what?

Mr. Speaker: All that is being done is done by God's grace. Let us see.

Shri Baghnath Singh (Banaras Distt.—Central): What about the Second Five Year Plan?

Shri Satya Narayan Sinha: It will be taken up towards the end of the Session.

RIVER BOARDS BILL—Concid.

Mr. Speaker: The House will now take up clause-by-clause consideration of the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys. There are no amendments to clauses 2 and 3. I shall now put them.

The question is:

"That clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4.—(Establishment of Boards)

Shri K. C. Sodha (Sagar): I beg to move:

Page 2, line 8--

for "a State Government" substitute:

"the State Governments interested".

Mr. Speaker: Before I call upon him to speak on his amendment, I shall see what other amendments there are. There are amendments by Shri Tekur Subrahmanyam and Shri R. D. Misra, but the hon. Members are not present. Very well. He may now speak on his amendment.

Shri K. C. Sodha: Clause 4 provides that the Central Government may, on a request received in this behalf from a State Government . . . establish etc." My submission is that as this is an inter-State River Board, at least two States must be interested in it. If the term "a State Government" is put down there and if only one of the State Governments approaches the Centre and the Centre grants its request and appoints the Board then the other Government will be nowhere. If we want that the State Governments should be interested and should take upon themselves the responsibility of putting this river valley scheme through, it is necessary that both of them should approach the Centre. As this is a sub-

ject which is in the State List, there should be no attempt whatsoever to impose any decision on any of the State Governments. Therefore, I have put down instead of "a State Government", the words "the State Governments interested." As the scheme of the whole Bill has been based on the understanding that the matter is to be decided between two States, all the States interested should come with their request for the appointment of the Board. Accordingly, I have suggested this amendment. I hope that the hon. Minister will see the desirability of putting the responsibility and onus on both the States interested. So, I move my amendment.

The Minister of Planning and Irrigation and Power (Shri Nanda): Sir, this amendment is neither necessary nor appropriate. The whole assumption is that there may be an occasion when one State may fail to do a certain thing. If a State does not agree it may not have any inclination to approach the Central Government. So, if we stipulate that both the parties interested must come, the whole purpose of this legislation is defeated. There is no question of imposing anything on a particular State. Here is a function of the Central Government, assigned to it by the Constitution—that is the function of regulating, of looking after co-ordinated development, of the rivers and river valleys in the country. So, this amendment is not appropriate.

Mr. Speaker: The question is:

Page 2, line 8—

for "a State Government"
substitute:

"the State Governments interested"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 12 were added to the Bill.

Clause 13—(Matters in respect of which a Board may be authorised to tender advice).

Shri K. C. Sodhia: I beg to move:

Page 4, line 35—

add at the end:

"and making periodical reports to them and the Central Government;"

The functions of the board are put down in clause 13. In sub-clause (d), the power of 'watching the progress of the measures undertaken by the Governments interested' is given. Will it be simply watching or looking at things? Unless the Central Government gets the progress reports, it goes on. The Central Government has got no agency to see what progress has been made. Therefore, it is not only necessary that the board should watch the progress but should also be making periodical reports to the State Governments concerned and the Central Government. Unless the board does this, the very purpose of having the board is not likely to be achieved.

Shri Nanda: What the hon. Member suggests is quite desirable. But the Bill does make provision for that purpose. This is not a matter which can be covered under the list of functions. It is incidental to the work of the board. Besides, there is provision in clause 20 for an annual report in such form and at such time each year as may be prescribed. Again, in clause 15 there is provision that the board will forward the approved scheme to the Central Government. So, as soon as any step is taken, the Central Government is brought into the picture.

Shri K. C. Sodhia: It relates only to a scheme that is to be submitted.

Shri Nanda: Clause 20 covers the general report.

Mr. Speaker: The question is:—

Page 4, line 35—

add at the end:

"and making periodical reports to them and the Central Government;"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Mr. Speaker: I would emphasise that the hon. Ministers should see that others too say 'Aye'. Otherwise, sometimes I do not hear 'Aye' at all. There must be some hon. Members who follow what is happening here, apart from the Ministers. There should be some to aid them and they should see which amendment ought to be opposed and which not and so on, and also what lobby one ought to go to. I received a letter yesterday from an hon. Member that he went inadvertently into a different lobby some four days ago. I could not help him. In those circumstances, there must be some two or three persons to assist the Ministers. They should be here, watch the proceedings from time to time and say 'aye' or 'no'.

Clause 15—(Preparation of schemes by Board and their execution)

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to move:

(i) Page 5—

after line 19, insert:

"(3A) The execution of the approved scheme shall be obligatory on the Governments interested and the Central Government."

(ii) Page 5—

after line 27, insert:

"(4A) The Governments interested shall be bound to execute the measures and to pay the amount

of costs allocated."

(iii) Page 5—

after line 31, insert:

"(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments."

I have read through this Bill and I am convinced that there is too much talk of agreement, consultation and advice in the Bill. Too little is said about the execution of the particular scheme. In accordance with entry 56 of List No. 1 in the Constitution, we have got clause 2, it 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"

It has to be read along with entry No. 17 in List II. Entry 17 is subject to entry 56. When the Government declares that it has taken charge of the inter-State rivers so far as regulation and development are concerned, it means that it has taken the responsibility not only of regulation but also of development. So, the Central Government is practically seized of all the powers which possibly can be given to any Government in so far as the word 'development' is concerned.

Mr. Speaker: 'Development' is also here in entry No. 55

Pandit Thakur Das Bhargava: Entry 17 is subject to that. The inland water works are under the charge of the local Government—water supplies, irrigation and canals, etc. Now, it appears that because they are inter-State rivers and more than one State are involved, under the Constitution which we have enacted, the Central Government will

practically be in charge of those inter-State rivers so far as development is concerned.

Mr. Speaker: Is there any river confined to a single State?

Pandit Thakur Das Bhargava: If there be any, this may not apply. There must be some; there is chaggar in Punjab, for instance. We are concerned only with inter-State rivers. In framing this Bill, the Central Government has been extremely considerate to the State Governments. You will find that the Government has practically taken no powers to itself.

There is a proviso in clause 4, which reads as follows:

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

So, all these things are practically after consultation with the Governments interested. Then, if you proceed further on, you will be pleased to see that there is no clause in which any independent powers are taken by the Government. Even in clause 13 where the powers and functions of the Board are defined it is said:

"A Board may be empowered under sub-section (1) of section 14 to perform all or any of the following functions, namely:—

(a) advising the Governments interested...."

It is only in clause 14 that we find that the Central Government has taken some powers to a certain extent. There it is said:

"The Central Government, after consultation with the Governments interested, may, by

notification in the Official Gazette, empower the Board to perform all or such of the functions under section 13 as may be specified in the notification."

This is the only place where we find that the Central Government is empowering the Board to do any of the things mentioned in clause 13. Then in sub-clause (2) of clause 14 it is said:

"The Board shall exercise its powers and perform all the functions which it is empowered to do by or under this Act within its area of operation."

Now I wish to call the attention of the House to sub-clause (3) of clause 14, which says:

"In performing its functions under this Act, the Board shall consult the Governments interested at all stages and endeavour to secure, as far as may be practicable, agreement among such Governments."

So far so good. I do not object to that. But at the same time there must be some limit to it. When you come to clause 15, Sir, which is also an operative clause, you find in sub-clause (2) of clause 15:

"After preparing any such scheme...."

So, it should prepare a scheme.

"...the Board shall consult the Governments interested and the Central Government in respect of the scheme....."

This is the fourth time of consultation.

"...and after considering their suggestions, if any, the Board may confirm, modify or reject the scheme."

Now here we have arrived at an approved scheme. But what is this approval? Even if anything is done by this Board, it becomes subject to

[Pandit Thakur Das Bhargava]

the provisions in Chapter IV—Miscellaneous. Even if a scheme is approved, any interested obstinate Government, any Government which does not like the idea of the rivers which are flowing in its confines to be practically utilised by another Government, may again put a poke in the wheel and take advantage of clause 22. Under clause 22 what happens is, an approved scheme again becomes kucha as soon as a State Government not satisfied with the advice goes to the Central Government or the Supreme Court is moved and then Judges are appointed. Only after all that is done, only after an arbitrator is appointed and the arbitrator has given an award, you can say that the award is binding upon the parties.

But I do not know yet under what provision of law this award will be given effect to. So far I am submitting, when a scheme has been approved—not by any extraneous authority—by authority which has been appointed with the consent, in consultation and with the agreement of all the interested States, any State can file a petition under clause 22. The Central Government appoints that body. That body prepares the scheme and sends it to the Governments concerned, makes the necessary modifications and again takes their agreement. After going through all these stages, when the scheme comes up for execution, if any Government is not satisfied, if it goes back upon its word, even then it can file an objection under clause 22, and an arbitrator is appointed.

My humble submission is this. I have given an amendment to this effect. Once a scheme is approved it becomes binding on all the States and the States are so bound that even if they do not execute any work which the River Board orders them to do, then the River Board can get those measures executed and subsequently recover the cost from the State Governments by location.

Otherwise, my own fear is that the scheme will not work.

At the same time, I do not see any justification for having a provision like the one included in Chapter IV—Miscellaneous, relating to appointment of arbitrator etc. Whenever the Central Government, on account of national emergency or national use of the resources of the country, takes upon itself to appoint an independent Board with the consent of all the States, then that Board should be authorised to have executive powers and it should not be merely an advisory body. Otherwise the Central Government which appoints that Board may look on whereas the State Governments may put obstacles in the way. I cannot conceive of it. After all, what authority has the Central Government got over those States? It is given in article 355 and article 365 of our Constitution. According to article 365 of the Constitution the Central Government is competent to issue directions and if any State Governments does not observe any of the directions, then it can take such action as is provided there. At the same time, in schemes like this I know it is the Central Government which pays all the amount, because in clause 15 you will be pleased to see, there is sub-clause (6) which says that the Central Government may give all help necessary for the execution of the scheme. My humble submission is, when the Central Government spends all the money, when it pays the piper why should it not call the tune? Why should it be left to the other Governments, why should they raise any objection?

Shri K. C. Sodhia: Will the Central Government pay all the expenses?

Pandit Thakur Das Bhargava: Generally speaking, the Central Government will pay all the expenses. Then again, it is the State Governments which are to benefit, because sharing of profits is also part of the scheme.

Shri K. C. Sakhia: If the Central Government is to pay all the expenses of the whole scheme, where is the necessity of arbitration?

Pandit Thakur Das Bhargava: I have not heard what the hon. Member said.

Mr. Speaker: The hon. Member may put his question to the hon. Minister.

Pandit Thakur Das Bhargava: Even after this arbitration is also resorted to, the words given here are:

"The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them."

Where is the provision that the Central Government should give effect to the decision of the arbitrator. These Governments are not, as a matter of fact, co-operating. They shall never give effect to anything that is decided. When there is an arbitration award, it can be given effect to in two or three ways. In an ordinary case between private parties, a suit is brought and the court gives effect to the award. In an arbitration case it is the court which appoints the arbitrator and the court gives effect to the award. In this case, if there is an award, who shall give effect to it? "By them" means the States themselves who, by our own supposition, are not co-operating. Then who will give effect to the award?

Therefore, I would submit, according to me, when once the scheme is approved it should be binding upon all persons. I do not think, as the hon. Minister said yesterday, that many such cases are likely to arise. After all when all the Governments are co-operating and money is being spent on the States, no Government will unreasonably do it. But there is scope for it and some States may be unreasonable; otherwise there is no necessity for this Act. If the Act is there, it must be seen that it is effective. If any State adopts a recalcitrant attitude, there is nothing in this

Bill by which we can enforce the provisions. The Governments interested should be brought to their senses and asked to do the right thing. The ultimate thing is that under article 365 of the Constitution you shall issue directives and if any States fail to take action as provided there. Here in this Bill you only say that the award shall be given effect to by them. You are not taking any powers.

Sir, the River Board being an authoritative body appointed in the manner, which I have already suggested, by the Government, it is better that it should have powers to get things done and get the measures advised by it carried out by the State Governments. If the State Governments do not co-operate then it should have the power to carry out the measures and recover the cost. They may be given a power by virtue of which the matter could be taken to arbitration. In that case the work will not be stopped. Otherwise, my own fear is that it will take years and years before all this process is gone through, the scheme is prepared, the agreements of the State Governments secured and then again get the decision of the arbitrator. It would take a good length of time and in a matter like this time is the essence. Unless and until timely action is taken, most of the time will be lost which we can ill afford to spare at present.

Therefore, my humble submission is that it must be arranged in such a way that the Board may have effective powers given under clause 15 of this Bill. Ultimately, if any Government is not satisfied with the scheme it can claim the cost or damages, so that the work should not be stopped and the country may not suffer, because one Government is not fully co-operating. I would, therefore, beg of the hon. Minister to kindly see that the River Board becomes effective and is not merely an advisory body as is envisaged in clause 13 of the Bill. In clause 13, the Boards are authorised to give

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advice, but in clause 14 (1) and (2), the Government have given the Boards some powers. But yet, in spite of the Central Government giving the Boards certain powers, the Boards are impotent. Therefore, my submission is that either you should take away clause 14 or you should make clause 15 effective so that we may be able to see that the intentions of the Government are effectively implemented.

Mr. Speaker: Amendments moved:

(i) Page 5—

after line 19, insert:

“(3A) The execution of the approved scheme shall be obligatory on the Governments interested and the Central Government.”

(ii) Page 5—

after line 27, insert:

“(4A) The Governments interested shall be bound to execute the measures and to pay the amounts of costs allocated.”

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after line 31, insert:

“(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments.”

Shri K. C. Sothia: Pandit Thakur Das Bhargava said that once a Board is constituted and it begins to function and the plan is approved, then it should be binding on the State Governments to execute the plan. If the State Governments do not execute it, then the Board could take the power in its own hands and might get the work done. My submission is that if the State Governments are to discharge their responsibility of making all the payments for the works that are being executed and then reap the benefit of those

works, then, it is not desirable that the Boards should have all the powers for themselves. The State Governments should have the power of making representations and submissions to the Central Government and it is only after the Central Government has looked into the matter that the work should be proceeded with. If the amendments of Pandit Thakur Das Bhargava are accepted it will only mean that the River Boards will become autocratic bodies and will be doing things according to their own desires, and the State Governments will not be having their independence in looking to the plans and the cost that they are likely to incur. Therefore, I do not support the amendments that have been moved by Pandit Thakur Das Bhargava.

Shri T. S. A. Chettiar (Tiruppur): We, the Members of the southern parts of this country, have felt for sometime the need for such a Bill as this. You know that the western ghats lie between Travancore-Cochin and the rest of the country, along the west coast of India. The average rainfall on the Travancore-Cochin side is 121 inches while the average rainfall on the Tamilnad side is only 30 inches. The result is, the western part of India wants dewatering. What Madras wants is water. In matters like this, it is essential that two States or more than two States must co-operate. While co-operating, it is necessary that there should be a body which could go into these matters from the technical point of view and offer, as far as possible, very impartial advice, an advice which will not lean towards one side or the other.

In matters like this, I must press before this House that reason must be made to prevail. As far as our experience in the southern parts of the country is concerned, reason has prevailed whenever good, technical points of view were put forth before the authorities.

Coming specifically to certain cases which have happened, namely, in

regard to the Periar Project, there have been differences but these differences have been resolved by agreement. In my opinion, it will be good if we have an expert body which will go into these matters and which will analyse the facts. Almost always, these schemes are of benefit to both the States concerned. Even the schemes which are pending as between Madras State and Travancore-Cochin, will provide not only Travancore-Cochin with the much-needed power which they want, but also benefit the Madras State with the provision of water. The result is, both the States will benefit by the scheme. So, in my opinion, if things are sought to be done by compulsion and by law, it will always leave a bad taste behind. I would, therefore, suggest that a Board like the one suggested in the Bill, which will go into these matters impartially, will by itself be a large and contributory factor towards the agreements being arrived at between the States. Personally, I do not think that the provisions should be made compulsory. If compulsion is necessary at any stage, it is open to the Central Government to come forward with a single-clause legislation.

There is another reason for my saying that these things cannot be done by compulsion. For any big project to come into being, there must be a large amount of money and both the States concerned must contribute to the scheme. A mere compulsion by a Bill cannot bring a project into existence. A project has to be completed by proper co-operation on the part of the States concerned. Not only that. When a project concerns two or more States, it requires extraordinarily large amounts of money. The projects which cost only a small amount have been taken up with small investments and have been completed. So, very small projects need not come up before these Boards. What is contemplated by the River Boards is that they should take up big river or river-valley projects. Take, for

instance, Cauvery. This river begins in Coorg, passes through Mysore and then passes through Tamilnad. So, it passes through three States. Similar is the case of some other rivers. When a project is contemplated to harness the waters of these rivers, a comprehensive survey of all the facilities available in all these States concerned has to be made, so that the maximum benefit may be derived from these projects. What is wanted, therefore, is more of co-operation and not compulsion by law.

I should think that if a technical River Board as the one contemplated in this Bill goes into these matters impartially and points out the details, I am sure the States concerned will see light, because the project will benefit the States. The money that will have to be invested will be paid by the States concerned in proper proportions. So, I should abhor anything which will mean compulsion by the Centre on the States.

There is one other matter which I should like to point out. There have been large projects which have been suggested recently. You know that in the olden days, Sir Arthur Cotton suggested a proposal for connecting the Ganges with the Cauvery. It is well known that the railways are finding it difficult to transport goods. If long waterways are made available, they will surely facilitate goods traffic in a tremendous way and relieve the congestion on our railways, especially when the railways are not able to cope with the increasing goods traffic. The Railway Minister has also made a categorical statement that the railways will not be able to cope up with the goods traffic in the second Five Year Plan. Waterways are coming into the picture in respect of goods traffic. If waterways are made available, they could bring in all the States or at least many States, and I am sure that they will benefit all the States through which the waterways pass through. These are important points of view which are brought forward

[Sbri T. S. A. Chettiar]

before this House and which can be brought forward before the River Boards. If the waterways are to be worked upon, it must be done more by way of agreement than by way of compulsion. When there is compulsion, there is an emotional outburst and that is what has been happening recently, in relation to the formation of linguistic States. For nothing, an emotional clash has occurred. Therefore, I should like to warn the Government that they should not do anything by way of compulsion, and they should only collect the data and put the facts before the various State Governments. I am sure every State Government is interested in the development of its own State and in enriching its people. When proper facts are put before them, I am sure that the States concerned, in their enlightened self-interest, will accept them.

I think that the Bill as it is will be supported and that no amendment which will introduce an element of compulsion in this matter will be accepted by this House.

Sbri N. M. Lingam (Coimbatore): I generally agree with what the previous speaker has stated, but at the same time, I feel that the amendments tabled by Pandit Thakur Das Bhargava are worthy of consideration by this House. Having appointed the Boards and having invested them with the necessary powers to examine the schemes, to take into account the various viewpoints of the State Governments, etc., to create the necessity for arbitration is, I think, superfluous.

Clause 15(3) says as follows:

"The scheme as confirmed or modified under sub-section (2) shall thereupon become final and shall be called the approved scheme."

If the scheme is approved, it is after the views of the States have been taken into consideration. First of all, the scheme is prepared and published in consultation with the State

Governments; and, it is finalised after taking into consideration all viewpoints. After it has become final for any State Government to indulge in dilatory tactics for one reason or the other will not be in the national interest and to postpone the execution of the scheme is to my mind not desirable.

Clause 22 precisely confirms our worst apprehensions in this regard. We know that with regard to the Periyar scheme, the two State Governments negotiated between themselves. But, our friends know what a long time it took to come to a final decision. At that time if there was a board like this to settle the disputes, Madras and Travancore-Cochin would have prospered, thousands of industries would have sprung up and the common man would have been benefited. Now we have lost several precious years. In many areas of the country, there are common projects. So, it is necessary that the advisory board should be there; but, though it is advisory, it should be invested with powers to see that schemes which are beneficial to the regions inter se and which are in the interests of the country as a whole are taken up. So, I strongly support the amendments of my friend, Pandit Thakur Das Bhargava. There is no need to have clause 22 which will enable any State Government to see that the scheme is not implemented for one reason or other.

Sbri N. R. Maniswamy (Wandiwash): I am sorry I have to oppose amendments Nos. 9, 10 and 11 moved by my hon. friend. Virtually speaking if these amendments are carried, it would mean the elimination of clause 22. The entire scheme involves consultation and negotiation and finally advising the respective State Governments and the Central Government. In case there is no agreement then the arbitration clause comes into effect. When a decision is given in accordance with the arbitration clause, it becomes final. But

before that, two chances are given to the States to negotiate and settle their entire differences.

As a matter of fact, if amendments 9, 10 and 11 are allowed to be passed, then virtually the scheme as enunciated in this entire Bill will have to be given a clean go-by. Let us examine clause 15. Originally I was of the opinion that when we have constituted a board and a decision has been given by the board presided over by a High Court Judge or a Supreme Court Judge, it must ordinarily be taken as a final one. Now, when we are having an arbitration clause, it looks as though there is a super-board. No name is given to this arbitration, but still, according to me, it is a super-board in the sense that it has to deal with the differences that might arise between two States in the execution of any particular work. My other friend here gave an illustration about Periyar river. It is all very well, but when actually matters are referred to this board and when the board gives a decision, the State Governments may not agree to the scheme and may say that it must be modified to conform to certain other requirements. Any decision that is given by this board will ordinarily be called an "approved scheme". It is not that the scheme has been approved by the respective State Governments involved in the dispute; it is an "approved scheme" in the sense that it has been approved by the board. So, we should not rely much on this word "approved". It is just like calling the order given by a judge as a decree or a judgment. So, the scheme that is finally approved by the board may not be approved by the State Governments. When there is disagreement as regards the scheme approved by the board, but not by the contesting Governments, the question is referred to arbitration; and this, I call a superboard. When that super-board gives a final decision, it will be obligatory. Otherwise, we will be entering into an absurdity in this sense: If it is made obligatory and compulsory as envi-

saged by amendments, how is it to be implemented or enforced? Where is the money for it? From where can you get the necessary funds for implementing the entire scheme, in case the Governments do not agree to it? Therefore, it is not quite agreeable from every point of view.

Shri Nanda: It is being brought home to us with great earnestness and great force that the provisions of the Bill involve consultations at several stages, references to the State Governments and attempts to secure agreement from them, before any firm step can be taken. It is also being suggested that in the interest of the expeditious execution of important schemes, we should cut short what is considered a dilatory procedure and also have powers to get the decisions of the board implemented by the Central Government.

I wish I could accept the amendments moved by my hon. friend, Pandit Bhargava, because if he feels averse to delays, I do so much more. But, if we still stick to this scheme, it is because after full consideration of the pros and cons of the matter, we have come to the conclusion that the very object of prompt execution of such schemes will be secured by this rather than the other procedure. That is a question of judgement and delicate issues are involved. We have weighed them and come to this conclusion.

Let us examine a little more the implications of these amendments. In the first instance, the suggestion is that what the board submits as an "approved scheme" should be taken as final and there should be no arbitration on that. To that the answer is that the object is to create a feeling in the minds of the States that no haste is being permitted in settlement of vital issue of tremendous importance to each area and that scope exists and facilities created for a very close consideration, so that nothing occurs which might be construed as a hurried settlement. It may be asked, 'Are not the boards considering it fully with all the experts and

[Shri Nanda]

specialists?" Yes; I may point out that the composition of the board is not by agreement with the States; it is only by consultation with the State Governments. The composition of the board may even be of persons to whose names one State or another may not have agreed. But, they are all specialists. May be the question may arise as to matters which call for judicial scrutiny, i.e. where the judicial mind has to be applied. And having done that, then the Central Government will feel secure that it has left no room for any kind of feeling of full latitude not having been permitted for a free and full representation of the case of the State. We have provided that a person with a judicial mind will come into the picture and finally settle the matter. I think the further steps will be very much facilitated by that.

Let us see it the other way. In fact, we give the money only by way of loans; the money actually is a liability on the project and on the State finally; they have to pay it back and, therefore, they are very intimately concerned with it—you carry out the scheme like this, then ultimately how do we carry it out? It was pointed out that in the Bill, as it is, there is the binding decision of an arbitrator. How do we get it carried out, implemented? It means that the Central Government goes and carries out the project. What does that mean? It means two things. One, we spent the money. The directive, in any case, will have to be issued. But how do we carry out any scheme in a State without their co-operation? It is not simply spending money. We want the co-operation of the State in so many other matters. Therefore, it is our very earnest desire to avoid any such situation developing. If, unfortunately, a situation does arise and the stage is reached when the directive has to be issued, then it will be with a great sense of confidence, of at least satisfaction, that the Govern-

ment has done its best. A directive is a serious matter and it can be applied only if we have gone through all these stages. May be that it may look too dilatory and it may consume too much time. But when we go to the last point of issuing a directive, we feel that the time has not been ill-spent because then the Government and the States, everybody will see that all possible stages of consultation have been gone through and there has been no hasty decision on the matter. That will enable us to carry out the directive properly. But the very fact that there have been all these stages of consultation will avoid that stage being reached when a directive has to be issued. It is achieving this object by a series of steps rather than by a single step and it will be, in the long run, less dilatory than the other procedure.

In the matter of delays so far as the boards are concerned, they will not take more time than will otherwise be taken because of the technical nature of the work. There will be an adequate number of specialists put there so that they can carry out the work expeditiously. Then I do not expect that there will be many cases which will go before the arbitrators. In any particular case, it won't be the whole case that is going to the arbitrator; it may be a narrow point here and there. It will not take much time and for the purposes we have in view, this is the best structure. I have explained that the amendments proposed by the hon. Member, although they are sound in their intent, are unnecessary as this intention is carried out through the various provisions of this Bill better, more effectively, and ultimately, in a much sounder manner than what otherwise would be the case.

Mr. Speaker: The question is:

Page 5--

after line 19, insert:

"(3A) The execution of the approved scheme shall be obliga-

tory on the Governments interested and the Central Government."

The motion was negatived.

Mr. Speaker: The question is:

Page 5--

after line 27, insert:

"(4A) The Governments interested shall be bound to execute the measures and to pay the amounts of costs allocated."

The motion was negatived.

Mr. Speaker: The question is:

Page 5--

after line 31, insert:

"(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill"

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 to 19 were added to the Bill.

Shri T. S. A. Chettiar: What is the need for the boards "to acquire, hold and dispose of such property"? The officers are working on the project. Why should they acquire property?

Mr. Speaker: Possibly, it may be for building houses.

Shri Nanda: The wording is that the Board "may".

Clause 20—(Annual Report)

Shri K. C. Sodha: I beg to move:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year".

These words may be put down there. I want that the annual report together with the budget should

be placed before this Parliament. The reason for this amendments is this. When these autonomous bodies are formed, the control of Parliament over those bodies, practically speaking, vanishes. Except for putting a question or two here and there, we have not got any connection with them and we do not know how they work. I have gone through the report of so many autonomous bodies and I find that they are not even worth the paper on which they are printed. Very necessary information which ought to be given to Parliament is either withheld or purposely kept back. So many crores of rupees are being spent on the autonomous boards that it will be the duty of Parliament to look into the activities of the boards and those activities of the boards cannot be properly weighed unless we just know what amount of money they spent on their achievements. If they simply put down in the report that they have done so much and if we do not know how many officers have been appointed in the past and what amount of money has been spent on them, we cannot say whether they are working efficiently or not. In order to keep the Parliament fully aware of their efficiency, it is necessary that the report of the activities of the Board, together with the amount of money that they have spent, should be put down before this Parliament. Accordingly, I have put down the amendment that when they submit the report of the Board, they should also submit their budget, the amount they spent over their activities. I think it is very necessary and the House will see that unless this is done they would not be exercising the necessary control and they would not be raising the efficiency of the Board. I think my amendment is reasonable and will be accepted by the hon. Minister.

Mr. Speaker: Amendment moved:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year."

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Shri Nanda: What the hon. Member has asked for is quite reasonable but it has already been provided for in other clauses of the Bill. There are clauses 19 and 17. Clause 19 relates to the budget of the Board. Under clause 17 the Central Government has to pay moneys to the Board after appropriation by Parliament.

Shri K. C. Sodhia: In the Budget the Central Government puts down a lump sum of money for such and such a Board and Parliament has no opportunity to see how it is being spent. No details whatsoever are given about that, and therefore, the Minister's remark that the provision in clause 17 will meet the object that I have in view is not proper.

Again, in clause 20, it is only the annual report and nothing else. Therefore, it is absolutely necessary that the amendment should be taken into consideration and accepted.

Shri T. S. A. Chettiar: May I point out that what the hon. Minister said is not quite correct? The budget is provided for here, that is true, but that is in that whole mass of the Demands for Grants that we get, and the Speaker knows as well as the hon. Minister that even the Ministers do not know what is contained in that big book. What Shri Sodhia wants and what has been accepted in many of the previous Bills that have been brought before the House is that when the report is placed before the House the accounts also may be given. "Accounts" does not mean the budget. "Accounts" means the amount of money spent. If you see clause 20, it says:

"The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report....."

It does not refer to accounts at all. What he wants is annual report and accounts.

Shri Nanda: It is done in the report itself.

Shri T. S. A. Chettiar: That is just the point. If you are prepared to give an undertaking, whether you accept the amendment or not, that the report will incorporate the accounts also. It is all right.

Mr. Speaker: What about the budget that he wants?

Shri T. S. A. Chettiar: Budget is there.

Shri Keshavalengar: (Bangalore north). The budget is presented only to the Government. That may also be placed before Parliament.

Shri Nanda: Any details that are required will certainly be furnished through the annual report because the Board is called upon to prepare the annual report in such form and such time each year as may be prescribed, so that we can include any details that are required in the form according to which the Board has to prepare the annual report.

Shri Keshavalengar: The budget may be presented to Parliament along with the report.

Shri Nanda: That can be done.

Shri T. S. A. Chettiar: You will make it under the rules?

Shri Nanda: But it is not necessary to accept the amendment.

Shri T. S. A. Chettiar: It is all right if the Government accept that they will do it under the rules.

Shri Nanda: Yes.

Mr. Speaker: I have my own doubts. When any power is entrusted to Government under Entry 56 of list, I i.e. regulation and Development of inter-State rivers etc, can the Government entrust it entirely to some other body? That is what is

being done here, and even the budget is not to come before Parliament. What is Parliament to do? The Entry is there and Government can appoint a Board. Under clause 22 there is absolute power for the Board to decide, and the States concerned have to accept or they have to go to a court of law. The States have got jurisdiction over the canals etc., in their own territory but with respect to inter-State rivers it is the duty of the Central Government, but then if we give it away to some other body and say that it will decide, where is the Central Government in this matter? I would like to know. Of course, the Central Government is responsible to Parliament, but Parliament has absolutely no jurisdiction in this matter. Members cannot put a question. The budget is not given. The decisions are by some other body and they have to be executed or the States have to go to a court of law. I would like to know how Parliament's jurisdiction can be taken away like this.

Shri Nanda: We have fully considered this aspect of the matter that you have mentioned, namely what the functions and the powers of the Central Government are in this case. The duty is cast on the Central Government to make arrangements for the regulation and development of inter-State rivers and river valleys. That function is performed not necessarily by spending any money of its own. If it is done by the Central Government and if it incurs an expenditure of that kind, then certainly it will be for Parliament to sanction. As I have explained in another context, it is to avoid incurring any expenditure at all that we have not put in in this Bill any clause saying that the Central Government will do anything. Therefore, what we have said here is that the arbitrator says that this party has to carry out this scheme in this way, and then it is binding on the parties to carry out the awards, which means the expenditure is to be incurred by the State and not by the Central Government. Therefore we have not put in this Bill any clause saying that the Central

Government will itself carry out anything. Therefore, the question of any expenditure by the Central Government does not arise, except on the functioning of the Board. That is all. And for that provision has been made.

Mr. Speaker: The question is:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year"

The motion was adopted.

Mr. Speaker: The question is:

"that clause 20 stand part of the Bill"

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21—(Accounts and audit)

Shri T. S. A. Chettiar: Usually the accounts of these organisations which are wholly financed by the Government of India are audited by the Auditor-General. I would like to know what is meant by "in such form and in such manner as may be prescribed".

Shri Nanda: If the usual thing is that it would be the Auditor-General, that will be the position.

Shri C. E. Narasimhan (Krisnagiri): Why not put it like that?

Shri Nanda: It can be put. We can prescribe it like that.

Shri T. S. A. Chettiar: The Constitution prescribes that the Auditor-General must audit.

Shri Nanda: Then the Constitution will prevail.

Shri T. S. A. Chettiar: Then why do you want this prescription? I think the Government are taking powers to which they are not entitled. If the Constitution says that the Auditor-General should audit, Government has no business to take this power.

Shri Nanda: It only deals with the manner, not the authority.

Shri C. B. Narasimhan: But the point is this. The Constitution vests the power with the Auditor-General, but it also vests power with Parliament to change it by law. If the clause remains as it is, it means that the audit is arranged through prescription under the rules.

Shri Nanda: No prescription here can invalidate a provision in the Constitution. It is only a prescription for a purpose which is something beyond the matter mentioned by the hon. Member regarding which the Constitution has provided.

Shri C. B. Narasimhan: May I just explain? The Constitution vests with Parliament the authority to make changes. Therefore, if this clause is passed, it means a change is effected, that is to say rules can be prescribed. That position we do not want. We would like the Auditor-General to enjoy the position which he would normally enjoy, rather than the restricted one which this clause will mean.

Shri T. S. A. Chettiar: I think the hon. Minister may clarify. While generally when no provision is made in a law the audit must be with the Auditor-General, Parliament in its wisdom may introduce legislation to change it, and in the clause they have sought to take powers to say that the accounts of the Board shall be in such form and such manner as may be prescribed. "In such manner" will include that it may not be audited by the Auditor-General.

Shri N. M. Lingam: Quite right.

Shri T. S. A. Chettiar: The powers of the Auditor-General should be kept and Government should not stand in the way of the provision of the Constitution being observed. I should think it is wrong for Government to take such powers as this and take off this audit from the purview of the Auditor-General.

Shri C. B. Narasimhan: Rather, this restricts it.

Shri Nanda: Let me explain the position again. Nothing that we put here is going to take away any power that is vested in anybody by the Constitution. It goes further than that, as it only deals with some matters other than what the Constitution deals with. This provision relates only to the manner of doing the thing and the time of doing the thing. So, by this having been put in that form, I do not think the other position is affected at all. In any case, we can make this clear in the rules and certainly, the rules are going to be placed before Parliament.

Shri N. M. Lingam: When we passed the Life Insurance Corporation Act, we said definitely that the Comptroller and Auditor-General should not audit the accounts. So, it is within the power of this House to fix the auditor who will audit the accounts of these corporations. In fact, this board corresponds to a corporation. Under this provision which reads:

"The accounts of the Board shall be audited at such time and in such manner as may be prescribed."

There is nothing preventing Government from appointing a chartered accountant or somebody other than the Comptroller and Auditor-General. It is true that the assurance of the Minister is there, that he will specifically provide in the rules that the Comptroller and Auditor-General shall audit. But is it not more salutary to have this provision in the Bill itself, because under the Bill as it stands, it is open to Government to appoint any other auditor?

Shri Keshavasagar: If what the Minister says is correct, then there is no need at all for the existence of sub-clause (2) of clause 21. But the very existence of sub-clause (2) of clause 21 is very significant and definitely points out that the accounts of the board shall be audited at such time and in such manner as may be prescribed, in other words, there seems to be a special arrangement

for diversion of the usual course for audit.

Shri Nanda: In the first place, the power taken here in regard to the accounts refers only to the arrangements for office and other minor matters. It is not as if a big project is being carried out by the board. We are providing here for the accounts relating to the establishment etc. Therefore, it is not of that significance and that great important that such a fear should be expressed.

But I may assure the House that because we have no objection to the Comptroller and Auditor-General coming into this also, in the rules we shall make it clear.

Mr. Speaker: Article 149 of the Constitution reads:

"The Comptroller and Auditor General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under a law made by Parliament...."

What hon. Members think is that if an autonomous body of this kind is created.....

Shri Nanda: It is not an autonomous body.

Mr. Speaker: It is a body which advises us, and which exercises jurisdiction over this matter, and gives advice etc., to the States. Why should its accounts not be audited by the Comptroller and Auditor-General?

Shri Nanda: We shall put it in the rules.

Shri Keshavalengar: What harm is there in specifying it in the statute itself?

Shri Nanda: It is a very small kind of establishment.

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Shri N. M. Lingam: The board is not purely an advisory body. Occasions may arise when it will have to execute projects, and some sums will be allotted to it.

Mr. Speaker: Why should we not say that the Comptroller and Auditor-General in such form as he may think proper....

Shri C. R. Narasimhan: We can put in the words 'In consultation with him'.

Mr. Speaker: We can say:

"The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed or directed by the Comptroller and Auditor-General."

Shri C. R. Narasimhan: Or we can say, prescribed in consultation with the Comptroller and Auditor-General.

Shri T. S. A. Chettiar: That is right in that case. sub-clause (2) of clause 21 need not be there.

Shri Nanda: Then, this will again have to go to the Rajya Sabha, and all that We shall put it in that form in the rules.

Shri T. S. A. Chettiar: I would like to make one general observation that such clauses which tend to take away the powers of the Comptroller and Auditor-General may not be introduced into Bills in future. In this case, I understand that this will be provided for in the rules.

Mr. Speaker: Anyhow, I think this Bill goes to the Rajya Sabha, because Government have given notice of two amendments.

Shri Nanda: We are withdrawing those amendments, because we are only changing the year there.

Mr. Speaker: The Minister has said that he will do so in the rules. Hereafter, the desire is that as far as possible, the Comptroller and Auditor-General's right should be there—he is the highest auditing functionary.

The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22.— (Arbitration)

Pandit Thakur Das Bhargava: I beg to move:

Page 7, line 15—

after "interested" insert:

"or between the Board and any one or more Governments interested".

You will be pleased to see that under clause 4 of this Bill, we have provided:

"Every Board so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued."

Further, it has got funds of its own, which are given by the Government of India or by the State Governments.

Again, under clause 15, the board has been empowered to prepare schemes; after preparing any such scheme, the board shall have to consult the Governments interested and the Central Government in respect of the scheme, and after considering their suggestions, if any, the board may confirm, modify or reject the same. So, the final scheme or the approved scheme, as it is called, is framed by this board, and it is the board which is really responsible for its ultimate success. The board can

give advice to the various States; it can consult them if it likes. But the final decision is that of the board.

When I read the provision for arbitration, however, I am rather confused. First of all, no time-limit is prescribed within which the interested Governments can get the arbitrator appointed. It may be that the scheme is passed today, and after two years' time, the interested Government may take it into its head to go to the Central Government for the appointment of an arbitrator, because no time-limit is given here. Moreover, when the scheme is there, who is responsible for it? It is the board which is responsible for it. But the board is not made a party to the arbitration. The two interested Governments may perhaps agree to a certain course of action or to a certain advice, and they may also both dislike a particular advice. But the expert advice is there from the board, and the board gives that advice. Therefore, it is the board which is responsible for that advice.

Mr. Speaker: In sub-clause (1), we find:

"...any of the Governments interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to arbitration."

Possibly, it is felt that the words 'in such form and in such manner' include also 'such time'.

The Deputy Minister of Irrigation and Power (Shri Bhatti): Yes, 'such time' also.

Pandit Thakur Das Bhargava: You will be pleased to see that one of the matters to be provided for in the rules under clause 28 (1) under item (i) is:

"the procedure to be followed in arbitration proceedings under this Act".

At the same time, we find that unless the rivers Board is a party to an arbitration, it has no right to be heard. Here, the only bodies which will be heard by the arbitrator will be interested parties who refer this matter to arbitration. The board as such will have no right to be heard; whereas the action of the board may come into question, it is very necessary that the board shall have to be there to defend itself and to say that the advice given was perfectly right, and the interested Governments have not done the correct thing. The body which is responsible for the advice is not there; at the same time, the other parties who may or may not agree to the advice are there. I think such a kind of arbitration should not be allowed. As a matter of fact, the board being a permanent body, having its own independent existence, which can be sued or can sue, there is no reason why the board should not be there as a party to the arbitration. After all, it is not the final stage. It is only a preliminary stage, when things are in a hotch-potch. When a scheme is prepared, it cannot be regarded as approved. I should say it is just an inchoate scheme which is in its preliminary stages. It is only after the arbitration has been gone through that the scheme becomes pukka. That is the proper stage when the board should be there, and the board should be able to represent its interests and defend its action. After hearing the board, the arbitrator may come to the judgment that both the interested Governments are wrong, and the board is right. That opportunity should be there.

Therefore, I submit that nothing will be lost if these words also are added that the board also is a party to the arbitration. Without such a power being given to the board, I do not think the arbitration will be successful.

As regards the procedure, it will be rather straining the language to say that

another party, a third party, will be allowed to go before that body to be heard there. The procedure only relates to how they sign the agreement to refer and how they will not sign and so on. In all arbitrations, one must know who are the parties and how they will proceed. In such cases, it may happen that some evidence may be led before the arbitrator to prove that as a matter of fact, the advice given is perfectly justified. In a matter of this nature, unless the Board is a party represented there, I do not think the arbitrator will come to a sound decision.

Therefore, it is absolutely necessary, in my humble opinion, to make the Board a party. As I have envisaged, there may be occasions when both the interested governments might agree and the Board might not agree, and the Board's decision might be the more correct decision. In that case, unless the Board is represented there, there will be a judgment by default and the right thing will not be done. Hence, it is absolutely necessary that the Board should be a party.

Mr. Speaker: Amendment moved:

Page 7, line 15—
after "interested" insert:

"or between the Board and any one or more Governments interested".

Shri Nanda: I do not agree—I must say humbly—with the hon. Member regarding this particular matter. The Board is not a party. The Board consists of some specialists who have been called together to look into a certain scheme, a certain proposal or certain claims of parties, and it gives its advice on the basis of a technical examination of the various considerations and issues. And having done its part and approved a scheme, I think the Board's function ends there. The parties in the matter are the States, one State or another. As is very clear, one or the other State will come before the arbitrator and the material that is collected by the Board will be

[Sbri Nanda]

available to both the parties. There could be further specialists or technical experts who could come and plead before the arbitrator. But it will be very embarrassing for the Board to do so. The Board is not composed of one person; there are a number of persons, some of whom are part-time members of the Board and some whole-time. To bring them before the arbitrator will not be very conducive to the healthy functioning of the Board itself.

Pandit Thakur Das Bhargava: They can sue and be sued.

Sbri Nanda: For payment of salaries and other things.

Mr. Speaker: The question is:

Page 7, line 15—
after "interested" insert:

"or between the Board and any one or more Governments interested".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 27 were added to the Bill.

Clause 28-- (Power to make rules)

Mr. Speaker: Now we come to clause 28. There is an amendment tabled by Shri R. V. Misra. He is absent. I will now put the clause to the vote of the House.

The question is:

"That clause 28 stand part of the Bill".

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 1, the Enacting formula and the Title.

Mr. Speaker: I shall now take up clause 1, the Enacting Formula and the Title of the Bill. There is one amendment to change the year from "1955" to "1956". This is a formal amendment. Then there is an amendment to the Enacting Formula, saying "for 'sixth' substitute 'seventh'." Let it be there. It will be corrected even otherwise. If this amendment is adopted here, it will have to go to Rajya Sabha.

Shri Nanda: I do not press that amendment.

Mr. Speaker: It will be corrected because it is 1956. The word 'sixth' will also be corrected to 'seventh'.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

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

Sbri Nanda: I beg to move:

"That the Bill be passed".

Mr. Speaker: Motion moved:

"That the Bill be passed".

Shri T. S. A. Chettiar and Shri Bansal rose—

Mr. Speaker: Hon. Members who want to speak can do so on the other Bill.

Shri Bansal (Jhajar-Rewari): I would like to speak on this Bill because I have a special point to make.

Sbri T. S. A. Chettiar: The point I want to raise relates to this Bill only.

Mr. Speaker: I will give preference to those hon. Members who took

part in the debate so far and assist us.

Shri T. S. A. Chettiar: I would like to refer in this connection to a matter that has been pending for some time. It is unfortunate that certain matters connected with irrigation projects which concern the Western Ghats are matters of dispute between Madras and Travancore-Cochin. It is also unfortunate that Travancore-Cochin does not have a representative government today, and so is under the rule of the President. In the absence of a representative government, the Adviser's Government, as we used to call it, is usually a Caretaker Government. It is more unfortunate that the possibilities of the formation of a stable government in Travancore-Cochin seem to be remote in the present situation.

In these circumstances, I would like to suggest that the irrigation projects called Perambiculam and Edaki and some others which, by their very nature, can only be co-operative projects between these two States, and which, I am sure, are going to benefit more than one State may be referred to the River Board contemplated under this Bill. The Government have got a bit of work to do just after the passing of this Bill. I would suggest that it is not necessary under clause 4 (1) for any State Government to even make a reference. The Central Government themselves can initiate things *suo motu* and take action under clause 4 (1) in this matter immediately so that those vast tracts which have no water supply and electricity can be helped.

What Travancore-Cochin needs today is power for development of industries. By proper inquiry into this matter, the needs of both Travancore-Cochin and Madras can be met. I would suggest that these matters may be taken up immediately.

Shri Bansal: I would like to invite the attention of the hon. Minister to

the fact of the absence of the definition of 'river' in the Bill. Perhaps the word 'river' is well known. But I am faced in my constituency with a very peculiar situation. We have a so-called river which is desert during ten months of the year, but it becomes a torrential river for about two months. Just now, it is a torrential river, so much so that we are not able to reach a very important part of the tehsil.

Shri Nanda: What is the name of the river?

Shri Bansal: River Sahibi.

Shri Nanda: Is it an inter-State river?

Shri Bansal: Yes. If I take the hon. Minister to my constituency in summer, he will see that it is nothing but a stretch of desert spreading from the eastern portion of Rajasthan right up to the border of the Rewari tehsil. But in the rainy season, right from the eastern part of Rajasthan, mostly in the Alwar State, to the Rewari tehsil, all the flood water accumulates and in that way, havoc is caused to a large portion of my area.

I am sure the hon. Minister is aware of the fact that on account of torrential rains in some parts of the Gurgaon district, heavy damage has been caused to a large number of villages.

The short point I am trying to make is that such rivers also should be covered by this Bill. In fact, as far back as 4½ years ago, I brought to the notice of our Food Minister that we must have some sort of an Inter-State Board for this region, that is, PEPSU, Rajasthan and Punjab. Unfortunately, my constituency is on the border of two other States. We have the source of this river Sahibi in Rajasthan. It goes through part of PEPSU and then comes to my constituency.

[Shri Bansal]

Another difficulty of that area is that it is a slightly raised plateau if you see from the Punjab end with the result that although we have spent crores and crores of rupees on the Bhakra-Nangal irrigation project, not an ounce of water can be taken to that part of my constituency and the only source from where water can go there is from damming that Sahibi river in some place. The unfortunate position is that the Alwar State, at that time, tried to bund most of the waters with the result that the river completely gets dried up.....

Mr. Speaker: Are we now going into any particular case, regulating any particular river and suggesting that Government should take action?

Shri Bansal: What I am trying to suggest is that even these moribund rivers should be considered when forming these Boards. That is my short point and I am sure the hon. Minister will take this into consideration.

Shri Achuthan (Cranganore): Sir, I welcome this Bill. I hope this Bill will have many advantages for the country especially after reorganisation. In fact, Shri Chettiar was referring to the disputes between Madras and Travancore-Cochin. Practically, it is not very much of a serious thing. If both the Governments take up the question in a co-operative way, the difficulties of both Governments will be solved.

He was saying that there may be a possibility of not having a stable Government even after the general elections in Kerala and so Madras may have to suffer after one or two years. It is a far-fetched presumption and there is no foundation for it. I say let the River Boards be established wherever necessary; and if there are disputes they may be taken up later so that full advantage may be made of this.

Shri Nanda: I have nothing more to say. I will certainly take action on suitable occasions.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INTERSTATE WATER DISPUTES BILL

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

"That the Bill to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys, as passed by Rajya Sabha, be taken into consideration."

On the 29th of September last year, this House adopted a motion for the reference of this Bill to a Joint Committee for submitting its report by the 21st November. As the House knows, the Joint Committee after taking into consideration all the suggestions made in both Houses of Parliament, arrived at decisions on all points except one which I will explain shortly.

There is a minute of dissent also regarding one point. I will explain very briefly the changes that were made in the original Bill by the Joint Committee. There are not many changes; one or two are of significance and the rest are only verbal changes.

A change is made in clause 4 with a particular object. In the clause, as it stood originally, the Central Government had the discretion to refer a matter to the Tribunal or not to refer it. The word used was 'may'. The Joint Committee thought that the Central Government should have no such discretion and that if a Government seeks the good offices of the Tribunal, they should be made available to it, so that a change was made in that. But, at the same time, it was provided that it should not be obligatory on the Central Government at once to refer a dispute to the Tribunal without having exercised its own function of trying to bring about

*Moved with the reconunendation of the President.