

court in India. Clause 11 says, on the contrary, that the Supreme Court will have no jurisdiction. Therefore, I do not know how far we are justified in enacting this clause 11.

1 P.M.

**The Deputy Minister of Irrigation and Power (Shri Bhat):** To cut the matter short, may I draw your attention, Sir, to article 262 (2) which says:

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

Clause (1) of article 262 says:

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

**Pandit Thakur Das Bhargava:** What is that article?

**Mr. Speaker:** Article 262—Disputes relating to waters. The hon. Member may resume his seat and leisurely look into it. In the meantime I will call the hon. Minister in the Ministry of Home Affairs to present a report of the Joint Committee.

## BIHAR AND WEST BENGAL (TRANSFER OF TERRITORIES) BILL

### PRESENTATION OF REPORT\* OF JOINT COMMITTEE

**The Minister in the Ministry of Home Affairs (Shri Datar):** Sir, on behalf of Pandit G. B. Pant I beg to present the Report of the Joint Committee on the Bill to provide for the transfer of certain territories from

Bihar to West Bengal and for matters connected therewith.

**Shri Subodh Basda (Midnapore-Jhargram—Reserved--Sch. Tribes):** Sir, I wish to raise a point of order. I am a member of the Joint Committee. Yesterday, during the final Sitting of the Joint Committee on the Bihar and West Bengal (Transfer of Territories) Bill, the report was adopted unanimously. No member of the Committee objected or called for a vote to be taken. Having accepted the report without any objection, I submit, members of the Joint Committee are barred from submitting any minute of dissent.

**Shri K. K. Gasa (Diamond Harbour):** Yesterday, when extension of time was given, we were given to understand by the hon. Minister that there has been a certain minute of dissent and they want to reconsider the thing I want to know whether there has been any material alterations since then or whether it remains what it was yesterday.

**Shri Datar:** It remains as it is.

**Shrimati Renn Chakravarty (Basirhat):** While what the hon. Member has stated is substantially true, certain members did move some amendments and they were defeated. Therefore, they have every right to submit a note or dissent.

**Mr. Speaker:** Now we are not deciding all those things. I thought a point of order was raised regarding the submission of the report. It was fixed that the report would be submitted yesterday, but I understand late in the evening, when the hon. Deputy-Speaker was here in the Chair, a motion was made for extension of time till today and the motion was adopted by the House. Therefore, there is no more point of order. When the Bill comes up, then the hon. Members may say whether minutes of dissent ought

[Mr. Speaker]

to be looked into or not to be looked into.

**Shri K. K. Basu:** I did not support the point of order raised. I only wanted to know the facts.

**Mr. Speaker:** The hon. Minister says that there is no substantial alteration.

Now, Pandit Thakur Das Bhargava may continue

#### INTER-STATE WATER DISPUTES BILL—contd

**Pandit Thakur Das Bhargava** (Gurgaon): Sir, I am thankful to you for granting me some time to consider the reply given by the hon. Minister. I regret that I made a mistake in referring to this matter and I feel a study of article 262 is quite sufficient to assure me that the Bill is certainly justified. Article 262 by itself is a reply to the argument which I made under article 136.

Then I have got a very small point to make. The previous speaker has stated that some time-limit must be fixed. I know of a case in Palwal Tehsil in which it has taken about 32 years for the Punjab Government and the U.P. Government to come to any terms in respect of a wheel of water which accumulates there and the health of the whole town is ruined. But still both the Governments have not been able to come together and 32 years have passed. I would request the hon. Minister to fix some time-limit—one year, two years or three years, whichever is suitable to him. If any thing comes to the notice of the Government, the Government should see that within a reasonable time the matter is referred to a tribunal and some decision arrived at.

[MR. DEPUTY-SPEAKER in the Chair]

1.05 P.M.

At the same time, to cut the matter short—I do not want to take much time of the House—I would also refer to my amendments numbers 1, 2 and

3. I would respectfully submit that when the question is as to what is the dispute, then we ought to understand the foundation for the dispute. Clause 3 of the Bill says:

“If it appears to the Government of any State that a water dispute with the Government of another State has arisen or is likely to arise by reason of the fact that the interests of the State, or of any of the inhabitants thereof,....”

I am happy that these words are being used.

“...in the waters of an inter-State river or river valley have been, or are likely to be, affected prejudicially by—

(a) any executive action or legislation taken or passed, or proposed to be taken or passed, by the other State; tants thereof,.....”

By executive action I understand some order which the Government of a State considers legally justified and which is objected to by some other State. This provision is there, but I understand that the Government may not pass any executive order and, at the same time, may do some act or may omit to do some act which prejudicially affects the rights of another State. I am anxious that water disputes of this nature, whatever cause they may be due to, whether due to executive action or no executive action or due to an act of omission by a State, should also be a subject matter for decision by a tribunal of this nature, so that as many disputes as possible may come within the purview of this clause 3 and there may be a decision thereon.

Similarly in (b) of clause 3 it is said:

“the failure of the other State or any authority therein to exercise any of their powers with respect to the use, distribution or control of such waters; or”