

[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”

Now, it may happen that some of the inhabitants of a State may cause obstruction in the flow of water so that water may not flow to the other State. In a contingency like this I do not think that the dispute which arises there will be amenable to the jurisdiction of the Central Government if you do not insert the words "or inhabitants thereof". I am glad that clause 3 says "or any of the inhabitants thereof". It is not only a question of inter-State disputes. As a matter of fact, even the inhabitants are prejudiced. If it is due to the act of a number of people or the inhabitants of the State, such cases must also come within the purview of clause 3.

Again, in sub-clause (c) I find one significant omission. Sub-clause (c) says:

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

I can understand that it may be due to the total failure of the State to act up to its profession or promise. In that case the dispute will be such as will come under clause 3. But supposing the State chooses to interpret the clauses of the agreement in some manner which is not acceptable to the other State and the question becomes one of interpretation of the terms of the agreement, in that contingency the dispute would not come within the purview of this clause though the Central Government, the other Governments and the Parliament are all anxious that all such disputes may be settled. Therefore, unless the words are ample enough to include such cases I am afraid we will not be able to take advantage of this law.

I should, therefore, think that the provisions of this clause should be as wide as possible so that all matters in dispute may be referable to a tribunal and there may be no such bickering between the States as may

occasion bitterness, and not allow people to take full advantage of the inter-State rivers.

**Shri D. C. Sharma** (Hoshiarpur): Mr. Deputy-Speaker, Sir, when the history of Free India comes to be written, I think a very glorious chapter in it will be about the river valley projects of our country, and without inviting any kind of adverse comments I can say that most of the credit for that will go to our hon. Minister for Planning. I think, Sir, this Bill aims at putting our river valley projects on a sounder, more stable and better footing. Therefore, I welcome this Bill. But, as was pointed out by my esteemed friend Shri L. N. Mishra, this Bill is a very sad commentary upon the parochialism which our States practise and it is good that our Central Government has stepped in to correct that parochialism. You, Sir, are interested in the Bhakra-Nangal project as an inhabitant of the new State of Punjab which is coming into being. You know how the execution of that project was held up by a tiny State which was a princely State at that time. The idea of executing that project came to our administrators many years ago, but one small State, a princely State, at that time, would not give its consent to the implementation of that project which is now going to bring such a great deal of prosperity to the new State of Punjab and also Rajasthan. I would, therefore, think that this Bill is going to do a great deal of good to our countrymen at large.

This Bill is a move in the right direction, if the States do not give, or if they fail to give, a good account of themselves. I think the Central Government has the right to step in and keep up the balance. Without minimising the importance of provincial autonomy, I would say that the Central Government should step in more often so that the foundations of India's prosperity can be laid much more quickly than even now. There-

[Shri D. C. Sharma]

fore, I think that this Bill is a big move in the right direction.

I would now like to offer most respectfully a few suggestions to the hon. Minister for his consideration. There are many points of interrogation in this Bill. With the limited understanding that I have, I do not know how those questions are going to be solved. For instance, it is said in the Bill that the disputes will be referred to the Tribunal when negotiations have failed. It is an admirable principle and I do not want to quarrel with this principle. But I want to know at what stage the negotiations will start, what will be the subject of negotiation, how long the negotiations will go on and when the Government will come to a conclusion that the stage of negotiation has passed and the stage of arbitration has begun. I think these are very big questions, and they remain a big question mark, and they cannot be left to the sweet will of the authorities of the States concerned. This is the first big question mark that I find.

Again, I think that when more than one State is involved in a dispute it is not right to refer the matter to a single-man Tribunal. We have seen the consequences of a one-man Tribunal already. We have been referring some of the linguistic disputes to one-man Tribunals, in recent years. Without saying anything unfavourable about those hon. members who are presiding over those Tribunals, I must say that those one-man Tribunals have not commanded as much confidence as they should. I do not say that there is something inherently wrong in one-man Tribunals, but constituted as we are, I would say that provision should be made for a bigger Tribunal. If one man could decide the disputes which arise between one State and another, then, there need not be any Tribunal at all and the whole thing could be settled by means of negotiation. Only when disputes are deep and far-reaching and ticklish in character,

we appoint a Tribunal, and so, I would suggest that the number of persons who constitute the Tribunal should be increased. Of course, there is provision for assessors and they may be helpful for technical purposes and they may supply the technical knowledge which is needed by a Judge. But then, an increase in the number of persons on the Tribunal will make for easier acceptance of the decision, apart from a speedier decision.

Now, clause 5(3) says as follows

"If upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion, that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may, within three months from the date of the decision, again refer the matter to the Tribunal..." etc.

I would say that if things are going to be done in such a manner, the whole purpose of this Bill will be defeated. I think we should give the right kind of reference to the Tribunal. After the decision is received, the Government concerned should act upon the decision. But here, the finality itself is left in doubt. It is said that if any matter has not been referred to the Tribunal originally, it can be referred to the Tribunal subsequently. Therefore, the Tribunal is given a kind of continuous jurisdiction. This will make for laxity of any decision that may be taken by the Tribunal. I think that the matters of dispute should be referred to the Tribunal in a firm, and decisive and authoritative manner and the decision of the Tribunal should also be firm and authoritative. It should not be as if the Tribunal will never come to a decision or that a matter should be referred again and again to the Tribunal.

Again, clause 13 of the Bill is, to my mind, very difficult to understand. When I read this Bill I thought of a book where the chapter headings are given but the chapters are yet to be written. I would ask the House to read clause 13. Most of the important things which can be referred to the Tribunal are left vague. What is going to be the form of the complaint, what is going to be the manner in which the complaint is to be made—all these are not clear. I think the hon. Minister should have told us what kind of complaints are going to be made within the purview of this Tribunal and in what manner those complaints are going to be made. The complaints may be made in a frivolous manner or in a vexatious manner. Such complaints do occur. I thought that there would have been some kind of finality about these very vital matters. But, they are vague. I would humbly suggest to the hon. Minister to give some firm decision in this matter.

It is said here:

“(b) the matters in respect of which a Tribunal may be vested with the powers of a Civil Court;”

These matters should have been specified in the Bill and should not have left to the rules. We can leave to rules only procedural matters of a minor kind. Here we find that rules are going to be made with reference to vital matters which form the core and pith of this Bill. It is not a small thing; it is a big thing. It is in regard to a Tribunal which is going to adjudicate between States and here the procedure has got to be specified.

Of course, I have nothing to say about the remuneration, allowances or fees payable to the presiding officer of the Tribunal, although we would have very much liked to know what salary and allowances he will get and whether he will draw the same salary etc. as before.

It has been said that the rules which will be framed will be laid

on the Table of the House for 14 days. Clause 13 deals with very vital matters and the rules made under this clause are not going to be of a routine nature; they are of a basic and fundamental nature. Therefore, the rules should be laid on the Table at least for 30 days, as they are very important.

As I said at the beginning, I welcome this Bill and I congratulate the Minister for having brought it before the House. But I would ask him respectfully to answer some of the questions raised with regard to this Bill, so that this Bill can be passed with the utmost serenity of mind.

Shri K. K. Basu (Diamond Harbour): Sir, this Bill naturally has the general support of the entire House, as revealed by the speeches delivered here. You will appreciate the importance of the rivers in the economic and social life of the people. Practically civilisation has developed along the rivers for ages and more so, with the new technological developments in the different parts of the country, rivers are playing and are bound to play a very important role in the reconstruction of the country.

As Professor Sharma has said when the history of new India is going to be written, roads and river valleys will find a very prominent place. By and large, we are for the development of the river valleys and for new schemes to harness the waters of the rivers. The rivers have been the cause of prosperity on many occasions, but, they have also been the cause of sorrow. My friend, Mr. L. N. Misra, knows the fate of the people living round about the river Kosi. But today science has given us the power to control and utilise the waters for the benefit of the community and the nation. Therefore, we feel that all efforts should be made by the Government and the legislature to remove the unnecessary bickerings and troubles which prevent the full utilisation of the national resources available in plenty in our country.



[Shri K. K. Basu]

Previous speakers have pointed out the sorry consequences of delaying many schemes which, if taken up in time and completed, would have naturally augmented the wealth of the community and the prosperity of the country. So, we feel that this particular Bill is bound to play a very important role in preventing future disputes that might arise between the respective States. However much we might try to bring unity, differences of opinion are bound to exist among the various States, and therefore, a machinery should be found out to settle the disputes quickly. We are glad to know that Government has waked up, however late it may be, and brought forward this particular legislation.

One point I would like to emphasise is this. In clause (3) there are three categories—(a), (b) and (c)—of matters of dispute. I would like to know from the Minister whether, when they are appointing a judicial authority to determine the dispute, they will take into consideration the mutual economic use of the waterways and the prosperity of the particular areas. Suppose there is a river flowing through two States A and B. Today B may be industrially more advanced and naturally it may want to utilise the water resources. But A may not be economically so well-organised and it may want to use the water resources later on. How are you going to determine the attitude that A may take? Clause 3(a) says:

"(a) any executive action or legislation taken or passed, or proposed to be taken or passed, by the other State".

Therefore, these things should be taken into consideration especially when in our country there are uneven developments of different regions. In one area, the waters of the rivers may be wasted and allowed to flow into the sea; in the adjoining

area, which may be industrially advanced, they might like to utilise the waters for generating power. In Yugoslavia, through canals they want to harness three or four rivers and utilise the waterways for the generation of electrical energy. Therefore, the needs of a particular State which may be industrially advanced may have to be considered for the time being, but, if not in immediate future, at least later on, the adjoining State might also want to utilise the waterways. So, one State should not be allowed to behave in a manner which is detrimental to the other State. These factors also should be taken into consideration.

Looking at the over-all picture of the economic planning of the country, we have the second Five Year Plan and we expect to have some more plans also. I feel that, when the judicial authority is appointed, unless the terms of reference and the scope are very much particularised, the judicial authority might take a legalistic view of the matter, which might ultimately prove to be against the economic development of the particular area. I will not go into this matter in detail, because the Minister himself has been for a number of years familiar with the problems of the different regions of the country, so far as the utilisation of the waters of rivers flowing through a number of States is concerned.

Regarding the constitution of the tribunal, I for myself would like to restrict this tribunal to the present Judges of the Supreme Court and not allow "have been Judges" to be appointed. I am very much against the appointment of retired Judges, because the people, at least, have a feeling that those Judges who are very friendly with certain persons may get the superannuation appointment. Therefore, I suggest that sitting judges of the Supreme Court should be appointed. If I am not incorrect, I think in the Government

of India Act, 1935, there was a provision that whenever any river dispute or similar dispute arises, the Chairman of the board should be a Federal Court judge.

Then, the permissive provision for appointment of assessors to the tribunal are not correct because I feel that the judges, however trained they may be in determination of a particular dispute, do not have the technical knowledge to decide a river dispute without going into the technical aspect of the matter. It is quite true that if it is only to interpret an agreement, as provided in sub-clause (c) of clause 3, then it may be easy for them because it is more or less based on certain principles and they have got only to determine what is the meaning of a particular expression. But if they have to determine whether the action which a particular State has taken is such, that it prejudicially affects the position or the benefit that is being enjoyed in respect of that particular river by another adjoining State, I am afraid their knowledge will not be sufficient. I remember one of the most eminent jurists in India, who was a member of the partition council of Bengal when it was divided during the partition days, having actually confessed in the course of the sitting of his colossal ignorance of the topography of Bengal. I do not want to name him because he was a lawyer of some standing and he was also the Supreme Court judge of India for some time. He was an eminent jurist of international fame.

**Dr. Lanka Sundaram (Visakhapatnam):** If it is so, why do you want the Supreme Court Judges to be there?

**Sbri K. K. Dasu:** The provision for assessor is there. What I want is that this provision should be permissive. Whenever a tribunal is appointed, there must be at least two assessors who are technical men, who know the problem. I understand that in the course of discussion some

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of our friends have moved some amendments in respect of this clause. Government may consider them. I think the Minister will see that these differences do not stand in the way of further development and reconstruction of the country and the Government will try to utilize all the available natural resources for the development of the different areas of the country for the re-building of India, which all of us very much wish.

**Dr. Rama Rao (Kakinada):** I welcome this Bill and I need not take much time on a Bill for which there is universal support. We, Andhras, are rich in rivers and, therefore, rich in disputes also. On the one hand, we have at present a dispute with Orissa. Fortunately, only a few days ago they have come to some kind of an understanding. The Vamsadhara project is under discussion for a long time. If it is undertaken, a small area in Orissa will be inundated. They obstructed it for a long time. It should be possible for the Central Government to come to the rescue of Andhra. It may inundate a little area as a dam has to be constructed lower down. It is for the third party, for the Central Government, to consider whether it is worthwhile having a large area to be irrigated with a loss of a small area or because one State suffers small inundation so the benefit of this project should be limited very much for the other State.

It is good that a machinery is being developed to settle the disputes. If you see the new map of Madhya Pradesh you will find that it extends almost from Delhi to Andhra. It touches even the Godavari. At present we have no dispute with them because we have no projects in that area. But there may be potential disputes. I hope there won't be disputes in that area.

**Dr. Lanka Sundaram:** It is a question of the tentacles of the octopus

**Dr. Rama Rao:** If any dispute arises when any project is undertaken, they will be in a strong position. There is, therefore, particular reason for us, Andhras, to welcome this Bill. I have already mentioned the possible difficulties which may be encountered when there is a project on the Godavari river. We have our troubles with Tungabhadra. Therefore, I conclude this portion by saying: I welcome this Bill.

My hon. friend has already pointed out the necessity for a time limit. After the dispute has been brought to the notice of the Central Government, there must be some time limit within which negotiations should take place. Therefore, we have given an amendment to limit the time to six months.

Regarding judges, my hon. friend Mr. Basu has already mentioned that retired judges may be left to their avocations and active judges alone be appointed. The Bill also partly agrees with it. As far as High Court judges are concerned, Government wants judges who are in service. But I do not know why they are partial to the superannuated judges of the Supreme Court. If anything, Supreme Court Judges may be older than the High Court judges after retirement.

**Shri N. C. Chatterjee (Hooghly):** Always.

**Dr. Rama Rao:** This dispute about waters is a thing that concerns millions of people probably for centuries. Therefore, we ought to have judges who are in service.

Then, there may be issues which are complicated and require consideration by more than one person. In such cases, the Chief Justice must have the power to appoint more than one person as arbitrator. It may be just like the decision of a full bench. They have to decide issues like the division of the percentage of waters, whether a river can be obstructed higher up etc. So, if the

Chief Justice thinks that the matter is of sufficient importance, he must have the power to appoint more than one Judge. Here it is stated "a person". The Chief Justice's hands should not be tied like this.

There is only one more matter. Clause 8 of the Inter-State Water Disputes Bill says:

"Notwithstanding anything contained in section 3 or section 5, no reference shall be made to a Tribunal of any dispute that may arise regarding any matter which may be referred to arbitration under the River Boards Act, 1955."

Here my trouble is this. If the matter has not been referred to arbitration, there is no difficulty. Here we are excluding matters which may have been referred to arbitration. It would ultimately be referred to arbitration. But I have my own doubts whether this prevents reference of matters to the Tribunal when they are referred to arbitration. If it is a matter which has been referred to arbitration, then I understand it. But here it says "which may be referred". How do we know that it will be referred? Therefore, that may be clarified.

Lastly, I come to the rules. It says that the Central Government, after consultation with the State Governments, may make rules. We have given an amendment that the rules must be framed within three months. I do not say that our minister for irrigation and Power is very slow. But we have some experience about these rules. The Mineral Concession Regulation Act was passed in 1948 and the rules were laid on the Table of the House three days ago. The Mines Act was passed in 1952, but the rules were framed after three years, the regulations have to be framed. Therefore, we want to put a time-limit of three months for the rules to be framed.

**Shri Achuthan (Cranganur):** The whole House has welcomed this measure, and in fact, this Bill along with the River Boards Bill, has been long overdue. With the reorganised States coming into being there will be more scope for inter-State water disputes. Even today when this Bill was taken up for clause by clause consideration, hon. Members from Madras State were referring to disputes between Madras and the present State of Travancore-Cochin which after a few months will become Kerala State. Some part of the rivers now flowing in Travancore-Cochin now may go to Madras after the seven taluks are transferred to it. So, there are possibilities of disputes arising between State and State with regard to the flow of water, construction, embankments, levy and other matters. Previously also the State Governments themselves tried to refer the matter to arbitration as was the case between Madras and Travancore-Cochin, but it is better that a statutory provision is made by Parliament by which the parties to the dispute may apply to the Central Government and the Central Government, if it finds that negotiations are futile, can appoint a tribunal consisting of a Supreme or High Court judge.

The States are waiting even now to bring their disputes before this body and so the endeavour of the Government must be to see that, as Dr. Rama Rao pointed out, rules are framed early and placed before Parliament and action taken. Then only can we solve or prosecute the many schemes or the many inter-State matters of a varied nature, starting from levying and ending with the irrigation project, which are pending. Even in the local press statements and counter-statements are being made and Government have to make statements and give out press releases. With regard to Periyar and Perambikulam, even though there was no basis, there were reports that the Madras Government was encroaching on Travancore-Cochin waters,

and the Travancore-Cochin Government had to investigate and issue a statement that it was not so.

**Shri V. P. Nayar (Chirayinkil):** It might happen during the Adviser's regime.

**Shri Achuthan:** I do not know. As far as we know during the last three or four months he did not go against our interests. Practically what interest has he other than to do justice?

With regard to the suggestion by Dr. Rama Rao about there being more members in the tribunal, I do not know whether there is much substance in it. Supposing a very complicated and serious matter referring to a number of States which would affect considerably the irrigational facilities of a State, arises, then a State may have suspicion or may think that it would be better to have three or two persons in the tribunal instead of one person. But when the matter is technical and the advices are there and all materials are before the person concerned who is of the status of a High Court Judge...

**Dr. Rama Rao:** The amendment is only permissive, and just for such matters as you are referring to.

**Shri Achuthan:** But I do not think there will be such a case which will require a Bench of three or five Judges. It is not such a matter. The States themselves can settle the matter, but because small disputes will be here and there, we say there may be a tribunal and the parties shall abide by its decision and carry it out. Some Preliminary discussions and negotiations will take place either by the States themselves or on the intervention of the Central Government, and finally it will come before the tribunal. I have no objection to making it permissive to the Central Government to have more than one person on the tribunal.

**Dr. Lanka Sundaram:** I welcome this Bill in principle. I feel that we have arrived at a stage in this country when the Central Government must intervene between the State Governments to resolve disputes of this character.

We in Andhra have got a series of rivers which flow from out of States other than Andhra. We have the Machkund project, a very important project now, and we have got the Ramapadasagar project in embryo, and this river Godavari traverses from Maharashtra into Andhra. We have the most amazing and important example of the Tungabhadra project—one of the tributaries of the Krishna river. I would not be willing to go into the details regarding the Tungabhadra river, but I am sure everyone in this House knows because it is a matter of constant discussion in this House that we in Andhra have a number of difficulties about the manner in which this Tungabhadra project is sought to be controlled and directed. With the result I feel that whenever any State Government, whether it is Andhra or non-Andhra for that matter—and there are a score of State Governments in this country—brings it to the notice of the Centre, there should be some sort of a tribunal appointed to adjudicate on the disputes between one State and another. With the result I say, and I say it very sincerely, that I congratulate the Minister in charge of this Bill for having brought it forward before us, making a third party available for adjudication whenever there is a sort of dispute or disagreement. But my difficulty is that clauses 6 and 11 apparently are slightly inconsistent. Clause 6 says:

“The Central Government shall publish the decision of the Tribunal in the Official Gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by them.”

And clause 11 says:

“Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act.”

The whole question is: why do you want to make it summary as a procedure? What are the difficulties of the Government in allowing some sort of appeal to lie with a higher tribunal?

• **Shri Nanda:** It is barred by the Constitution itself.

**Dr. Lanka Sundaram:** For example in the case of an ad hoc tribunal appointed by the Government of India to resolve disputes between Andhra and Orissa with regard to the Machkund project, or between Mysore and Andhra with regard to the Tungabhadra project, why should they be so hidebound as to prevent a sort of further appeal lying? I would like to have a cogent answer from the hon. Minister because I feel....

**Shri V. P. Nayar:** Constitution-bound.

**Dr. Lanka Sundaram:** The Constitution must be changed. We have changed it often enough. To-day we are on the Ninth Amendment Bill, and goodness knows before even this House is dissolved how many more amendments will be brought forward.

The question is: why are they hide-bound? Why do we want to put this proposition in a straight jacket. I personally feel that there is a lot in what my friend Dr. Rama Rao said a few minutes ago. Clause 22 (2) provides:

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

I feel this is a matter which is of technical importance. It is a matter involving water rights, a matter in-

volving engineering skills. Why do you always only bring in the Supreme Court or the High Court Judges? Why do you not bring in engineers? Why can you not say that the retired chief engineers of State Governments or engineering consultants of the Government of India will have a similar position as that of the judges of the Supreme Court or the High Court or judges who have been on the Supreme Court or on the High Courts?

**Shri Kasliwal (Kotah-Jhalawar):** They will be assessors.

**Dr. Lanka Sundaram:** Some of us have had experience of being assessors on so many committees, and we know that assessors do not have the same rights as members of the committee or commission or tribunal, for that matter. I speak with a certain amount of confidence because I have been an assessor more than a dozen times on the Union Public Service Commission.

The whole point here is this. Instead of merely making it a justiciable or legal issue, why do you not make it a technical issue, an issue which will certainly be appreciated by the disputants? Why do you not say, as I said just a few minutes ago, that retired engineers or irrigation engineers of the State Governments or from the Central Water Power Commission will be appointed as members of these tribunals?

I am sure my hon. friend Shri Nanda will not possibly argue with me contra when I say this, because I feel these are matters involving technical considerations, the apportionment of the waters of rivers, the manner in which the rivers are managed, the manner in which the distribution is made between one State and another or matters of dispute as regards, shall we say, irrigational and other facilities. So, I feel that this Bill is slightly defective, and I am sure even at this stage, the Minister can bring forward an amendment—and I hope the entire House will be with him in this—to equip the so-called tribunal with technical knowledge and experience.

I think every time you bring in a Supreme Court judge or a High Court judge, sitting or retired,—and you, Mr. Deputy-Speaker, had the very great distinction of being a High Court judge at one time in your life—you know that the technical competence is not available. I am anxious to give Government the accessory of technical knowledge. I hope the Minister would not possibly grudge this request on the part of this House, that this Bill should be amended in such a manner that at least there is scope available for technical men being brought on these tribunals.

I think that in this country, the picture of the rivers traversing the length and breadth of the country, passing through different State territories and disemboguing into the sea eventually, brings to our mind something like what is called the Danube Commission, for example, in Central Europe, in the inter-war period. Even today, there is a Danube Commission, if I am not mistaken. The Danube Commission is truly international in character. Why do you not allow the State Governments also to be participants in the discussion or the investigation of the disputes concerned? Why do you simply take it to the rarefied atmosphere of legal quibbling? I am sure the Minister will agree with me when I say that I have the highest regard for the High Court and the Supreme Court in particular. But the point is this. How can they be technically competent to dispose of these disputes, because I feel that the entire objective of this Bill is to secure a settlement of disputes, of an honourable and enduring character, in a manner in which both disputants will be bound by it? How can you hope to get it?

Some of us have appeared before judges of the Supreme Court. I speak with a certain amount of personal knowledge and assurance. What do they know, for that matter, apart from the interpretation of statutes, about a question like the industrial disputes, or a question like the

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river disputes? You can certainly say, and I am sure every Member of this House will certainly say, and I am prepared to counter that argument, that after all, it is a matter of law.

But here is a matter of the life and living of the community, of the entire nation, a nation which is divided into various States which are constituents of the Republic of India, a community which has got very strong views about its rights. Some of us in Andhra,—and I am glad I am able to bear out the statement made very generally by my hon. friend Dr. Rama Rao—have got very strong points about the Tungabhadra project I am sure this House does not know the details in full. But I know the controversy about the high level canal of the Tungabhadra project. How are you going to determine it?

**Shri Nanda:** We have done it already.

**Dr. Lanka Sundaram:** No. You have not. I say so with a certain amount of confidence. I am sure my hon. friend Shri Nanda will give me this point, that we are still very sore about it. I am not indulging in expletives, when I say that we ask him to remember that Andhra is not satisfied as to the manner in which the Tungabhadra project has been sought to be managed. I may be wrong. I am prepared to give him the point. But why do you make it a purely justiciable or legal issue? Why do you not make it a competent, technical and practical issue? I would like to have an answer from my hon. friend I am prepared to listen to him. I am prepared to yield the ground at this very moment, if he could give me an answer to this point. Why can he not make this a technical, competent and practical issue?

I am afraid, as far as we Andhras are concerned—you, Sir, will appreciate this, because you have got a number of rivers traversing from north to south—we have a number of rivers which cut across inter-State boundaries. I hope I am not exag-

gerating when I say that Andhra has got more rivers than any other State in India, the Vamsadhara from the north, then the Sarada, then the Varaha, then the Godavari, the great mighty river of India, then the Krishna, another great mighty river, the Pennar and so many others, some of them 100 per cent perennial, and some of them not so perennial; and they traverse the entire length and breadth of the country from the north to the south. We have got disputes. I am not talking as an Andhra alone. I give this assurance to my hon. friends here. But the point is this. How are you going to settle it, by making it a justiciable issue, by making it a matter for legal quibbling? I regret to say that this should not be the attitude of the Government of India.

I again say with reference to clauses 4 and 11 of this Bill, that my hon. friend should see that non-legal people are available on the tribunals. I hope he himself will bring forward an amendment. If you will permit me, I am certainly willing to table the amendment right now, to help him to arrive at a formula, which shall be acceptable to the country as a whole, and which will be workable as well. I regret to say that making it purely a matter for forensic eloquence will not solve this problem.

As I said at the outset, I welcome this Bill. I feel that something like this should have been brought forward even four or five years ago, since the Parliament was brought into existence. I am glad that Shri Nanda has brought forward this Bill. But let him make it a purely enduring proposition, so that the entire country will be behind him. There, are no politics in this particular Bill. I am thoroughly convinced of it, and I am sure everyone of my colleagues in this House will bear me out on this point. This must be a proposition which will enable every part of the country to have the right to live and live properly.

In the light of what happened yesterday, when we passed and gave the

send-off to that great important enormous Bill called the States Reorganisation Bill, the time has come when a machinery should be available for the proper apportionment,...

**Mr. Deputy-Speaker:** Was it a send-off or a welcome?

**Dr. Lanka Sundaram:** A send-off to the other House, if I may say so. After all, with all the rights and wrongs with which this House is endowed, I think there is the other place, which, if you would allow me to say so, is very much in the picture—I am speaking only in terms of procedure.

What I mean to say is that this is a Bill which is intended to give fair shares for all, for every part of this country, with the result that you cannot make it a purely legal or forensic proposition.

I am sure my hon. friend the Minister of Irrigation and Power will not object to this suggestion that he should bring forward an amendment—I make a very sincere appeal to him in the cause of the country; I am not making a partisan approach at all—for enabling technical people, that is, people who are irrigation engineers, to act on these tribunals. I do not know what his objection is. I would like to hear him, if he wants to say anything now interrupting me.

**Mr. Deputy-Speaker:** No immediate answer is needed.

**Dr. Lanka Sundaram:** You know that the procedure is available to every Member of this House...

**Mr. Deputy-Speaker:** The Minister would reply at the end. So, the hon. Member should not expect an immediate reply now.

**Dr. Lanka Sundaram:** It is a very important and serious problem, which has not cropped so far since this Bill was taken up. The point I am making is this. I am prepared to yield the ground to him to tell me what objection he has got—personally, as far as he is concerned, as a Minister—to allow or to bring forward an irrigation engineer into these tribunals.

2 P.M.

**Shri Nanda:** I shall give the answer; it cannot be a simple yes or no.

**Dr. Lanka Sundaram:** I am glad that my hon. friend's mind is working and I hope it will continue to work.

I would say, in fine, that this is a very important Bill. It is a Bill which is absolutely necessary for the well-being of the country. It is a Bill dealing with the manner in which the waters of the great rivers, the waterways of this country, are to be properly apportioned and I am most anxious that the administrative and technical approach—I am using the word very generically—which the Government want to adopt in respect of this Bill will be such that it will not only be technically competent to deal with these problems, but it will be able to give satisfaction to all the disputants to any particular waterway in this great country.

**Shri Nanda:** Sir, I have listened with due attention to all the observations and suggestions made regarding this Bill and also the amendments that have been suggested. I, however, feel that I would not be in a position to accept any of the amendments and I shall explain the reasons.

Taking up first the remarks of the hon. Member who spoke last. He was very keen to have an immediate reply to his suggestion and I shall take the earliest opportunity to make that reply. In the course of my day to day duties I have to work with engineers. I know them fully well; I have great regard for them not only as engineers, but I believe some of them are very good administrators also and they can be trusted to perform various duties and discharge high responsibilities. Therefore, if I say that I am not inclined to favour this suggestion it is not because I have any doubt regarding the capacity or integrity of our engineers. I



[Shri Nanda]

shall explain why this does not fit in here.

The hon. Member will possibly remember—if he was here during the earlier part of the proceeding—that there has been a keen insistence on having not one judge but more judges, not High Court Judges, but Judges of the Supreme Court, not retired Judges, but serving Judges. This is the importance that they attach to the judiciary.

**Dr. Lanka Sundaram:** Clause 4 (2) says "persons who are, or have been". That means retired people

**Shri Hathl:** That does not apply to High Court Judges. The idea is to have existing High Court Judges.

**Dr. Lanka Sundaram:** Hardly any difference—tweedledum and tweedledee!

**Mr. Deputy-Speaker:** The hon. Member in the course of his speech has made every point very clear. Now he should listen to the reply.

**Dr. Lanka Sundaram:** On a point of personal explanation. You have known me for the past four and a half years. I am not interested in obstructing the Minister. The point is.....

**Mr. Deputy-Speaker:** The House realises that the hon. Member feels very keenly so far as this Bill is concerned.

**Dr. Lanka Sundaram:** Every Bill. You have watched me for four and a half years. The language is clear—from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court. It is for you to give the ruling whether the language is clear, clubbing both the High Court and the Supreme Court together, or not. I am prepared to abide by your decision.

**Mr. Deputy-Speaker:** No question of my giving a decision in this case.

**Shri Nanda:** I was answering the main question, leaving aside for the moment the question of the language, which also is very clear. I was dealing with the principal issue raised by the hon. Member.

He made an appeal on behalf of the whole country and on behalf of all hon. Members here. I am quite sure that if he were to consult our friends here as to whether they would give up this provision which makes it obligatory to have a Judge of the Supreme Court or a High Court in favour of an engineer, none of them would agree. I see several hon. Members shaking their heads.

**An hon. Member:** We are not agreeable.

**Mr. Deputy-Speaker:** Parliament's decisions are not taken by the shaking of heads!

**Shri Nanda:** I have no other method of approach to the whole country. By what other method could I ascertain the will of the country. The country is represented here by the presence of these Members. So, sensing the opinion of the Members here and also knowing the mind of the States in the matter, this provision is acceptable to everybody. If, however, I were to take this matter back to the States saying that these matters will not be referred to a Tribunal consisting of Judges, but that the Tribunal should be composed of some engineers or administrators, I am sure that all the States would say 'no'. That is my reading of what the States' mind is in the matter. Therefore, having due regard to the opinions of the States—and this is a matter which vitally affects the States—I think that any departure from the method adopted here will not be acceptable.

Moreover, what the hon. Member desires is being furnished in some other way, in some other place. I do not know whether the hon. Member was present here during the pro-

ceedings in connection with the earlier Bill, the River Boards Bill. There it is that technical questions come in. Schemes are made there..

**Dr. Lanka Sundaram:** May I interrupt the hon. Minister? Will he give me an assurance that the assessors to be appointed under sub-clause (3) of clause 4 will be technical people? I would be satisfied with that.

**Shri T. B. Vittal Rao (Khammam):** One of the assessors will be a technical man.

**Dr. Lanka Sundaram:** Will he make it obligatory that one of the assessors will be a technical man, say, an irrigation engineer.

**Shri Nanda:** Certainly, that is the intention.

**Mr. Deputy-Speaker:** When they have to tender advice, it is for the Tribunal to see what sort of advice is sought in a particular case.

**Shri Nanda:** If for example, a reference to a Tribunal is only the interpretation of an agreement, the terms of an agreement, or whether an agreement has been implemented or not, it may be that the kind of help that the Tribunal requires is not that of an engineer; it may be something else. Supposing it is a question about pollution of water, then a man who knows sanitary engineering may be required. As to whether the technical aspects are being fully looked after or not, my answer is that those are going to be considered in very great detail by the Boards and the Board will have, if he will kindly refer to the relevant clause there, specialists, experts and technicians of all kinds. The Boards will be very properly manned. Questions as to whether an agreement has been implemented or not, or some State has not carried out its part, or refuses to do or has done some thing in excess, all these are matters which are mainly in the domain of judicial determination. This provision I may respectfully state is quite ade-

quate and appropriate for the purpose.

**Dr. Lanka Sundaram:** Will the hon. Minister explain the qualifications of the assessors to be appointed under sub-clause (3) of clause 4—who are to be the assessors, what are their qualifications? I am interested in it.

**Shri Nanda:** The intention certainly is to enable the Tribunal to have the help of assessors who will have the relevant, appropriate technical qualifications, having regard to the nature of the dispute before them—which may be in many cases an engineering dispute, may be something else also. Therefore, we cannot tie down the Tribunal as to who the assessors will be. I may remind the hon. Member that we had in the original Bill a provision that the Central Government may make a recommendation, but that also, at the instance of the Joint Committee, was deleted. 'Leave this matter to the discretion of the Tribunal'—that is what they said, and rightly so.

Dealing further with the same question, of the composition of the Tribunal, I entirely agree with Members that if possible, we might have provided for more than one member. That was our intention and original idea. But I may inform hon. Members that the Supreme Court took a very different view. They said that if it was not one, the number would have to be three, and they indicated that they would not be in a position to give three. They asked—what is the use of your asking for three in such cases? Therefore, let us try on this basis.

As regards the question of the status of the Judges, that also has arisen because of the advice of the Supreme Court. We had originally put it in the way in which hon. Members wanted it to be put. The original wording was exactly that. But we have been told to change it and, therefore, we have had to change the provision accordingly.

[Shri Nanda]

There was another point made that instead of the wording that the Tribunal 'may' appoint two or more, it should be that it 'must' appoint. That also we leave to the Tribunal. After all, we trust the judgment of the Tribunal in such very big matters. We can also trust them to see whether there is need for assessors or not. It may be just a matter of interpreting a particular sentence in a whole agreement. For that, there will not be any need of assessors.

Now remain the amendments tabled by my hon. friend, Pandit Thakur Das Bhargava. We gave very close consideration to them yesterday. This is not so much a matter of judgment of the Minister as the advice of the legal advisers. We were told on all these points that it was not necessary to make these changes, that the wordings as they stood covered all these intentions. 'Executive action' includes omission. So 'omission' is covered under the wording. Failure to implement would be an omission. So far as the inhabitants are concerned, in this case it is really the State which is to act on behalf of these inhabitants. Therefore, these suggestions, though perfectly all right so far as the merits of the things are concerned, are not necessary to make them clear in a legal sense, because the existing wording of this clause covers all those points.

One more point, as to the negotiations, remains. It is asked: Why should we not limit the period to six months? It should not be prolonged beyond that. That is the suggestion. I certainly agree that negotiations should not be unduly prolonged. But these negotiations are in the hands of the Central Government, and the Central Government are bound by something which is not in this Bill but which is in the Plan. The Plan's targets have to be achieved. Suppose a certain action is to be taken for supply of water for irrigation as well as for power. Now it will be

the anxiety of the Central Government not to take six months. One hon. Member—I think it was Pandit C. N. Malviya—opposed the stipulation of the period of six months for this reason, that it would become a routine thing; the State would say, 'we have got six months'. I do not want to give them six months. It may have to be done in 15 days or a month.

**Shri B. Y. Reddy:** It should not exceed six months.

**Shri Nanda:** Then it becomes difficult. When there is a period given, it may be that all that is needed to be done cannot be completed within the maximum period. There may be something outside the control of the Central Government. The Central Government are taking up this Bill with a certain purpose. The purpose is to expedite the making and framing of schemes and their implementation.

Therefore, let the Central Government be trusted to do that, keeping in view the consideration that the intentions and objects of our Five-Year Plan, which will have to embrace all these schemes, will be carried out in good time. It may be that in some exceptional case negotiations on some complicated technical matters may arise which require investigation, by a team of engineers, of experts. This investigation may possibly be so complicated that it may take more than six months.

**Dr. Lanka Sundaram:** My question is: where are the experts, apart from the Judges?

**Shri Nanda:** That is in connection with the earlier thing. But if the question arises here, the experts will be of the Government. If it is necessary to have experts here, they will be government experts.

I have answered all the points.

**Mr. Deputy-Speaker:** The question is:

"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".

*The motion was adopted.*

Clause 2 was added to the Bill.

**Clause 3.—(Complaints by State Governments as to water disputes)**

**Pandit Thakur Das Bhargava:** I beg to move:

(i) Page 2—

for lines 12 and 13, substitute:

"(a) any act, omission or legislation enacted or proposed to be enacted by the other State; or".

(ii) Page 2, line 15—

before "to exercise" insert:  
"or inhabitants thereof".

(i.) Page 2, line 17—

after "to implement" insert:

"or wrong implementation of".

I have already indicated the lines on which I thought these amendments were necessary. I formally move them now.

**Mr. Deputy-Speaker:** I shall now put these amendments to the vote of the House.

The question is:

Page 2—

for lines 12 and 13, substitute:

"(a) any act, omission or legislation enacted or proposed to be enacted by the other State; or".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 15—

before "to exercise" insert:

"or inhabitants thereof".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 17—

after "to implement" insert:

"or wrong implementation of".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That Clause 3 stand part of the Bill".

*The motion was adopted.*

Clause 3 was added to the Bill.

**Clause 4.—(Constitution of Tribunal)**

**Shri B. Y. Reddy:** I beg to move:

(i) Page 2, line 29—

for "one person" substitute:

"one or more persons".

(ii) Page 2, line 26—

after "shall" insert:

"within a period which shall not exceed six months from the date of receiving such request from any State Government".

(iii) Page 2, line 31—

omit "or have been".

**Shri Nanda:** I do not accept these amendments.

**Mr. Deputy-Speaker:** The question is:

Page 2, line 29—

for "one person" substitute:

"one or more persons"

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 26—

after "shall" insert:

"within a period which shall not exceed six months from the

[Mr. Deputy Speaker]

date of receiving such request  
from any State Government"

The motion was negatived.

Mr. Deputy-Speaker: The question  
is:

Page 2, line 31—

omit "or have been"

The motion was negatived.

Mr. Deputy-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.—(Power to make rules)

Dr. Rama Rao: I beg to move:

Page 4, line 29—

add at the end:

"within three months after  
obtaining the President's assent"

I have already explained this  
amendment.

Mr. Deputy-Speaker: The question  
is:

Page 4, line 29—

add at the end:

"within three months after  
obtaining the President's assent".

The motion was negatived.

Mr. Deputy-Speaker: The question  
is:

"That clause 13 stand part of  
the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

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

Shri Nanda: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question  
is:

"That the Bill be passed".

The motion was adopted.

#### MOTOR VEHICLES (AMENDMENT) BILL

The Deputy Minister of Railways  
and Transport (Shri Alagesan): Sir,  
I beg to move\*. "That the Bill fur-  
ther to amend the Motor Vehicles  
Act, 1939 be referred to a Joint Com-  
mittee of the Houses consisting of 45  
members; 30 from this House, name-  
ly, Shri K. L. More, Shri Fulsinhji B.  
Dabhi, Shri M. L. Dwivedi, Shri C. C.  
Shah, Shri T. N. Viswanatha Reddy,  
Shri Amarnath Vidyalankar, Shri M.  
K. Shivananjappa, Shri Rohanlal  
Chaturvedi, Shri Krishnacharya  
Joshi, Shri Suriya Prasad, Shri Ram  
Sahai Tiwari, Shri Basanta Kumar  
Das, Shri Bhupendranath Mishra,  
Shri Sitanath Brolmo-Choudhury,  
Sardar Iqbal Singh, Shri T. S. Avi-  
nashilingam Chettiar, Shri Raghunath  
Singh, Shri Shree Narayan Das,  
Shrimati Sushama Sen, Shri Ramesh-  
war Sahu, Shri R. R. Morarka, Shri  
T. B. Vittal Rao, Shri K. Anandan  
Nambiar, Shri K. S. Raghavachari,  
Shri Y. Gadilingana Gowd, Shri U.  
M. Trivedi, Shri Giriraj  
Saran Singh, Shri Bahadur Singh,  
Shri Uma Charan Patnaik and the  
Mover and 15 members from Rajya  
Sabha;

that in order to constitute a sitting  
of the Joint Committee the quorum  
shall be one-third of the total num-  
ber of members of the Joint Commit-  
tee;

that the Committee shall make a  
report to this House by the 20th Nov-  
ember, 1956;

that in other respects the Rules of  
Procedure of this House relating to  
Parliamentary Committees will apply  
with such variations and modifications  
as the Speaker may make; and

\*Moved with the recommendation of the President