

is concerned, it is true that the recommendation was Rs. 1 lakh whereas at the time of submitting the Budget proposals the Chairman of the Finance Committee made it Rs. 10 lakhs. The question was raised in the Executive Committee itself and an explanation was given that the Sub-Committee occupied only an advisory position and therefore the record was not kept and it was not binding.

So far as the second instance is concerned, that happened on the 31st March, the minutes of which were read on the 4th April. First 8 institutions were recommended in the meeting but in the minutes 3 more were added. That was rectified. So, so far as the second point is concerned, my hon. friend's objection disappears. So far as the first point is concerned, it is true that there is a Notification dated 15th October, 1940 which is still operative and according to this Notification the Sub-Committee's minutes have also got to be recorded.

DR. BHAI MAHAVIR: The hon. Minister says that the second objection disappears. I would like to know one thing. When a list of 8 societies was drawn up and approved at a particular meeting and at the time of minutes 11 are produced, is it a mistake or is it wilful inclusion of certain societies which otherwise might not have been approved? So far as the first point is concerned, the Finance Member was the person who proposed a reduction in the cost of railings from Rs. 3 lakhs to Rs. 1 lakh but he was asked to raise it from Rs. 1 lakh to Rs. 10 lakhs. This increase should have been made in the main body itself. Why did he want to do it through this back door?

SHRI K. K. SHAH: If that had not happened you would not have raised this question. After all, Sir, there is no instrument to judge one's intentions except through reactions. If a mistake has been admitted, there ends the matter.

DISPUTES BETWEEN STATES REGARDING DISTRIBUTION OF RIVER WATERS

*35. **SHRI MULKA GOVINDA REDDY:**†

SHRI M. M. DHARIA:

SHRI M. K. MOHTA:

SARDAR RAM SINGH:

Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether Government have appointed Tribunals to settle the disputes regarding distribution of water of (i) Krishna river among Mysore, Andhra Pradesh and Maharashtra, (ii) Godavari river among Mysore, Andhra Pradesh and Maharashtra, and other States; (iii) Narmada river between Gujarat and Madhya Pradesh;

(b) if so, who are the members of the Tribunals;

(c) what are the terms of reference of the Tribunals; and

(d) when are they expected to submit their reports?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI SIDDHESWAR PRASAD): (a) (i) & (ii): Yes Sir.

(iii) Not yet, Sir.

(b) and (c): Copies of the Notifications constituting 'the Krishna Water Disputes Tribunal' and 'the Godavari Water Disputes Tribunal' as well as the References to these Tribunals were laid on the Table of the Rajya Sabha on the 28th April, 1969.

(d) No time limit has been specified.

SHRI MULKA GOVINDA REDDY: I would like to know the Members of the Tribunals for Krishna, Godavari and Narmada.

† The question was actually asked on the floor of the House by Shri Mulka Govinda Reddy.

DR. K. L. RAO: Their names have been given in the Notification. They are:

Shri Justice Bachawal
Shri Justice Untwalia
Shri Justice Mathur.

SHRI MULKA GOVINDA REDDY: In view of the fact that the Members of the Tribunals for Krishna and Godavari are the same, what was the difficulty in appointing only one Tribunal for these water disputes? Also, in view of the fact that this question is pending for such a long time and it has prevented the development of river projects, will they impose any time-limit on these Tribunals to submit their reports and whether they will be binding on the Governments concerned? Thirdly, I would like to know whether they have included the diversion of Godavari waters into Krishna as one of the terms of reference for the Tribunal and whether there are any plans for linking the river waters in the country for the purpose of irrigation facilities and for inland navigation.

DR. K. L. RAO: Though the Members are the same, the two Tribunals have been constituted in accordance with the provisions of the Act and the advice of the Law Ministry. There are some reasons for it; the parties are different; the rivers are different. The Act provides that whenever a dispute arises in regard to the water of a particular river, one tribunal must be constituted.

With regard to imposing a time-limit, it is a judicial court; it is not possible to impose any time-limit, because it depends upon the issues which have got to be framed by the court itself.

With regard to the other point about diversion of Godavari waters into Krishna, it is for the Tribunal to decide. Regarding the question whether this will be binding, this is binding on all the parties concerned. For these Tribunals, the Acts provide that the findings of these Tribunals are final

and irrevocable. No appeal lies to anybody. Even the Government should carry out the decisions.

SHRI MULKA GOVINDA REDDY: He did not answer about diversion.

DR. K. L. RAO: I said that the diversion of Godavari has been referred to in the reference, that is to say, it is given in the references. We have stated therein that some States want the diversion of Godavari to Krishna and some others object. The same Tribunal will go into these representations.

SHRI M. M. DHARIA: In view of the fact that the decisions of the Tribunal shall be final, also in view of the fact that this problem of distribution of the waters of the Krishna and the Godavari is inter-linked, may I know why the Government did not amend the act by putting the words in section 3 the words 'rivers and rivers' and 'river valleys and river valleys' and why they have not appointed one Tribunal? Even though the personnel is the same, will he assure the House that so far as the linking of the waters of the Krishna and the Godavari is concerned, the Tribunal will treat these issues as common issues and will give proper justice to the people of these concerned States? May I further know from the Minister that in view of the tremendous delay that has already taken place in this matter, he will also see that this problem is now resolved as early as possible without further delay?

DR. K. L. RAO: With regard to the amendment of the Act, I said that the Act on the subject is defective in many respects. I referred to the Research Section of the Law Institute here for suggestions and they have not yet given them. If I take up the amendment, once the amendment is made on the question of rivers, then, as Mr. Mulka Govinda Reddy said, somebody may argue that the Tribunal must decide how much water must

come from Ganga to Cauvery. Anyway it is not possible. Regarding linking of the waters and the tremendous delay, it is not possible for me to give any direction on the subject because the Tribunal is a judicial body. We cannot give any direction to them. It is for them to go into the whole question and decide on what is considered just.

SHRI M. K. MOHTA: If I have been able to understand the Minister correctly, the terms of reference in respect of the Krishna River Water Disputes Tribunal and the Godavari Water Dispute Tribunal were laid on the Table. What about the reference regarding the Narmada River Water Tribunal?

DR. K. L. RAO: Not Narmada. We have not taken any decision about Narmada. I think a decision will be taken in the course of the next few days.

SHRI S. K. VAISHAMPAYEN: In view of the fact that this dispute of the Krishna and the Godavari has been discussed for so many years and is being discussed as a common issue and since the Governments of Maharashtra and Mysore have been also insisting from the beginning that this issue should be settled in a common way and there has also been a feeling expressed in the House by Members that this issue, particularly of the Godavari and the Krishna, should be commonly dealt with, will the Minister assure the House that he will convey to the Tribunals that the hearing of both the issues should be taken up jointly?

DR. K. L. RAO: I am afraid we cannot give any direction like that. The only direction we can give was under the provisions of the Act. In accordance with that we have stated in the reference as follows:

“Some of the States concerned with the aforesaid water dispute have represented that the possibility of diversion of waters from the

inter-State river Godavari to the inter-State river Krishna should also be considered while some of the other States concerned are opposed to any such diversion. The Tribunal is requested to consider these representations in connection with the aforesaid water dispute.”

It has been included in the terms of reference of both the Tribunals.

SHRI S. K. VAISHAMPAYEN: I am not asking for any direction. I only ask whether the views expressed here will be conveyed to the Tribunals.

DR. K. L. RAO: I do not think it will be possible to convey to them.

MR. CHAIRMAN: The views are expressed here and they will certainly read them.

श्री सुन्दर सिंह भंडारी : यह प्रश्न विभिन्न राज्यों के बीच नदियों के पानी से संबंध रखता है। ऐसे भी प्रश्न खड़े हुए हैं जहां एक ही नदी के पानी का उपयोग एक से अधिक राज्यों में किया जा रहा है और एक नदी पर बनाये जाने वाले बांध के ऊपर होने वाला खर्चा विभिन्न राज्यों में बंटता है। परन्तु अलग अलग राज्यों में उसका उपयोग करने के लिए जो आवश्यक सिंचाई की व्यवस्था होनी चाहिये वह अगर समय में पूरी नहीं होती तो कांठि-ब्यूट करने वाले राज्यों को उसका पूरा लाभ नहीं प्राप्त होता। तो क्या सिंचाई मंत्रालय ऐसे सवालों पर विचार करने के लिए भी कोई ट्राइब्यूनल या और किसी तरह की व्यवस्था करने के बारे में सोच-विचार कर रहा है। मैं स्पेसिफिकली पाँच डैम और उममे संबंधित राजस्थान कैनल तथा उसके पानी का उपयोग न होने की तरफ मंत्री जी का ध्यान आकर्षित कर रहा हूँ।

DR. K. L. RAO: I am sure the Member will not like to refer the Pong Dam and the Rajasthan Canal to the Tribunal. Then it will take many years. At the moment those projects are coming up quickly and I do not think it is his intention to delay them.

SHRI ARJUN ARORA: The reason given by the Minister for not setting a time-limit for the Tribunals does not at all appear to be convincing. He said that no time-limit has been set because the Tribunals have to frame their own issues. All Arbitrators, Adjudicators, etc. have to do that. May I know if there are any other reasons for not setting a time-limit and whether the Government has made any assessment of the time that will be involved?

DR. K. L. RAO: There is no other consideration for not giving a time-limit. The only consideration is, it is not like an arbitration. It is a very highly judicial court and the Act does not include provision for any time-limit. Therefore it cannot be done. It is very difficult to assess the time required for these Tribunals. For example, I understand that one of the judges has already resigned and it may take some time for finding out another judge.

SHRI ARJUN ARORA: What a good beginning.

DR. K. L. RAO: Therefore it is a question where it can take some time but in the case of the Krishna-Godavari disputes it is just a guess that it would take 2 years. In the case of the Narmada it will be much less, if it is referred.

SHRI ARJUN ARORA: The Government took a number of years to appoint a Tribunal and it appears that the Government appointed the Tribunal without taking the consent of the persons whom they appointed or the Tribunal with the result that on the day following the appointment, one of the judges has resigned. May

I know if the consent of the judge who has now resigned was taken before his appointment?

DR. K. L. RAO: Yes, his consent was taken and the appointment was made by the Chief Justice of the Supreme Court.

SHRI BHUPESH GUPTA: This has been hanging fire for a long time and it happens that they are all Congress Chief Ministers and they are publicly quarrelling among themselves and we had these arguments also in the National Integration Council at Srinagar.

SHRI AKBAR ALI KHAN: The other parties were divided.

SHRI BHUPESH GUPTA: If that is their consolation, they can say so. The position is this. The matter is complicated by the Chief Ministers themselves and whenever an attempt is made to find out some solution or set up some machinery, the Chief Ministers are daggers drawn against each other—the Congress Chief Ministers. In view of this fact, why has the Government left this matter in the hands of the Chief Ministers when everybody knew that they would not come to an agreement and why is it not possible for us to use the permissible constitutional authority in order to bring about a settlement through proper, expert and other examination of the whole question? Why is the Government delaying in this matter? Is it because of the pressures and counter pressures of the Chief Ministers depending on which faction has the upper hand at a given point of time?

DR. K. L. RAO: This is exactly what has been done here; legal procedures have been resorted to because it was not possible to settle it by negotiation, and this is what exactly the hon. Member, Mr. Gupta, has said, and that has been done in this case.

SHRI N. PATRA: Since a Tribunal has been appointed to go into the Godavari water disputes and since

recently the claims of the State of Orissa to the water of the Godavari have been voiced, may I expect the Minister to examine this issue and refer the same to the Tribunal for a decision?

DR. K. L. RAO: Yes, Sir, the Orissa Government has taken objection to the diversion of the Godavari water and the letter of the hon. Chief Minister of Orissa to that effect has been referred to the Tribunal.

SHRI N. SRI RAMA REDDY: Sir, I would like to know from the hon. Minister this. We have come to know through the press that this matter was discussed with the Chief Ministers of all the three States concerned. I would like to know what the consensus of the Chief Ministers was and whether it is in consonance with the consensus obtained that this Tribunal has been appointed.

DR. K. L. RAO: The Chief Ministers could not come to any understanding between themselves, Sir, upon these two rivers and, therefore, under the Act this legal procedure has been resorted to and that is why these Tribunals have been appointed.

SHRI AKBAR ALI KHAN: When such Tribunals are appointed, generally the position is that the material and the staff are supplied to them very late, and a year or six months pass away, because no staff has been appointed, no place has been fixed up for the Tribunals to hold their meetings and no material has been fixed. Therefore I want to know this from the hon. Minister. Will he take note that as early as possible all the necessary staff, accommodation and materials should be made available to the Tribunals, so that the Tribunals may go on with their work immediately?

DR. K. L. RAO: All these requirements have been attended to. The information has all been given to them, as much information as is available, and the staff is also being

given. In fact, as the appointment of a Secretary takes some time, one of the officers is being deputed for that purpose. Every attempt will be made to expedite matters as much as possible but, unfortunately, now the summer holidays have come in, and I think the earliest they can start will be in June.

SHRI K. P. MALLIKARJUNUDU: Sir, it has been suggested that there should be interlinking of the waters of the Godavari and of the Krishna. Sir, if any such proposal is to be undertaken, is it not proper and advisable to take an all-comprehensive view of the matter and take up at one and the same time the interlinking of all the rivers in India from the Himalayas to Cape Camorin? Except as part of an overall scheme is it desirable that there should be this separate interlinking of the Godavari and the Krishna waters?

DR. K. L. RAO: I am afraid I cannot say anything except what has been laid down in the terms of appointment of the Tribunals. Beyond that, the question of interlinking of rivers in general is not a question connected with this except to the extent of the Godavari and the Krishna.

DR. B. N. ANTANI: In view of the uneasiness among the public of Gujarat with regard to the fate of the Narmada affair, would the hon. Minister be able to give me some indication of the dead-line when the Centre will be able to decide it?

DR. K. L. RAO: I would think that the final decision is to come in the course of the next few days.

SHRI SURESH J. DESAI: May I know whether, in the procedure followed by the Tribunals, the State Government concerned will be consulted and, secondly, whether the interested parties will be allowed to record their evidence before the Tribunals?

DR. K. L. RAO: The procedure is just like that in the law courts. It

will be a court and each party will be represented by their solicitor, vakil, and so on. It is just like the same as is seen in the Supreme Court.

MR. CHAIRMAN: Next question.

ALLOTMENT OF LAND TO M.Ps.

*36. SHRI A. D. MANI:†

SHRI M. V. BHADRAM:

SHRI Z. A. AHMAD:

SHRI S. A. KHAJA MOI-
DEEN:

Will the Minister of HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT be pleased to state:

(a) whether Shri Vijay Kumar Malhotra, the Chief Executive Councillor, Delhi Metropolitan Council, has conveyed to him the decision of the Land Allotment Advisory Committee on the question of allotment of land to M.Ps. in Delhi;

(b) if so, what is the recommendation of the Land Allotment Advisory Committee; and

(c) what steps Government propose to take in regard to that recommendation?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY):

(a) and (b). Yes, Sir. The proposal has been criticised by the Land Advisory Committee of the Delhi Administration on the ground that the allotment of Government land to the Society (Tara Cooperative House Building Society) would be contrary to the rules of allotment of land to Cooperative House Building Societies in Delhi. It has also been emphasised that any preferential treatment to this Society would cause considerable resentment

†The question was actually asked on the floor of the House by Shri A. D. Mani.

among the 20,000 members of other cooperative house building societies.

(c) The question of the allotment of land to this Society is being further examined in the light of the opinion expressed by the Chief Executive Councillor and the Land Advisory Committee and other considerations involved.

SHRI A. D. MANI: Sir, I believe there is a Co-operative Society of Members of Parliament which has asked for allotment of land in Delhi.

SHRI AKBAR ALI KHAN: Are they M.Ps. of Delhi, or all M.Ps.?

SHRI A. D. MANI: All M.Ps. May I know, what is the acreage of land that this Co-operative Society wanted from the Government, and what is the acreage which has been allotted to it by the Government?

SHRI AKBAR ALI KHAN: Why should it be, Sir, for M.Ps. only? That is a discrimination advantageous to the M.Ps. and that should be resented.

SHRI B. S. MURTHY: Sir, this Society was registered in 1961. According to the information available, the Delhi Administration had offered nine acres of land to this Society in Shahdara. But this was refused because the M.Ps. insisted that they would like to live within a radius of four miles from Parliament House.

SHRI A. D. MANI: I would like to know whether the Ministry of Parliamentary Affairs recommended this application of the Co-operative Society of M.Ps.

SHRI B. S. MURTHY: Yes, Sir.

SHRI M. M. DHARIA: Mr. Chairman, Sir, is the Government aware that any additional amenities, which are not required by Members of Parliament for performing their duties, bring down the dignity and respect of