

85,000 DWT at an estimated outlay of Rs. 36 crores with a foreign exchange component of Rs. 5 crores. I had indicated that it was proposed to invite Messrs. Mitsubishi Heavy Industries Ltd., Japan, to enter into technical collaboration in setting up the Shipyard and to negotiate the terms of such collaboration.

Messrs. Mitsubishi Heavy Industries submitted their final proposals in May, 1968, for their technical collaboration in the construction of the Cochin Shipyard. Their proposals in this regard were considered by the Government and, as desired by Messrs. Mitsubishi Heavy Industries, a technical team, followed by a Negotiating Team, was deputed to Tokyo in June-July, 1968, for discussions with them.

I am glad to report that as a result of the discussions held by the Negotiating Team at Tokyo between 17th and 24th July, 1968, two documents were signed and exchanged between the two sides. The first is the formal Contract covering the revision of the Project Report and Preliminary Designs and the second, a Memorandum on Heads of Agreement relating to technical collaboration, consultancy and assistance to be rendered by Messrs. Mitsubishi Heavy Industries in the design and construction of the Shipyard, subject to the approval of Government of India on the one hand and the Board of Directors of Messrs. Mitsubishi Heavy Industries Ltd. and the Government of Japan on the other.

I may add that on their part, the Government of India have already approved the Memorandum on the Heads of Agreement, and my Ministry has been authorised to conclude a final contract at the appropriate time concerning M. H. I.'s technical collaboration in Shipyard construction in consultation with the Ministry of Finance.

According to the contract for revision of the Project Report, the work of the revision is expected to be completed within a period of six months from the effective date of contract. After the revised Project Report is approved, it is proposed to conclude an official contract with Messrs. Mitsubishi Heavy Industries for technical collaboration in Shipyard construction based on the Memorandum on the Heads of Agreement covering two categories of assistance, namely, preparation of designs, drawings

6—21 R.S./68

and specifications as necessary for the shipyard and consultancy during the construction of the shipyard. On this basis it is expected that the designs and drawings for the construction of building dock and one quay will be received and tender formalities completed so that the work could start within one year of the conclusion of this contract.

In the meantime it is proposed to complete action in regard to soil surveys, land acquisition, provision of power and water supply etc. for purposes of commencing construction. Preparatory works relevant to construction stage will also be started. It is also proposed to appoint a full time officer at the project site.

Technical assistance for the building of ships in the Shipyard will be subject to separate negotiations and agreements between the Government of India and Messrs. Mitsubishi Heavy Industries Ltd. at the appropriate time. Messrs. Mitsubishi Heavy Industries have assured us of their readiness to collaborate at this stage also.

I am happy that with the positive steps I have outlined above, the project has reached a definitive stage for purposes of implementation.

Thank you.

**THE INTER-STATE WATER DIS-
PUTES (AMENDMENT) BILL, 1968—
continued**

श्री एम० एल० कोल्लूर (मैसूर): उपसभाध्यक्ष जी, मैं इस अमेंडमेंट बिल को सपोर्ट करने के लिये खड़ा हुआ हूँ। लेकिन इसमें एक बहुत बड़ा लेक्यूना रह गया है। वह क्या है। ऐस-ट्रिब्यूनल बनाने के वास्ते तो इसमें रखा गया है, मगर ट्रिब्यूनल के सामने कोई केस ले कर जाने के बाद कितने दिन में वह फैसला करेगा उसका कोई लिमिटेशन नहीं है। देखिये, आज क्या है कि भारत सरकार के पास कितनी देरी हो रही है देश के प्रोजेक्ट बनने में। इस तरह से बहुत सा पानी समुद्र में जा कर के गिर रहा है। कुछ जमाना पेपर सर्वे हो कर बड़े बड़े प्रोजेक्ट बने। फार एक्जाम्पल आप को बता देता हूँ कि माननीय मंत्री जी आंध्र के हैं और वहाँ

[श्री एम० एल० कोल्लूर]
नागार्जुन सागर बना । नागार्जुन सागर लोजर कृष्णा पर हैदराबाद स्टेट में था । लोजर कृष्णा के साथ अपर कृष्णा दोनों को हैदराबाद गवर्नमेंट ने थर्ड प्लान में इन्क्लूड करने का डिसेज़न लिया था । उनमें एक प्रोजेक्ट आज बन कर लाखों एकड़ जमीन में पानी सैलाब करता है । दूसरा प्रोजेक्ट जो था उसके लिये अभी तक कुछ नहीं हो सका । मंत्री जी कहते हैं कि उसके लिये शायद दो करोड़ रुपया रखा गया है और 59 करोड़ का प्रोजेक्ट है । तो कितने दिन में वह बनने वाला है, कब बनने वाला है और इधर डिस्प्यूट शुरू हो गया है । हमारे मंत्री जी इंजीनियर हैं और परिस्थितियों को जानते हुये मैं यह महसूस करता हूँ कि यह बहुत जरूरी है कि वे इसमें कुछ टाइम लिमिट करें । डा० बी० एन० राव या सन् 1941 और 1934 की बातें आज देखने की जरूरत नहीं हैं । आज की दृष्टि से सोचने की जरूरत है । आज बहुत से मसायल हल नहीं हो रहे हैं । आंध्र की गवर्नमेंट कुछ बोलती है और मैसूर की गवर्नमेंट कुछ बोलती है और बम्बई की गवर्नमेंट कुछ बोलती है । तीनों गवर्नमेंटों की तरह सेंट्रल गवर्नमेंट भी एक ही पार्टी की चलती है, सब स्टेट सरकार एक ही पार्टी के नीचे आती हैं । लेकिन कर क्या रही हैं ? पब्लिक मनी का बेस्टेज करती हैं, डिसेज़न नहीं लेती हैं, रेडटैपिज्म करती हैं । देश की परिस्थिति इस तरह से अगर हम सुधारें तो क्रिटिसिज्म के सिवा और क्या हो सकता है । इस लिये इस चीज़ की बहुत नेसेसिटी है और इसको पहले करना चाहिये ।

दूसरी बात बड़े बड़े प्रोजेक्ट्स की है । अपर कृष्णा प्रोजेक्ट मैसूर स्टेट में है । उसका इस्टीमेट 59 करोड़ का था और अब वह सौ करोड़ तक चला जायेगा । सौ करोड़ के प्रोजेक्ट में स्टेट कैसे अपना कांट्रिब्यूशन दे सकेगा । इस तरह प्लान में जो प्रोजेक्ट बनने वाला है वह सब फार्स हो जाता है । गवर्नमेंट इसके लिये यह सोचे कि जो बड़े बड़े प्रोजेक्ट्स हैं, मल्टी परपज प्रोजेक्ट्स हैं जिन से इलेक्ट्रिसिटी आती है, इरिगेशन होता है उनको नेशनल प्रोजेक्ट की हैसियत

से कंसीडर करने से बेनिफिट होगा । अगर ऐसा नहीं होता है तो स्टेट गवर्नमेंट्स को साफ बतलाना चाहिये कि बिला बजह उसमें पैसा न डालो, वह बनने वाला नहीं है । आपने कहा कि दो करोड़ रुपए उसके वास्ते एक्सपेंडीचर हुआ है । उनके स्टेटमेंट के मुताबिक 59 करोड़ रुपए का प्रोजेक्ट है, 2 करोड़ रुपए चले गए तो कितने साल में यह प्रोजेक्ट पूरा होने वाला है । यह प्रोजेक्ट कब शुरू हुआ ? यह प्रोजेक्ट 19 वीं सेन्चुरी का है । 1934 में हैदराबाद गवर्नमेंट ने सर्वे करके कम्पलीट कर रखा था । फिर थर्ड प्लान में इन्क्लूड किया गया । फिर डिस्प्यूट हुई । 1964 में मैसूर गवर्नमेंट ने सेन्टर से कहा कि यह डिस्प्यूट है । अब 1968 है, कुछ भी नहीं हुआ । ये सब बातें सोचने की जरूरत है और इसका कुछ हल निकालने की जरूरत है । यह बहुत सीरियस मैटर है । देश की प्रगति रुकी पड़ी है । पानी समुद्र में जाने की बजाय इस्तेमाल किया जाय । यही दो बातें कहते हुए मैं इसको सपोर्ट करता हूँ ।

SHRI KESAVAN (THAZHAVA) (Kerala):
Sir, I support the Bill. In supporting the Bill, I have to say that it is not enough if we pass the Bill. There is no reason for any delay to get the assent from the President and also for appointing a Tribunal and getting a verdict within three or four months with regard to the disputes which now exist between Andhra Pradesh, Mysore and Maharashtra and also about the Narmada River Waters dispute between Madhya Pradesh and Gujarat. In the Statement of Objects and Reasons it is stated that it is a matter which affects millions of people. Not only that. It affects the whole people of India, especially those people who live in deficit areas. In Andhra Pradesh, Madhya Pradesh and such other States, you will find crores and crores of fertile, cultivable land lying without cultivation on account of lack of water. We used to hear the Food Minister crying that because of the continued drought for two years the famine arose and we had to beg at the doors of America and other countries for food. Now, there is rain and there is a good crop this year. But he will come again and say that there is flood throughout India and

that famine will occur. My submission is that crores and crores of acres of land are lying fallow and there is water in India to cultivate these lands. I must submit that Mysore, Madras, Madhya Pradesh and Gujarat are not parts of China or Pakistan. Some people may say that Kerala which is a deficit area is a part of China. But except Kerala, Madras, among these States are now governed by Congress people. But even then, they cannot settle the disputes between themselves. In this connection, I submit another thing that the Parambi-kulam dispute was settled by the present United Front Ministry in Kerala and the present DMK Ministry in Madras. Before that, while the Congress was there in power, they could not settle it. In Madras also the Congress was in power and in Kerala too the Congress was in power. Even then, they could not settle the Parambikulam dispute. So, there is something wrong in these Congress people. They do not desire to settle the dispute between the States. They think that they are here for something else. Of course, I admit that there are people in the Congress Party who love the country and the people of India.

AN HON. MEMBER : Question.

SHRI KESAVAN (THAZHAVA):
But unfortunately, some third party people are at the top of affairs and they are not in a position, and they do not want, to settle the disputes. That is what is happening even today. This Andhra Pradesh affair was pending for the last three or four years. There was an Act in force here. Why have they not tried to appoint a one-man Tribunal before? I accuse the Government for not doing that. Now they come with an amendment for the appointment of three Judges in the Tribunal. I ask whether this will come into effect at all. Anyhow, what I submit is this. The hon. Mr. Akbar Ali Khan on a prior occasion submitted before this House while the Finance Minister was here that in case he gave a loan of Rs. 12 crores to the Andhra Pradesh Government, they will finish the Nagarjuna Sagar Dam and they will supply the whole of India with rice. Why cannot they do it? The prime necessity of a man is food. In Kerala for instance, we are always in the deficit. Unfortunately or fortunately, our staple food is rice. Though the Central Government undertook to supply us with

75,000 tonnes of rice per month giving a ration of about six ounces per head, they failed. After the United Front Government came to power, from March, 1967, they are not supplying this quantity. Why is it so? They say, it is a fact that they are bound to give rice but there is no rice with them. Outside also there is no rice. But at the same time very vast extent of fertile lands are lying fallow for want of water. For the last 20 years the Congress is in power at the Centre. Why have they failed to bring these lands under cultivation? That is my complaint. Even now, if they settle this dispute after appointing this Tribunal within three or four months, at least from next year onwards we will get rice so that people will be saved from starvation.

SHRI S. D. MISRA (Uttar Pradesh): Sir, I rise to support the measure brought forward by the Minister of Irrigation and Power regarding the inter-State water disputes in the country. I support this measure not only because the Tribunal will now consist of three members but more than that, what I find is that they will not think of having any retired Judges any more now. The clause reads like this:

"The Tribunal shall consist of a Chairman and two other members nominated in this behalf by the Chief Justice of India from among persons who at the time of such nomination are Judges of the Supreme Court or of a High Court."

Sir, that is a welcome measure.

SHRI ARJUN ARORA: (Uttar Pradesh) : They are on the verge of retirement.

SHRI S. D. MISRA: May be, at the time they are younger than persons who retired at 65 and 70. Therefore, I congratulate the Minister for this.

It would have been really a very welcome measure if it was brought forward earlier. I do not think the Minister waited for ten years to bring forward the amendment to this Bill. I find that this measure was brought before Parliament in 1956. And during these 12 years not a single dispute has gone to any of the Tribunals under this Act. However, still I welcome it.

While the Minister was giving the figures, he gave figures about the irrigation potential created in the country. I

[Shri S. D. Misra]

am glad about it. From the little that I know about it, I am worried because the country is full of rivers. We have got about 14 hundred million cubic feet of water. Out of that 14 hundred million cubic feet of water, according to my understanding—my figures may now be old and wrong—only two hundred million cubic of water is utilised for irrigation purposes. I understand that about six hundred million cubic feet of water can be utilised. How long will it take for this country, under an able engineer-politician of this country, to go ahead and claim that at least 75 per cent of the potential through these rivers is available and is created. Sir, today the bane of this country is that certain things are ignored but people are satisfied. For example, let me take Madhya Pradesh. The yield per person is one of the highest though the density of population is very low. We are satisfied because there is surplus though the production in Madhya Pradesh is one of the lowest in the country. What is the Central Government going to do? Are they only going to be satisfied with just appointing a tribunal? I would say no. If the Central Government really means business in agriculture, they should at once say that the States which are not interested, or the States which have no money the Centre will have some scheme from the Central sector funds. Shri Kollur talked of Mysore while Shri Dharia talked of Maharashtra and said that so much potentialities can be created there. Why should the Central Government not have some Central sector scheme from the Central sector funds? This is a big problem and I hope the hon'ble Minister will take up with the Planning Commission and the Finance Ministry and do something regarding that.

Sir, I have another problem which I wanted to pose before the Minister. It was posed by the hon'ble friend opposite. While they have this amending Bill, we have another enactment of 1956. A copy of it is with me. According to this Act, Sir, the Central Government was supposed to create Boards for inter-State rivers and inter-State valleys for development, conservation, control of water for irrigation, flood control power and also navigation. Since then we have heard of many things at least from papers. I heard a lecture, I think, from Dr. Rao himself, if my

memory fails not. In the year 1961-62 they were thinking to have a navigation canal from the North to the South, from the East to the West connecting Ganga to Godavari and Ganga to Narmada. If that River Board Act has not been utilised for one project what is the justification of having that Act on our Statute Book? {Time bell rings} Is he going to repeal that Act? Is he going to amend that Act? What is he going to do? Has he set up even one Board under that River Board Act? Why it is not being done I would like the Minister to state.

Sir, about this inter-State water dispute there is one thing. In section 4 of the Inter-State Water Disputes Act, 1956, they say :

"When any request under section is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiation, the Central Government shall, by notification in the Official Gazette, constitute a Water Board for adjudication of the water dispute."

Sir, my problem is this that there is no time limit set for the Central Government for announcing their failure. Everybody in this country negotiated for the Krishna-Godavari dispute. The previous Minister of Irrigation, the present Minister and even our present Leader who was the Irrigation Minister for some time negotiated in this matter for about ten years. There was no time limit fixed for them to think that this dispute should go to a Tribunal. Even today when the Minister has come forward for amendment of the membership from one to three—it is a very necessary thing and I welcome it—why did he not think fit that he should at least keep a limit of at least one year

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : It is time to wind up.

SHRI S. D. MISRA : . . . One minute, Sir. Why not keep a limit not only on this but also on the time for giving judgment which could be, as Mr. Kollur said, one year, six months or some such thing? I endorse his views.

While I have stated this I am very much conscious—I have a list before me—that the Ministry has settled many,

about 10 to 12, disputes of a very complicated nature. I am not oblivious of that fact. But I am sorry to say that some of the problems are still pending before the country and it will be a happy augury when they are taken up.

I will take only a second more. Lastly, I am not happy that there are no State Boards set up for developing inter-State river valleys. I am equally sorry to know while the Ministry of Irrigation and Power has been talking about an Irrigation Commission in this country, since the last many years they have not been able to announce an Irrigation Commission. And in every session when the question is put they say that they are soon announcing it. And, as usual, after its announcement, it would take them two or three years to know the irrigation potential. Therefore, I would request the able Minister who knows his subject so well to look into all these things and satisfy us.

SHRI THILLAI VILLALAN (Madras) : Mr. Vice-Chairman, Sir I rise to support the Bill but I want to add certain suggestions which are very essential for making the object of the main Act more fruitful. We are having plenty of river water resources. We are having the Ganga, the Narmada, the Godavari, the Krishna, the Cauveri, the Thanparaparane and other rivers . . .

SHRI ARJUN ARORA : The Jamuna.

SHRI THILLAI VILLALAN : Yes. the Jamuna. Rivers are all gift of nature. We have to utilise the resources to the fullest extent. They are considered as sources of prosperity as also sources of unity. The river beds are considered as the cradles of civilisation. Every river is considered to be the cradle of civilisation of one nation or the other. But in India if we see the sharing of waters, the rivers are now becoming a source of sorrow, a source of disunity and a source of disintegration, I believe. The D. M. K., as you know, demanded separation once. We have now abandoned that . . .

SHRI ARJUN ARORA : Very good

SHRI THILLAI VILLALAN : . . . But . . .

AN HON. MEMBER : What is this "but" ?

SHRI THILLAI VILLALAN : . . .
as the question of sharing of waters is

moving on, I fear that what we have thrown away has been taken up by others. They give it different names. They call it as "River water disputes" or "border disputes" or "language dispute" or some other dispute. I fear that what we have thrown away has been taken up by others and swallowed by them that too by the Congress people in the different States. That is a pity. I remember of a song which says : "Water, water nowhere and want of water everywhere" . . .

SHRI ARJUN ARORA : You will get plenty of water.

SHRI THILLAI VILLALAN : . . . but in India we have to amend that song because, "Water, water everywhere . . . {Interruptions} please allow me without interruptions. Even that will be of some help to me, I do not want interruptions. The song should be : "Water, water, want of water also everywhere". That is what is happening in India. That is the situation because of the attitude of the ruling Congress Party in different States. We have major disputes, Krishna and Godavari and one regarding the Narmada. In English the meanings of the word "difference" are different. The stages are also different. It means disagreement, difference, dispute, con-3 P.M. flict, fight, war and so many other things. But when we witness the things, we come to know that there is no disagreement, no difference, but that it appears as if one State is waging war against another State. They do not think that they are only controlling some administrative parts within one country; they think they are different nations and it looks as if one is waging a war against another. One State went to the extent of issuing a legal notice to the other State saying that it has violated certain principles in sharing the waters. So my submission is that we must first create a healthy atmosphere to settle things by negotiations. (Time bell rings) I request, Mr. Vice-Chairman, that I may be given a few minutes more because I want to say something about our own problems..

[THE DEPUTY CHAIRMAN in the Chair.]

Now, every year we are having a flow of water of 16,71,514 lakh cubic

[Shri Thillai Villalan]

metres. We were utilising only 17 per cent of the total flow of water in the First Plan period, 27 per cent in the Second Plan period and 36 per cent in the Third Plan period. And now in the Fourth Plan, it is only 45 per cent. So we are not utilising our resources to the fullest extent. Therefore, my second submission is that we must utilise them to the fullest extent at least in the Fourth Plan period.

We are having a disagreement, or I can say difference, with Kerala so far as Siruvani waters are concerned. We want drinking water for Coimbatore from Siruvani. The Chief Minister of Kerala is also agreeing to 90 or 95 per cent of our demand, but there is some difference—I do not say dispute; It is only a disagreement, or I can say a difference. As my hon. friend Mr. Kesavan, has said, we can settle it even at the State level. We won't come to the Centre. So far as Parambikulam is concerned, that is also more or less settled. On one or two points in the last stage, they have to come to a certain understanding. That is all so far as Kerala is concerned. So far as Mysore is concerned . . .

THE DEPUTY CHAIRMAN : It is time for you to wind up.

SHRI THILLAI VILLALAN : I will finish in one or two minutes. We are dealing with disputes which have remained unsolved for 15 or 20 years, but we are given only five minutes to speak.

THE DEPUTY CHAIRMAN :
Everyone has kept within that time.

SHRI THILLAI VILLALAN : I will take only a few minutes more. So far as Mysore is concerned, I do not want to say all the details and I want to thank the hon. Minister for making arrangements for the Ministers to meet at Delhi itself to come to a settlement. And I do not want to say anything which will prejudice the future talks between the Ministers. But I would humbly submit to the hon. Minister that the Hemavathi project, so far as our State is concerned, will cut the supply of water to Mettur. We are solely dependent on Mettur. If there is no water in Mettur, then Tamilnad will suffer. That is why I humbly appeal to the Minister "Don't make Hemavathi

'Yamavathi' to Madras". Hemavathi may be "Kshemavathi" to Mysore, but it will be "Yamavathi" to Madras. So I humbly request the hon. Minister to do something to help Madras in this regard.

SHRI OM MEHTA (Jammu and Kashmir)
Madam, only one hour was fixed for this Bill by Business Advisory Committee.

THE DEPUTY CHAIRMAN : If you bring a written speech like that, you will not be able to keep within the given time.. Please give a summary. When a certain time is allotted for a particular Bill, you must respect that.

SHRI THILLAI VILLALAN : Only point, I have noted—no written speech— one more minute, Madam. So far as the tribunal is concerned, it is now provided that it will consist of three men. But even in the year 1956, Member after Member pleaded that the number should be three. We call 12 years a mamangam, and now after a maman-gam, it has been provided that the tribunal will consist of three men. Even at the time of passing original Bill, Mr. Akbar Ali Khan said that there should be three men. Mr. Mulka Govinda Reddy even during the consideration of the original Bill wanted that it should consist of three men. Now, that has been accepted after 12 years and I support the Bill. I support Mr. Akbar Ali Khan's amendment also that not only judges but distinguished lawyers can also be appointed to the tribunal. With these few words, I conclude.

SHRI G. R. PATIL (Maharashtra) :
Madam, Deputy Chairman, I wholeheartedly support the measure that has been brought before this House by the engineer-politician, Dr. K. L. Rao. While supporting his Bill, I may draw the attention of the hon. Minister to one fact that 12 years have been taken to bring forward this measure and this delay has affected millions of people not only in Maharashtra, Andhra Pradesh and Mysore, but also in Gujarat and Madhya Pradesh. I entirely agree with Mr. Mallappa that when the tribunal is constituted, if the decision of the tribunal is not to be given within a particular period, it will again mean dragging on, just as this reference to the tribunal is also being dragged on for 12 years. This Bill, Madam, should'

have come before this House long back and because of this delay, the irrigation potential of Maharashtra, as has been pointed by Mr. Dharia, has been very seriously affected. And because of the non-settlement of the dispute regarding Krishna-Godavari waters, many irrigation projects in Maharashtra are not getting clearance from the Government of India. So though this measure has come so late, I welcome it. I would only request that when such a tribunal is set up, these pending disputes, particularly the Krishna-Godavari water dispute, should be immediately referred to this tribunal with the stipulation that they should be decided within a particular period. Otherwise, the very object with which this Bill has been brought forward would be frustrated. And as it is said, justice delayed is justice denied. For the last 12 years, this river water dispute between these three States has remained unsolved and it is unfortunate, Madam, that the Government of India should have come to this conclusion after such a long period as 12 years. Mr. Mishra has also pointed out that there should have been an amendment to the effect that while referring such disputes to the tribunal, the Government of India or the Governments concerned should come to the conclusion that if it cannot be amicably settled within a period of one year or so, only then it should be referred. Otherwise, even after the passing of this Bill, Government may take 12 years; who knows? Therefore, I earnestly request that some such stipulation should be provided in this Bill. Then I would once again request the hon. Minister to see that these pending disputes are referred to the tribunal as soon as this Bill is passed and that the tribunal gives its decisions within a stipulated period of, say, six months and another three months if any of the States wants to make some submission or wants any clarification which may another three months if any of the States have to be referred back to the tribunal. So it should not be more than nine months. So I request the hon. Minister to consider these points. I wholeheartedly support this measure.

SHRI U. N. MAHIDA : Madam, I thought the Minister would be dealing with the various principles in support of this Bill. But I will now be compelled to raise the question, I was informed that the existing Act is not a

good law. That is one thing. Secondly the Minister added that he would bring it in line with other good laws in other parts of the world. Now may I enquire whether changing it from one to three Judges makes it a good law? The second query would be, does this change bring it in accordance with or in line with good laws in other parts of the world? I wish the Minister to make that clear.

Then I proceed to certain difficulties that the Tribunal is likely to encounter when you come to implement this measure. We have come to a Tribunal because of article 262 of the Constitution. If article 262 had contemplated a Tribunal of this nature, i.e., of Judges alone, would it not have stated "You shall have one Judge outside the Supreme Court or three Judges outside the Supreme Court and their decision would be final?" Was this the intention of article 262? I would request the Minister to refer to the old debates on the subject and what the lawyers would call travail preparatoire when this very Act was enacted. You see it and find out whether that was the intention. I am making this point because I have grave apprehensions, and I know where the shoe pinches, that this may not solve the problems.

Now difficulties have been created by certain inactivities. We have the entry 17 in the State List, Seventh Schedule, State List, in the Constitution. That gives an impression that all waters belong to the States. Very often it is forgotten that there is a corresponding entry in the Union List—56. Now my submission is this. In enacting this law the Centre is practically giving up all its powers of control over inter-State rivers; it is giving up control; it is alienating all its powers but it is still retaining its financial responsibility. The fear before the Government seems to have been that by keeping the Government of India in it there will be immense financial responsibilities. I beg to submit that the financial responsibility shall still continue because no State will be able to finance these projects from their own funds. So the Government of India will not be able to escape their financial responsibility. It is, however, abdicating its authority. Secondly, while abdicating its authority it is doing one other thing, i.e. the power given to the Government regarding control of inter-State rivers is not

[Shri U. N. Mahida] being exercised. There is a definite provision that inter-State rivers shall be controlled by the Centre to the extent necessary. With that object in view another Act was passed simultaneously in the same year 1956—the River Boards Act. The two Acts had to be complementary and supplementary. The Government of India has failed to implement the second Act, the River Boards Act, and thereby handicapped all development. Had the River Boards Act been implemented, the results would have been different. The responsibilities of the Centre are very clearly laid down there. And that Act has not been implemented. I am bringing this to your notice because the omission is going to create difficulties in implementing the present Act. That Act says :

"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."

The Ministry has failed to implement this. And that is going to create difficulties. If you go into further provisions of the River Boards Act, you will find so many principles enunciated. Had they been worked upon, our difficulties would have been over and the task of the Tribunal that we seek to establish would have been simpler.

Now, Madam, what will the Tribunal do ? Where are the laws, where are the rules ? What will the Tribunal do ? It will only sanctify the position under the existing law; it will give decisions under the existing law. But where is the law regulating waters ? What will then be implemented ? Madam, Tribunals differ from law-courts. The law-courts would have adhered to the law as laid down; that is what the Supreme Court would have done. Those who framed the Constitution had this difficulty in mind and they gave the device of article 262. Now we are giving it over to a single Judge, now changed to three Judges.

Now, Madam, my submission is that inter-State disputes of this nature are not amenable to be settled by law alone. Even lawyers or Judges, whoever they may be, will have to decide this issue on general principles. When the law is not laid down, when the rules of law that can be enforced are not there, decisions shall have to be taken *ex aequo et bono*. And will this Tribunal have

the power to do it ? I want an emphatic and categorical statement from the Minister. Unless that is done, in spite of a provision in section 11 of the Act that there should be no jurisdiction or there should be no revision by the Supreme Court, that provision will fail. In its anxiety to resolve a dispute the Tribunal may be tempted to exceed its power. If it is not tempted to exceed its power, what will the Tribunal do ? The Tribunal will act in another fashion: it will resort to what lawyers call interlocutory judgments. In either case the purpose of this law will be defeated. Further I suggest that the very complexion of the Tribunal will have to change. If the Government of India is unable at the moment to lay down principles of law, if for reasons of delay it wants to go ahead with the legislation, I shall not have much quarrel with it. But I want that the functions of the Tribunal at least should be more defined and the complexion of the Tribunal should be changed according to the second amendment that I have given, that an engineer be associated, because these are not purely legal questions. There can be distribution of water but that is not enough. By mere distribution of the quantum of water you shall not solve the problem. What shall be distributed will be benefits, and that is not very clear; that will have to be made clear.

Then I want to submit to the House that these functions are not legal; they are quasi-legislative. The Supreme Court or other courts would resort merely to the law as it exists. Why do you have a Tribunal ? A Tribunal can go much further than court of law. It can go into the general questions; it can see a little ahead of what we may call legislative functions; a Tribunal can by agreement, or by provision of law, be vested with such powers. And even in law it is not debarred. We can see the law of charitable trusts. There when the original objective* of charity can no longer be carried out, the court decides in a different way: when there is nothing of the original objectives to be carried out, it has other powers. It tells the Attorney-General to make a second scheme according to the fundamental objectives and the scheme is then approved by the court which is vested with such power. A similar provision could be made for this Tribunal. Finally that if we want to decide this question, at least make this change that the

Tribunal is such as would be able to comprehend the issues. The mere law as it exists will not do. What law exists to-day and what law should be there is a great distinction between them and a Tribunal can take advantage of it and therefore I submit that necessary changes which I have suggested in my second amendment may kindly be taken into consideration.

THE DEPUTY CHAIRMAN : We have exceeded the time-limit. Mr. Sinha.

SHRI B. K. P. SINHA (Bihar) : I share to a large extent the feelings expressed by the previous speaker. Before the problems posed by the inter-State rivers are solved, there is a necessity for a basic re-thinking by the Government of India.

Coming to the limited issue of the composition of the Tribunal. It is correct to say that there is no law or precedent which would provide the guidelines to a Tribunal in coming to a conclusion about an issue raised in the inter-State dispute. Some principles have been developed in Europe, but in Europe the rivers pass through Sovereign States. Some principles have been developed in the U. S. A. where they had colonies which have now become the constituent units of the U. S. A. But there also the situation being different, the principles that have been laid down or developed have been developed in the context of a situation that prevails there. It has been correctly stressed by the previous speaker that in India the hoard is practically clean. There is nothing that could provide guidance to the Judges of the Tribunal and the Judges by the very nature of their work in any assignment that they get, are guided by precedents. It is for them to distillate the law for a particular situation provided the law has been laid down for different situations or situations of a similar kind. In view of the total absence of any guiding principle of law. I feel the composition should have been of a different nature. In such a matter it was necessary that while the Chairman would be a Judge, one of the members should have been a technical man, fully conversant with the issues that arise in a river water dispute. It was also necessary because these problems are neither judicial entirely nor technical, these problems are of a public nature, political

and public issues arise for solution in these matters, therefore, it was necessary that one member of the Tribunal should have been an eminent public man of the stature of, say, Pandit Hirday Nath Kunzru or Shri Ramaswamy Mudaliar or some elder statesman.

SHRI JOACHIM ALVA (Nominated) : We have had enough of Ramaswamy Mudaliar during the British days.

SHRI B. K. P. SINHA : Let it be Mr. Alva, I do not mind. The composition should have been slightly different.

I feel that there were some basic flaws even in the original enactment to which this Bill provides an amendment. The flaws arose because the Government have not been clear in their mind about the extent of the power of the Centre and the power of the States. No doubt water is a State subject but a specific article of the Constitution says that the use, distribution and control of waters shall be regulated by Parliament by legislation.

He has also referred to item 56 in the Union List. All these clearly indicate that the Government of India have wide powers not only to regulate the use and distribution of waters but even to take over these Indian inter-State. But then, it seems the Government of India fight shy of the financial responsibility that would arise if these river valley projects were taken over by the Government of India and therefore by a peculiarly complex process of legislation, they try to shift the responsibility which the Constitution contemplated would be theirs, to the States. Even now what is happening is this. I know of the D. V. C. The States have made a notional contribution but the money has come as a loan from the Government of India. It is a matter of common experience that the States are very bad debtors and they never care to pay back the loans advanced to them. Therefore even to-day substantially it is the Government of India that is financing these big river valley projects. I do not see why they should fight shy of taking that responsibility directly. Unless that is done, these problems can never be solved properly in my opinion. I therefore feel that there should be basic re-thinking. Unless there is basic re-thinking, the problems posed by the river waters cannot be solved by this amendment of a limited nature.

DR. K. L. RAO : I thank the Members for their wholehearted support to this Bill. At the outset I must submit that many Members have complained that 12 years have elapsed and no dispute has been referred to this Tribunal or that the Krishna-Godavari dispute has not been referred to this. How can anything be referred unless the dispute arises ? In 1956 when the Act was passed, there was no dispute like Narmada or Krishna-Godavari. The Krishna-Godavari dispute had arisen only in 1960 and Narmada has arisen in 1963. Till then there was complete agreement and therefore how can any dispute arise because the Act was passed ? In fact the very fact that nothing has been referred is a testimony for the efficiency with which the Government of India has been tackling the inter-State problems. I am glad to repeat again that in India, in spite of the fact that there are so many inter-State rivers—unlike the U. S. A. where there are only one or two and in this country there are large numbers of rivers—only two cases have come into difficulties, namely the Godavari-Krishna and the Narmada. Of these I can say straightaway that as soon as this Bill is passed, the Krishna-Godavari dispute is going to be referred to this Tribunal. It is only in the case of the Narmada that we are likely to take some time and see if negotiations cannot be conducted because in the Narmada dispute the gap is much less, the gap between the disputants is little. The amount of water from the river has been agreed to. On many other points also there is a lot of agreement. It is only in respect of one or two items with which emotions have been built up, that there is difference and I still feel, therefore that; in the case of the Narmada, given goodwill, given the efforts of Members of this House and the respective Governments, it will be possible for us to arrive at a very good settlement. I am sure the only dispute that could go before this will be that of Krishna-Godavari and I hope it will be the case in our country that this Tribunal business will be used very sparingly.

There is one other thing that Members asked, namely, that we should fix up a time-limit. How can we fix a time-limit for a Tribunal ? When you go for adjudication, it depends on the Judges. They must go into all the aspects and then give the judgment and

therefore it is not possible to regulate it by any time-limit, although we trust that the Chief Justice will take care to appoint such Judges who will take the matter very seriously and see that the judgment is given as early as possible.

There are a few points that have been raised about the River Boards Act. How can we constitute a River Board ? A River Board can only be constituted if the concerned States agree. Unfortunately right from Gujarat—to which the hon. Member Shri Mahida belongs—Mysore, Maharashtra, Andhra—every State, has objected to the River Boards Act. How can then a River Board be constituted because they said, "Unless the water distribution is known, we cannot have a regulation." Therefore there is no meaning in bringing the River Boards Act into use. Therefore I could not . . .

श्री निरंजन वर्मा : जो मैंने कहा था उसके सम्बन्ध में बताने का कष्ट कीजिए। जो मैंने प्रश्न उठाया था कि दोनों में डिफ्रेंस क्या है . . .

DR. K. L. RAO : You ask what is the difference. That is a very good question. The River Boards Act is meant essentially for regulation. That is, suppose there is an agreement, say, between Gujarat and Madhya Pradesh about the use of the waters of the Narmada, then it is not enough merely saying that this State will have so much amount of water and that State will have so much amount of water. The way in which the water has to be given also comes in: in what month and in what way, that also comes in, and that is called regulation. That is where we require the River Boards Act and for that purpose the River Boards come into being. For example, there is the agreement between Mysore and Madras in the matter of use of the Cauvery water and there every drop of water has been regulated.

THE DEPUTY CHAIRMAN : I may draw the attention of the hon. Minister that at 3.30 another hour has been fixed to come up. It is a Short Duration Discussion under Rule 176: I would like to know how much more time the hon. Minister would require and whether the House would grant him that much time to finish his reply now. How much more time: would you require, Dr. Rao ?

DR. K. L. RAO : Ten minutes.

THE DEPUTY CHAIRMAN : If the House can give him this indulgence for ten minutes more, he can finish his reply now.

HON. MEMBERS : Yes, yes.

THE DEPUTY CHAIRMAN : I take it that the House is in a mood to give him this time.

HON. MEMBERS : Yes.

SHRI MULKA GOVINDA REDDY : Provided the other debate is extended by that much time.

THE DEPUTY CHAIRMAN : Yes. It will be extended by ten minutes.

DR. K. L. RAO : I was only submitting that the River Boards Act could not be used because, on the very fundamental issue of the use of the water, there had not been agreement in these two cases.

Now some hon. Members have said that there is politics in these water disputes and it is because of the Congress rule or the ruling party that certain disputes have not been settled to mutual satisfaction.

SHRI NIRANJAN VARMA I want a specific reply from the hon. Minister

DR. K. L. RAO : I want to submit. Madam, that I will answer the questions in the end. Here I want to submit that the water is colourless and odourless; it is also devoid of politics; absolutely there was nothing. For example, Madam, some hon. Member said that the Perambikulam project was finalised when there was a non-Congress Ministry. I think it is not correct.

SHRI A. P. CHATTERJEE (West Bengal) : That makes me suspicious; when the Minister protested it is devoid of politics, it makes me suspicious that there must be some politics.

DR. K. L. RAO : You can have your suspicions. What I was submitting is this that, for example, the Perambikulam project was concluded between Mr. Kamaraj Nadar and Mr. Nambu-diripad, Chief Ministers at the time. But then it has not reached any finality; it

is going on. Again there was a trouble in 1960. There is trouble now again as far as my knowledge goes, and we have to resolve it again. Therefore, it is not really politics; it is a question of the fear of each State whether they can have a sufficient amount of water, whether their requirements will be met. Of course it is the anxiety of everybody; there is nothing wrong in this dispute. The only unfortunate thing is that we have not been able to arrive at a settlement in one or two cases; this is the only thing.

SHRI MULKA GOVINDA REDDY : There is something wrong as to why they have not arrived at a settlement.

DR. K. L. RAO : No, it is only because each party thinks that that particular amount of water would be required.

Then regarding the composition of the Tribunal, some hon. Members were saying that there should be distinguished lawyers. If we take away all the distinguished lawyers, where will the people be to put forward arguments in these various cases, people to argue these cases? Some hon. Member said that there should be public men and Mr. Mahida was saying that there must be engineers. I am an engineer but I have not been able to solve this problem in spite of very best efforts. Therefore it is best, we thought, to do away with people of that variety and to have only serving Judges. The whole idea is that they will be very judicial, completely judicial, and that is why the Bill has been carefully worded and put in in this form is the matter of constitution of the Tribunal.

Some hon. Member was saying that the Judges might be put on this assignment just before their retirement from service. It is not for that purpose that that clause has been put in. The idea of that clause is this. Suppose a Judge has been in service in the Tribunal and he has been going through a case and in another two months the case will be finished. Suppose it happens that the Judge retires at a time when in another two months the case will be finished. In that case the whole thing has got to be redone—because he retires then. When such is the case, the idea is . . .

SHRI MULKA GOVINDA
REDDY : Don't appoint judges on the verge
of retirement.

DR. K. L. RAO: No. Suppose a Judge has been appointed two years back and he is to retire two years hence, and we expect the case to be over in one year or one and a half years and suppose it has to go on for more than two years by another two months. At that time, if this provision is not there and the Judge retires, then the whole thing has got to be repeated again. It is to protect against that kind of situation that the provision in the Bill should remain as it is. After all, Sir, the hon. Chief Justice of India is a very high personage and he is expected to hold the scales fair and even. We have implicit confidence in him and the selection of members is entirely left to him. When such is the case, we naturally expect that he will exercise his judgment and do the best amount of justice in these matters.

Now why I am saying so about the engineers in the matter of their selection for being members of the Tribunal? Of course, being an engineer I myself would have liked it that this should consist of engineers, and I would have gone on saying that thing. "But I find that it is impossible" because, in spite of my very best efforts to be most fair, I have not been able to convince my great friend, the hon. Member, Mr. Dharia, who is one of our very distinguished Members, a young man who is going to become one of the leaders of this country later on. (Interruptions) Now I have not been able to convince him in spite of my best and sincere efforts. (Interruptions), for example, in the matter of the Krishna water. After I became the Minister, Madam a number of projects has been sanctioned and the amount of the Krishna water that has been utilised has been 160 tmc for Maharashtra, —I am saying approximately—130 for Mysore and less than 10 for Andhra. And yet they say I am always doing Andhra business, and I have been hearing nothing else except this. (Interruptions) Two hon. Members have said that a number of schemes have not been sanctioned. It is not correct. Thirty-six minor schemes have come from Maharashtra. Twenty-two have been sanctioned. Eight have come one or two months back. Six are under

correspondence. There is no State for which we have sanctioned so many projects after I became the Minister. For example, in Bihar there is one project called the Bhagmati, a beautiful project, a project which costs only Rs. 200 per acre. There is no project in this country . . .

SHRI A. G. KULKARNI (Maharashtra) :
It is not the number of projects that have been sanctioned but, on the average, in Maharashtra State it comes to only 6 per cent.

DR. K. L. RAO : That is what I am coming to. There it is a question of implementation of the projects. Now what I mean to say is this. There is the Bhagmati project in Bihar, which costs only Rs. 200 per acre, whereas in some of the States there are projects where it costs Rs. 1500 per acre. In respect of Bhagmati project everything has been cleared two years back, rather one and a half years back, but the project could not be sanctioned for want of finance and so on.

With regard to Mr. Kulkarni's idea that the percentage of irrigation in Maharashtra is less, it is quite definitely less; we are sorry for it. But so many projects have been sanctioned, and the way in which to increase the potential of Maharashtra is to implement them. By merely sanctioning a project nothing happens. It has to be implemented; it has to be carried out. About Rs. 200 crores have been sanctioned for those projects. If they are carried out, then the percentage of irrigation in Maharashtra will surely go up. I am only just mentioning this. I cannot elaborate it just now. I leave it for another time.

Now advertent to the point of engineers being made members of the Tribunal, I am only saying this, how an engineer has got the handicap, and therefore I would not put any engineer in the composition of this Tribunal. That is why I said that it is not for engineers.

Then they were saying that Surat was now facing the flood problem and it was because there was no agreement between the parties. On the other hand, in the matter of the Tapi water there is complete agreement between Maharashtra and Gujarat. Of course the Surat trouble would not have been

there, would have been completely free of flood water~ if only we had completed the Ukai project. It has been sanctioned but it is taking time for the Ukai project to complete because of want of finance. When the Ukai project is completed, Surat will be completely free of floods, and this trouble would not have been there. This is the trouble in our country today. Why I am saying so is because it is not correct information to say that it is because of the dispute. I would submit once again to the House that the disputes have not stood in the way of the development of our country so far, fortunately, except in the case of the Narmada. I accept that in the case of the Narmada the dispute has not been resolved but, except that, no other dispute has stood in the way of the country's development.

(Interruptions)

I promised to complete in ten minutes. Also I do not see there are many points more.

SHRI M. M. DHARIA: Madam, I want to make my submissions since reference has been made to me.

THE DEPUTY CHAIRMAN: You were not here when the reference was made and you cannot take the time of the House at this stage. He must finish his reply and he is doing so presently.

SHRI M. M. DHARIA: He may take some other time, he may continue on the next day.

THE DEPUTY CHAIRMAN: But let him finish his reply first.

SHRI M. M. DHARIA: Madam, in my speech I had raised the point that there was suspicion in the minds of several people in Maharashtra that the Central Government was showing partiality while sanctioning these schemes. I would like to know the reasons from the hon. Minister. If it is not possible for him to give a satisfactory reply today for want of time, he may give the reply later.

DR. K. L. RAO: You are asking me now; what am I to do? I have just now dealt with that point. If hon Members are not here, what can I do?

{Interruptions}

SHRI B. K. P. SINHA: Just one query, E'r. Rao. I want to submit this, Madam. It seems Maharashtra has all the industries; then they must have all the water also.

SHRI A. G. KULKARNI: No, you are wrong. Nature has given you ample water?

DR. K. L. RAO: I want to submit . . .

SHRI A. G. KULKARNI: Mr. Sinha, I want to tell you, you in U.P. have monopolised political power so you do not need industry?

(Interruptions)

THE DEPUTY CHAIRMAN: I do not see why there should be such passion when the Minister is giving the reply.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): The charge seems justified, whatever has been levelled earlier.

DR. IL L. RAO: I want to submit that this Bill is a very simple one. There is one thing more. I promised the hon. Member to bring a Bill which is consistent with the latest thinking and this is the Bill that has been produced. I am sorry I have not been able to produce that Bill that I had in mind, because I have referred the matter to the Indian Law Institute for assistance and they said they will take six months to one year and they cannot rush through things and produce something straightway. As soon as I got the advice of the Law Institute we will consider that and I propose then to bring forward an amendment. This has been brought now because we are in a hurry to refer the Krishna-Godavari dispute to the tribunal. That is why this has been brought. The one that I had been hoping to bring, the modernised Inter-State Disputes Bill will be taken up at a later date. I once again submit to this hon. House that this is a simple Bill. Fortunately there are only one or two amendments that have been given notice of but in view of the explanation that I have given I would request hon. Members .\.

SHRI SUNDAR SINGH BHANDARI: That we will have to see when we come to the clauses.

DR. K. L. RAO: ... to kindly approve the Bill that has been placed before the House.

श्री निरंजन वर्मा : महोदया, अभी मंत्री ने कहा था कि मैं उत्तर दूंगा। आपने अपनी बहादुरी की रामायण पूरी सुना दी, लेकिन वे एक कानूनी प्रश्न का उत्तर नहीं दे रहे हैं। एक ही तरह के दो कानून हैं। एक कानून में संशोधन करके आप जस्टिस बैठायेंगे, वह निर्णय करेगा, एक कानून के अंतर्गत सेंट्रल गवर्नमेंट को यह अधिकार है कि वह अपना नामिनी बैठ कर फैसला कर दे। हम मध्य प्रदेश के हैं, हमारा मध्य प्रदेश और गुजरात का झगड़ा है। कहीं इस कानून की आड़ में सेंट्रल गवर्नमेंट का एक आदमी बैठ कर फैसला तो नहीं कर देगा? इन दोनों कानूनों में अन्तर क्या है, यह बताएं। यह लीगल मैटर है।

SHRI SUNDAR SINGH BHANDARI : If the Minister says this is only for the Krishna-Godavari dispute and no other matter will be referred then there will be no suspicion.

DR. K. L. RAO: What I submitted was that this Bill which is before the House is meant for resolving the inter-State disputes that cannot be settled by negotiations. We have got only two cases in the country today which we have not been able to resolve so far.

SHRI SUNDAR SINGH BHANDARI : But you mentioned that the emergency was about the Krishna-Godavari dispute, and that is why you are bringing this in a haste.

DR. K. L. RAO: Not in haste. What I said was, because the hon. Mr. Mahida said that we should bring a very comprehensive Bill, it will take many years. I cannot say when it will be possible for me to bring that, because it will depend on the Indian Law Institute. And what I said was, and what I say is, that there are only two cases in India today and even of these two cases we are not prepared to take up the Narmada dispute to adjudication because we still feel that with the assistance of hon. Members and the respective Governments it will be possible for us to settle the Narmada dispute by negotiation. Adjudication will

be resorted to only in the case of the Krishna-Godavari dispute at present.

THE DEPUTY CHAIRMAN : I will first put Mr. Mahida's amendment to vote.

The question is:

"That the Bill further to amend the Inter-State Water Disputes Act, 1956, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of seven members, namely:—

1. Shri B. K. P. Sinha
2. Shri M. P. Bhargava
3. Shri S. K. Vaishampayan
4. Shri M. H. Samuel
5. Shri Mulka Govinda Reddy
6. Shri Sundar Singh Bhandari, and
7. Shri U. N. Mahida

with instructions to report by the first day of the second week of the next Session (66th Session) of the Rajya Sabha."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Inter-State Water Disputes Act, 1956, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN : Clause by clause consideration we shall postpone to another occasion. Now we go to the Short Duration Discussion.

DR. K. L. RAO : It won't take more than five minutes.

THE DEPUTY CHAIRMAN : There are amendments.

SHORT DURATION DISCUSSION RE SITUATION ARISING OUT OF THE STRIKE IN THE MAJOR NEWSPAPERS IN THE COUNTRY

SHRI BANKA BEHARY DAS (Orissa): Madam Deputy Chairman, with your permission, I beg to raise a discussion on the situation arising out of the strike in the major newspapers in the country.