

[Dr. Triguna Sen]

maximum of four; in the new U.G.C. of 12 members the number remains the same, the minimum of 2 and the maximum of 4. This is in keeping with the recommendations of the Education Commission which said that not more than one-third of the members of the U.G.C. shall be Government servants. It is obvious that no weightage is given to the official members in the new U.G.C. Four out of twelve is less than four out of nine. The Bill therefore reduces the bureaucratisation rather than increases it.

Some misunderstanding has been caused by the omission of sub-section (3) of section 5 of the old Act which said:

"That the Central Government shall nominate a member of the Commission not being an officer of the Central Government or of any State Government to be the Chairman thereof."

It has been inferred hastily that the omission of this sub-section shows an intention on the part of the Government to appoint a Government servant as the Chairman of the U.G.C. Nothing can be farther from the truth but let me first explain why the clause was necessary in the old Act and why it is not necessary in the amended Act. In the old Act the procedure prescribed was to constitute the U.G.C. first and then to nominate a member of the U.G.C. as Chairman. When the U.G.C. was constituted, it consisted of 9 members of whom 2 had to be servants of the Central Government and 2 others might also be servants of the Central or State Governments. In order to ensure that the Chairman was nominated from among the non-official members only, a specific provision was necessary and so sub-section (3) was added in the old Act but in the amended Act this contingency does not arise. The Chairman is not nominated now from among the members of the U.G.C. He is appointed independently on his own merit and then he becomes a member of the U.G.C. automatically. In this situation it was considered necessary to retain the old provision. Let me categorically place on record the policy of the Government in this matter. The Chairman of the U.G.C. shall be an educationist, respected in the academic community. He shall not be an employee or a Govern-

ment servant. The Government believes that the autonomy of the U.G.C. is absolutely essential for the improvement of higher education. The Government therefore will do everything in its power to strengthen that autonomy and to ensure its academic independence.

With these words, I request that the Bill, as amended, be passed.

SHRI M. P. BHARGAVA : What assurance the Minister has been pleased to give here, I would like it to be incorporated in the Statute when it goes to the Lok Sabha so that there can be no misunderstanding in the future. To-day Dr. Sen is the Education Minister, tomorrow somebody else may be the Minister and it must come on the Statute Book.

SHRI KRISHAN KANT : I would like to bring to the notice of the Minister that what he has said are very good, pious hopes. We have experience of the Press Commission where the Chairman of the Press Commission was appointed by the Chief Justice of India. Only a retired judge or one who resigned became the Chairman. That is what I fear is going to happen here also. The Education Secretary may retire two months before and he will be made the Chairman of the U.G.C.

THE VICE-CHAIRMAN : (SHRI AKBAR ALI KHAN) : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE INTER-STATE WATER DISPUTES (AMENDMENT) BILL, 1968

THE MINISTER OF IRRIGATION AND POWER . (DR. K. L. RAO) : I beg to move:

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

I will briefly submit the reason for bringing up this amendment. Rivers can be engines of destruction as it has been in the case of Tapti, for example, to-day, or Narmada or Brahmaputra but if controlled and developed properly, they can be the greatest and inexhaustible treasures of the nation.

Therefore it is necessary that we develop the river system in an integrated manner. It is in pursuance of this policy that the Government of India has been doing a very tremendous amount of development of our rivers and has been able to double our irrigation potential. For example, the irrigation has increased from 50 million acres before independence to nearly double—nearly 95 million acres—to-day, with the result that the food production has gone up two times of what it was before independence. This kind of achievement is very rare in any part of the world. There is no other country in the world which has achieved such a tremendous increase of irrigation potential.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair] All this has been possible because our country has been developing our rivers in a very regulated manner, but when you are developing these rivers, as most of our rivers happen to be inter-State rivers and they pass through more than one State, it is quite possible and quite natural that there will be some conflict in the utilisation of the waters of the rivers. This is but natural because as every farmer wants to use the water and there will be quite a large demand for water and the river is not able to meet all the demands, there is bound to be some conflict. The best way of solving this conflict is by negotiation, agreement, by give and take and by accommodating each other and that has been done in most cases. Although we have many inter-State rivers in this country, I am very happy that except in two cases, we have been able to solve this issue and the development of the rivers is taking place quite normally but it just happens sometimes, it may happen, that it is not possible to resolve by these negotiations or by the co-operative approach method, which I said, is the best method. In a case like that, the Constitution wanted that it should be resolved. Therefore under article 262 the Parliament passed the Inter-State Water Disputes Act in 1956, I just apologise for digressing a little here. In answer to a supplementary, on April 30 of this year I said that the Inter-State Water Disputes Act was passed under article 263. It was a slip. It is article 262. Similarly in answer to another question asking whether there was any change contemplated, I said 'Yes, I have been thinking of changes

and I have been thinking of referring this for advice to the Research Section of the Supreme Court.' What I meant was, there is an Indian Law Institute, a very magnificent institution with which I had the honour of being associated in the beginning and to participate in the construction of the building. The President of the Law Institute is the Chief Justice of India and his colleagues who hold office and that Institute is meant for research in law. When I said it, I meant that I wanted to shorten the answer. Immediately I thought of correcting these two. I also informed the Rajya Sabha Secretariat but hon. Mr. Mahida felt that I should bring it to the House and that is why I have mentioned this.

What I wanted to submit was that under the 1956 Act there is provision for resolving the disputes and difficult cases, where it is not possible by the co-operative approach to resolve, are to be referred to a Tribunal. Here the Act provides that the Tribunal shall consist of only one judge and that judge is to be appointed by the Chief Justice of the Supreme Court and any State may make any request for adjudication and unless the Government of India thinks that it can be resolved by negotiations, it constitutes the Tribunal. Under the general provisions of the Act, the tribunal is to consist of only one judge and the provision is that once the judge pronounces a judgment, it is final and binding. There is no other course. All the courts—the Supreme Court included—are excluded from having any kind of appeal. Government also cannot interfere, and it is therefore final and binding. Therefore a thought had been growing that it was much better to go in for a larger Tribunal as is provided for in this amending Bill, because, in the case of river disputes of that type which will be referred—not every kind of conflict, only very good cases, I hope, will be referred—such cases will be requiring the collective wisdom and the practical wisdom of a number of Judges. And for one Judge it may not be possible; it is much more. So it was thought that it was much better and safer for the country to refer the dispute to a Bench of at least three Judges. It is in order to incorporate this change that this Bill has been brought up. There is no other change in this except that the Tribunal will consist of three Judges and that these three Judges will be

[Dr. K. L. Rao.]

nominated by the Chief Justice of India from among serving Judges. The Judges can be of either the Supreme Court or of a High Court but they must be serving Judges on the date of their appointment as such. Now that has been done with a view to maximising the confidence of the public and to ensure that the judgments are acceptable to and are in the best interests of the country. Now there is really no other big change in this. I request that the House kindly give approval to this measure which merely tries to incorporate this change of three Judges instead of one. The other things are purely consequential changes that have been suggested. I now beg to move that the Bill be taken into consideration.

The question was proposed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Mahida, you may please move your amendment without making a speech at this time.

SHRI U. N. MAHIDA (Gujarat) : Sir, I move :

"That the Bill further to amend the Inter-State Water Disputes (Amendment) Bill, 1966, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the seven Members, namely—

1. Shri B. K. P. Sinha
2. Shri M. P. Bhargava
3. Shri Henry Samuel
4. Shri S. K. Vaishampayan
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, the (66th Session) of the Rajya Sabha."

The question was proposed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Akbar Ali Khan. Before you start I may tell hon. Members that the time allotted to this Bill is one hour and I have got twelve names before me. So may I request Members to restrict their remarks to roughly about five minutes each?

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Sir, so far as the Bill

is concerned, it is a simple Bill; instead of one Judge we want to have three Judges. And the other matters are minor, about which the hon. Member, Mr. Mahida, I myself and some friends have got amendments to move. I would just mention it at the end. When I support, I support this Bill with a sad heart. I feel sad and those who know the history of why this amendment has been brought and why the matter of the settlement of disputes has been pending for years together depriving our country of the benefits of irrigation and other advantages may also feel sad while supporting this Bill that it is a sad affair that we could not settle our differences through negotiation which is the best and the ideal thing. It makes me sad, Sir, because, that way, we not only show that we cannot settle our matters viewing India as our country but we also show that we attach more importance to our States and to our regions. The other thing is that by thus procrastinating the matter the country's difficulty has increased. For example, take the question of agriculture. We have to get our food from outside, but if these things had been implemented and without delay, then we could have saved so much trouble and so much difficulty to our country.

Now, Sir, I have mentioned this and I would repeat it with your permission that in the Tungabhadra river dispute, which was pending for eighty years, Rajaji and the late Nawab Ali Nawab Jung decided it in eighty minutes—I was connected with it. Rajaji said, "Nawab Saheb, you do not represent only Hyderabad. You represent Madras and I give the authority to you to decide and I will accept it." Sir, Rajaji was representing a democratic Government and Nawab Ali Nawab Jung was representing the autocratic rule of Hyderabad. Still quick came the reply from Nawab Ali Nawab Jung and he said, "Rajaji, a few hundred more ryots of Madras may benefit, or a few hundred more ryots of Hyderabad may benefit. But it is my India, it is my country, and I do not mind." And the dispute that was pending for eighty years was decided in eighty minutes. It happened thirty years back but I still vividly recollect the wisdom of the spirit and the lead given by Rajaji to the late Nawab Ali Nawab Jung. And now I want to tell my countrymen that now,

when we are independent, when generally the Governments are of the same ideology and of the same party, if we cannot decide these river disputes through negotiation, I am very sorry, and it hurts me.

Now the other thing. Now the matter will go for hearing before the Tribunal. I want the Irrigation Minister to take note of what I say presently in this regard. Those who are connected with the Tribunals know how in matters of adjudication there are prolonged hearings and every day prolonged means loss to my country and to my people in more than one way. So I would like the Irrigation Minister to fix up a time for the adjudication, that within three months or, latest, six months, the matter should be decided. I would further suggest with your permission that when this Tribunal takes up some disputes, let the Judges take up the matter after taking oath. I would also suggest that the Chief Ministers of the concerned States go there and take the oath and give the assurance that they will abide by the decision of the Tribunal, that they will work for it and they will try to expedite it. I want to give it a sanctity because I know that, with the best of intentions—I do not want to blame anybody—with the best of Judges, even when a Chief Justice says, “I have given my decision”—still, we could not resolve the differences; the matter could not be settled finally. I mean, that is a very sad commentary on us. So I would request, Sir, that in this matter full precaution should be taken, and when a matter is entrusted to the Tribunal, I would suggest that before a matter is entrusted to the Tribunal the effort of the Government of India should be to see that as many matters as possible are settled by negotiation.

One word as regards my amendment and Mr. Mahida's amendment further amended by Mr. Jain. My amendment is to add the words “or are distinguished lawyers” in the proposed sub-section 4(2) at the end of that sub-section. I contest the proposition that they should all be Judges because there are lawyers who have refused to become Judges for reasons of their own; and there are such people in this House also. So I have suggested distinguished lawyers also. Of course the choice of such distinguished lawyers rests with the Chief Justice of India; the Chief Justice of

India should have the choice to select Judges or distinguished lawyers, (*Interruptions*) yes, distinguished lawyers otherwise qualified to become High Court or Supreme Court Judges.

One other thing is this. I want one of the three Members of the Tribunal to be an engineer and I accept Mr. Mahida's amendment in this regard because I have had something to do with it. There is much of technical work here, and if there is an engineer of repute, of standing, of integrity, then there is no reason why along with two Judges or with two distinguished legal men there should not be an engineer.

2 P.M.

These are the two matters that I submit for the approval of the House. With these observations I commend the Bill for the acceptance of the House.

SHRI MULKA GOVINDA REDDY (Mysore): Mr. Vice-Chairman, I agree with the sentiments expressed by my friend, Mr. Akbar Ali Khan. For the last twenty years it is unfortunate that some of these disputes have not been solved at all. It is a sad commentary on the party that has been ruling this country for the last twenty years. In States which are interested in these disputes the Congress Party was in power and has been in power till now. These matters which could have been solved amicably have not been solved at all, so much so we have not been able to solve the burning problems of the day. The floods are creating havoc. Even yesterday Surat and some other towns in Gujarat have been affected by floods because of the overflow in Narmada. Similarly floods have affected other parts of North India. This is one side of the picture; the other side of the picture is in some of the States in the South and in Assam and Rajasthan, people are hit by famine conditions. If proper planning had been there, if an honest attempt had been made, neither floods would have occurred so frequently nor famine would have devastated the country so frequently. What has happened is we have not been able to increase production as much as we wanted and the allround development of the country has not progressed. We have not been able to increase the production of power; we have not been able to increase navigational facilities. If there was proper planning we could have dug channels from one river to another

[Shri Mulka Govinda Reddy]

and travel would have become cheaper, particularly transport of goods from one part of the country to the other and we would have saved thousands of crores of rupees in foreign exchange. We have spent more than Rs. 1500 crores in importing foodgrains from foreign countries. Day in and day out the Food Ministry officials—sometimes the Food Minister also—are going out to America, Australia, Canada and other parts of the world with the begging bowl in hand for foodgrains. This has been necessitated because we have not been able to plan the utilisation of our river waters. We have so many important rivers and we are allowing their waters to flow into the Bay of Bengal or into the Arabian Sea; we have not taken care to plan proper projects for utilising these river waters. We can tolerate Pakistan occupying and continuing to occupy two-fifths of Kashmir; we are tolerating China occupying nearly 50,000 sq. miles of our land but we do not tolerate two cusecs of water being utilised by one State or the other; so much so, we have become so parochial that the national wealth, that is, the river waters, is not properly utilised. It looks as though there is a crisis of leadership in the country, as though there is a crisis of confidence in the country. In spite of the fact that for the last twenty years the Congress Governments were in power in Maharashtra, in Mysore and in Andhra Pradesh—and they continue to be in power in these States still—they have not been able to solve these river water disputes that exist between these States with regard to the sharing of the waters of Krishna and Godavari. Similarly the Narmada water dispute has not been solved between Gujarat and Madhya Pradesh. So it is a very sad commentary on the state of affairs of this country. The Inter-State Water Disputes Act was passed in 1956; it is now more than twelve years. Why was this Act not pressed into service all these years? It is true that they tried to solve these river water disputes amicably but they have failed. If the Prime Minister or the Central Government had decided that these should be solved quickly, it could have been done. Of course the warring Chief Ministers may not agree.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Govinda Reddy, it is time to wind up.

SHRI MULKA GOVINDA REDDY:

This is a very important matter, Mr. Vice-Chairman. As I said, it is a very sad commentary on the Central Government as well as on the Congress Governments in the States that such a simple issue—simple in the sense that the concerned States were ruled by the Congress and they could have solved these disputes—has been kept unsolved.

I remember in 1956 there was some dispute with regard to the share of water between Andhra and Mysore with regard to the Tungabhadra Dam waters. Within half an hour the matter was settled; the then Chief Minister Dr. Sanjiva Reddy and Mr. Kadidal Nanjappa sat round the table and discussed this matter. Though Mysore was entitled to 27 per cent of the water I must say that the Andhra Chief Minister was good enough to say, 'You have 30 per cent of the available water from Tungabhadra.' If that kind of give and take had been adopted this matter could have been solved.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You give and take about time also.

SHRI MULKA GOVINDA REDDY:

Mr. Vice-Chairman, the Central Government is suffering from a state of indecision 'To be or not to be' is not the way in which you can solve these problems. Whether right or wrong you must take a decision. Of course some States may not be pleased with the decision that the Central Government may take but in the interests of the country, in the interests of the nation, in the interests of increasing food production and utilising the river waters for national purposes some decision or other must be taken. I am glad that in the principal Act itself there is a provision saying that the decision of the tribunal is final. It is not like the decision of the Mahajan Commission which is not final. Whenever a tribunal is appointed to go into the water dispute or any other dispute the recommendation of the tribunal should be accepted in toto and I am glad that this provision is there in the Act itself. Now I agree with Mr. Akbar Ali Khan that there should be some sort of . . .

SHRI AKBAR ALI KHAN: Now you should agree with me about the time limit also.

SHRI MULKA GOVINDA REDDY:

... time limit because these disputes should not be prolonged for a long time.

They should be solved quickly and there must be some sort of a time limit to solve these questions.

SHRI M. M. DHARIA (Maharashtra) : Mr. Vice-Chairman, I welcome this measure and I am happy that the Central Government has taken an open decision in this matter. With due respect to my friend Mr. Mulka Govinda Reddy I do not agree with him. I do agree that for a long time the Central Government was not deciding this issue. It is true. But the decision has now come out not only in this matter but in several respects. I do welcome this move of the Central Government. At the same time I again disagree with my friend Mr. Reddy when he criticises my party. He is well aware, the honourable Member is well aware, that on such issues all parties are divided. No sooner there is a tussle in between two States the parties in that particular State combine into an all India party. So we should not forget that we have in this country accepted a federal-cum-unitary set up and naturally when all such issues are to be resolved the natural principles of justice should be the governing criterion for resolving such disputes and from that point of view I welcome this measure.

Mr. Vice-Chairman, Sir, I would like to bring to the notice of the honourable Minister that there was a dispute in America regarding the distribution of waters of Colorado and Mississippi rivers. That dispute was pending from 1918 till 1926 which again was resumed in 1932 and ultimately that dispute was decided in the year 1964. That issue was, therefore, there for about 38 years. So some time limit shall have to be fixed on the working and functioning of these tribunals and as was rightly pointed out by Mr. Akbar Ali Khan, it may hamper the progress of this country.

Mr. Vice-Chairman, may I take this opportunity and say on behalf of my State that we are all aware that while the national average of irrigation with the land under cultivation is 25 per cent, the average irrigated land in Maharashtra is hardly 8 to 9 per cent. Similarly in Mysore State it is hardly 8 per cent; in Gujarat also it is the same percentage. In Madhya Pradesh it is still lesser. So naturally Maharashtra, Madhya Pradesh, Mysore and Gujarat having irrigated land with a percentage below 10 are really more concerned with this matter and we know that there

are some States who have made tremendous progress. In Jammu and Kashmir it is 45 per cent, in U. P. 35 per cent, in Madras it is nearly 40 per cent and in Andhra Pradesh it is beyond 35 per cent. Of course, we are all proud of them. All these States are part of our country. But at the same time because there are no irrigation facilities here, there are a lot of difficulties being faced by farmers in our State and from that point of view we feel that more and more water shall have to be made available and particularly to the States from where these rivers have been flowing. The feeling of the people in those States where water is flowing before their own eyes but when they are not in a position to fetch the water is understandable.

Mr. Vice-Chairman, with your permission I would like to draw the attention of the honourable Minister to this fact that several schemes of the Maharashtra Government are pending over here. Thirtytwo medium projects are pending here. They are not getting the final okay from the Central Government. There is a presumption, there is a misunderstanding and I hope that it should prove to be a misunderstanding that all possible partiality is being shown towards these schemes. Will the honourable Minister clarify the whole position and at the same time, may I request through you, the honourable Minister that these disputes about the Godavari and the Krishna, if they have to be referred, they should be referred to the same tribunal because they are inter-linked. If this problem is to be solved, it should be solved in an amicable way. At the same time there is one more feeling, Mr. Vice-Chairman, Sir, that the Nagarjunasagar project of which we are proud, though its first phase has been sanctioned, there is reason to believe that even some other part of the second phase is also being sanctioned for the crest-gates. Will the honourable Minister clarify and assure this House that the second phase of the Nagarjunasagar project will not be sanctioned until this issue is finally decided by the tribunal?

Mr. Vice-Chairman, Sir, I do not want to take much of your time. I know my limitation. I welcome this Bill. I have no doubt whatsoever that in days to come these measures as have been rightly taken by the Government will definitely create a cordial feeling

[Shri M. M. Dharia]

in between the various States and the strained feelings that we have today will disappear. That is my prayer and from that point of view I welcome this measure and with this feeling I stand by the Bill moved by the honourable Minister.

SHRI M. V. BHADRAM (Andhra Pradesh): Mr. Vice-Chairman, Sir, I quite welcome the Bill. Instead of one judge three judges will be sitting there to decide the disputes that are pending there, that are going to be referred to the tribunal. I would like to know—now the present dispute is about Krishna-Godavari with which Andhra Pradesh, Maharashtra and Mysore are connected and in all these three States only the Congress Party is ruling and the dispute is not settled among the heads of these States and similarly the Narmada also where the concerned State is also ruled by the Congress Party, but still there also it is not settled. Therefore, it is quite obvious that the party, either the Central leadership or the State leadership, is not exercising its influence on the States' leadership to come to an amicable settlement based on certain principles, because in the absence of any agreement—now there are so many disputes and also charges and counter charges in some States—the Minister who unfortunately hails from Andhra Pradesh is also maligned because he is from Andhra.

I would like to clarify one or two points which Mr. Dharia has raised. He says, the second phase of the Nagarjunasagar project should not be sanctioned, should not be undertaken. A serious misunderstanding of the whole thing is there. When the project was designed it was designed for a particular purpose and the second phase comes into being only when the extension of the canals into other areas is taken up. But our putting the crest-gates to the Nagarjunasagar project is being misunderstood particularly by Maharashtra as well as to some extent by Mysore also. Now what will be the benefit of these crest-gates? They will hold flood-water only to the extent of three days' water which will enable the early sowing in Krishna-Guntur delta areas and nothing more. These crest-gates will not do any other purpose because they can hold only three days' flood-water. This is being misunderstood by the people living upstream the Godavari or Krishna. I may tell you, Mr. Vice-Chairman, Sir, a project, Bhima project, which is in Maharashtra

had been sanctioned three years ago and the sanction was for Rs. 42 crores; but the State Government is able to spend only 2½ crores upto this time. So people living upstream are quarrelling with the people downstream. There is the proverbial story of the lamb and the jackal, when the jackal used to accuse the lamb downstream. It is like this. There is another thing similarly. The upper Krishna project which is in the Mysore State sanctioned five years ago—amounting to Rs. 39 crores—has spent only 2 crores by this time. The projects sanctioned either in Mysore or in Maharashtra are not cleared, are not taken up or they are not being executed expeditiously, whereas the Nagarjunasagar project, probably this year or the next year, will be giving us paddy, rice; and they are quarrelling over this. Whatever the merits or demerits of the disputes which could not be settled at the State level or in the negotiations—the dispute about the Krishna and Godavari, the dispute between Mysore, Maharashtra and Andhra Pradesh and similarly the Narmada issue—they should be referred to a tribunal of three judges. I welcome this Bill and support it.

Thank you.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh): Mr. Vice-Chairman, at the outset, I congratulate our Irrigation Minister for having brought forward this Bill which, in my opinion, is quite a welcome measure. I call it a welcome Bill because it brings into being a machinery which will solve certain disputes relating to inter-State rivers, in a manner, which is acceptable to all the parties concerned. Instead of one Judge, we are going to have three Judges and it is a matter of great satisfaction, because it will give satisfaction to all the parties concerned, when the Tribunal is manned by three Judges instead of one. It is natural in a country like India, where there are a large number of rivers, that there should be some differences with regard to the use, control and distribution of river waters. Particularly in a country like India, which is constituted into a federal unit, with a certain degree of autonomy for the States, these disputes are quite natural and some machinery has got to be devised for resolving them. Of course, the Constitution in article 262 provides for such a machinery and it has also to be borne in mind that the use, distribution and control of river

waters is exclusively a Union subject. If we go through the Union List, the Seventh Schedule of the Constitution, we will find Entry 56 which relates to the distribution, control and use of river waters. So, in pursuance of article 262 and Entry 56 in the Seventh Schedule, the Union Government got passed a legislation in the year 1956 and that is sought to be amended by this Bill.

In this connection, I regret to say that Mr. Dharia sounded a note, which is not quite happy. He said something about the use of water, while he stated that waters are going waste. But he seems to have some objection to the setting up of crest gates over the Nagarjunasagar spillway. Why should there be any objection? The crest gates are only meant to store water which, otherwise, would go into the sea. Does he mean that the water should go waste, that it should not be utilised for raising crops? If that be the case, I must differ from him and I should counter the stand taken by him.

Of course, in a democratic set-up, these things have got to be settled through negotiation and our Government has tried to see that these disputes are settled by means of negotiation. It is unfortunate that we could not resolve the differences by talks and negotiations. Hence has arisen the necessity for a Bill of this kind. In this Bill I would like that another clause ought to have been inserted. Suppose, the matter referred to the Tribunal is settled by the parties in the meanwhile, what is to be done? Is there a provision to withdraw the case from the Tribunal in case a settlement has been reached outside? There is no provision of that kind. I believe a provision of this kind will be useful and the hon. Minister may consider that proposition.

Then, another point, which I would like to submit, is this. There is a great danger in confusing issues. We, lawyers, know the difficulties where issues are confused. The issues must be specific. They must be definite. There should be no scope for confusion. In that light, I would like the Government to refer any dispute relating to one river only or one river valley only for adjudication by the Tribunal. If the Government tries to mix up one or two or more rivers for adjudication, there is bound to be confusion and there is bound to be disorder. So, I would respectfully

submit that the Government should see to it that only one issue is referred to the Tribunal at a time. Two or more issues should not be clubbed together. That is my humble submission.

Lastly, with regard to my amendment, I would say one word. Shall I speak now or at the amendment stage?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We shall see the amendment when it comes up.

SHRI K. P. MALLIKARJUNUDU : So, I shall talk about my amendment later on. I welcome the Bill most wholeheartedly.

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमन, बिल बहुत साधारण से महत्व का है लेकिन इस के परिणाम गंभीर हो सकते हैं। हमारे मित्र श्री जकवर अली खान साहब ने भी बताया कि इस बिल के सदन में आने से उन्हें बड़ा दुःख हुआ। उस के साथ हम यह कहते हैं कि उन को बहुत दुःख हुआ लेकिन हम को आश्चर्य हुआ और आश्चर्य इस लिये हुआ कि जिस सुविधा के लिये सदन में मंत्री जी के द्वारा यह बिल रखा गया वह सुविधा उन को उपलब्ध नहीं हो सकेगी। इस बिल को जब लोक सभा में रखा गया था तब उस के कारणों में और उद्देश्यों में यह बताया गया था कि :

“River water disputes affect a large number of people. The stakes involved in these disputes are very high. The welfare of millions of people depends on an equitable settlement of these disputes. The issue on which the Tribunals give award does affect the welfare of millions of people for all times to come.”

और उस के बाद आगे चल कर के उन्होंने बताया कि यह बहुत संभव है कि एक राज्य में और दूसरे राज्य में परस्पर झगड़े हों और उन झगड़ों को सुलझाने की दृष्टि से एक बिल लाया जाय। तो जो पूर्व का ऐक्ट था, कानून था उस में केवल यह विधान था कि एक ही सदस्य संपूर्ण निपटारा कर सकता था और अब उस के स्थान पर जो यह नया बिल आया है इस में जो विधान बनाया

[श्री निरंजन वर्मा]

गया उस में कुछ परिवर्तन लाया गया है। इस में चार पांच बातें विशेष हैं। एक बात तो यह है कि :

"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."

और इस के बाद आगे चल कर अगर उन की ओपीनियन्स आपस में डिफर हों तो वहां बहुमत के द्वारा निर्णय लिया जायगा और उस के पश्चात् फिर आगे चल कर लोक सभा में जिस प्रकार का बिल इंट्रोड्यूस हुआ और लोक सभा में जो पास हुआ, उन दोनों में अंतर आया और 5 ए में वह अंतर बताया गया है और उस अंतर के पश्चात् रेम्युनेरेशन्स और एलाउन्सेज की बात आती है। जब यह बिल आया तो संभवतः मंत्री महोदय का ध्यान एक और कानून की तरफ नहीं गया होगा। वह कानून इसी प्रकार का एक कानून था। यह रीवर बोर्ड एक्ट 1956 का था। उस कानून में और अभी जो कानून आया है इस में बड़ा भारी अंतर है। हमारा ऐसा ख्याल है कि बहुत से मित्र संभवतः इस दुविधा में होंगे कि जैसे नर्वदा की और मध्य प्रदेश और गुजरात की आपस में चर्चाएं चल रही हैं और आपस में एक दूसरे में तनाव बढ़ता चला जा रहा है, उस को सुलझाने में यह सहायक सिद्ध होगा या नहीं क्योंकि अब एक की जगह पर तीन और तीन भी बहुमत के आधार पर इस का निर्णय करेंगे। लेकिन जब तक वह कानून है और जब तक उस कानून की धारा 4, 13, 14 और 15 हैं तब तक हम समझते हैं कि यह जो वर्तमान बिल लाया गया है इससे कोई विशेष लाभ होने वाला नहीं है। श्रीमन्, उस कानून की धारा 4, 13, 14, और 15 के सम्बन्ध में मैं संक्षेप में आपके सामने निवेदन करूंगा। चेटर सैकेंड धारा 4 इस प्रकार है :

"The Central Government may on a request received in this behalf from a State Government or otherwise by notification in the Official Gazette

establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State river or river valley . . ."—

तो रीवर के लिये भी लागू रहेगा और रीवर वैली के लिये भी लागू रहेगा—

"... or any specified part thereof and for performing such other functions as may be specified in the notification, and different Boards may be established for different inter-State rivers or river valleys."

उसमें सेंट्रल गवर्नमेंट को एक व्यक्ति को नामिनेट करने का अधिकार है। जब कि इस प्रकार के आपस में कहीं पर विवाद उत्पन्न हो जाय तो वे उनका निर्णय करेंगे और उनको निर्णय करने के अधिकार जो हैं व धारा 13 में बतलाये गये हैं। धारा 13 में एक से ले कर उपधारा 4 तक और इस तरफ धारा 14 में फंक्शंस आफ द बोर्ड रखे गये हैं। तो इस प्रकार का एक कानून वर्तमान में है और उस कानून के अंतर्गत जब इस प्रकार के नदियों के बारे में कोई झगड़े हों तो उनको सुलझाया जा सकता है, उसके रहते हुये दूसरा एक बिल लाया जाय और उस बिल में तीन जजेज अगर रहें और तीन जजेज बहुमत से अगर कोई निर्णय करते हैं तो मेरा खयाल है कि यह जो विधेयक है यह पूर्ण रूप से सफल नहीं हो सकेगा। उस कानून के रहते हुये, उस कानून के अंतर्गत सेंट्रल गवर्नमेंट को एक ही आदमी के द्वारा फैसला कराने का अधिकार है। इस लिये हमारे योग्य मंत्री जो यह चाहते हैं वे इस दिशा में सफल नहीं होंगे और यह कानून निरर्थक होगा। यही मेरी प्रार्थना है।

STATEMENT RE THE COCHIN SHIPPING PROJECT

THE MINISTER OF TRANSPORT AND SHIPPING (PROF. V. K. R. V. RAO): Mr. Vice-Chairman, in the statement I made on the 18th August, 1967, I had informed the House that the Government of India had finally approved the Cochin Shipyard Project with a building dock for ships of 66,000 DWT and a repair dock for ships up to