

SHRI R U AGNIBHOJ: What was the number of voters in Germany?

SHRI SATYAPRIYA BANERJEE: It was adult franchise. Everybody above the age of 18 years was entitled to vote.

SHRI J S BISHT (Uttar Pradesh): Which Germany was this?

SHRI SATYAPRIYA BANERJEE: This was the old Germany—before Germany was divided as it is now—under the Weimar Constitution.

PROF G RANGA: The whole country was under the Nazis then.

SHRI SATYAPRIYA BANERJEE: No, before the Nazis came to power—how they did it is a different story. That has nothing to do with proportional representation. If you want me to go into the history as to how the whole country came under the Nazis, I can do so if you so desire but that is neither here nor there. The objections that have been raised by my friends opposite relate to the system of proportional representation in accordance with the single transferable vote, but the proportional representation which I have in view in this Bill is the List system of representation. Therefore, no objections raised by my friends opposite touch that system.

Sir, I am very sorry to have to say that as before I could not oblige the hon the Law Minister by not introducing the Bill or withdrawing it at the last moment, I cannot oblige him now also by accepting his advice and not pressing it to vote. I do press it to vote because I feel it is in the interests of the country in the interests of the people, in the interests of the Government and the Opposition and I wish that this Bill be supported by all sections of the House as proportional representation will benefit all sections of the House.

MR DEPUTY CHAIRMAN: The question is

“That the Bill further to amend the Constitution of India be taken into consideration.”

SHRI KISHEN CHAND: Sir, there must be a division. This is a Constitution amending Bill.

MR DEPUTY CHAIRMAN: Not necessary. We can take a count.

(Interruptions)

SHRI C C BISWAS: Only in respect of certain Bills which are specified in the rules, you will have to call a division and ascertain the votes. There is nothing in the Constitution itself. The Constitution says that when a Bill is passed by a specified majority it shall be laid before the President. You cannot place the Bill before the President unless the Bill is passed by that majority.

PROF G RANGA: How do we know whether it is passed or defeated unless

(Interruptions)

MR DEPUTY CHAIRMAN: We can take a count.

SHRI KISHEN CHAND: Sir, you give a ruling that according to the Constitution a division is not necessary.

MR DEPUTY CHAIRMAN: I am fully convinced that the majority is against it. I will take a count.

(After a count) Ayes—8, Noes—23

The motion was negatived.

THE RIVER BOARDS BILL, 1955.

THE MINISTER FOR PLANNING AND IRRIGATION AND POWER (SHRI GULZARILAL NANDA): Sir, I beg to move

“That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys, as reported by the Joint Committee of the Houses, be taken into consideration.”

I am glad that the Joint Committee functioned in such a manner that it was possible to complete the work within the allotted time. The Committee met for the first time on the 1st October 1955, commenced its work and the work was finalised on the 19th November 1955. There were three meetings in all. We took care to place before the Joint Committee all relevant material, took particular care that the Committee had in its possession the suggestions made in this House with respect to all the clauses and the various ideas that were put forward in the course of the debate. With all this material, the Committee considered, in a very adequate way, all these suggestions and I am happy to report that there were unanimous recommendations and there was no minute of dissent regarding this Bill.

As for the changes that have been made, there are only very few changes of any substantial nature. I may inform the House that among those few changes which may be regarded as having some significance—the others are of a minor character, of a verbal character—there is, in the first place, clause 9. As it now reads, hon. Members will find that the wording is:

“No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of a member thereof.”

In the Bill as it stood before, the wording was:

“No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Board.”

This appeared to the Committee to be rather very wide in its scope and it was the opinion of the Committee that this discretion should be restricted. Therefore, the conclusion was

that it should be restricted simply to “any defect in the appointment of a member” and the scope should not be wider than that. This is clause 9.

Then, there is clause 14 relating to the functions of the Board. Here, the opinion of the Committee was that consultation with the Governments interested was a very essential procedure and what had been stated in clause 4 in this connection was not sufficient for the purpose. Therefore, as amended the clause stands like this:

“The Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, empower the Board to perform all or such of the functions.....”

Therefore, here there is a specific mention of prior consultation with the Governments interested.

In clause 15, sub-clause (2) it reads:

“After preparing any such scheme, the Board shall consult the Governments interested and the Central Government in respect of the scheme and after considering their suggestions, if any, the Board may confirm, modify or reject the scheme.”

In the original clause there was no mention of the Central Government. The clause as it stood before simply mentioned the Governments interested. The Committee was of the view that the Central Government had also to play a part in this. The Central Government is equipped with all the information about the situation in the country, it has an overall view of the plans for the country, and anything that is done must have some reference to the wider conception of the needs of the country. And, therefore, the Central Government, equally with other Governments, should be consulted in this respect. Then there is in the same clause, sub-clause (5), which says that a copy of the approved scheme shall also be forwarded to the Central Government. This

[Shri Gulzari Lal Nanda.] completes the idea that the Central Government should be kept fully in the picture.

In Chapter IV, clause 22, some changes have been made by the Joint Committee in sub-clauses (3) and (5). Sub-clause (3) deals with the question of assessors. In the original clause, in this respect, the provision was:

"The arbitrator may, on the recommendation of the Central Government, appoint one or more persons as assessors to assist him in the proceeding before him."

Here as modified by the Joint Committee, two things arise. One is that it is not the Central Government which is making any recommendation in this respect; and secondly, instead of "one or more persons as assessors" it will be "two or more persons as assessors". That is, the arbitrator makes the choice of the assessors and is not limited by any kind of recommendations made by the Central Government in this respect. And there is a minimum of two assessors—there may be more. That is an important alteration made by the Select Committee. Sub-clause (5) is an addition; it was not there in the original Bill. It says:

"Nothing in the Arbitration Act, 1940, shall apply to arbitrations under this section."

Then, Sir, I move on to clause 27. This has reference to the procedure for dissolution of the Board, etc. Clause 27 (1) now says:

"When the Central Government is of opinion that a Board has performed its functions under this Act, the Central Government, after consultation with the Governments interested, may, by notification in the Official Gazette, declare that the Board shall be dissolved from such date as may be specified in this behalf in such notification; and the

Board shall be deemed to have been dissolved accordingly."

The wording in the clause as it stood before was:

"When all the functions which a Board is empowered to perform under this Act have been performed, the Central Government may, in consultation with the Governments interested, by notification in the Official Gazette, declare that the Board shall be dissolved from such date as may be specified in this behalf in such notification; and the Board shall be deemed to have been dissolved accordingly."

The substance of the change is that, in order to avoid any kind of dispute about the fact whether a Board has performed the functions which it was called upon or expected to perform or not, it is made clear that, whether a Board has performed its functions under this Act or not is to be based on the opinion of the Central Government. "When the Central Government is of opinion that a Board has performed its functions"—the word "all" has been omitted—"under this Act, the Central Government, after consultation with the Governments interested" etc. There is a slight change in the wording also. Instead of "in" it says "after consultation with the Governments interested"

This is the changed position as it arose after the deliberations of the Select Committee. This practically exhausts those provisions of the Bill in which a change of any importance has occurred as a result of the Select Committee's consideration of the Bill. I need not say anything more on the meaning of the various provisions because we had a very full debate on the subject. I would, therefore, request the House to accept the motion for taking up the consideration of the Bill as reported by the Select Committee.

MR DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys, as reported by the Joint Committee of the Houses, be taken into consideration"

SHRI KISHEN CHAND (Hyderabad). Sir, I am sorry that I did not take part when this Bill was placed before this House for reference to a Select Committee because I would have pointed out at that very time as I am now going to point out, that there are River Boards in Europe also. Whenever a river passes through various countries, there must be River Boards for regulating the supply of water. I should have thought that when this Committee was appointed, they would have really taken into consideration and studied the procedure adopted in other countries. India is a big country and it has rivers passing through various States. But the matter is much easier here because the Central Government is the supreme authority. They have the fullest powers. Though our Constitution is of a federal type, slowly and gradually the power of the Centre is becoming so great that they can control the States. Bringing a Bill of this type, I do not think, will be in the best interests of our country or in the interests of the object enunciated in this Bill.

As I said, in Europe a river passes through three or four countries— independent countries. There are three principal ways of utilising water of the river. One is navigation, because in Europe, a large part of trade is carried on by river navigation. As you know, Sir, the River Danube is the main artery of Central Europe and 90 per cent of the traffic of Central Europe is carried by that river. That is one use of the river. The second is, by construction of dams, conversion of the dynamic power of the water into hydro-electric power. The third is the use of the river for irrigation purposes.

These are the three main requirements of inter-State rivers for the appointment of water between the various States. I should like to know from the hon. Minister, who has introduced this Bill, how this and the second Bill, which is going to come immediately after it about the inter-State disputes of these rivers, are going to help in the navigation, in the production of electricity and in affording irrigation facilities from the waters of rivers flowing through various States in our country. I should have thought that the hon. Minister would really come forward with a Bill appointing a statutory body. We really want a statutory body—a whole time permanent body—which would have full powers of control and supervision over the distribution and utilisation of the waters of various rivers among the various States of the country. Instead of that this Bill provides for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys. It is stated that if there is a representation made by a State or by two States, the Central Government will appoint a River Board. It will be for a particular river or a portion of a river, relating to more or less a dispute between two States through which that river is passing. Then that particular Board will carry on for some time. There will be some grants given by the Central Government to the Board. And finally a clause for the winding up of that Board after some time. And the matter ends there. Then, probably, some dispute may arise in some other State; another Board will be appointed and it will carry on its work.

Now, the utilisation of the river water is a continuous process. It is not a work for a short period. If later on, we are going to make the rivers navigable and to utilise them for navigation purposes, it is very essential that we have a statutory Board. I would have very much welcomed a permanent statutory Board for all the rivers in India, passing through all the States, performing

[Shri Kishen Chand.]

the general supervisory duties with regard to navigation, construction of dams, generation of hydro-electric power and lastly—the most important—the distribution of the water for irrigation purposes. If a dam is constructed higher up on the river and electricity is produced in one particular area, the State in which that dam is situated will probably benefit by the electricity produced there and naturally, the water also will be available to a larger extent to the State near the place where the dam is situated. To appoint a Board subsequently after the dam has been constructed and after channels have been laid and to settle a dispute about the apportionment of the water will be useless and an afterthought. It will not be of any use. But in place of that, if we have a statutory Board under the Central Government, controlled by Parliament under the Minister for Irrigation and Power, that Board will perform a very useful purpose.

It is not a question that we have got several countries through which our rivers are passing. Of course, there is the Brahmaputra which comes from Tibet. There are one or two rivers which come from Nepal and in their cases, we might temporarily have a River Board to settle any dispute which we may have with a neighbouring country. But a legislation passed by Parliament is not applicable to them and there is no provision in this Bill to that effect. So, I understand that this Bill relates only to the rivers inside India and to any possible dispute between two States of India about the utilisation of waters. And in such a situation, I personally think that both these Bills have not been properly drawn up and that they are not going to serve a very useful purpose. As I said, I would like that there should be a statutory Board like that of the Union Public Service Commission or various other things. For flood control, the hon. Minister has set up a Commission. He should appoint a Commission for the rivers in

India and that Commission should study all the rivers of our country and draw up a master plan for the best utilisation of the river waters. I do not believe that there is any rivalry between the States about the utilisation of river waters. It does not arise. It is only a question as to how best we can utilise these rivers. That includes selection of the most suitable site for a dam and the way in which to have locks, because if you want to use the river for navigation purposes and there is a drop in level, you have to set up locks at various points. Without locks you cannot make the whole river navigable. We should first of all have a Board which will fix up the position of locks, will fix up a suitable site for the dam and will fix up the question of water that will be distributed. (*Interruption.*) If I am saying anything outside the point, the hon. Minister can stop me. I will be very glad. I do not want to take the time of the House. If I am talking absolutely away from the point and if the hon. Minister wants to explain it to me, I will sit down.

MR. DEPUTY CHAIRMAN: Whatever you said about international rivers is out of place.

SHRI KISHEN CHAND: I am not saying anything out of place. I am saying that international rivers.....

MR. DEPUTY CHAIRMAN: This Parliament can legislate only for India.

SHRI KISHEN CHAND: And, therefore, we should have a statutory River Board. We have got various States.....

AN. HON. MEMBER: As if they are fighting with each other.

SHRI H. P. SAKSENA (Uttar-Pradesh): They are fighting.

SHRI KISHEN CHAND: But the interest of India is one and, therefore, I would rather like to have one permanent Board which will allocate the water of the rivers and will not be a temporary Board as provided in this Bill.

SHRI R. U. AGNIBHOJ (Madhya Pradesh): Mr. Deputy Chairman, Sir, I whole-heartedly support the Bill before this House, as reported by the Select Committee. Really speaking, this is a Bill which was most needed for the development of our irrigation and power in the States. I remember of certain cases which came to my notice. When the U.P. Government wanted to dam river Narayani, a portion of which was in Madhya Pradesh, the case went on for years and years. The two Governments would not come to a conclusion. Sometimes one would put some objection on the land and sometimes the other would demand the water. Sometimes they would say that they would not part with their buildings and so on and so forth. All these formalities took more than five years. Had there been a Board, both the Governments would have.....

SHRI KISHEN CHAND: That is why I am for a permanent Board instead of temporary Boards.

SHRI R. U. AGNIBHOJ: I am coming to it, my friend. If there was a Board who could bring both the States together, make them sit together and thrash the points together, they could have decided the case within 15 days or within a month. The financial implications, allocation of land, distribution of water and all these things could be decided. The scheme which took so much time could have come into being five years ago.

Now, Sir, I come to my friend's suggestion of forming a permanent Board. A permanent Board would be more costly and more clumsy and would not be able to solve the problems. When a certain river is to be dammed you have to bring all the points together and then thrash them out. While this all-India Board will be jack of all trades, it will be master of none. They won't understand the problems. On all the 50 or 100 problems before them, they would cast only a cursory glance. They would never decide a problem which requires immediate attention. There-

fore, take one particular task, strike once and finish with it. This is my way of doing things. I don't believe in handing over numerous responsibilities to one man because he can never fulfil them. He can never execute them properly. Sometimes, even they cannot understand the problems in their hands. Therefore, for each and every individual problem separate Boards must be set up. Take the case of Election Tribunals. If you say that there should be a permanent Election Tribunal for all the cases throughout the country, I think all the election petitions pending before that Election Tribunal would hang up to the time or rather beyond the life of the Parliament or of the Assemblies themselves. None can deny this fact. Therefore, if we want to do things immediately, with perfectness, with full understanding of the States concerned and with their full consent and co-operation, I think these Boards would be most essential, most efficient and most desirable. I fail to understand my friend, who is a professor and who knows things much better than I do, when he suggests to form an international River Board. My friend, this international Board cannot be formed by us. All the international rivers and their problems are settled by the respective Governments on an international basis, international agreements and international understanding. Therefore, while requiring a River Board for your country if you think of international Boards, you go beyond your scope and jurisdiction.

I extend my whole-hearted support to the Bill. I wish that these Boards function with good understanding, clear conscience, honesty and quickness: with due regard to the urgency of the problems; in the interests of the States themselves: and in the interest of the country as a whole.

श्री कन्हैयालाल दौ० बैद्य (मध्य भारत) :
उपसभापति महोदय, यह जो बिल हमारे सामने
है उसका मैं समर्थन करता हूँ और इस सम्बन्ध

[श्री कन्हैयालाल दाँ० दाँ०]

मैं यह बताना चाहता हूँ कि इस कानून की आवश्यकता क्यों है।

सरकार और प्लानिंग कमीशन इन दिनों अन्तर्प्रान्तीय व्यवस्था के अंतर्गत बहुत सारी नदियों पर बांध आदि बांध कर जनता को बहुत सी सहूलियतें देना चाहते हैं। सरकार करोड़ों रुपया इन योजनाओं पर खर्च कर रही है। मध्य भारत और राजस्थान के बीच भी एक ऐसी योजना के अधीन चम्बल नदी पर बांध बांधने के लिए सरकार ने करोड़ों रुपये की स्वीकृति दी है। मध्य भारत में चम्बल पर बांध बनना शुरू हो गया है और राजस्थान में भी चम्बल नदी पर बांध बन रहा है। इस सम्बन्ध में मैं माननीय मंत्री महोदय को बताना चाहूंगा कि चम्बल नदी जहां मालवा से होते हुए बहती है वहां बिड़ला बूटर्स ने एक रैन्यन इंडस्ट्री डाल दी है। रैन्यन की इंडस्ट्री हिन्दुस्तान में कहीं भी समुद्र के किनारे के सिवाय किसी नदी के किनारे नहीं डाली जाती है। जब मध्य भारत का राज्य नहीं बना था, उसके पहले बिड़ला बूटर्स ने वहां एक काटन मिल खोलने की इजाजत ली थी, किन्तु बाद को काटन मिल को उन्होंने अपनी इच्छा से रैन्यन मिल में बदल दिया। रैन्यन मिल डालने के बाद उन्होंने कहीं सरकार से इजाजत ली होगी और सरकार ने इजाजत दे भी दी। इस विषय में वहां की कांग्रेस कमेटी और नदी के चालीस मील के विस्तार वाले क्षेत्र की जनता की तरफ से यहां की केंद्रीय सरकार के सामने जा स्थिति रखी गई है, मैं उसको बताना चाहता हूँ। आपकी यह सारी चम्बल की योजना आज दो राज्यों, मध्य भारत और राजस्थान, के बीच में चल रही है; और करोड़ों रुपयों की ही नहीं, बल्कि मैं समझता हूँ कि एक अरब रुपये से भी अधिक की यह योजना होगी। इसलिए यदि आप इस प्रश्न की ओर ध्यान नहीं देंगे तो वे लोग इस योजना को बिलकुल खत्म कर देने की स्थिति में ला देंगे, क्योंकि चम्बल के ५० प्रतिशत से अधिक पानी को यह रैन्यन का कारखाना बिलकुल जहरीला बना देता है। यह

कारखाना २० लाख गैलन के करीब पानी उस जगह से जहां चम्बल नदी नागदा के पास फैलती है अपने इस्तेमाल के लिए लेता है। रैन्यन का साफ करने के लिए कई तरह के जहरीले कीमकल्स वर्गों पानी में मिलाये जाते हैं और बाद में उस जहरीले पानी को नदी के पानी में छोड़ दिया जाता है। इसके परिणामस्वरूप यह हुआ कि १२ मील के अंदर अंदर जहां जहां यह पीनी नदी के पानी में फैला वहां मछलियां मर गईं; बहुत से पशु, जिन्होंने पानी पिया, मर गए; और कई जगह तो गर्मियों में उस मिल के जहरीले पानी को पीकर आदमी भी मर गए। तो वहां की कांग्रेस कमेटी की तरफ से सारा विवरण प्रकाशित किया गया और ये सारे आरोप किये गए। उसमें से कुछ अंश मैं आपको पढ़कर सुनाता हूँ जो इस प्रकार हैं :

“ऊपर बतलाया जा चुका है कि २० लाख गैलन पानी का दैनिक उपयोग इस मिल में होता है। और वही पानी दुर्गन्धित विष-मिश्रित बनाकर पुनः चंबल में छोड़ दिया जाता है। परिणामस्वरूप पहले तो हजारों मछलियां मर कर अहिंसा के राज की जय जयकार करती रहती हैं; और इस दूषित पानी का पीकर कई पशु मर गए। मनुष्य भी मरें हैं। चंबल नदी के दोनों किनारों पर बसने वाले १२-१२ मील के ग्राम-वासियों पर इसका घातक दुष्प्रभाव गिर रहा है; एवम् बेचारों बहुत दुःखी और निराश हैं; तथा दैवी प्रकोप समझ कर इस घोर संकट को सहें जा रहे हैं। बेचारों का नदी की धारा के उपयोग का चिरकालीन अधिकार स्थायी रूप से सदा के लिये बड़ी बेरहमी और निरंकुशता के साथ छीन लिया गया है।

नागदा मंडी से एक मील दूर पश्चिमोत्तर कोण में एक पुराना नागदा नामक ऐतिहासिक ग्राम है। इस ग्राम में मिल्स की ओर से जबकि पशु आदि के मरने की आवाज फैलने लगी, एक कुआ भी बनवाया गया है जो अभी अपूर्ण है; और ग्राम-वासियों से कहा जा रहा है कि आप लोग नदी का पानी छोड़कर कुआ का पानी पिया करो और पशुओं को भी यही पानी पिलाया करो

परन्तु इस गाम के पशुओं की तो आदत ही खच्छ और खच्छन्द चबल के प्रवाह में पानी पीने की पड़ी हुई है। इन्हें बालटी या तगारी में पानी पीना ही नहीं आता। ज्यों ही बालटी या तगारी दखते हैं भडक कर भाग जाते हैं। मनुष्यों की भी यह दशा है कि वे पानी को संघ संघ कर फेंक देते हैं क्योंकि पानी का वह पहले वाला स्वाद कहां। अब तो चबल चबल नहीं रही वह तो रंयन सिल्क मिल्स के सड़ें हुए तेंजाब मिश्रित जल का नाला बन चुकी है। बेचार विवश होकर जैसे जैसे दिन बिता रहे हैं। स्वतंत्र भारत का यह नया पुरस्कार इन लोगों को प्राप्त हुआ है।”

तो इस प्रकार के दुष्परिणाम वहां की जनता को भुगतने पड़ रहे हैं। बिडला जी एक बर्ड पूंजीपति हैं लेकिन हमारे यहां नदी के दोनों ओर बीस-बीस मील के विस्तार के क्षेत्र में लोगों की यह मान्यता उनके बारे में हो गई है कि उन्होंने जो कारखाना बनाया है वह बिल्कुल गैर-कानूनी है। मैं समझता हूँ कि माननीय मंत्री महोदय इस विषय में कुछ कहेंगे।

सरदार रघबीर सिंह पंजहजारी (पैप्सू) गांवों में कुछ ज्यादा बना दीर्जिये पानी साफ मिल जायेगा।

श्री कन्हैयालाल दौं० बँद्य : यह ठीक है। कानून आप ध्यान में रखिये। जिस स्थान पर लोग पहले से रहते हैं वहां कूदरती तौर से मिली हुई आबोहवा के मामले में उनका अपना हक होता है। अगर आप वहां बड़ बड़ डैम क्रिएट करें तो उसके पहले वहां के लोगों की समस्या की आवश्यकतानुसार कूदरती तौर पर शुद्ध पानी मिलने की जो व्यवस्था है उसको बना रहने दें। यह उनका हक है लाखों आदिमियों का हक है; और उसे आप छीन नहीं सकते हैं। रिवर बोर्ड बनाने का मतलब यह होता है जैसा कि बिल के उद्देश्य में भी जगह-जगह पर लिखा हुआ है कि पानी की जो व्यवस्था है अगर उसके बिगड़ने की स्थिति होगी तो बोर्ड के सामने वह सवाल आयेगा। बोर्ड के बनाने के

उद्देश्य में यह भी बतलाया गया है कि यह इन्टरस्टेट यानी दो राज्यों के बीच का विषय होगा। चम्बल का बांध इस समय मध्य भारत में बन रहा है और राजस्थान में भी बन रहा है। इसलिए अगर मध्य भारत की नदी का पानी जहरीला बनकर राजस्थान में जायेगा तो आप समझ सकते हैं उसका क्या नतीजा होगा। इस समय उस पानी का यह हाल है कि 80 मील के अन्दर जो कोई उसको इस्तेमाल करता है वह अपना स्वास्थ्य खो देता है। हिन्दुस्तान में कहीं भी रंयन का कारखाना आपको नदी के किनारे पर नहीं मिलेगा। ट्रावनकोर और बम्बई (कल्याणी) में जा रंयन के कारखाने हैं वे समुद्र के किनारे पर बनाये गये हैं। नदी के किनारे कोई भी रंयन का कारखाना नहीं बनाया गया है। यह तो हमारे पार्ट बी स्टेट की बात हुई। मैं उसके डिटेल्स में अधिक नहीं जाना चाहूँगा।

MR DEPUTY CHAIRMAN: Mr. Vaidya, this is a totally different matter

SHRI KANHAIYALAL D. VAIDYA: No, Sir There are these problems that have to be considered

MR DEPUTY CHAIRMAN: We are here concerned with the development of river valleys

SHRI KANHAIYALAL D. VAIDYA: Oh yes But

MR DEPUTY CHAIRMAN: Sanitation is a State subject It has nothing to do with this Bill

SHRI KANHAIYALAL D. VAIDYA: But, Sir, there are these problems. That is why I am pressing my point.

MR DEPUTY CHAIRMAN: All right, finish it

श्री कन्हैयालाल दौं० बँद्य : इस सम्बन्ध में तीन चार पत्रक मेरे पास मौजूद हैं जिनमें सारी कहानी लिखी हुई है। मैं इन्हें सदन की मंजूर रख रहा हूँ और आशा करता हूँ कि इस

[श्री कन्हैयालाल दौ० वैद्य]

विषय पर पूरी तरह से विचार किया जायेगा क्योंकि वहाँ की आम जनता में यह मान्यता हो गई है कि हमारी राष्ट्रीय सरकार के होते हुए भी पूँजीपति पहले की तरह अपनी मनमानी कर लेते हैं। यह एक निश्चित मामला है। मुझे यहाँ पर कहते हुए दुःख होता है कि मैं सदन के सामने यह तथ्य रख रहा हूँ। इस मामले का सम्बन्ध लाखों व्यक्तियों से है। इसके साथ ही साथ इसका सम्बन्ध सरकार की करोड़ों रुपये की योजना से भी है जो कि अन्यथा खत्म हो जायेगी, क्योंकि अगर चम्बल का सारा पानी जहरीला हो जाता है तो यह सारी चम्बल की योजना फेल हो जाती है। अतः मैं यह आवश्यक समझता हूँ कि यह बोर्ड जिसके अन्तर्गत वह मामला आता है, जो इस सम्बन्ध में कानून बनायेगा, वह इन बातों पर अवश्य विचार करे। मैं माननीय मंत्री जी से भी निवेदन करूँगा कि वे मेरे सुझावों पर ध्यानपूर्वक विचार करें। अंत में, मैं बिल के अंदर जो व्यवस्थाएँ की गई हैं उनका पुनः हृदय से समर्थन करता हूँ।

SHRI H. N. KUNZRU (Uttar Pradesh): Mr. Deputy Chairman, the Bill before us is essentially what it was before it was referred to the Select Committee. Such changes as the Select Committee has made in it are of a minor character. And the criticism of the Bill made when the motion for its reference to the Select Committee was made still applies to its provisions. I do not want to repeat, Sir, what I said on the previous occasion. But I should like to point out, as briefly as I can, the main deficiency in the Bill that was pointed out by several speakers.

Sir, the Bill empowers the Government of India to appoint River Boards for the regulation and development of inter-State rivers and river valleys, but it does not give them full power to co-ordinate the activities of the Governments interested in these projects or to ensure that the assumptions on which these projects might be sanctioned by the Planning Commis-

sion would be carried out by the Governments interested. Now, the reply given to this objection by the Minister for Planning and Irrigation and Power was that a constitutional amendment would be necessary for the purpose of empowering the Government of India to exercise full control in respect of the development of inter-State rivers and river valleys. Item 56 in the Union List, he contended, could not be interpreted in the sense in which I and some other speakers had interpreted it. Well, it becomes, therefore, of the utmost importance to know whether the Government of India now intend to ask Parliament to amend the Constitution, so as to confer the necessary powers on the authorities appointed by them. This matter, Sir, is one of great importance, was always of great importance, and it is now of particular importance, because of the co-ordinated plans that are being prepared by the Central Government for the full development of the entire economic resources of the country. Now, Sir, it may be that the Government of India feel that if they take any such step as suggested by me, they may be charged by the State Governments of their inordinate desire to add to their already vast powers. I think, Sir, that such a charge, if made, would not rest on a good foundation. It has become necessary for the Government of India to acquire additional power in order to secure the full development of inter-State rivers and river valleys in the interests of the public. If at a time when they did not contemplate the execution of such projects, they had asked for an amendment of the Constitution, such a charge as I have referred to might have been perfectly justified; but if they ask for it only in the light of experience gained during the last five years, then I think that the charge will have no validity in the eyes of reasonable men and that the Government of India should not be afraid of such an accusation. It should not allow this consideration to deter it from bringing forward a measure of that kind to amend the

Constitution so that it may have greater power in the future to control the development of inter-State rivers and river valleys.

Now, there are some other matters also that I should like to refer to. In the earlier debate, I pointed out that while a River Board could be appointed by the Central Government on its own initiative but after consulting the Governments interested, the execution of the schemes prepared by the River Board could not be ensured by the Government of India themselves. A reference would be necessary to the arbitrator in case of differences of opinion between the Governments interested. Now, some of the matters to which reference was made were land utilisation, water rates, betterment levy, afforestation, control of soil erosion, etc. In respect of the promotion of afforestation and control of soil erosion, a River Board will be in a position to offer advice under item (vi) of sub-clause (a) of clause 13, which lays down the functions of such a Board, but there is nothing in any item of sub-clause (a) which would enable the Board to offer advice in regard to the other matters mentioned by me, viz., land utilisation water rates and betterment levies. Now, I do not know whether it is intended to prescribe that the Board should be able to advise on such matters under item (viii) of sub-clause (a), but the Board will be able to do this only if rules are made under sub-clause (2) of clause 28 on this point. Item (b) of sub-clause (2) refers to the functions of the Board and the matters in respect of which the Board may require the Government interested to furnish information. Now, the words "the functions of the Board", in my opinion, give a wrong idea of the rule-making power which the Government will possess under sub-clause (2)—but I shall deal with this a little later—but if the Government of India are going to have the power to prescribe under sub-clause (2) of clause 28 that all other subjects except those referred to in items

(i) to (vii) of sub-clause (a) of clause 13 might be considered by the Board, then it is necessary that such things as land utilisation, water rates and betterment levies should receive the consideration of the Government when they are making rules. That is, the rules should be such as to permit a River Board to offer advice in regard to these matters. Otherwise, in my opinion, item (viii) of sub-clause (a) of clause 13 will not secure the purpose that we have in view.

MR. DEPUTY CHAIRMAN: Would not sub-clause (a) (ii) of clause 13 "promotion and operation of schemes for irrigation, water supply or drainage", and sub-clause (e), "any other matter which is supplemental, incidental or consequential to any of the above functions", cover your point?

SHRI H. N. KUNZRU: Sub-clause (e), "any other matter which is supplemental, incidental or consequential to any of the above functions". I asked the Government to let us know clearly what this meant, but I do not think that they did so. You referred to this in the last debate too, and I, therefore, took this matter into consideration, but in view of the fact that the Government failed to clarify the meaning of this sub-clause.....

MR. DEPUTY CHAIRMAN: Will not land utilisation and other things be covered by this?

SHRI GULZARILAL NANDA: In so far as those matters are supplemental, incidental and consequential, they will be covered.

SHRI H. N. KUNZRU: One does not know what would be regarded as incidental, supplemental or consequential to any of the functions mentioned in clause 13. It may be that only minor things will be covered by the words "supplemental, incidental or consequential", but to make the fullest use of inter-State rivers and river valleys it may be necessary to undertake measures of far-reaching importance, and if

[Shri H. N. Kunzru.]

any dispute arises between the River Board and any Government interested in any such project, one does not know what would be the verdict of the court that considers this matter. Besides, I think, the Board can tender advice under 4 P.M. clause 13 only in respect of eight items mentioned under sub-clause (a). The other sub-clauses refer to other things. That is another reason why I do not think that sub-clause (e) will serve my purpose by itself. However, if sub-clause (e), in the opinion of the legal advisers of the Government, is sufficient to cover my point, then the existing clause 13 is sufficient for my purpose, but if their advice is different, then I think that note ought to be taken of the observations that I have made when Government come to make rules relating to such other matters as may be prescribed under item (viii) of sub-clause (a) of clause 13.

Now, I come to item (b) of sub-clause (2) of clause 28. It enables the Government to provide for the functions of the Board. Now, the functions of the Board are laid down clearly in clause 13. The only matters in respect of which it can make rules are those referred to in item (viii) of sub-clause (a) of clause 13, such other matters as may be prescribed. Now, if this view is correct, then I think that in item (b) of sub-clause 2 of clause 28, the words "the functions of the Board under item (viii) of sub-clause (a) of clause 13" should be substituted for the words "the functions of the Boards". The words "the functions of the Board" are much too wide. Government cannot make rules in respect of functions that are clearly defined in clause 13.

MR DEPUTY CHAIRMAN: It is "in respect of which the Board may require a Government interested to furnish information". It is, rules as regards the furnishing of information.....

SHRI H. N. KUNZRU: That is additional to this. Sub-clause (2) says:

"(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:"

and now I come to item (b):

"the functions of the Board and the matters in respect of which the Board may require a Government interested to furnish information".

It seems to me to be clear that the functions of the Board are quite different from the matters in respect of which the Board may require information from the Governments interested. As I have already explained, the words "the functions of the Board" seem to me to be too wide. The rule-making power given to the Central Government by clause 28 does not entitle them to make rules with regard to the functions that are already defined in clause 13. They can make rules only in respect of such matters as may be prescribed and so far as I can see, the only matters that may be prescribed by rules are those that can be covered under item (viii) of sub-clause (a) of clause 13.

There is just one other matter that I would like to refer to, before I sit down. Under sub-clause (d) of clause 16, a River Board will have the power to conduct and co-ordinate research in respect of many matters including soil conservation and land use. Now, the researches of the Board in respect of the land use, i.e., the utilisation of land, will be of no value unless the Board can tender advice in regard to this matter. It is no use asking a Board to undertake research in respect of any matter in regard to which it can give no advice to the Governments interested in the project with which it deals. This reinforces my argument that provision should be made under the rules or somewhere else to enable the Board to offer advice to the Governments interested in respect of the proper

utilisation of the lands I take these words "land use" to include such measures as irrigation or the extension of irrigation or such other matters as may be necessary in order to maximise production I think, therefore that if we take the various clauses of the Bill into consideration, the Government cannot escape from the conclusion that it is necessary for them to increase the powers of the River Board in order that the Bill may be able to act effectively At present the procedure is round about The Board offers advice to the Governments interested in respect of certain matters If a Government interested refuses or neglects to undertake any measures in pursuance of any advice tendered by the Board, then the matter will be referred to an arbitrator and the decision of the arbitrator will be final This is a round about procedure but in order that even this round about procedure may be used to promote the public good it is necessary to define more fully the subjects in respect of which the Board may tender advice, and I think that the Board should be enabled to give advice in regard to the utilisation of land, which is referred to in sub-clause (d) of clause 16 and at least two other matters which have been already referred to by me repeatedly I hope, Sir, that these observations will receive the attention of the Minister for Irrigation

SHRI GULZARILAL NANDA: Sir, I am glad that the hon Member Pandit Kunzru was able to come in time before the debate was concluded on this subject He has some serious apprehensions in his mind about the effectiveness of this proposed legislation in relation to certain purposes which he has in view I am in complete agreement with him regarding the desirability of securing certain results effectively through whatever legislation we enact here For example, among the things that he has brought to our notice, there is the question of

co-ordination of the activities of the various States in relation to the objects of this legislation, that is to say, regulation and development of inter-State rivers and river valleys He has also a doubt in his mind whether the provisions are adequate in respect of the effective enforcement of whatever the Boards decide upon And further he believes that what this Bill provides is a kind of a round about procedure, and even after being round about, it does not cover adequately various kinds of functions which are legitimate and relevant for this purpose As examples he referred to utilisation of land, betterment levies, water rates, etc Sir, I may have to repeat and cover some of the ground to some extent, that I covered in the initial stages, just as my hon friend has done in his case

The suggestion is that we should change the Constitution, if it is necessary In the first place, I do not think that a change in the Constitution is necessary because the change in the Constitution will not have to be confined to that simple purpose, to the simple provision regarding the powers of the Central Government on this subject That change will involve, if it is really to fulfil the purposes the hon Member has in view, a much more radical change, say, the whole business of irrigation and power should be taken over from the States and vested in the Central Government When that is possible, only then can we do these things more effectively and achieve the purposes of this Bill But there is the other thing If we do that, the question arises whether we will be able to really conduct these activities as well as we should, in view of the fact that there are the States Therefore, it is a question of balancing the advantages and the disadvantages I see the point of the hon Member, that there may be some lack of firmness, of clear direction It may be that somebody may find some loop-hole here and there, there may be some risk at some stage I do not say that it is entirely obviated

[Shri Gulzarilal Nanda]

I must be frank. But as I said, we have to achieve these things through the administrative machinery of the States today, and any powers that we assume for ourselves, if they lead to the result that there is not that measure of co-operation of the States which is necessary for the purpose, if in that respect we lose something, then we lose a great deal. My fear is that keeping the subjects for the States as they are now the taking of more power is not going to help. I have consulted the States and I have got their opinions, and I believe that taking the attitude of the States, their point of view into consideration, this is the farthest that we can go and the subject of Irrigation and Power cannot be taken over from the States. We cannot function, unless we go further and change radically the whole structure of the Constitution, that is to say, have a unitary Constitution, a unitary State. That is not really the business of the House now and that is not the intention of the hon Member either.

SHRI V PRASAD RAO (Hyderabad) What would be the function of the proposed National Construction Corporation?

SHRI GULZARILAL NANDA. The National Construction Corporation is meant to take the place of the contractors, to some extent, also it will take the place of the Department. Today there is Departmental construction or construction through contractors. Both of them have got serious disadvantages. The Construction Corporation may possibly be able to do the thing better than either of these agencies.

SHRI V PRASAD RAO. If these River Boards are constituted, what will be the power of the Central Water and Power Commission?

SHRI GULZARILAL NANDA. The CWPC is not meant to carry out

projects themselves. That is not the function of the C.W.P.C.

SHRI V PRASAD RAO. But I mean *vis-a-vis* these River Boards.

SHRI GULZARILAL NANDA. I thought my hon friend's point was connected with the National Construction Corporation. The National Construction Corporation does not take away or detract anything from the functions of the CWPC. I do not follow what his further point is.

SHRI V PRASAD RAO. My point is simply this. What will be the functions of the Central Water and Power Commission *vis-a-vis* these River Boards?

SHRI GULZARILAL NANDA. That is another point. I am coming to that.

Therefore as I was saying, this is a measure for securing co-ordination in the best possible manner available to us now. Regarding enforcement also we have provisions which we believe are calculated to confer on the Central Government and the machinery that is visualised here, sufficient powers to secure that object. After all, we are not dealing here with enemies, or people who are intent on defeating the objective of the legislation. We believe that we rely on the good sense of the States. Also having once got a decision from a Board and knowing that this is now something which has to be carried out, they will do that. And in any extreme case, there are other powers under the Constitution which could be mobilised. I hope that such an emergency or contingency will not arise.

The hon Member has another contention, namely, that whatever the functions are, whatever the powers may be of the Boards, those functions and powers have to be properly stated here so that there may be no ambiguity about it. If it is the intention that utilisa-

tion of land is to be one of the functions of the Board, if betterment levy is to be a function, so also water rates etc., then why not specify that? My answer is this. I will not take shelter under such vague terms as "consequential" or "incidental" etc. *etc. Nor under the other sub-clause which says "any other matter".* I agree with him that the purpose of this general sub-clause is really not to extend the scope beyond what is previously stated, except really to complete the idea which may be covered by the previous provisions. That is my immediate interpretation; betterment levies and water-rates, I do not believe, are covered by this. Nor need they be. That is a matter for the States to consider in respect of their revenues, in respect of how they make up their revenues. It may be that the Planning Commission also comes in. Betterment levies are being insisted on and no project is being approved of by the Planning Commission and admitted into the list of schemes for which provision is to be made in the Plan until the State shows that it is going to have betterment levy, until it also shows that it has a programme for legislation in that behalf. That is what is being done through another set-up and it is not necessary to be included in this legislation.

SHRI H. N. KUNZRU: Does the hon. Minister for Irrigation and Power mean to say that in respect of every River Board or River Valley Project, legislation will be enacted here in order to cover the points about which agreement may be arrived at between the Central Government and the State Governments?

SHRI GULZARILAL NANDA: The Planning Commission is insisting that the State Governments must have such a legislation. It is not possible for this Government to enact. The Planning Commission and the Central Government are not competent to do that, but because of the existence of the Planning Commission, because of the fact of the pooling of the

resources which are made available through a Central machinery, it has become possible to have this kind of agreement. Those are not functions of the River Boards. For instance, the water rates may change from time to time in a State in relation to the conditions prevailing there. In such a state, how can a particular scheme provide for such things in an exhaustive manner? In a general way, of course, it does come in but any specification of that detail is neither necessary nor possibly quite appropriate.

SHRI H. N. KUNZRU: Is it not a matter of the utmost importance that when a scheme is considered by the Planning Commission, it should know whether a scheme will be productive or not? It may be that if the Central Government comes to know at the very outset that a certain scheme agreed to by the State Governments would not be carried out by them afterwards, it is quite possible that the Planning Commission may say that it does not agree to the execution of such projects.

MR. DEPUTY CHAIRMAN: What he says is: It is entirely a State subject and the Planning Commission can only advise.

SHRI H. N. KUNZRU: It is not a matter only for the States. It is also a matter for the Planning Commission because a State cannot undertake any measure of development unless it is approved by the Planning Commission for it needs money from the Central Government.

SHRI GULZARILAL NANDA: That is exactly what I have said. There is a new method available to us for securing that very purpose and that is being actually secured through the Planning Commission.

SHRI H. N. KUNZRU: Is this purpose being secured now?

SHRI GULZARILAL NANDA: Yes, it is being secured. In the course of the last six months or so, three States have been asked to undertake legislations for this purpose and **they are** doing it. Even otherwise, this will not be the proper place for this because the States will say that it is their business and that we should not bother whether they charge water rates or not and in what manner they charge, if at all. The Constitution has made certain divisions and certain demarcations; certain spheres are allotted to the States; and they can do whatever they want.

SHRI H. N. KUNZRU: I ask the hon. Minister to consider clause 13 of his own Bill carefully.

The problem of afforestation and control of soil erosion are included in the State List and these are all matters in respect of which a River Board may tender advice. Now, that being so, what is there to prevent them from offering advice in respect of other matters included in the Union List? This is not a constitutional matter at all.

SHRI GULZARILAL NANDA: Well, these things do not affect one particular State only. They affect other States also. For instance, take the case of Madhya Pradesh. Supposing afforestation or soil conservation is not carried out there, the Hiraakud Project in Orissa is affected. Therefore, to the extent that things are done or not done in a particular State have reactions in another State, to that extent we come in.

As far as the functions are concerned, I think they are comprehensive enough as they have been enumerated and anything more to be added here will not be related to the purpose of this legislation. It may be important and legitimate but, as I said, it is not relevant here and it has been well looked after in other ways.

There were other questions raised by the hon. Member. Having dealt

with this point, I do not think anything else that the hon. Member said remains to be answered. The important ones were the constitution and the question of making certain additions in the list of functions in order to cover the features mentioned by the hon. Member.

SHRI H. N. KUNZRU: What about the language of item (b) of sub-clause (2) of clause 28?

SHRI GULZARILAL NANDA: I feel that if the powers and functions of the Board are to be enlarged they should not be done through the rules. If it is so done, there would be no sense in having this legislation. I agree with the hon. Member that it can only mean a certain elucidation of procedure. It is not that we can incorporate functions under the rules which have not been put in here. I agree entirely with the hon. Member.

SHRI H. N. KUNZRU: Then the language will have to be changed.

SHRI GULZARILAL NANDA: If there is any flaw in the language, it will have to be removed.

The hon. Mr. Kishen Chand had something in his mind.

MR. DEPUTY CHAIRMAN: He mentioned about research undertaken by the Boards.

SHRI H. N. KUNZRU: What use is there in these Boards undertaking researches into soil conservation, land utilisation, etc., if they can only advise and not implement them? Sub-clause (d) of clause 16 is what I referred to.

SHRI GULZARILAL NANDA: "Conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as....."

SHRI H. N. KUNZRU: The last line but one, "..... soil conservation, land use and connected structural....."

SHRI GULZARILAL NANDA: "Land use" has a wide connotation and it may also have a limited connotation. This is limited to the extent that it is used for this purpose. Soil conservation and land use have to apply to water resources as also for irrigation purposes. Therefore, there should be something corresponding to this purpose. It cannot mean land for building a factory or for anything like that. Land use can only be in relation to the problem and operation of schemes for irrigation, etc. Therefore, it is linked with this and since it is only a question of tendering advice, it can be given.

SHRI H. N. KUNZRU: Are Government certain of that?

SHRI GULZARILAL NANDA: I feel certain about it.

Then there is the other point raised by Shri Kishen Chand. He seeks to achieve a certain purpose through a legislation of this kind and he apprehends that that will not be achieved. I may assure him that what he really expects of this legislation is already there. He was not present at the time of the detailed discussion. That was a handicap for him, but I may explain the position for his benefit. What he says is: After a dam is built, the Board comes in. And then what has it to do? The answer is that before a dam is built,—any kind of structure which would be acceptable to one party or another or to the Central Government—a procedure has to be gone through, and any party, any State or the Central Government can initiate these proceedings and stop anything being done till that scheme is properly approved and formulated so that.....

SHRI KISHEN CHAND: Just a question. At least in the case of minor and medium-sized projects, the States have been doing things and are doing them even at present without consulting the neighbouring States. I should

like to know from the hon. Minister that since there is the possibility of reorganization of States and since the Board can be set up only on the request of a State, if the request comes too late, of what benefit it will be. The hon. Minister is taking shelter behind the words "or otherwise". In any legal document that type of supplementary clause is put in. The main clause is "on a request received in this behalf from a State Government"; "or otherwise" is a subsequent thing.

SHRI GULZARILAL NANDA: I believe that the word "otherwise" may be possibly better from the point of view of the hon. Member because that has a wide scope. Since his object is to extend the scope of activity, it has been extended freely and widely by the use of the words "or otherwise". "Otherwise" may include anything more but does at any rate include the Central Government. So, I do not think the purpose of the hon. Member is in any way being defeated by these words.

Then his suggestion was to have a statutory Board and have a permanent machinery. Now, this is a statutory Board. River Board is a statutory Board. He says: Let there be one Board. The difficulty is this. In the first place, one Board, as was pointed out by an hon. Member from here, will be engaged, say, in one scheme. Meanwhile there are five or more problems in other places. Why restrict our sphere of operation in this matter? We are free to have five or six Boards at the same time. And then a Board constituted for the purpose of one scheme may not really be a very suitable body for other schemes because the problems of the area and the conditions may be different and in the choice of personnel we can exercise that discretion. We have that latitude and we will be able, for each separate scheme, for the purpose of each separate Board, to find out the most appropriate personnel which will not be possible for us just with one Board.

SHRI KISHEN CHAND Just one point. If you see page 2 of the Bill you will find "The Board shall consist of a Chairman and such other members as the Central Government thinks fit to appoint." Then it says "A person shall not be qualified for appointment as a member unless, in the opinion of the Central Government, he has special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance." Now how are you going to get the men all having at least these seven qualifications? So naturally it must be one big Board having the various people represented there.

SHRI GULZARILAL NANDA For a certain scheme it may be that knowledge of electrical engineering may be more important. In another place flood control may be more important. Therefore, it is not that one person has to have all these qualifications or that there must be as many persons as there are qualifications here in each Board. It is not so. It will really be arranged according to the need and the purpose.

Then, his other point was that we should have some permanent Commission. For his point that there should be a permanent body looking after the thing as a whole with a picture before it so that it can co-ordinate the activities, there is already a permanent body, the Central Water and Power Commission. That is dealing with the matters from day to day and it has got all the information and a view of the whole situation in the country. I have tried to point out to the hon. Member that whatever he really is asking for is already there in the provisions of this Bill and also in the other arrangements which the Government has made for achieving these very purposes.

So far as the small schemes are concerned, to which the hon. Member just made a reference, well, if there is a river which is not an inter-State

river, certainly the State is free to do that and it is no business of ours to come in its way. The people of the State are concerned and they may raise those questions in the legislature of the State. If any area is being prejudicially affected by any scheme in that State, then it is for the people of that State and that legislature to deal with the matter. They need not come up here and that need not cause us concern.

SHRI KISHEN CHAND Just a question. Suppose there is a tributary of a small stream and it carries a large volume of water, naturally the whole river is affected by that tributary. What will be the solution in that case, Sir?

SHRI GULZARILAL NANDA We have got the power to define what an inter-State river is, what its limits are and, therefore, that position can be dealt with in that manner.

Sir, I have dealt with all the points that were raised and I commend the motion for the acceptance of the House.

MR DEPUTY CHAIRMAN The question is

"That the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys, as reported by the Joint Committee of the Houses, be taken into consideration."

The motion was adopted.

MR DEPUTY CHAIRMAN Now we shall take up clause by clause consideration of the Bill. There are no amendments to clauses 2 to 29.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh) Are you going to put them all together, Sir?

SHRI GULZARILAL NANDA I am moving an amendment to clause 28.

MR DEPUTY CHAIRMAN Then I will put clauses 2 to 27.

SHRI JASPAT ROY KAPOOR: I have one or two points to say with regard to one or two clauses.

MR. DEPUTY CHAIRMAN: No amendments at this late hour, Mr. Kapoor.

SHRI JASPAT ROY KAPOOR: You seem to presume that I am going to make any amendments. I was not going to suggest any amendments.

MR. DEPUTY CHAIRMAN. But you have given some. (*Looking at the Minister*) You may just look into them. If any is acceptable to you I will allow; not otherwise.

Then I will put clauses 2 to 27 first.

SHRI JASPAT ROY KAPOOR: It was with respect to some previous clauses that I wanted to say.....

MR. DEPUTY CHAIRMAN: Now the hon. Minister is looking into your amendments. If any of them are....

SHRI JASPAT ROY KAPOOR: My amendments? What are they?

MR. DEPUTY CHAIRMAN: You have not given any amendments?

SHRI JASPAT ROY KAPOOR: It is to the other Bill. The amendments relate to another Bill.

MR. DEPUTY CHAIRMAN: Do you want to speak on this Bill?

SHRI JASPAT ROY KAPOOR: Of course, on some of the clauses.

MR. DEPUTY CHAIRMAN: Which clause is that?

SHRI JASPAT ROY KAPOOR: 14 to start with.

MR. DEPUTY CHAIRMAN: All right. I will put clauses 2 to 13 then.

The question is:

"That clauses 2 to 13 stand part of the Bill."

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clause 14—*Functions of the Board*

SHRI JASPAT ROY KAPOOR: I will just say only one word. The Chair will be pleased to know it in a moment.

With regard to clause 14 I only suggest to the hon. Minister to consider whether it would not be necessary to specify here how the notification is to be made. In clause 14(1) it is stated: "..... as may be specified in the notification". I am referring to the last line of clause 14(1). In other clauses you have been pleased to specify that the notification is to be in the Official Gazette. It is merely a verbal suggestion.

THE DEPUTY MINISTER FOR IRRIGATION AND POWER (SHRI J. S. L. HATHI): Clause 14?

SHRI KISHEN CHAND: Last line on page 4 of the Bill.

SHRI JASPAT ROY KAPOOR: Now, in clause 6 it is specifically mentioned that the notification shall be "in the Official Gazette" and rightly so. Similarly, for uniformity's sake you may add those words here also and with this addition the last line will read: "..... as may be specified in the notification in the Official Gazette."

SHRI GULZARILAL NANDA: It is there already in line 2 of sub-clause 14(1).

SHRI JASPAT ROY KAPOOR: I am very sorry. I did not see it.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 was added to the Bill.

Clause 16—General powers of Board

SHRI JASPAT ROY KAPOOR
Firstly, Sir, here it is said that for the purpose of efficiently performing its functions under this Act every Board may, within its area of operation do certain things and under sub-clause (d) it says that it shall conduct and co-ordinate research on various aspects of the conservation, regulation or utilisation of water resources and so on and so forth. Would not the hon. Minister like to add the words "prevention of water pollution" after the words "soil conservation" on page 6, line 7?

MR DEPUTY CHAIRMAN There is a separate clause for that. Please see clause 13(a)(vii) which the House has passed. This is also for the information of Mr. Vaidya.

SHRI JASPAT ROY KAPOOR That is one thing. If it is not considered necessary, it is a different matter. Then under (g) you are authorising the Board to call for information from any Government interested. I think it would be well if the Board is also authorised to call for information even from the Central Government. There may be very many occasions when the Board may find the need to obtain information from the Central Government because certain information may be in the possession of the Central Government only and not in the possession of the Governments interested. So in clause 16(g) after the word "require" the words "Central Government or" may be added.

SHRI GULZARILAL NANDA It is like saying that when I am doing something for myself I have also to be asked that I should have an obligation to assist in doing that thing. It is really the Central Government that is promoting the Board and doing all these things. It has its obligations, it is the most elementary purpose and duty of the Central Government to assist the Board. Therefore, why should the Board be asked to call

upon the Central Government to give information when the Central Government is looking after the whole of this business?

SHRI JASPAT ROY KAPOOR But, Sir

MR DEPUTY CHAIRMAN After he has replied you cannot speak.

SHRI KISHEN CHAND Here it is said that it will conduct research and co-ordinate research. Now, what will happen to the research workers when the Board is dissolved? Will it be for a definite limited period? And if the research does not materialise in any results, all that money will be wasted.

SHRI GULZARILAL NANDA The position as indicated here is that the Board is not dissolved till its functions have been performed and if the Board has undertaken research, then that has certainly to be attended to before the Board is dissolved. In practice what is going to happen is this. The Board is not going to conduct any research itself. It is going to entrust some research problems to the existing research institutions in the country and, therefore, there will be no difficulty.

MR DEPUTY CHAIRMAN And those research institutions will not be dissolved. They are permanent bodies.

The question is

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 27 were added to the Bill.

Clause 28—Power to make rules

SHRI GULZARILAL NANDA Sir, I move

"That at page 9, line 4 the words 'the term of office and' be deleted."

"That at page 9, for lines 6-8, the following be substituted, namely:—

'(b) the matters in respect of which a Board may tender advice to the Governments interested under sub-clause (viii) of clause (a) of section 13;

(bb) the matters in respect of which the Board may require a Government interested to furnish information;"

MR. DEPUTY CHAIRMAN: The question is:

"That at page 9, line 4, the words 'the term of office and' be deleted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 9, for lines 6-8, the following be substituted, namely:—

'(b) the matters in respect of which a Board may tender advice to the Governments interested under sub-clause (viii) of clause (a) of section 13;

(bb) the matters in respect of which the Board may require a Government interested to furnish information;"

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clause 29 was added to the Bill.

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

SHRI GULZARILAL NANDA: Sir, I move:

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

श्री गोपीकृष्ण विजयवर्गीय (मध्य भारत) : उपसभापति महोदय, मैं यहां पहले था नहीं, इसलिये इस समय इस विधेयक के सम्बन्ध में कुछ कहना चाहता हूं। इस रिवर बोर्ड्स बिल का पास होना देश के लिये बहुत जरूरी है। बहुत सी नदी घाटी याोजनाएं आज देश में चल रही हैं और अनेक राज्यों के बीच में से नदियां बहती हैं। उनके संचालन के लिये और उनके डेवलपमेंट के लिये ऐसे बोर्ड्स का होना जरूरी है इसलिये मैं समझता हूं कि यह कानून ठीक है। लेकिन पानी के पोल्यूशन के बारे में मुझे कुछ अर्ज करना है। मध्य भारत में चम्बल नदी है और वहां पर एक रियन फैक्ट्री बनाई गई है। इसकी वजह से वहां बहुत से लोगों को तकलीफ है।

श्री गुलजारीलाल नंदा : अभी इसके बारे में आधे घंटे बात की गई है।

श्री गोपीकृष्ण विजयवर्गीय : मैंने पहले ही अर्ज किया कि मैं यहां था नहीं। मैंने यह भी कहा कि इस बोर्ड के बनने से आसानी हो जायेगी लेकिन जो यह रियन की फैक्ट्री चम्बल के किनारे बनाई गई है उससे लोगों को तकलीफ है। रियन की फैक्ट्री समुद्र के किनारे बनाई जानी चाहिये और मुझे उम्मीद है कि इस तरह के बोर्ड के बनने से वहां के लोगों की तकलीफ दूर होगी और वहां की नदी का पानी ठीक किया जा सकेगा। इस तरफ ही मैं आपका ध्यान खींचना चाहता था। धन्यवाद।

श्री ज० रा० कपूर : उपसभापति महोदय, इस विधेयक के पास होने के समय पर मैं विशेष रूप से माननीय मंत्री जी का बधाई देना चाहता हूं। कारण यह है कि ऐसे अवसर बहुत ही कम होते हैं जब कि कोई विधेयक विशेष चुनी हुई समिति के सम्मुख भेजा जाय और वहां से लॉट कर आने पर उसमें उसके किसी भी सदस्य का विरोध न हो। बहुत ही दिनों के बाद मुझे यह

[श्री ज० रा० क० पूर]

विधेयक एसा देखने को मिला है जिसमें कि कोई भी "नोट आफ डिसेंट" नहीं है। इसका कारण प्रत्यक्ष है कि मंत्री महोदय ने इस विधेयक को उपस्थित करते समय तथा दूसरे अवसरों पर न केवल उदारता ही दिखाई है बल्कि इसके आधारस्वरूप यह भी प्रत्यक्ष दीखता है कि वह सबका मान रख कर सर्वोदय के सिद्धान्त के ऊपर इस विधेयक को बनाना चाहते हैं। सैलेंट कमेटी से जो पत्र बिल आया उसमें भी उन्होंने उस सिद्धान्त को दिखाया है जब कि उन्होंने धारा १४ में फिर यह बात स्पष्ट कर दी है कि इस बोर्ड के कार्यक्रम को निर्धारित करने के समय प्रान्तीय राज्यों से भी सलाह व मशविरा करेंगे। यह नीति उस नीति का ही एक और उदाहरण है जिस नीति को आपने इस विधेयक में अपनाया है कि जो भी कार्य हो वह सबके सलाह-मशविरों से और समझौते से हो, न कि ऊपर से कोई बात लादी और थोपी जाय चाहे इस बात को हमारे माननीय मित्र डा० हृदयनाथ कुंजरू भले ही न चाहते हों। हम लोगों को, और विशेषकर मुझे को आश्चर्य हुआ कि समझौते और पारस्परिक मशविरों की बात को अधिक उचित न समझ कर उन्होंने पहले भी और आज भी इस बात पर जोर दिया कि केंद्रीय सरकार जहां तक हो सके अपने मत को प्रान्तीय सरकारों के ऊपर थोड़े।

एक बात की ओर मैं विशेष रूप से माननीय मंत्री महोदय का ध्यान दिलाऊंगा कि आपने वाटर पोल्यूशन, जल को गंदा करने की बात, विशेष रूप से इसमें उल्लिखित ता की है लेकिन इस बात को नहीं रखा कि जो लोग इसमें विशेषज्ञ हों वे भी इस बोर्ड में सम्मिलित किये जा सकते हैं। मैं मंत्री महोदय से निवेदन करूंगा कि किन्हीं-किन्हीं शहरों में विशेष रूप से यह समस्या उपस्थित हो जाती है—जैसे कि हरिद्वार में भी एक समस्या हुई थी और आगरा, मथुरा इत्यादि शहरों में भी हुई—कि शहर का बहुत कुछ गंदा पानी उन नदियों में मिल जाता है जो कि बड़ी पवित्र नदियां

समझी जाती हैं। मैं समझता हूं कि इसकी भी व्यवस्था करने का कोई उपाय यह बोर्ड सोचेगा। यदि इस बात पर माननीय मंत्री महोदय विशेष रूप से ध्यान देंगे तो हिन्दू जनता जो इन नदियों को बहुत पवित्र मानती है, आपकी बहुत कृतज्ञ होगी।

मैं एक बात और कहूंगा कि इस समय सरकार की नीति कुछ यह होती जा रही है कि बोर्ड के या इसके द्वारा नियुक्त समितियों के जो अधिकार हों वह अपने से नीचे लोगों को या उनके द्वारा स्थापित समितियों को दे दिये जाय—मैं मतलब हूं डेलीगेटेड अथॉरिटी से। आपने खंड २४ में बोर्ड को यह भी अधिकार दिया है कि वे अपना अधिकार न केवल चेंबरमैन और किसी अन्य सदस्य को दे सकते हैं बल्कि अपने किसी कर्मचारी को भी दे सकते हैं। यह कुछ उचित सा प्रतीत नहीं होता। बोर्ड के अपने अधिकार बहुत कुछ हैं जो होने ही चाहिए थे लेकिन उन अधिकारों को अपने कर्मचारियों को सौंप देने का अधिकार देना उचित नहीं प्रतीत होता है, और मैं आशा और विश्वास करता हूं कि इस सम्बन्ध में आप जो नियम बनाएंगे उन नियमों को बनाते समय इस बात का विशेष ध्यान रखेंगे कि जिस समय बोर्ड अपने अधिकारों को किसी व्यक्ति विशेष को डेलीगेटेड करेगा, जो उसका कर्मचारी हो, तो वह इस बात पर विशेष ध्यान रखेगा कि अपने किसी मुख्य कर्तव्य को उसके सुपुर्द न कर दे।

मुझे और कुछ नहीं कहना है। मुझे हर्ष होता यदि आप इस विधेयक में यह रखते कि जो भी नियम सरकार बनायेगी वे संसद् के सम्मुख १४ दिवस तक रहेंगे जब कि संसद् का अधिवेशन चल रहा हो और संसद् को इस बात का अवसर दिया जायगा कि नियमों में वह जो परिवर्तन करना चाहे कर सके। यह विषय मैंने कई बार पहले भी उठाया है और उपसभापति महोदय। आप जमा करेंगे यदि अगली बार भी, जब मौका हो, तो उसको फिर उठाऊं क्योंकि मुझे आशा और विश्वास है कि

कम से कम इस बात में ता आप मेरे साथ पूरी सहानुभूति रखेंगे और परसों मुझे प्रत्यक्ष मालूम हुआ कि आका इस सम्बन्ध में मत वही है जो मेरा है ।

अंत में एक बार फिर मंत्री महोदय को बधाई देकर और हर्ष प्रकट कर अपना स्थान गृहण करता हूँ ।

SHRI GULZARILAL NANDA: Sir, there can be no elaborate reply to congratulations and expressions of appreciation, except to say that one is very thankful. Just one point that was raised lastly about the power of delegation. Certainly these are routine matters which should be attended to by various officers and naturally this will be done in a manner which does not prejudice the proper exercise of those duties.

Regarding pollution of water, the dangers of the evil have been stressed by two friends here and also the hon. Member there. This is really a serious matter and it was exactly with that end in view that specific mention was made of this question of prevention of pollution of the waters of inter-State rivers, since all the rivers have a certain amount of sanctity or importance in the eyes of the people of the country. Therefore, this provision will extend to all those rivers which we have in mind.

MR. DEPUTY CHAIRMAN: Does it cover the pollutions that are being made even outside the river valley projects? Suppose there are certain cities where the rivers are already flowing through.....

SHRI R. U. AGNIBHOJ: The municipalities will look after that.

SHRI GULZARILAL NANDA: No, Sir. This kind of pollution which is occurring is a matter for the sanitary authorities of the State, but since most of the rivers are now going to have one project or another, to that extent this can be looked after.

MR. DEPUTY CHAIRMAN: If it arises either out of a particular project—the Damodar Valley project—or out of a factory such as the Sindri Fertilizer Factory? Suppose the Damodar River is polluted or some other town where there is no factory, does it cover such things?

SHRI GULZARILAL NANDA: I do not think so.

SHRI H. C. MATHUR (Rajasthan): May I ask the hon. Minister to clarify? What would be the position of the Centrally administered projects? You have certain projects which have been taken up by the Centre for river valley development. Whether in future do they not envisage any such project and will they all be controlled by the River Boards? And the second point, which I would like him to clarify, is: What would be the relationship between these River Boards and the Central Water and Power Commission?

MR. DEPUTY CHAIRMAN: That he has already answered.

SHRI GULZARILAL NANDA: Regarding the relation between the Board and the Central Water and Power Commission, the Central Water and Power Commission is a servicing agency of the Central Government for all these Boards and its function will be to assist and facilitate the work of these River Boards. So far as the other question is concerned, about any Centrally administered schemes, we have today the Hirakud project which is nearing completion. We have no other scheme either in view or in hand.

MR. DEPUTY CHAIRMAN: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

MR. DEPUTY CHAIRMAN: There is a message.