

that water, I think, Sir, there should be some provision to safeguard against this. The encroachment on the rights of the State would not be in the best interest of this programme of work if there is improper encroachment by the Centre. I entirely agree that the central idea that should be foremost in our mind is how to develop our country in the best possible and in the most economic way. With that object river basins have to be developed. With that object we commend and support this Bill. Some of the matters which other friends have brought to our notice, also, I think, require consideration and I am sure the hon. Minister and the Select Committee will give due weight to the suggestions that have been made in this connection.

PAPER LAID ON THE TABLE

FIFTEENTH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

DIWAN CHAMAN LALL (Punjab): With your permission, Sir, I beg to lay a copy of the Fifteenth Report of the Public Accounts Committee (1954-55) on the Appropriation Accounts (Civil), 1950-51 and Audit Report (Civil), 1952—Parts I and II etc.—Vol. I [Placed in Library—See No. S-334/55.]

SHRI N. C. SEKHAR (Travancore-Cochin): I would like to express my general support to the idea behind this draft Bill. I think this step ought to have been taken by the Central Government some time back in view of the fact that there are disputes over the development of river valley and other projects and rivers in so many States including the Travancore-Cochin State. When the discussion was going on regarding the Water Disputes Bill, the hon. Minister, Shri Gulzarilal Nanda, cited an instance of the water dispute between Travancore-Cochin State and Madras. Similarly, with regard to this question also such disputes exist. But here, Sir, I think this Bill is brought before the House with a view to avoiding delay in executing certain projects as

well as in promoting some others. But reading certain clauses of this Bill, as Dr. Kunzru pointed out yesterday, one gets the impression that instead of doing away with the causes of delay, it creates causes for further delay in executing the projects. For example, I would mention about the arbitration business. The Government, after consulting the respective State Governments, appoints a River Board to make certain suggestions. Then in the light of these suggestions the Central Government may take decision and advise the respective State Governments to carry on the schemes. Again, if a dispute arises between the State Governments regarding that suggestion, it is proposed to be placed before an arbitrator to find a final solution. The arbitrator's decision is to be final. This way not only does it cause further delay but also it imposes an arbitrary decision on certain State Governments. What I would like to suggest is that in the beginning itself the Advisory Board should have consultation with the respective Governments, should examine all aspects of this particular question regarding inter-State rivers and the related projects. If such a consultation is necessarily done, why could not the Government advise the respective State Governments to put the decision of the Government under the advice of this Board into effect? The Central Government must see that no ground is prepared for further disputes.

For example, I will give an instance. In the Travancore-Cochin State there is one project called the Poringalkuthu Project under which there are three schemes. But only one of the three schemes, that is, the Poringalkuthu scheme will come to a close by the end of this year. There are two other schemes—the Left Bank scheme and the Right Bank scheme. The Right Bank scheme is known as the Orukomban Hydro-electric Scheme from which it is estimated that something like 1,50,000 kw. of electricity would be produced but because of an objection raised by the

[Shri N C Sekhar]

Madras State as the tributary of that Chalakudy river takes its source from a place in the Madras State, this scheme is held up. If the scheme is completed, the catchment area is so long and so broad that it will cover many square miles which will spread over Tamil areas. But such a dispute is there. The Central Government with the help of a River Board should be able to take a decision in view of the benefit that may be derived from the scheme. The Travancore-Cochin Government in their second Five Year Plan scheme estimated that if this scheme is completed something about 26,000 kw electricity can be provided for the use of the Madras State. Such is the scheme of a project being held up for certain objections. Certainly, the Central Government can say that the scheme when completed would be very useful and if a decision is imposed there will be no cause for further disputes. Then there is another dispute with regard to the Periyar river. Such disputes are there and the River Board is necessary if the river valleys are to be developed in the interests of development of our national economy.

Sir, some hon. Members suggested that the States should be reorganised on the basis of the sources and courses of rivers and another suggestion came forth that no river should be considered as an inter-State river but they should all be national rivers. Sir, this sentiment should not be taken into consideration. Even though India is a nation, it is a settled fact that it is a multi-nation and in that multi-national India we have got several nations. That is why we say that reorganisation of States on a linguistic basis is necessary because unless it is done, it is very difficult to develop the economic, social and cultural life of our respective people. No State can be organised on the basis of the courses of rivers, but in the interest of economic development, certainly the rivers should be considered as national assets and should be treated as such and any schemes,

whether irrigation schemes or hydro-electric schemes, should be treated as national and should be considered as such.

Therefore the River Board should have some executive powers also. It need not only be an advisory body but it should have executive powers also.

Then I have to point out another thing with regard to this arbitration. The Government seems to be obsessed with the idea of appointing retired judges whenever some posts are there to be filled. We have passed so many measures and created so many tribunals and in all of them we have given the judiciary the power to appoint judges to sit in judgment over the issues concerned. Sir, that idea is not necessary at least so far as this question is concerned. The tribunal idea here is neither advisable nor healthy.

With regard to the River Board, the Central Government should take upon themselves the entire responsibility to see that the River Board functions not only as an advisory body but also as an executive machinery. It should not only study the various schemes but should also see that they are executed through the State Governments, not by the Board or the Central Government directly but through the State Governments who should be advised to carry out the schemes.

Now, I come to the definition of river valleys. Sub-clause (4) of clause 4 says:

"Every Board shall exercise its Jurisdiction within such limits of the river (including its tributaries, if any) or river valley as may be specified in the notification under sub-section (1) and the area so specified shall be called the area of operation of the Board."

Here I have got one doubt to be cleared. Here in the Bill the definition of 'river valley' is not given. It will be any area specified in a notification issued under sub-section (1). I would like to ask whether the canal system

in certain rivers would be included in the river valley. The tributaries will naturally be included in the river valley. The river valley has to be specified and unless it is specified clearly, there is likely to be difficulty.

Then under sub-clause (a) of clause 16, the Board is given the power to acquire, hold and dispose of such property, both movable and immovable, as it deems necessary. There are, as you know, Land Acquisition Acts in the States. Why cannot the land be acquired under those Acts instead of empowering the Board to acquire property as it likes?

SHRI J. S. L. HATHI: This does not apply to land acquisition. This relates to acquiring property for the purposes of the Board and not to the acquisition of land submerged.

MR. DEPUTY CHAIRMAN: You must finish soon, Mr. Sekhar.

SHRI N. C. SEKHAR: With these words, Sir, I conclude.

MR. DEPUTY CHAIRMAN: Mr. Jaspal Roy Kapoor. You have to be very brief.

SHRI JASPAT ROY KAPOOR: I am very much obliged to you, Sir, for giving me this warning in advance, for if it were to be administered during the course of my remarks, timid as I am, I would have felt disturbed. I assure you that I will keep this warning hanging over my head all these few minutes and will keep my eyes constantly on the clock.

Sir, I lend my support to this motion, the more so, because it proposes to refer this Bill to a Select Committee the personnel whereof is the same as the personnel of the other Committee on the allied Bill—a suggestion which I had made the other day when the other Bill was under consideration—and I am glad that this suggestion has been accepted. Sir, this Bill is more important than the previous Bill because whereas that dealt with the question of resolving disputes, this Bill deals with a construc-

tive subject—the question of developing and regulating the water resources of the rivers and the river valleys. Sir, this Bill has been simply worded in a neat and dignified form and has been drawn up in a conciliatory spirit, thus reflecting the characteristics of the hon. Minister and his no less amiable Deputy. It bears the stamp of the hon. Minister's personality and is indicative of his way of doing things. This Bill provides for the development of river valleys and rivers and for drawing up of schemes after consulting the various States and after securing their agreement by persuasion and ultimately by referring the matter to an arbitrator in the case of disagreement.

I should say that this Bill has been based on Gandhian principles or *Sarvodaya* principles. It does not seek to impose the will of the Central Government on the States. It tries to secure everything by consultation, agreement, persuasion and ultimately by arbitration. Such a procedure, I should have thought, should have been appreciated by everybody and I was rather sorry to find a discordant note having been struck by our learned friend, Dr. Kunzru. The words which fall from the lips of Dr. Kunzru invariably deserve to be considered with great respect. For not only he is an eminent personality, but whatever he says is based on very close study of the subject and it has always the stamp of sobriety. I wonder why on this particular occasion he should have assumed the role more of a critic rather than of a statesman. He is opposed to the Board's decision being referred to an arbitrator. I do not know what valid reasons he has. He has, of course, advanced some reasons, but I must confess I cannot consider them to be valid. The Board obviously, as provided in the Bill, is to be constituted by the Central Government either on the request of the States or on its own initiative. The Board is to consist of experts and the function of the Board is to draw up schemes and arrive at certain decisions and make recom-

[Shri Jaspat Ray Kapoor.]
 mendations after consulting the various States. But if ultimately the various interested States do not agree to the recommendations of the Board, then the question arises as to what should be done. Must the Central Government arbitrarily thrust upon the States its own views, wishes and plans? Or, is it more fair, is it more advisable, rather than imposing its own will and let the States smart under a sense of injustice having been done, to refer the whole question to an impartial arbitrator? The arbitrator is no less than a Judge of the Supreme Court or High Court. Ordinarily a democrat like Dr. Kunzru, I should have thought, would welcome this democratic procedure—this procedure of not riding roughshod over the rights and privileges and the wishes of the States. But unfortunately on this occasion he is opposed to such a procedure. I hope on reconsideration

SHRI H. N. KUNZRU (Uttar Pradesh): Sir, may I explain the point to him a little?

SHRI JASPAT ROY KAPOOR: I thought I had understood it.

SHRI H. N. KUNZRU: I do not think my hon. friend does really. I mean in a matter like this the Government of India ought to come in, because when the report is considered by the States, some representative would sit along with it and consider the whole thing. The other point is this. As the Joint Select Committee on Indian Constitutional Reforms has pointed out, before the Government of India Act 1935 was passed, both the Government of India and the Provinces had a common law right with regard to the use of the waters flowing through several States. While a State could make use of the waters of a river flowing through its territory, the Government of India also had a common law right to see that the water was used for the benefit of the country. That is, for all the States concerned. That right was unwisely surrendered in 1935 and that mistake has to be rectified now. Unfortunately, we did

not rectify it when our Constitution was passed. It has to be rectified now.

SHRI JASPAT ROY KAPOOR: I had rightly understood my hon. friend.....

MR. DEPUTY CHAIRMAN: Mr. Kapoor, I want to call on the Minister to reply at one o'clock. We will sit through till he finishes the reply. There are two more speakers.

SHRI JASPAT ROY KAPOOR: Yes, Sir. Shall I have five minutes more?

MR. DEPUTY CHAIRMAN: There are two more speakers.

SHRI JASPAT ROY KAPOOR: Only give me the time, I shall meet your wishes.

MR. DEPUTY CHAIRMAN: Please finish in two or three minutes.

SHRI JASPAT ROY KAPOOR: This is exactly what the Central Government proposes to do; but it proposes to do it in a very reasonable manner. It does want to come in the picture; but it does not want to come in the picture jumping over the States. It wants to refer the whole question to the arbitrator.

Then, Sir, it has been contended by some hon. Members that the arbitrator need not necessarily be a Judge of the High Court. It appeared, to me they were actually biased against a Judge being there and they would prefer a politician or a statesman. Sir, a Judge does not cease to be a man of ordinary commonsense. A Judge has all the commonsense of an ordinary person. In addition, he has a judicial sense. And certainly it will be desirable that when there is a dispute to be decided upon, there should be a person who, in addition to having ordinary commonsense, should also have a judicial sense. We could not think of a better person for being appointed arbitrator than a Judge of the Supreme Court or a High Court. As I said the other day, the scope of recruitment should not be limited to the Supreme Court Judges and the sitting High Court Judges, but retired High Court Judges may also be taken. This is from the practical point

of view. Perhaps it would not be forgotten that the High Court Judges retire at the age of sixty and the Supreme Court Judges retire at the age of sixty-five. Perhaps there will be fewer retired Supreme Court Judges available than High Court Judges.....

MR. DEPUTY CHAIRMAN: Yes, that will do.

SHRI R. U. AGNIBHOJ (Madhya Pradesh): We wish them a long life!

SHRI JASPAT ROY KAPOOR: I must meet your wishes.

SHRI M. SATYANARAYANA (Nominated): Mr. Deputy Chairman, we have before us the River Boards Bill which seems to be rather the result of a number of disputes arising so far. This should have been preceded by another Bill which I consider to be much more important than the one that we have. I do not minimise the importance of this Bill, because it is going to solve a number of problems which the State Governments and the Central Government are faced with. What I just wanted to say is that we do not have any kind of master-plan now for the utilisation of the waters in this country. Unless and until we have a master-plan, it is not possible for us to either adjudicate or to understand what the maximum utilisation is, to whose benefit, and who has got the rights and who has not got the rights. The Government should have come forward with a Bill which will provide a kind of master-plan as far as the waters of this country are concerned, taking from the Ganges up to the Cauvery. In this respect one would like to recall to one's mind the name of that great engineer, Sir Arthur Cotton, who was responsible for the construction of a number of irrigation projects in this country, on account of which a number of deltas are having the maximum benefit of irrigation facilities. It appears he used to think only of water and his plan was to bring water from

the Ganges to the Cauvery, so that the whole of India may have a continuous irrigation plan, a continuous navigation plan, canal plan, and a continuous plan for the purpose of making every citizen feel that the Ganges water goes to Cape Comorin. That plan should have been envisaged and I hope that the Government will certainly think on those lines and see that a plan is prepared. It is also very well known that every river has got a big basin and a catchment area of its own and the catchment area belongs to various States. To what extent the catchment area is to be taken into consideration for the utilisation of water has often become a matter of dispute. In this dispute, it is very difficult to adjudicate as to who has got the right and who has not. There is the Kistna river which has got a catchment area which belongs to Mysore, Andhra and Hyderabad. To what extent has the water of the Kistna river to be allocated to those States? This was also considered and certain agreements were also reached among those States. When this agreement was being considered, the Kistna valley belonged to Madras. Madras was then one State. There was a big dispute whether Madras had got the right or the people who lived in the Kistna river valley for the utilisation of the water. So, it need not at all be taken into consideration as to how the water has to be utilised, so far as the plan for the construction of a project is in the hands of the Madras State. There was a Committee appointed and it gave a report. It was decided that though that State might have got the right, the people who lived in the valley had better rights. Therefore, the waters should go to them. As a result of the award, the Nandikonda Project has come. Why I mention this is because it is not only a question of dispute between a State and a State with regard to water. It is also between a region and a region, an area and an area, etc. If a State has got a right, a jurisdiction, over a number of regions and if a particular region is in need of water, by denying the right of utilisation of water in that river valley if that State is given the

[Shri M. Satyanarayana.]

right to those waters, then it will be considered to be a wrong judgment. Therefore, in this matter, in order to avoid all these disputes, the Government should have a master-plan. After considering this plan, it may place it before the people. The people and the States will consider it and ultimately the people will understand what rights they have got, how they get the water and how the water has to be utilised.

Another point which I want to refer to in this connection is that there are certain States which have not got water. There are very few disputes because there is no water for utilisation. What will happen to those States? There are States which have got plenty of water which is going to waste, which is going to the sea and if that water has to be brought to those States, how will that be? Unless and until the Central Government finds some kind of method by which the water can be brought this cannot be settled. Take for instance the case of the Palar river. There is a big dispute about this river between the Madras State and the Mysore State. Mysore has got a right for the Palar waters and Madras has also a claim. But when the Palar river comes to Madras State, there is no water. All the water is taken away by the Mysore State and Madras has no water. Unless and until somebody else comes, the dispute cannot be settled. If it is to be settled, it will be possible only on the basis of the water available. This can be settled in a much more useful way if Palar is supplied with water from the Pennar basin and the Pennar basin is supplemented by Krishna basin. So, many of these matters can be settled if the Government prepares a master-plan and gives some kind of hope to those people who have not got water, and some day, after ten or eleven years, there is a possibility of getting water from an area which has got plenty of supply.

Another thing that I want to say is about the number of Boards that will be appointed. The Boards will be

appointed according to necessity. But who will co-ordinate the work of these Boards? Probably, the co-ordinating authority is not mentioned here. Therefore, it is understood that the Central Government—the Irrigation Ministry—will co-ordinate. Instead of again leaving the whole thing to the Ministry—as far as I can see it is of a technical character—if a Central Board will coordinate and will also have the representatives of the Regional Boards, it will be very much better and the matter will be very much facilitated.

SHRI JASPAT ROY KAPOOR: What sort of co-ordination does the hon. Member has in mind?

SHRI M. SATYANARAYANA: The different Boards will be co-ordinating with each other. The rivers belong to the whole of India and there is an inter-connection between one river and another and ultimately, our plan should be to be a kind of a master-plan. If there is a kind of knowledge which is acquired by one Board, it may be made available to another Board. If there is a Central Board which will have the representatives of different regions, any experience gained by one member can also be made available to all Members. The Central Board can also contribute in this way. It can become a permanent board.

If a Central Board is appointed, it would be quite good for co-ordination in terms of maximum utilisation of the river waters in this country even by those people who have never seen water and who can get water by way of technical assistance and scientific methods that we have for the benefit of these. While doing this one point must be borne in mind. That is that we have got three purposes served by these resources. One is irrigation, the other is power and the third is navigable canals. The maximum benefit from these waters should go first of all to irrigation. Next comes power and then navigable canals follow. If there is a

State which wants to utilise the water for power and if it insists upon it, the Government must come forward and say that the irrigation facilities are much more important than the power project. With these words, I support the Bill.

SHRI J S BISHT: I support this Bill as it has been put forward here. I have risen only because certain points were raised by my hon. friend, Dr Barlingay which provoked me to speak on this subject. He was speaking all along as if India was a unitary State. And then, he was denouncing the whole idea of Federation, forgetting that the break down of the unitary State came with the Montagu Chelmsford Reforms in 1921. Thereafter, we had the 1935 Act and finally we have the Constitution of 1950. Having thought over it for a period of 30 years, the Indian people have deliberately accepted the principle of Federation which, I believe, was not very lightly accepted. It is too late in the day now to decry the Federation and to seek a unitary State and give dictatorial powers to the Centre. In fact, our experience here has confirmed our belief that the more power is decentralised the better it is for democracy. Now, so far as this point is concerned the Constitution is very clear. Articles 262 and 263.

MR DEPUTY CHAIRMAN: They have already been referred to. Just come to the point.

SHRI J S BISHT: They do not give any executive power to the Union Government to carry out these works—my friend, Mr. H C Mathur read this clause. That is exactly the provision of entry 56 in List I which says that if Parliament declares this to be so, then Parliament has got the power to make those rules. Now in view of this, I think, after carefully perusing all this that whoever drafted this Bill, this has been drafted very well indeed within the four corners of the Constitution as it exists today. It is really another difference, political difference, etc. if

you want to re-arrange the powers between the States and the Centre or whatever it is, the main provision in this Bill.

SHRI H C. MATHUR: If you want to give

SHRI J S BISHT: The main point is with regard to clauses 13, 14, 15 and 16. These are the main powers with which we are concerned and they have done this by bringing into existence this Board. All these things are laid down in clause 13, conservation, control, optimum utilisation of water resources, promotion and operation of schemes, for irrigation, development of hydro-electric power and so on and so forth. Once they have made a scheme, then it is for either of the two States to accept it or if one of them does not accept it, in that case the matter will be referred to an arbitrator, and it is quite right that the arbitrator should be an eminent judge who is accustomed to take decisions in such cases. The question here is this. The disputes between those people are not going to be disputes with regard to any technical matter, but they will be with regard to the rights of the different States or the areas which are to be served by the different schemes which may have been formulated. In such cases, it is going to be a purely judicial question, and it is only fair and right that this judicial question should be decided by a person who is accustomed to decide such points for example a High Court Judge or a Supreme Court Judge (*Inter-ruption.*)

MR DEPUTY CHAIRMAN: Order, order. Please finish soon.

SHRI J S BISHT: I am finishing, Sir. All these points can be settled by only these people.

Sir, there is only one thing more. Shri Akbar Ali Khan made one point by saying that in the United States of America various principles have been

[Shri J. S. Bisht..]

settled. I know that various principles have been settled there. But you must remember that America was very sparsely populated. When these States came into existence, there was a population of, say, 5 lakhs in one State and 10 lakhs in another State, and vast rivers were flowing there. But here, Sir, we are concerned with a country which is 10,000 years old, and which is so densely populated. Take for example Travancore-Cochin on the one side, and Tamil Nad on the other side, and Mysore on the one side and Bombay on the other side. And the principles of the U.S.A. are not applicable in these areas. It is therefore that I feel that all these points that have been evolved are, in my opinion, very well and judiciously planned.

THE MINISTER FOR PLANNING AND IRRIGATION AND POWER (SHRI GULZARILAL NANDA): Sir, like our great rivers, the discussion in the House has travelled over a very wide range. It has embraced fundamental issues, and these issues have been thrashed out here, and I believe rightly, so that we have got to face these issues.

At the end of this discussion, my own impression is that two principal and outstanding issues have crystallised. And briefly speaking, one of the issues relates to the question of the powers of the Central Government, and the other one relates to the question of the powers of the Board. These are the two principal issues.

Sir, regarding the one particular issue, there is a general agreement in the House that the contents of entry 56 have got to be implemented and the larger interests of the country, taking into account the maximum utilisation of our water resources, have got to be served adequately and properly. Therefore, the obligations arising out of that entry have to be properly discharged by the Central Government. But the question has

been raised whether this Bill, as a matter of fact, carries out that intention. There is also the question: Does the Central Government have the requisite powers? Has it armed itself with all the powers which will enable it to discharge this function of co-ordinated development of the water resources of the whole country? Or, do those powers need to be strengthened by some modification of the provisions of this Bill? Sir, these are the large questions that have arisen. And, Sir, I find that this fairly long discussion has not yielded any uniform stand in the House.

Now, we find that Dr. Barlingay tells us that the Centre alone is capable of that kind of a unified and integrated development of our river valleys, and therefore, the States should be shorn off of their functions and powers, and this subject should be taken out of the purview of the States, and the States should have nothing to do with it, and the entire responsibility should be taken over by the Centre, which should have unrestricted powers. According to him, the whole pattern of this Bill has to be radically altered. That is, Sir, his position. And he feels that as a consequence of that great benefits are going to flow, because there will be no disputes between village and village and district and district. And, but for that, the development of our river valleys is going to be hindered and hampered. And he further goes on to say that this is not only necessary and essential, but also this is feasible as a practical proposition, and feasible in law. The discussion in the course of this last hour or so, and even earlier, has touched the constitutional issues. And he believes that nothing new has to be done in entry 56, because it lays on the shoulders of the Central Government certain responsibilities, and automatically all the necessary powers are also vested in the Central Government. That, Sir, is his position.

[Shri Gulzarilal Nanda]

nation has accepted that position and I don't think it is really for us now to travel away from that ground and consider the very foundations of the Constitution at the moment and I believe it is not desirable to do so on the merits also. There is the demarcation of the spheres of the States and the Centre. There is a list for the Union, there is a list for the States, there are some concurrent functions and powers and the intention is that these functions should be performed by the authority concerned in a manner that will give it the fullest latitude for doing them properly. There are also border-line cases where the matter does not rest in the hands of the State only or of the Union. Therefore the function of co-ordination arises. The function of coordinated development arises and the interests of all concerned have to be protected. This is a desirable objective to be achieved. That other way of taking over everything for the Centre, apart from the Constitutional difficulty which we cannot make so light of,—how does it help in this vast country and is it going to fix up things in every district and every village? Hon. Member felt that there will be no disputes when the Centre does it but how will the disputes disappear from village to village? They will all come on the head of the Central Government. Is the Central Government in a position to go and settle all those disputes in the villages and districts? It has enough of other worries on itself. So it is not practicable and as he said, not constitutionally open to us to do so but still the point of hon. Member, Pandit Kunzru remains. We have this question before us. Are the provisions of this Bill adequate? I believe that they are. What is it that is required? After all it is to the benefit of one State or another. Where they differ, then they will be given some advice. If the advice is not followed, they are also provided

with a scheme. If that is accepted fully, then the Government for resolving it. Then Dr. Kunzru's doubt is made one. That arose in and we tried to resolve the matter that. We have taken the constitution as it is, first. This is maximum that could be done. Does it suffice? I believe, it does. It will be the interest of one State and another and the arbitrator gives an award "Do this and don't do that." Then the difficulty of the hon. Member is, that one State may not be sufficiently interested or not interested at all and it refuses or neglects to carry out that award or those directions. What happens? Then the question comes in that the award is final and binding. Now the point is one State has been asked to do something and it does not do it. The award is final but how to execute it? There are steps in the Central Government under clause 15(6) at the request of any Government interested because some one State is bound to be interested. One Government is asked to do a certain thing and the other State is not doing its part. What is to be done? There are works in one State and there are works in another State but also there are common works and unless those common works are constructed nothing can go forward. Therefore who is going to construct the common works or set up the agency for that purpose? I believe this clause 15(6) gives those powers to take certain steps. One of those may be to set up a Control Board or an organisation for the administration of a project and because it is a part of the things to be done as already decided by the Arbitrator the Central Government does those things. If it does anything beyond that, then other powers may be needed. As long as it only does the things which are already subject-matters of an award, it is capable and competent to do them and the Board is set up, it carries out that work and the financial allocations, expenditure

Member, Mr. Mathur, States go on performing without being understood. The point is very clear. And when you impose on a State schemes, they have their own difficulties, and they have numerous reasons to serve. They have their own scales and sets of priorities, and therefore you will be hampering them and embarrassing them when you impose certain schemes on them. Therefore, either you let them alone altogether—no need to amend this Bill—or if you want to enter into their sphere, do it fully, go all the way, i.e., assume all the powers, have an all-India plan, carry it out, execute the schemes, and everybody will be happy.” Now I may submit, Sir, that the first alternative is not at all acceptable, because it is not a question of any individual State only. To the extent any individual State is concerned, let it go ahead. The question is that if more than one State, say, a few States come into the picture, what do we do there? We have to co-ordinate their activities. Therefore, that simple and easy course is not open to us. And since it is not open to us, according to him, we must, therefore, go to the other end and take over everything.

SHRI H. C. MATHUR: Sir, I say that the State agency should be used. I say that the All-India Engineering Service should be there. It should be there on the same level. You have to work through that agency.

SHRI GULZARILAL NANDA: Yes, that was a so his idea. But this was his broad point. Now hon. Mr. Akbar Ali Khan's position also approximates to this. Hon. Mr. Kunzru, I believe, does not go so far but his stand is that to the extent this function of coordination is to be performed by the Centre, it should be performed adequately and effectively. That is his position. Since there are more than one State, you need not necessarily go and do

things in a State which are not required for this big purpose but when that purpose arises, then do it properly. Now, according to him, adequate provision has not been made for this purpose in the Bill. In this stand again there are two variations. One is that the Constitution, as it is, enables us to include in the Bill provisions which will confer on the Government of India effective powers, and therefore change the Bill on those lines. Utilize the powers which exist in the Constitution now. Secondly there is another view that the Constitution as it stands, does not lend itself to that kind of use and therefore amend it. This is the other position. On the other side, Mr. Dasappa holds a contrary view. He thinks that as far as possible there should be no unnecessary concentration of power in the hands of the Centre. He believes that the Centre should not take over responsibility which may prove too much for it. He pleads for an approach to the States which will enlist their goodwill on our side and not alienate them. Therefore he wants the structure of the Bill to remain intact as it is and he thinks that the function of coordination can be carried out under the present Bill. Hon. Mr. Kapoor's position is also the same. I believe the rest of the speakers also took practically the same stand. Now what is our answer? I take up the first question of the counsel offered to us by Dr. Barlingay. The picture of the country under the conditions which he has visualized—may be it is an attractive picture—to have all the resources of the country in a unified manner, developed by an agency which controls all those resources and therefore is able to ensure full and free development at the maximum, the highest level for all purposes, for all multi-purpose developments. That is really very fascinating but there are practical considerations. There is, in the first place, the Constitution. This Constitution is of a federal character. This has been deliberately adopted such. The

etc. follow that. This is briefly the scheme.

SHRI H. N. KUNZRU: May I ask the hon. Minister one question? Before any scheme is declared to be an approved scheme, will the Government of India come into the picture or not? Will the Governments interested and the Government of India sit together and thrash out all questions before a scheme is supposed to be or rather declared to be an approved scheme or not? If the Government of India does come into the picture and there is joint consideration, then I want to know what the use is of this periphrasis or circumlocution that the Government of India have provided for.

SHRI GULZARILAL NANDA: I am coming to that later. I am dealing with the question of the powers and I will come to the other point later. That point is connected to the time element and the procedure. I am on the question of the Boards. The Boards will be there and they will carry out the things settled by the arbitrator in pursuance of a particular scheme, and we need not refer to the Government of India here. If need be, it may be, stated also. After all, what is the power of the Board? It has to be backed by the whole organisation of the C. W. and P. C. with all its resources. Otherwise what can the Board do, an *ad hoc* board? All these organisations at the disposal of the Central Government will be there. The scheme will be there in the Plan and there is also the Planning Commission. In the Planning Commission all these schemes are there and all the unification, integration, and co-ordination is emerging from there and other sources also. These are in the background, the Planning Commission and the Central Government.

Another suggestion was: Why does not the C.W. and P.C. itself dispose of all these things? Well, it may. But it is better, from the point of view of the States, that the C.W. and P.C. does not do it, but some other body does

it. After all, the C.W. and P.C. cannot be expected to do all things. It has limited personnel.

SHRI JASPAT ROY KAPOOR: But should not the position be made clear in the Bill itself by suitably amending the clause to the effect that the Central Government also should be consulted along with the interested States?

SHRI GULZARILAL NANDA: I welcome that suggestion, and also the idea that Dr. Kunzru gave of the Board sending copies to us. Of course, it may be implied, but it is better to make it very clear. That will be very proper and useful.

The next question put was whether there will be an all-India policy into which all these things will fit. I will explain the position. There is an all-India policy developing, but it takes time. The master plan of even a small village or town takes time, what to speak of the whole country. All these investigations and surveys are being made and the water potentials of the rivers assessed, they are all being examined and all these figures are being collected and a scheme is emerging on an all India basis. But in parts it will be executed like this. And what is the guarantee? The guarantee again is in the Plan. In the Planning Commission we examine the necessary amount of irrigation for the different places, the quantity of power necessary in the various places and all these requirements have to be satisfied by the Plan in which there will be all these schemes of the different States.

Many of these points will be settled by agreement and this here is to be only a reserve power which will exist and if need be, this power will be utilised.

Now, Dr. Kunzru can very well ask, "Why not proceed direct and say that you will be executing the schemes? Why go round about, have this arbitrator and then carry out the project?" Well, this is a question that I have to

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 answer, because it is one that has been troubling us also. In our Bill of 1952, after consulting all the States, we made that kind of provision, it took another form. But the difficulty was that of finance. The States will, of course, be glad if we execute anything in their jurisdiction or territory, but they will not pay. And under the Constitution there is no provision to make them pay. So you only go and execute the works. What happens after that? Who is to pay? That was the difficulty that faced us. That was the difficulty with which we were confronted.

SHRI H. N. KUNZRU: But I did not suggest that the Government of India should go in and construct all the dams and other things that may be necessary. What I said was that the Government of India should give a decision. The financial responsibility of the State will remain.

SHRI GULZARILAL NANDA: But there are common works to be carried out. Who is to pay for them? Therefore, this question of enforcement comes up and the Board is going to enforce the decision. The Board, of course, is not an executing agency. The Central Government can do it through a special board.

As regards the channel by which we settle the question of financial liability and all that, it may take some time for me to explain them. But our position is very clear and we have consulted our advisers on the Constitution and we have found that this was the only way of doing it.

DR. W. S. BARLINGAY: Under sub-clause 22(1), all these items, (a), (b) and (c), are they matters very amenable to judicial arbitration?

SHRI GULZARILAL NANDA: I will come to that point. The question was put: "Why make the Boards advisory? Why not these Boards be made the final

authority? Why should there be this time lag of having an arbitrator and all these procedures which take up a lot of time?" Well, as some hon. Members have explained here, it may be that these things cause some delay. But we know the temper of the States. We know their feelings and their minds about these things and we know how sensitive they are. My hon. friend Mr. Dasappa used the right word and I too agree that we have to take very great care and we have to respect their susceptibilities. After all, we want to achieve results, we are not to force things down their throats, and even if we do it, ultimately these things have got to be executed and in the event of any opposition from them, things cannot be done. Therefore, this arrangement gives them a sense of security and they have the feeling that there is a Board which we have appointed to decide the issue. In many cases there will be no need for arbitration. Only in case there is a feeling that gross injustice is done, they should be given a sense of security that they can go to a high judicial personage and having gone there, that feeling of resistance, that reaction of resentment, will not be there. That will disappear. At any rate, things will proceed more smoothly. And I believe we will gain time by that. If that assumption is correct—and my experience says that it is correct—then the parties will feel better and happier with this arrangement. They will know that there is a judicial arrangement and they will be able to have their say.

Moreover, as was pointed out by some hon. Member here, very large issues are involved, projects costing crores and crores of rupees, with immense benefits to large areas. Even in a small village or farm, we know how people fight for a little water here and there, and sometimes lives are lost over such disputes. Here is a question involving millions of acre-feet of water, covering large areas and so there will be a great deal of feeling. Therefore, it is better that we take

recourse to this course, this safer course. Ultimately the time taken will be less and very few cases will arise for arbitration. And since the whole thing has been prepared already, the arbitrator need not take much time. Only some issues where some higher and superior judgment has to be applied, only they will come before arbitrators. Such cases will be very few and they will not take much time. On the other hand, the gains on the other side are enormous and this little price is worth paying for getting this better and bigger result in our mutual relations between the Centre and the States.

There is then this question: who will co-ordinate the work of these Boards? Of course, the C.W. and P.C. has its own plans etc. And there is also the Planning Commission and their work is the co-ordinating element in this connection.

Sir, there are one or two more points remaining which I shall try to dispose of quickly, for I think hon. Members will not like to be detained long from their lunch. These are very small points.

There was this question of definition of a river raised—whether there was any river which was not an inter-State river. I have got here a long list of such rivers, a fairly long list, though the rivers themselves are small. They have got to be small in order not to transgress the boundaries of another State.

I have with me a list of twenty rivers which are not inter-State rivers.

DR. W. S. BARLINGAY: That term is not scientific.

SHRI GULZARILAL NANDA: Are we going to tell the people in the small villages that they shall not put up a little dam just because that that

particular river happens to be an inter-State river? River has not been defined here and that has been done advisedly because we did not want to bind ourselves like that. In the earlier drafts there was a definition but here we have only said this: "Every Board shall exercise its jurisdiction within such limits of the river (including its tributaries, if any) or river valley as may be specified in the notification under sub-section (1)....." Actually, this kind of question need not at all arise because the quantity of water that each State should get is fixed. Once that has been done, these small things need not come on the scene at all. That difficulty will not hamper us.

Of course, there should be one Member for each State. There may be even more but the point is, they should represent particular States. Although it has not been specifically mentioned in the Bill, it is clearly mentioned in the Statement of Objects and Reasons. If need be, we can make it clear and specific in the Joint Select Committee.

The duration of the Boards has also been fixed. The duration will depend upon the functions to be performed by the Boards. As soon as the functions are over, the Board need not be there.

Another point raised was: "Why bring in the judiciary at all? Why not have a Council?" I need not repeat again the arguments. People have got confidence in the judiciary; let us keep that by continuing to have the judiciary.

An hon. Member asked, "What are the matters which require judicial examination, apart item (d)?" Even if there is only one such item, let us have the judiciary. The matters that go to a court these days, relating to property and other things, do not always require judicial examination in this sense.

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Finally, Dr. Kunzru mentioned about some Commission in the U.S.A. which helps the Government there. I looked into the matter; I have got all the facts with me. That particular body there is an *ad hoc* one which advises the President and also lays down certain principles. The matter ends there. We have here a continuing body, the C.W. and P.C., which not only gives advice but actually works out a whole plan. So, it is not as if they in U.S.A. have got anything better than what we have got for co-ordinating, and for a phased programme for the whole country. They have also devised some methods of overcoming these difficulties of conflicting interests but what we are doing here is, I believe, much better.

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 be referred to a Joint Committee of the Houses consisting of 45 Members; 15 Members from this House, namely:—

1. Shri G. Ranga
2. Shri M. Govinda Reddy
3. Shri S. Venkataraman
4. Shri Jagannath Prasad Agrawal.
5. Shri H. P. Saksena
6. Shri Krishnakant Vyas
7. Syed Mazhar Imam
8. Shri M. H. S. Nihal Singh
9. Shri Jagannath Das
10. Shri Vijay Singh
11. Shri N. D. M. Prasadarao
12. Shri Surendra Mahanty
13. Shri S. N. Dwivedy
14. Shri N. R. Malkani
15. Shri Jai Sukh Lal Hathi

and 30 Members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of Members to be appointed by the Lok Sabha to the Joint Committee; and

that the Committee shall make a report to this House by the 21st November, 1955."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.35 P.M.

The House then adjourned for lunch at thirty-five minutes past one of the clock till thirty-five minutes past two of the clock.

The House reassembled after lunch at thirty-five minutes past two of the clock.

MOTIONS RE AMENDMENTS TO DISPLACED PERSONS (COMPENSATION AND REHABILITATION RULES, 1955.

MR. DEPUTY CHAIRMAN: You can sit and speak.

THE MINISTER FOR REHABILITATION (SHRI MEHR CHAND KHANNA): I am just moving the motion now.

I beg to move:

"That this House concurs in the following motions passed by the Lok Sabha at its sitting held on the 14th