

Saturday,
11th August, 1956

LOK SABHA DEBATES

VOLUME VI, 1956

(13th August to 8th September, 1956)



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THIRTEENTH SESSION, 1956

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Saturday, 11th August, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 9th August, 1956, agreed without any amendment to the Reserve Bank of India (Amendment) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 20th July, 1956."

Mr. Speaker: There is a petition for presentation. The hon. Member, Dr. M. V. Gangadhara Siva, is absent.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, with your permission, I beg to announce the order of Government business for the week commencing 13th August, 1956. It is proposed to bring forward the following business after the adoption of the motion for the reference of the Motor Vehicles (Amendment) Bill to a Joint Committee:

National Highways Bill—for consideration and passing.

419 L.S.D.

Consideration of motions for modification of Displaced Persons Compensation and Rehabilitation Rules, 1955, made under Section 40(i) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and relaid on the Table of this Sabha on 21st July, 1956.

Electricity (Supply) Amendment Bill—for reference to a Select Committee.

Other Bills for consideration and passings:

Multi-Unit Co-operative Societies (Amendment) Bill, as passed by Rajya Sabha;

Indian Lac Cess (Amendment) Bill, as passed by Rajya Sabha;

Indian Cotton Cess (Amendment) Bill, as passed by Rajya Sabha;

Indian Coconut Committee (Amendment) Bill;

Bihar and West Bengal (Transfer of Territories) Bill, as reported by the Joint Committee;

Supreme Court (Number of Judges) Bill.

The above order of business is, however, subject to the proviso that the Bihar and West Bengal (Transfer of Territories) Bill will be put down for consideration on Thursday, the 16th August, 1956.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Sir, I wish just to point out that the hon. Minister for Parliamentary Affairs has included in the items of business a Bill, namely the Bihar and West Bengal (Transfer of Territories) Bill which has not yet been reported by the Joint Committee and which has not been presented to the House.

Shri Satya Narayan Sinha: Time was given. At one o'clock it will be presented.

Shri Jaipal Singh: Till the Bill as reported by the Joint Committee has been presented we are not seized of it. But in anticipation something has been announced.

Mr. Speaker: There is no harm he says

Dr. Ramu Rao (Kakinada): May I know if it is the recommendation of the Business Advisory Committee to prolong the session by a week or ten days?

Shri Satya Narayan Sinha: That has been circulated to all the Members. Till the 13th of September the House will continue.

Shri T. B. Vittal Rao (Khammam): Why not till the 14th?

Mr. Speaker: Why not the 15th?

Shri T. B. Vittal Rao: 14th is a Private Members' day.

Shri Jaipal Singh: The point is whether this Bill, in anticipation of which the hon. Minister for Parliamentary Affairs has, sort of, dared to tell us that this business will be before the House, will come up on the 15th or before the 15th.

Shri Satya Narayan Sinha: I have said 16th.

Shri Jaipal Singh: Is he sure that no further extension of time will be called for?

Shri Satya Narayan Sinha: Extension of time for what?

Mr. Speaker: All that is being done is done by God's grace. Let us see

Shri Raghunath Singh (Banaras Distt.—Central): What about the Second Five Year Plan?

Shri Satya Narayan Sinha: It will be taken up towards the end of the Session.

RIVER BOARDS BILL—Concid.

Mr. Speaker: The House will now take up clause-by-clause consideration of the Bill to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys. There are no amendments to clauses 2 and 3. I shall now put them.

The question is:

"That clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4.—(Establishment of Boards)

Shri K. C. Sodha (Sagar): I beg to move:

Page 2, line 8—

for "a State Government" substitute:

"the State Governments interested".

Mr. Speaker: Before I call upon him to speak on his amendment, I shall see what other amendments there are. There are amendments by Shri Tekur Subrahmanyam and Shri R. D. Misra, but the hon. Members are not present. Very well He may now speak on his amendment

Shri K. C. Sodha: Clause 4 provides that the Central Government may, on a request received in this behalf from a State Government ... establish etc." My submission is that as this is an inter-State River Board, at least two States must be interested in it. If the term "a State Government" is put down there and if only one of the State Governments approaches the Centre and the Centre grants its request and appoints the Board then the other Government will be nowhere. If we want that the State Governments should be interested and should take upon themselves the responsibility of putting this river valley scheme through, it is necessary that both of them should approach the Centre. As this is a sub-

ject which is in the State List, there should be no attempt whatsoever to impose any decision on any of the State Governments. Therefore, I have put down instead of "a State Government", the words "the State Governments interested." As the scheme of the whole Bill has been based on the understanding that the matter is to be decided between two States, all the States interested should come with their request for the appointment of the Board. Accordingly, I have suggested this amendment. I hope that the hon. Minister will see the desirability of putting the responsibility and onus on both the States interested. So, I move my amendment.

The Minister of Planning and Irrigation and Power (Shri Nanda): Sir, this amendment is neither necessary nor appropriate. The whole assumption is that there may be an occasion when one State may fail to do a certain thing. If a State does not agree it may not have any inclination to approach the Central Government. So, if we stipulate that both the parties interested must come, the whole purpose of this legislation is defeated. There is no question of imposing anything on a particular State. Here is a function of the Central Government, assigned to it by the Constitution—that is the function of regulating, of looking after co-ordinated development, of the rivers and river valleys in the country. So, this amendment is not appropriate.

Mr. Speaker: The question is:

Page 2, line 8—

for "a State Government"
substitute:

"the State Governments interested"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 12 were added to the Bill.

Clause 13—(Matters in respect of which a Board may be authorised to tender advice).

Shri K. C. Sodhia: I beg to move:

Page 4, line 35—

add at the end:

"and making periodical reports to them and the Central Government;"

The functions of the board are put down in clause 13. In sub-clause (d), the power of 'watching the progress of the measures undertaken by the Governments interested' is given. Will it be simply watching or looking at things? Unless the Central Government gets the progress reports, it goes on. The Central Government has got no agency to see what progress has been made. Therefore, it is not only necessary that the board should watch the progress but should also be making periodical reports to the State Governments concerned and the Central Government. Unless the board does this, the very purpose of having the board is not likely to be achieved.

Shri Nanda: What the hon. Member suggests is quite desirable. But the Bill does make provision for that purpose. This is not a matter which can be covered under the list of functions. It is incidental to the work of the board. Besides, there is provision in clause 20 for an annual report in such form and at such time each year as may be prescribed. Again, in clause 15 there is provision that the board will forward the approved scheme to the Central Government. So, as soon as any step is taken, the Central Government is brought into the picture.

Shri K. C. Sodhia: It relates only to a scheme that is to be submitted.

Shri Nanda: Clause 20 covers the general report.

Mr. Speaker: The question is:—

Page 4, line 35—

add at the end:

"and making periodical reports to them and the Central Government;"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Mr. Speaker: I would emphasise that the hon Ministers should see that others too say 'Aye'. Otherwise, sometimes I do not hear 'Aye' at all. There must be some hon. Members who follow what is happening here, apart from the Ministers. There should be some to aid them and they should see which amendment ought to be opposed and which not and so on, and also what lobby one ought to go to. I received a letter yesterday from an hon. Member that he went inadvertently into a different lobby some four days ago. I could not help him. In those circumstances, there must be some two or three persons to assist the Ministers. They should be here, watch the proceedings from time to time and say 'aye' or 'no'.

Clause 15—(Preparation of schemes by Board and their execution)

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to move:

(i) Page 5—

after line 19, insert:

"(3A) The execution of the approved scheme shall be obligatory on the Governments interested and the Central Government."

(ii) Page 5—

after line 27, insert:

"(4A) The Governments interested shall be bound to execute the measures and to pay the amount

of costs allocated."

(iii) Page 5—

after line 31, insert:

"(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments."

I have read through this Bill and I am convinced that there is too much talk of agreement, consultation and advice in the Bill. Too little is said about the execution of the particular scheme. In accordance with entry 56 of List No. 1 in the Constitution, we have got clause 2, it reads:

"It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided"

It has to be read along with entry No. 17 in List II. Entry 17 is subject to entry 56. When the Government declares that it has taken charge of the inter-State rivers so far as regulation and development are concerned, it means that it has taken the responsibility not only of regulation but also of development. So, the Central Government is practically seized of all the powers which possibly can be given to any Government in so far as the word 'development' is concerned.

Mr. Speaker: 'Development' is also here in entry No. 55

Pandit Thakur Das Bhargava: Entry 17 is subject to that. The inland water works are under the charge of the local Government—water supplies, irrigation and canals, etc. Now, it appears that because they are inter-State rivers and more than one State are involved, under the Constitution which we have enacted, the Central Government will

practically be in charge of those inter-State rivers so far as development is concerned.

Mr. Speaker: Is there any river confined to a single State?

Pandit Thakur Das Bhargava: If there be any, this may not apply. There must be some; there is chaggar in Punjab, for instance. We are concerned only with inter-State rivers. In framing this Bill, the Central Government has been extremely considerate to the State Governments. You will find that the Government has practically taken no powers to itself.

There is a proviso in clause 4, which reads as follows:

"Provided that no such notification shall be issued except after consultation with the Governments interested with respect to the proposal to establish the Board, the persons to be appointed as members thereof and the functions which the Board may be empowered to perform."

So, all these things are practically after consultation with the Governments interested. Then, if you proceed further on, you will be pleased to see that there is no clause in which any independent powers are taken by the Government. Even in clause 13 where the powers and functions of the Board are defined it is said:

"A Board may be empowered under sub-section (1) of section 14 to perform all or any of the following functions, namely:—

(a) advising the Governments interested...."

It is only in clause 14 that we find that the Central Government has taken some powers to a certain extent. There it is said:

"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 under section 13 as may be specified in the notification."

This is the only place where we find that the Central Government is empowering the Board to do any of the things mentioned in clause 13. Then in sub-clause (2) of clause 14 it is said:

"The Board shall exercise its powers and perform all the functions which it is empowered to do by or under this Act within its area of operation."

Now I wish to call the attention of the House to sub-clause (3) of clause 14, which says:

"In performing its functions under this Act, the Board shall consult the Governments interested at all stages and endeavour to secure, as far as may be practicable, agreement among such Governments."

So far so good. I do not object to that. But at the same time there must be some limit to it. When you come to clause 15, Sir, which is also an operative clause, you find in sub-clause (2) of clause 15:

"After preparing any such scheme...."

So, it should prepare a scheme.

"...the Board shall consult the Governments interested and the Central Government in respect of the scheme....."

This is the fourth time of consultation.

"...and after considering their suggestions, if any, the Board may confirm, modify or reject the scheme."

Now here we have arrived at an approved scheme. But what is this approval? Even if anything is done by this Board, it becomes subject to

[Pandit Thakur Das Bhargava]

the provisions in Chapter IV—Miscellaneous. Even if a scheme is approved, any interested obstinate Government, any Government which does not like the idea of the rivers which are flowing in its confines to be practically utilised by another Government, may again put a poke in the wheel and take advantage of clause 22. Under clause 22 what happens is, an approved scheme again becomes kucha as soon as a State Government not satisfied with the advice goes to the Central Government or the Supreme Court is moved and then Judges are appointed. Only after all that is done, only after an arbitrator is appointed and the arbitrator has given an award, you can say that the award is binding upon the parties.

But I do not know yet under what provision of law this award will be given effect to. So far I am submitting, when a scheme has been approved—not by any extraneous authority—by authority which has been appointed with the consent, in consultation and with the agreement of all the interested States, any State can file a petition under clause 22. The Central Government appoints that body. That body prepares the scheme and sends it to the Governments concerned, makes the necessary modifications and again takes their agreement. After going through all these stages, when the scheme comes up for execution, if any Government is not satisfied, if it goes back upon its word, even then it can file an objection under clause 22, and an arbitrator is appointed.

My humble submission is this. I have given an amendment to this effect. Once a scheme is approved it becomes binding on all the States and the States are so bound that even if they do not execute any work which the River Board orders them to do, then the River Board can get those measures executed and subsequently recover the cost from the State Governments by location.

Otherwise, my own fear is that the scheme will not work.

At the same time, I do not see any justification for having a provision like the one included in Chapter IV—Miscellaneous, relating to appointment of arbitrator etc. Whenever the Central Government, on account of national emergency or national use of the resources of the country, takes upon itself to appoint an independent Board with the consent of all the States, then that Board should be authorised to have executive powers and it should not be merely an advisory body. Otherwise the Central Government which appoints that Board may look on whereas the State Governments may put obstacles in the way. I cannot conceive of it. After all, what authority has the Central Government got over those States? It is given in article 355 and article 365 of our Constitution. According to article 365 of the Constitution the Central Government is competent to issue directions and if any State Governments does not observe any of the directions, then it can take such action as is provided there. At the same time, in schemes like this I know it is the Central Government which pays all the amount, because in clause 15 you will be pleased to see, there is sub-clause (6) which says that the Central Government may give all help necessary for the execution of the scheme. My humble submission is, when the Central Government spends all the money, when it pays the piper why should it not call the tune? Why should it be left to the other Governments, why should they raise any objection?

Shri K. C. Sodhia: Will the Central Government pay all the expenses?

Pandit Thakur Das Bhargava: Generally speaking, the Central Government will pay all the expenses. Then again, it is the State Governments which are to benefit, because sharing of profits is also part of the scheme.

Shri K. C. Sathia: If the Central Government is to pay all the expenses of the whole scheme, where is the necessity of arbitration?

Pandit Thakur Das Bhargava: I have not heard what the hon. Member said.

Mr. Speaker: The hon. Member may put his question to the hon. Minister.

Pandit Thakur Das Bhargava: Even after this arbitration is also resorted to, the words given here are:

"The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them."

Where is the provision that the Central Government should give effect to the decision of the arbitrator. These Governments are not, as a matter of fact, co-operating. They shall never give effect to anything that is decided. When there is an arbitration award, it can be given effect to in two or three ways. In an ordinary case between private parties, a suit is brought and the court gives effect to the award. In an arbitration case it is the court which appoints the arbitrator and the court gives effect to the award. In this case, if there is an award, who shall give effect to it? "By them" means the States themselves who, by our own supposition, are not co-operating. Then who will give effect to the award?

Therefore, I would submit, according to me, when once the scheme is approved it should be binding upon all persons. I do not think, as the hon. Minister said yesterday, that many such cases are likely to arise. After all when all the Governments are co-operating and money is being spent on the States, no Government will unreasonably do it. But there is scope for it and some States may be unreasonable; otherwise there is no necessity for this Act. If the Act is there it must be seen that it is effective. If any State adopts a recalcitrant attitude, there is nothing in this

Bill by which we can enforce the provisions. The Governments interested should be brought to their senses and asked to do the right thing. The ultimate thing is that under article 365 of the Constitution you shall issue directives and if any States fail to take action as provided there. Here in this Bill you only say that the award shall be given effect to by them. You are not taking any powers.

Sir, the River Board being an authoritative body appointed in the manner, which I have already suggested, by the Government, it is better that it should have powers to get things done and get the measures advised by it carried out by the State Governments. If the State Governments do not co-operate then it should have the power to carry out the measures and recover the cost. They may be given a power by virtue of which the matter could be taken to arbitration. In that case the work will not be stopped. Otherwise, my own fear is that it will take years and years before all this process is gone through, the scheme is prepared, the agreements of the State Governments secured and then again get the decision of the arbitrator. It would take a good length of time and in a matter like this time is the essence. Unless and until timely action is taken, most of the time will be lost which we can ill afford to spare at present.

Therefore, my humble submission is that it must be arranged in such a way that the Board may have effective powers given under clause 15 of this Bill. Ultimately, if any Government is not satisfied with the scheme it can claim the cost or damages, so that the work should not be stopped and the country may not suffer, because one Government is not fully co-operating. I would, therefore, beg of the hon. Minister to kindly see that the River Board becomes effective and is not merely an advisory body as is envisaged in clause 13 of the Bill. In clause 13, the Boards are authorised to give

[Pandit Thakur Das Bhargava]

advice, but in clause 14 (1) and (2), the Government have given the Boards some powers. But yet, in spite of the Central Government giving the Boards certain powers, the Boards are impotent. Therefore, my submission is that either you should take away clause 14 or you should make clause 15 effective so that we may be able to see that the intentions of the Government are effectively implemented.

Mr. Speaker: Amendments moved:

(i) Page 5—

after line 19, insert:

“(3A) The execution of the approved scheme shall be obligatory on the Governments interested and the Central Government.”

(ii) Page 5—

after line 27, insert:

“(4A) The Governments interested shall be bound to execute the measures and to pay the amounts of costs allocated.”

(iii) Page 5—

after line 31, insert:

“(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments.”

Shri K. C. Sodhia: Pandit Thakur Das Bhargava said that once a Board is constituted and it begins to function and the plan is approved, then it should be binding on the State Governments to execute the plan. If the State Governments do not execute it, then the Board could take the power in its own hands and might get the work done. My submission is that if the State Governments are to discharge their responsibility of making all the payments for the works that are being executed and then reap the benefit of those

works, then, it is not desirable that the Boards should have all the powers for themselves. The State Governments should have the power of making representations and submissions to the Central Government and it is only after the Central Government has looked into the matter that the work should be proceeded with. If the amendments of Pandit Thakur Das Bhargava are accepted it will only mean that the River Boards will become autocratic bodies and will be doing things according to their own desires, and the State Governments will not be having their independence in looking to the plans and the cost that they are likely to incur. Therefore, I do not support the amendments that have been moved by Pandit Thakur Das Bhargava.

Shri T. S. A. Chettiar (Tiruppur): We, the Members of the southern parts of this country, have felt for sometime the need for such a Bill as this. You know that the western ghats lie between Travancore-Cochin and the rest of the country, along the west coast of India. The average rainfall on the Travancore-Cochin side is 121 inches while the average rainfall on the Tamilnad side is only 30 inches. The result is, the western part of India wants dewatering. What Madras wants is water. In matters like this, it is essential that two States or more than two States must co-operate. While co-operating, it is necessary that there should be a body which could go into these matters from the technical point of view and offer, as far as possible, very impartial advice, an advice which will not lean towards one side or the other.

In matters like this, I must press before this House that reason must be made to prevail. As far as our experience in the southern parts of the country is concerned, reason has prevailed whenever good, technical points of view were put forth before the authorities.

Coming specifically to certain cases which have happened, namely, in

regard to the Periar Project, there have been differences but these differences have been resolved by agreement. In my opinion, it will be good if we have an expert body which will go into these matters and which will analyse the facts. Almost always, these schemes are of benefit to both the States concerned. Even the schemes which are pending as between Madras State and Travancore-Cochin, will provide not only Travancore-Cochin with the much-needed power which they want, but also benefit the Madras State with the provision of water. The result is, both the States will benefit by the scheme. So, in my opinion, if things are sought to be done by compulsion and by law, it will always leave a bad taste behind. I would, therefore, suggest that a Board like the one suggested in the Bill, which will go into these matters impartially, will by itself be a large and contributory factor towards the agreements being arrived at between the States. Personally, I do not think that the provisions should be made compulsory. If compulsion is necessary at any stage, it is open to the Central Government to come forward with a single-clause legislation.

There is another reason for my saying that these things cannot be done by compulsion. For any big project to come into being, there must be a large amount of money and both the States concerned must contribute to the scheme. A mere compulsion by a Bill cannot bring a project into existence. A project has to be completed by proper co-operation on the part of the States concerned. Not only that. When a project concerns two or more States, it requires extraordinarily large amounts of money. The projects which cost only a small amount have been taken up with small investments and have been completed. So, very small projects need not come up before these Boards. What is contemplated by the River Boards is that they should take up big river or river-valley projects. Take, for

instance, Cauvery. This river begins in Coorg, passes through Mysore and then passes through Tamilnad. So, it passes through three States. Similar is the case of some other rivers. When a project is contemplated to harness the waters of these rivers, a comprehensive survey of all the facilities available in all these States concerned has to be made, so that the maximum benefit may be derived from these projects. What is wanted, therefore, is more of co-operation and not compulsion by law.

I should think that if a technical River Board as the one contemplated in this Bill goes into these matters impartially and points out the details, I am sure the States concerned will see light, because the project will benefit the States. The money that will have to be invested will be paid by the States concerned in proper proportions. So, I should abhor anything which will mean compulsion by the Centre on the States.

There is one other matter which I should like to point out. There have been large projects which have been suggested recently. You know that in the olden days, Sir Arthur Cotton suggested a proposal for connecting the Ganges with the Cauvery. It is well known that the railways are finding it difficult to transport goods. If long waterways are made available, they will surely facilitate goods traffic in a tremendous way and relieve the congestion on our railways, especially when the railways are not able to cope with the increasing goods traffic. The Railway Minister has also made a categorical statement that the railways will not be able to cope up with the goods traffic in the second Five Year Plan. Waterways are coming into the picture in respect of goods traffic. If waterways are made available, they could bring in all the States or at least many States, and I am sure that they will benefit all the States through which the waterways pass through. These are important points of view which are brought forward

[Sbri T. S. A. Chettiar]

before this House and which can be brought forward before the River Boards. If the waterways are to be worked upon, it must be done more by way of agreement than by way of compulsion. When there is compulsion, there is an emotional outburst and that is what has been happening recently, in relation to the formation of linguistic States. For nothing, an emotional clash has occurred. Therefore, I should like to warn the Government that they should not do anything by way of compulsion, and they should only collect the data and put the facts before the various State Governments. I am sure every State Government is interested in the development of its own State and in enriching its people. When proper facts are put before them, I am sure that the States concerned, in their enlightened self-interest, will accept them.

I think that the Bill as it is will be supported and that no amendment which will introduce an element of compulsion in this matter will be accepted by this House.

Sbri N. M. Lingam (Coimbatore): I generally agree with what the previous speaker has stated, but at the same time, I feel that the amendments tabled by Pandit Thakur Das Bhargava are worthy of consideration by this House. Having appointed the Boards and having invested them with the necessary powers to examine the schemes, to take into account the various viewpoints of the State Governments, etc., to create the necessity for arbitration is, I think, superfluous.

Clause 15(3) says as follows:

"The scheme as confirmed or modified under sub-section (2) shall thereupon become final and shall be called the approved scheme."

If the scheme is approved, it is after the views of the States have been taken into consideration. First of all, the scheme is prepared and published in consultation with the State

Governments; and, it is finalised after taking into consideration all viewpoints. After it has become final for any State Government to indulge in dilatory tactics for one reason or the other will not be in the national interest and to postpone the execution of the scheme is to my mind not desirable.

Clause 22 precisely confirms our worst apprehensions in this regard. We know that with regard to the Periyar scheme, the two State Governments negotiated between themselves. But, our friends know what a long time it took to come to a final decision. At that time if there was a board like this to settle the disputes, Madras and Travancore-Cochin would have prospered, thousands of industries would have sprung up and the common man would have been benefited. Now we have lost several precious years. In many areas of the country, there are common projects. So, it is necessary that the advisory board should be there; but, though it is advisory, it should be invested with powers to see that schemes which are beneficial to the regions inter se and which are in the interests of the country as a whole are taken up. So, I strongly support the amendments of my friend, Pandit Thakur Das Bhargava. There is no need to have clause 22 which will enable any State Government to see that the scheme is not implemented for one reason or other.

Sbri N. R. Maniswamy (Wandiwash): I am sorry I have to oppose amendments Nos. 9, 10 and 11 moved by my hon. friend. Virtually speaking if these amendments are carried, it would mean the elimination of clause 22. The entire scheme involves consultation and negotiation and finally advising the respective State Governments and the Central Government. In case there is no agreement then the arbitration clause comes into effect. When a decision is given in accordance with the arbitration clause, it becomes final. But

before that, two chances are given to the States to negotiate and settle their entire differences.

As a matter of fact, if amendments 9, 10 and 11 are allowed to be passed, then virtually the scheme as enunciated in this entire Bill will have to be given a clean go-by. Let us examine clause 15. Originally I was of the opinion that when we have constituted a board and a decision has been given by the board presided over by a High Court Judge or a Supreme Court Judge, it must ordinarily be taken as a final one. Now, when we are having an arbitration clause, it looks as though there is a super-board. No name is given to this arbitration, but still, according to me, it is a super-board in the sense that it has to deal with the differences that might arise between two States in the execution of any particular work. My other friend here gave an illustration about Periyar river. It is all very well, but when actually matters are referred to this board and when the board gives a decision, the State Governments may not agree to the scheme and may say that it must be modified to conform to certain other requirements. Any decision that is given by this board will ordinarily be called an "approved scheme". It is not that the scheme has been approved by the respective State Governments involved in the dispute; it is an "approved scheme" in the sense that it has been approved by the board. So, we should not rely much on this word "approved". It is just like calling the order given by a judge as a decree or a judgment. So, the scheme that is finally approved by the board may not be approved by the State Governments. When there is disagreement as regards the scheme approved by the board, but not by the contesting Governments, the question is referred to arbitration; and this, I call a superboard. When that super-board gives a final decision, it will be obligatory. Otherwise, we will be entering into an absurdity in this sense: If it is made obligatory and compulsory as envi-

saged by amendments, how is it to be implemented or enforced? Where is the money for it? From where can you get the necessary funds for implementing the entire scheme, in case the Governments do not agree to it? Therefore, it is not quite agreeable from every point of view.

Shri Nanda: It is being brought home to us with great earnestness and great force that the provisions of the Bill involve consultations at several stages, references to the State Governments and attempts to secure agreement from them, before any firm step can be taken. It is also being suggested that in the interest of the expeditious execution of important schemes, we should cut short what is considered a dilatory procedure and also have powers to get the decisions of the board implemented by the Central Government.

I wish I could accept the amendments moved by my hon. friend, Pandit Bhargava, because if he feels averse to delays, I do so much more. But, if we still stick to this scheme, it is because after full consideration of the pros and cons of the matter, we have come to the conclusion that the very object of prompt execution of such schemes will be secured by this rather than the other procedure. That is a question of judgement and delicate issues are involved. We have weighed them and come to this conclusion.

Let us examine a little more the implications of these amendments. In the first instance, the suggestion is that what the board submits as an "approved scheme" should be taken as final and there should be no arbitration on that. To that the answer is that the object is to create a feeling in the minds of the States that no haste is being permitted in settlement of vital issue of tremendous importance to each area and that scope exists and facilities created for a very close consideration, so that nothing occurs which might be construed as a hurried settlement. It may be asked, 'Are not the boards considering it fully with all the experts and

[Shri Nanda]

specialists?" Yes; I may point out that the composition of the board is not by agreement with the States; it is only by consultation with the State Governments. The composition of the board may even be of persons to whose names one State or another may not have agreed. But, they are all specialists. May be the question may arise as to matters which call for judicial scrutiny, i.e. where the judicial mind has to be applied. And having done that, then the Central Government will feel secure that it has left no room for any kind of feeling of full latitude not having been permitted for a free and full representation of the case of the State. We have provided that a person with a judicial mind will come into the picture and finally settle the matter. I think the further steps will be very much facilitated by that.

Let us see it the other way. In fact, we give the money only by way of loans; the money actually is a liability on the project and on the State finally; they have to pay it back and, therefore, they are very intimately concerned with it—you carry out the scheme like this, then ultimately how do we carry it out? It was pointed out that in the Bill, as it is, there is the binding decision of an arbitrator. How do we get it carried out, implemented? It means that the Central Government goes and carries out the project. What does that mean? It means two things. One, we spent the money. The directive, in any case, will have to be issued. But how do we carry out any scheme in a State without their co-operation? It is not simply spending money. We want the co-operation of the State in so many other matters. Therefore, it is our very earnest desire to avoid any such situation developing. If, unfortunately, a situation does arise and the stage is reached when the directive has to be issued, then it will be with a great sense of confidence, of at least satisfaction, that the Govern-

ment has done its best. A directive is a serious matter and it can be applied only if we have gone through all these stages. May be that it may look too dilatory and it may consume too much time. But when we go to the last point of issuing a directive, we feel that the time has not been ill-spent because then the Government and the States, everybody will see that all possible stages of consultation have been gone through and there has been no hasty decision on the matter. That will enable us to carry out the directive properly. But the very fact that there have been all these stages of consultation will avoid that stage being reached when a directive has to be issued. It is achieving this object by a series of steps rather than by a single step and it will be, in the long run, less dilatory than the other procedure.

In the matter of delays so far as the boards are concerned, they will not take more time than will otherwise be taken because of the technical nature of the work. There will be an adequate number of specialists put there so that they can carry out the work expeditiously. Then I do not expect that there will be many cases which will go before the arbitrators. In any particular case, it won't be the whole case that is going to the arbitrator; it may be a narrow point here and there. It will not take much time and for the purposes we have in view, this is the best structure. I have explained that the amendments proposed by the hon. Member, although they are sound in their intent, are unnecessary as this intention is carried out through the various provisions of this Bill better, more effectively, and ultimately, in a much sounder manner than what otherwise would be the case.

Mr. Speaker: The question is:

Page 5--

after line 19, insert:

"(3A) The execution of the approved scheme shall be obliga-

tory on the Governments interested and the Central Government."

The motion was negatived.

Mr. Speaker: The question is:

Page 5--

after line 27, insert:

"(4A) The Governments interested shall be bound to execute the measures and to pay the amounts of costs allocated."

The motion was negatived.

Mr. Speaker: The question is:

Page 5--

after line 31, insert:

"(5A) In case of failure or neglect to execute measures advised by the Board by the Governments interested, the Board may itself execute the same and recover the costs from the defaulting Governments."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill"

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 to 19 were added to the Bill.

Shri T. S. A. Chettiar: What is the need for the boards "to acquire, hold and dispose of such property"? The officers are working on the project. Why should they acquire property?

Mr. Speaker: Possibly, it may be for building houses.

Shri Nanda: The wording is that the Board "may".

Clause 28—(Annual Report)

Shri K. C. Sodhia: I beg to move:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year".

These words may be put down there. I want that the annual report together with the budget should

be placed before this Parliament. The reason for this amendment is this. When these autonomous bodies are formed, the control of Parliament over those bodies, practically speaking, vanishes. Except for putting a question or two here and there, we have not got any connection with them and we do not know how they work. I have gone through the report of so many autonomous bodies and I find that they are not even worth the paper on which they are printed. Very necessary information which ought to be given to Parliament is either withheld or purposely kept back. So many crores of rupees are being spent on the autonomous boards that it will be the duty of Parliament to look into the activities of the boards and those activities of the boards cannot be properly weighed unless we just know what amount of money they spent on their achievements. If they simply put down in the report that they have done so much and if we do not know how many officers have been appointed in the past and what amount of money has been spent on them, we cannot say whether they are working efficiently or not. In order to keep the Parliament fully aware of their efficiency, it is necessary that the report of the activities of the Board, together with the amount of money that they have spent, should be put down before this Parliament. Accordingly, I have put down the amendment that when they submit the report of the Board, they should also submit their budget, the amount they spent over their activities. I think it is very necessary and the House will see that unless this is done they would not be exercising the necessary control and they would not be raising the efficiency of the Board. I think my amendment is reasonable and will be accepted by the hon. Minister.

Mr. Speaker: Amendment moved:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year."

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Shri Nanda: What the hon. Member has asked for is quite reasonable but it has already been provided for in other clauses of the Bill. There are clauses 19 and 17. Clause 19 relates to the budget of the Board. Under clause 17 the Central Government has to pay moneys to the Board after appropriation by Parliament.

Shri K. C. Sodhia: In the Budget the Central Government puts down a lump sum of money for such and such a Board and Parliament has no opportunity to see how it is being spent. No details whatsoever are given about that, and therefore, the Minister's remark that the provision in clause 17 will meet the object that I have in view is not proper.

Again, in clause 20, it is only the annual report and nothing else. Therefore, it is absolutely necessary that the amendment should be taken into consideration and accepted.

Shri T. S. A. Chettiar: May I point out that what the hon. Minister said is not quite correct? The budget is provided for here, that is true, but that is in that whole mass of the Demands for Grants that we get, and the Speaker knows as well as the hon. Minister that even the Ministers do not know what is contained in that big book. What Shri Sodhia wants and what has been accepted in many of the previous Bills that have been brought before the House is that when the report is placed before the House the accounts also may be given. "Accounts" does not mean the budget. "Accounts" means the amount of money spent. If you see clause 20, it says:

"The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report....."

It does not refer to accounts at all. What he wants is annual report and accounts.

Shri Nanda: It is done in the report itself.

Shri T. S. A. Chettiar: That is just the point. If you are prepared to give an undertaking, whether you accept the amendment or not, that the report will incorporate the accounts also. It is all right.

Mr. Speaker: What about the budget that he wants?

Shri T. S. A. Chettiar: Budget is there.

Shri Keshavalengar: (Bangalore north). The budget is presented only to the Government. That may also be placed before Parliament.

Shri Nanda: Any details that are required will certainly be furnished through the annual report because the Board is called upon to prepare the annual report in such form and such time each year as may be prescribed, so that we can include any details that are required in the form according to which the Board has to prepare the annual report.

Shri Keshavalengar: The budget may be presented to Parliament along with the report.

Shri Nanda: That can be done.

Shri T. S. A. Chettiar: You will make it under the rules?

Shri Nanda: But it is not necessary to accept the amendment.

Shri T. S. A. Chettiar: It is all right if the Government accept that they will do it under the rules.

Shri Nanda: Yes.

Mr. Speaker: I have my own doubts. When any power is entrusted to Government under Entry 56 of list, I i.e. regulation and Development of inter-State rivers etc., can the Government entrust it entirely to some other body? That is what is

being done here, and even the budget is not to come before Parliament. What is Parliament to do? The Entry is there and Government can appoint a Board. Under clause 22 there is absolute power for the Board to decide, and the States concerned have to accept or they have to go to a court of law. The States have got jurisdiction over the canals etc., in their own territory but with respect to inter-State rivers it is the duty of the Central Government, but then if we give it away to some other body and say that it will decide, where is the Central Government in this matter? I would like to know. Of course, the Central Government is responsible to Parliament, but Parliament has absolutely no jurisdiction in this matter. Members cannot put a question. The budget is not given. The decisions are by some other body and they have to be executed or the States have to go to a court of law. I would like to know how Parliament's jurisdiction can be taken away like this.

Shri Nanda: We have fully considered this aspect of the matter that you have mentioned, namely what the functions and the powers of the Central Government are in this case. The duty is cast on the Central Government to make arrangements for the regulation and development of inter-State rivers and river valleys. That function is performed not necessarily by spending any money of its own. If it is done by the Central Government and if it incurs an expenditure of that kind, then certainly it will be for Parliament to sanction. As I have explained in another context, it is to avoid incurring any expenditure at all that we have not put in in this Bill any clause saying that the Central Government will do anything. Therefore, what we have said here is that the arbitrator says that this party has to carry out this scheme in this way, and then it is binding on the parties to carry out the awards, which means the expenditure is to be incurred by the State and not by the Central Government. Therefore we have not put in this Bill any clause saying that the Central

Government will itself carry out anything. Therefore, the question of any expenditure by the Central Government does not arise, except on the functioning of the Board. That is all. And for that provision has been made

Mr. Speaker: The question is:

Page 7, line 6--

after "report" insert:

"together with its budget for the succeeding year"

The motion was adopted.

Mr. Speaker: The question is:

"That clause 20 stand part of the Bill"

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21—(Accounts and audit)

Shri T. S. A. Chettiar: Usually the accounts of these organisations which are wholly financed by the Government of India are audited by the Auditor-General. I would like to know what is meant by "in such form and in such manner as may be prescribed".

Shri Nanda: If the usual thing is that it would be the Auditor-General, that will be the position.

Shri C. E. Narasimhan (Kriahngiri): Why not put it like that?

Shri Nanda: It can be put. We can prescribe it like that.

Shri T. S. A. Chettiar: The Constitution prescribes that the Auditor-General must audit.

Shri Nanda: Then the Constitution will prevail.

Shri T. S. A. Chettiar: Then why do you want this prescription? I think the Government are taking powers to which they are not entitled. If the Constitution says that the Auditor-General should audit, Government has no business to take this power.

Shri Nanda: It only deals with the manner, not the authority.

Shri C. R. Narasimhan: But the point is this. The Constitution vests the power with the Auditor-General, but it also vests power with Parliament to change it by law. If the clause remains as it is, it means that the audit is arranged through prescription under the rules.

Shri Nanda: No prescription here can invalidate a provision in the Constitution. It is only a prescription for a purpose which is something beyond the matter mentioned by the hon. Member regarding which the Constitution has provided.

Shri C. R. Narasimhan: May I just explain? The Constitution vests with Parliament the authority to make changes. Therefore, if this clause is passed, it means a change is effected, that is to say rules can be prescribed. That position we do not want. We would like the Auditor-General to enjoy the position which he would normally enjoy, rather than the restricted one which this clause will mean.

Shri T. S. A. Chettiar: I think the hon. Minister may clarify. While generally when no provision is made in a law the audit must be with the Auditor-General, Parliament in its wisdom may introduce legislation to change it, and in this clause they have sought to take powers to say that the accounts of the Board shall be in such form and such manner as may be prescribed. "In such manner" will include that it may not be audited by the Auditor-General.

Shri N. M. Lingam: Quite right.

Shri T. S. A. Chettiar: The powers of the Auditor-General should be kept and Government should not stand in the way of the provision of the Constitution being observed. I should think it is wrong for Government to take such powers as this and take off this audit from the purview of the Auditor-General.

Shri C. R. Narasimhan: Rather, this restricts it.

Shri Nanda: Let me explain the position again. Nothing that we put here is going to take away any power that is vested in anybody by the Constitution. It goes further than that, as it only deals with some matters other than what the Constitution deals with. This provision relates only to the manner of doing the thing and the time of doing the thing. So, by this having been put in that form, I do not think the other position is affected at all. In any case, we can make this clear in the rules and certainly, the rules are going to be placed before Parliament.

Shri N. M. Lingam: When we passed the Life Insurance Corporation Act, we said definitely that the Comptroller and Auditor-General should not audit the accounts. So, it is within the power of this House to fix the auditor who will audit the accounts of these corporations. In fact, this board corresponds to a corporation. Under this provision which reads:

"The accounts of the Board shall be audited at such time and in such manner as may be prescribed."

There is nothing preventing Government from appointing a chartered accountant or somebody other than the Comptroller and Auditor-General. It is true that the assurance of the Minister is there, that he will specifically provide in the rules that the Comptroller and Auditor-General shall audit. But is it not more salutary to have this provision in the Bill itself, because under the Bill as it stands, it is open to Government to appoint any other auditor?

Shri Keshavalingar: If what the Minister says is correct, then there is no need at all for the existence of sub-clause (2) of clause 21. But the very existence of sub-clause (2) of clause 21 is very significant and definitely points out that the accounts of the board shall be audited at such time and in such manner as may be prescribed. In other words, there seems to be a special arrangement

for diversion of the usual course for audit.

Shri Nanda: In the first place, the power taken here in regard to the accounts refers only to the arrangements for office and other minor matters. It is not as if a big project is being carried out by the board. We are providing here for the accounts relating to the establishment etc. Therefore, it is not of that significance and that great important that such a fear should be expressed.

But I may assure the House that because we have no objection to the Comptroller and Auditor-General coming into this also, in the rules we shall make it clear.

Mr. Speaker: Article 149 of the Constitution reads:

"The Comptroller and Auditor General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under a law made by Parliament...."

What hon. Members think is that if an autonomous body of this kind is created.....

Shri Nanda: It is not an autonomous body.

Mr. Speaker: It is a body which advises us, and which exercises jurisdiction over this matter, and gives advice etc., to the States. Why should its accounts not be audited by the Comptroller and Auditor-General?

Shri Nanda: We shall put it in the rules.

Shri Keshavalengar: What harm is there in specifying it in the statute itself?

Shri Nanda: It is a very small kind of establishment.

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Shri N. M. Lingam: The board is not purely an advisory body. Occasions may arise when it will have to execute projects, and some sums will be allotted to it.

Mr. Speaker: Why should we not say that the Comptroller and Auditor-General in such form as he may think proper....

Shri C. R. Narasimhan: We can put in the words 'In consultation with him'.

Mr. Speaker: We can say:

"The Board shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed or directed by the Comptroller and Auditor-General."

Shri C. R. Narasimhan: Or we can say, prescribed in consultation with the Comptroller and Auditor-General.

Shri T. S. A. Chettiar: That is right in that case, sub-clause (2) of clause 21 need not be there.

Shri Nanda: Then, this will again have to go to the Rajya Sabha, and all that We shall put it in that form in the rules.

Shri T. S. A. Chettiar: I would like to make one general observation that such clauses which tend to take away the powers of the Comptroller and Auditor-General may not be introduced into Bills in future. In this case, I understand that this will be provided for in the rules.

Mr. Speaker: Anyhow, I think this Bill goes to the Rajya Sabha, because Government have given notice of two amendments.

Shri Nanda: We are withdrawing those amendments, because we are only changing the year there

Mr. Speaker: The Minister has said that he will do so in the rules. Hereafter, the desire is that as far as possible, the Comptroller and Auditor-General's right should be there—he is the highest auditing functionary.

The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22.— (Arbitration)

Pandit Thakur Das Bhargava: I beg to move:

Page 7, line 15—

after "interested" insert:

"or between the Board and any one or more Governments interested".

You will be pleased to see that under clause 4 of this Bill, we have provided:

"Every Board so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued."

Further, it has got funds of its own, which are given by the Government of India or by the State Governments.

Again, under clause 15, the board has been empowered to prepare schemes; after preparing any such scheme, the board shall have to 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 same. So, the final scheme or the approved scheme, as it is called, is framed by this board, and it is the board which is really responsible for its ultimate success. The board can

give advice to the various States; it can consult them if it likes. But the final decision is that of the board.

When I read the provision for arbitration, however, I am rather confused. First of all, no time-limit is prescribed within which the interested Governments can get the arbitrator appointed. It may be that the scheme is passed today, and after two years' time, the interested Government may take it into its head to go to the Central Government for the appointment of an arbitrator, because no time-limit is given here. Moreover, when the scheme is there, who is responsible for it? It is the board which is responsible for it. But the board is not made a party to the arbitration. The two interested Governments may perhaps agree to a certain course of action or to a certain advice, and they may also both dislike a particular advice. But the expert advice is there from the board, and the board gives that advice. Therefore, it is the board which is responsible for that advice.

Mr. Speaker: In sub-clause (1), we find:

"...any of the Governments interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to arbitration."

Possibly, it is felt that the words 'in such form and in such manner' include also 'such time'.

The Deputy Minister of Irrigation and Power (Shri Bhatl): Yes, 'such time' also.

Pandit Thakur Das Bhargava: You will be pleased to see that one of the matters to be provided for in the rules under clause 28 (1) under item (i) is:

"the procedure to be followed in arbitration proceedings under this Act".

At the same time, we find that unless the rivers Board is a party to an arbitration, it has no right to be heard. Here, the only bodies which will be heard by the arbitrator will be interested parties who refer this matter to arbitration. The board as such will have no right to be heard; whereas the action of the board may come into question, it is very necessary that the board shall have to be there to defend itself and to say that the advice given was perfectly right, and the interested Governments have not done the correct thing. The body which is responsible for the advice is not there; at the same time, the other parties who may or may not agree to the advice are there. I think such a kind of arbitration should not be allowed. As a matter of fact, the board being a permanent body, having its own independent existence, which can be sued or can sue, there, is no reason why the board should not be there as a party to the arbitration. After all, it is not the final stage. It is only a preliminary stage, when things are in a hotch-potch. When a scheme is prepared, it cannot be regraded as approved. I should say it is just an inchoate scheme which is in its preliminary stages. It is only after the arbitration has been gone through that the scheme becomes pucca. That is the proper stage when the board should be there, and the board should be able to represent its interests and defend its action. After hearing the board, the arbitrator may come to the judgment that both the interested Governments are wrong, and the board is right. That opportunity should be there.

Therefore, I submit that nothing will be lost if these words also are added that the board also is a party to the arbitration. Without such a power being given to the board, I do not think the arbitration will be successful.

As regards the procedure, it will be rather straining the language to say that

another party, a third party, will be allowed to go before that body to be heard there. The procedure only relates to how they sign the agreement to refer and how they will not sign and so on. In all arbitrations, one must know who are the parties and how they will proceed. In such cases, it may happen that some evidence may be led before the arbitrator to prove that as a matter of fact, the advice given is perfectly justified. In a matter of this nature, unless the Board is a party represented there, I do not think the arbitrator will come to a sound decision.

Therefore, it is absolutely necessary, in my humble opinion, to make the Board a party. As I have envisaged, there may be occasions when both the interested governments might agree and the Board might not agree, and the Board's decision might be the more correct decision. In that case, unless the Board is represented there, there will be a judgment by default and the right thing will not be done. Hence, it is absolutely necessary that the Board should be a party.

Mr. Speaker: Amendment moved:

Page 7, line 15—

after "interested" insert:

"or between the Board and any one or more Governments interested".

Shri Nanda: I do not agree—I must say humbly—with the hon. Member regarding this particular matter. The Board is not a party. The Board consists of some specialists who have been called together to look into a certain scheme, a certain proposal or certain claims of parties, and it gives its advice on the basis of a technical examination of the various considerations and issues. And having done its part and approved a scheme, I think the Board's function ends there. The parties in the matter are the States, one State or another. As is very clear, one or the other State will come before the arbitrator and the material that is collected by the Board will be

[Sbri Nanda]

available to both the parties. There could be further specialists or technical experts who could come and plead before the arbitrator. But it will be very embarrassing for the Board to do so. The Board is not composed of one person; there are a number of persons, some of whom are part-time members of the Board and some whole-time. To bring them before the arbitrator will not be very conducive to the healthy functioning of the Board itself.

Pandit Thakur Das Bhargava: They can sue and be sued.

Sbri Nanda: For payment of salaries and other things.

Mr. Speaker: The question is:

Page 7, line 15—

after "interested" insert:

"or between the Board and any one or more Governments interested".

The motion was negatived.

Mr. Speaker: The question is:

"That clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 27 were added to the Bill.

Clause 28-- (Power to make rules)

Mr. Speaker: Now we come to clause 28. There is an amendment tabled by Shri R. D. Misra. He is absent. I will now put the clause to the vote of the House.

The question is:

"That clause 28 stand part of the Bill".

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 1, the Enacting formula and the Title.

Mr. Speaker: I shall now take up clause 1, the Enacting Formula and the Title of the Bill. There is one amendment to change the year from "1955" to "1956". This is a formal amendment. Then there is an amendment to the Enacting Formula, saying "for 'sixth' substitute 'seventh'." Let it be there. It will be corrected even otherwise. If this amendment is adopted here, it will have to go to Rajya Sabha.

Shri Nanda: I do not press that amendment.

Mr. Speaker: It will be corrected because it is 1956. The word 'sixth' will also be corrected to 'seventh'.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

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

Sbri Nanda: I beg to move:

"That the Bill be passed".

Mr. Speaker: Motion moved:

"That the Bill be passed".

Shri T. S. A. Chettiar and Shri Bansal rose—

Mr. Speaker: Hon. Members who want to speak can do so on the other Bill.

Shri Bansal (Jhajar-Rewari): I would like to speak on this Bill because I have a special point to make.

Sbri T. S. A. Chettiar: The point I want to raise relates to this Bill only.

Mr. Speaker: I will give preference to those hon. Members who took

part in the debate so far and assist us.

Shri T. S. A. Chettiar: I would like to refer in this connection to a matter that has been pending for some time. It is unfortunate that certain matters connected with irrigation projects which concern the Western Ghats are matters of dispute between Madras and Travancore-Cochin. It is also unfortunate that Travancore-Cochin does not have a representative government today, and so is under the rule of the President. In the absence of a representative government, the Adviser's Government, as we used to call it, is usually a Caretaker Government. It is more unfortunate that the possibilities of the formation of a stable government in Travancore-Cochin seem to be remote in the present situation.

In these circumstances, I would like to suggest that the irrigation projects called Perambiculam and Edaki and some others which, by their very nature, can only be co-operative projects between these two States, and which, I am sure, are going to benefit more than one State may be referred to the River Board contemplated under this Bill. The Government have got a bit of work to do just after the passing of this Bill. I would suggest that it is not necessary under clause 4 (1) for any State Government to even make a reference. The Central Government themselves can initiate things *suo motu* and take action under clause 4 (1) in this matter immediately so that those vast tracts which have no water supply and electricity can be helped.

What Travancore-Cochin needs today is power for development of industries. By proper inquiry into this matter, the needs of both Travancore-Cochin and Madras can be met. I would suggest that these matters may be taken up immediately.

Shri Bansal: I would like to invite the attention of the hon. Minister to

the fact of the absence of the definition of 'river' in the Bill. Perhaps the word 'river' is well known. But I am faced in my constituency with a very peculiar situation. We have a so-called river which is desert during ten months of the year, but it becomes a torrential river for about two months. Just now, it is a torrential river, so much so that we are not able to reach a very important part of the tehsil.

Shri Nanda: What is the name of the river?

Shri Bansal: River Sahibi.

Shri Nanda: Is it an inter-State river?

Shri Bansal: Yes. If I take the hon. Minister to my constituency in summer, he will see that it is nothing but a stretch of desert spreading from the eastern portion of Rajasthan right up to the border of the Rewari tehsil. But in the rainy season, right from the eastern part of Rajasthan, mostly in the Alwar State, to the Rewari tehsil, all the flood water accumulates and in that way, havoc is caused to a large portion of my area.

I am sure the hon. Minister is aware of the fact that on account of torrential rains in some parts of the Gurgaon district, heavy damage has been caused to a large number of villages.

The short point I am trying to make is that such rivers also should be covered by this Bill. In fact, as far back as 4½ years ago, I brought to the notice of our Food Minister that we must have some sort of an Inter-State Board for this region, that is, PEPSU, Rajasthan and Punjab. Unfortunately, my constituency is on the border of two other States. We have the source of this river Sahibi in Rajasthan. It goes through part of PEPSU and then comes to my constituency.

[Shri Bansal]

Another difficulty of that area is that it is a slightly raised plateau if you see from the Punjab end with the result that although we have spent crores and crores of rupees on the Bhakra-Nangal irrigation project, not an ounce of water can be taken to that part of my constituency and the only source from where water can go there is from damming that Sahibi river in some place. The unfortunate position is that the Alwar State, at that time, tried to bund most of the waters with the result that the river completely gets dried up.....

Mr. Speaker: Are we now going into any particular case, regulating any particular river and suggesting that Government should take action?

Shri Bansal: What I am trying to suggest is that even these moribund rivers should be considered when forming these Boards. That is my short point and I am sure the hon. Minister will take this into consideration.

Shri Achuthan (Cranganore): Sir, I welcome this Bill. I hope this Bill will have many advantages for the country especially after reorganisation. In fact, Shri Chettiar was referring to the disputes between Madras and Travancore-Cochin. Practically, it is not very much of a serious thing. If both the Governments take up the question in a co-operative way, the difficulties of both Governments will be solved.

He was saying that there may be a possibility of not having a stable Government even after the general elections in Kerala and so Madras may have to suffer after one or two years. It is a far-fetched presumption and there is no foundation for it. I say let the River Boards be established wherever necessary; and if there are disputes they may be taken up later so that full advantage may be made of this.

Shri Nanda: I have nothing more to say. I will certainly take action on suitable occasions.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INTERSTATE WATER DISPUTES BILL

The Minister of Planning and Irrigation and Power (Shri Nanda): Sir, I beg to move:

"That the Bill to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys, as passed by Rajya Sabha, be taken into consideration."

On the 29th of September last year, this House adopted a motion for the reference of this Bill to a Joint Committee for submitting its report by the 21st November. As the House knows, the Joint Committee after taking into consideration all the suggestions made in both Houses of Parliament, arrived at decisions on all points except one which I will explain shortly.

There is a minute of dissent also regarding one point. I will explain very briefly the changes that were made in the original Bill by the Joint Committee. There are not many changes; one or two are of significance and the rest are only verbal changes.

A change is made in clause 4 with a particular object. In the clause, as it stood originally, the Central Government had the discretion to refer a matter to the Tribunal or not to refer it. The word used was 'may'. The Joint Committee thought that the Central Government should have no such discretion and that if a Government seeks the good offices of the Tribunal, they should be made available to it, so that a change was made in that. But, at the same time, it was provided that it should not be obligatory on the Central Government at once to refer a dispute to the Tribunal without having exercised its own function of trying to bring about

an agreement between the parties. Therefore a provision has been made that the Central Government will have the opportunity of trying to bring about an amicable understanding by negotiations.

In this Bill, as in the other one which we have just passed, the question was whether the Central Government should have the power to make recommendations regarding the appointment of assessors. The Joint Committee, in this case also, thought that the Tribunal should be free to choose its assessors whenever it thinks fit and the choice of assessors should not depend on the recommendation of the Central Government. In this case also they thought that the number of assessors should not be less than 2. This is covered by clause 4.

In clause 6, there is a small amendment that the decision of the Tribunal should be published in the Gazette of India.

These are two changes made by the Joint Committee to which I thought I should draw the attention of the hon. Members of this House. There is nothing else of any great importance and in the Rajya Sabha they did not make any substantial change.

Mr. Speaker: Motion moved:

"That the Bill to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys, as passed by Rajya Sabha, be taken into consideration."

Shri L. N. Mishra (Darbhanga cum Bhagalpur): I rise to support the Bill. I am sorry the Bill has been delayed for over 6 or 7 months. I support the Bill because of the fact that it will help us to exploit our water resources. You know our water resources are plentiful, yet we did not take full advantage of our resources. Till very recently, that is till the beginning of the First Five Year Plan, we were not able to utilise more than 5½ per cent. of our total water resources except the river Cauvery of which we utilised about 60 per cent. There are

very few rivers which we exploited. There is the river Brahmaputra of which we hardly utilised one per cent. The first Five Year Plan took advantage of the situation and laid much stress upon the water resources and they have tried to utilise it to some extent. But there have been some sort of impediments in the full utilisation of the waters and this Bill seeks to end one of these impediments.

Other impediments or difficulties, one can understand. But this difficulty arising out of parochial considerations or narrow interests of some States cannot be understood. India is one united India and all the natural resources are to be utilised for the development of that great country. But there are more than half a dozen water disputes where progress has been held up and projects cannot be taken up because the interested States would not agree. I will come to some of these disputes later.

There has been difficulties of finance. We can solve the financial difficulty. There is the difficulty of statistics; we can solve this too. We had no organisation; we are having organisations. There is shortage of technical personnel; we are trying to make that good. But these disputes can be settled only if the Centre takes some more power in its hands and tries to solve them.

So far as the River Boards Bill was concerned, I may say, we have supported that Bill; all right. But, I am not very optimistic about that Bill since I feel that for the first 10 or 15 years we would have to press hard for the utilisation of the water resources. We have seen the debates on the S. R. Bill. Sometimes we felt that we were nothing but parochialists; we believe in our State interests and not in the development of the whole country. There is interest of Bengal, Bihar, Maharashtra and all that; we have seen that. Therefore, we should not imagine the States always to be so good as to agree or accept all the advice given by the River Boards.

[Shri L. N. Mishra]

So far as the Inter-State Water Disputes Bill is concerned, I think we should try and have more control over the States in the future. We know that in our country there are very recently or even today several water disputes and I wish to draw your attention to some of them.

There is the Periyar Hydro-electric Scheme, where the dispute is between the Government of Madras and the Government of Travancore-Cochin. The second is Mekadatu Hydro-electric Scheme where the dispute is between Madras and Mysore and it has been pending for 20 years and yet not been resolved. The third is the Araniyar Project. The fourth is the Rajoti Bunda Project between Hyderabad and Andhra. The fifth is the Sikru Hydro-electric Scheme, the dispute being between Andhra and Orissa. The sixth is the Vamsadhara Project and the dispute is between Andhra and Orissa. The seventh is the Tungabhadra between three States, Madras, Andhra and Mysore. These water disputes have arisen not only in our own country, but there are also instances in foreign countries. I may refer at least to one or two such countries, Australia and America, where the disputes were between the States of New South Wales, Victoria and South Australia over the Murry River water, and between the States of Colorado, Nevada, New Mexico, Arizona, California etc. over the Colorado River water.

Whenever there is development in the country and when fresh efforts are made to utilise the water resources, there are differences and clashes of interests. It has been found that some machinery to meet the situation has been necessary in such cases. Here is the machinery that this Bill seeks to provide, and I feel that this will go a long way to resolve the problems. But I do feel that the time is not yet ripe to give full autonomy to the States in the matter of water resources.

Till 1919, water was a Central subject. After 1919, it became a provincial subject under reserved list and under the 1935 Act it became a provincial subject. Our Constitution gives still more powers to the States. But we must see that the development of the nation does not suffer on account of these vested interests or clash of interests of the States. One instance of this is the river Kashi in Bihar to which West Bengal took some objection and there have been some differences between Bihar and West Bengal. There is Gandak also; although there is no difference between Bihar and U. P. on other issues, some dispute or differences may arise on account of this.

In these two Bills Government should have some machinery so that it can, if persuasion fails, have recourse to some other measure also to force the State Governments to rise equal to the occasion and help the Union Government in utilising the water resources to the full. In the flood control measures we have succeeded, but there have been instances where a few State Governments have not fully co-operated and they have not set up any adequate machinery for the collection of data, etc. Therefore, I feel that this exploitation of the water resources is of the utmost importance for our country and we cannot have it unless and until the Central Government has better control of the water resources of the country. Therefore, I feel that for ten or fifteen years' time we should explore some avenues by which we could have more control over the States in this matter.

Pandit C. N. Malviya (Raisen): I welcome this Bill because I have been feeling that on account of the want of this machinery many of our projects could not be successful, and different States on account of different narrow considerations could not co-operate fully with the schemes that were incorporated in the Five Year Plan.

I am one of those who strongly believe in the unity of India and, therefore, I have been advocating a proposition that in the Constitution there should be only two Lists—Union List and Concurrent List. Unfortunately the experience has been that the different States are not co-ordinating and co-operating, and I am glad that this Bill has come now. Although it is late, I should say that it is better late than never.

I am also of the view that the Central Government has been slow in controlling and supervising the works that are going on under the Five Year Plan. I hope that the Central Government will fully utilise this Bill when it is passed and will not devote much of their time in arriving at negotiations. There is a provision here that before appointing a tribunal, there should be an effort for negotiations. It is a welcome idea. We must try for negotiations, but we should not allow prolonged negotiations. It is not proper to accept any other idea whereby any time limit may be fixed although the time limit has been proposed by means of an amendment whereby the negotiations may not be prolonged. Sometimes when the matter becomes technical, it is not possible to arrive at negotiations. Supposing two States are interested and one of them thinks that by means of negotiations its interests will suffer, then it may prolong the negotiations. Supposing we put some time limit, say, three months or six months or one year, it may be passed very easily. Therefore, I do not support any time limit, but at the same time I am sure that the Minister of Planning will take care that the negotiations are not prolonged.

There will be a tribunal in which there will be one person. I fully support the idea that the member of the tribunal may be a Judge of the Supreme Court—either an existing Judge or one who has been a Judge of the Supreme Court—because we

have to utilise such personnel. At the same time there is the provision for the appointment of assessors. In clause 4, sub-clause (3) it is stated "The Tribunal may appoint two or more persons as assessors to advise it in the proceeding before it". The word used is "may" and I want that the Government should accept an amendment here and substitute it by the word "shall". Unfortunately there is no such amendment given in this list, but if such an amendment is incorporated here, then it will mean that the appointment of the assessors will be compulsory and it will therefore be advantageous. Only one Judge sitting as a Tribunal will be assisted by two other persons and that will be a sort of a collective decision. I believe that generally it is the case that once the individual gets some sort of leaning towards fulfilling his interests, then he is not able to do justice fully. Therefore, I do not support the idea that there should be compulsorily more than one member on the Tribunal, but I am sure it will be approved that there should be compulsorily at least two assessors who should be appointed by the Tribunal.

With these suggestions I welcome this Bill.

Sbri B. Y. Eaddy: (Karimnagar): It is long overdue. We have been waiting for this since a long time. There were a number of disputes to be settled. A number of problems may arise again, in view of the reorganisation of States, with regard to the share of the water and fixation of the quantum to the different States. Such a Bill is necessary to settle these disputes. Otherwise, things drag on for years together. It happened in the past. In Hyderabad State, we had a bitter experience with regard to this problem. The disputes relating to the waters of Tungabhadra took decades to be settled; there was a dispute between Hyderabad State and the other States.

[Shri B. Y. Reddy]

We have got two important rivers passing through our State; they pass through a number of States—not two or three but four or five States. That is why, when others did not agree to come to an agreement, the dispute drags on for decades or even centuries together.

Take, for instance, the Godavari river. It passes through Bombay, Hyderabad, Andhra—formerly, Madras—and even Madhya Pradesh State. Agreement could not be reached about the sharing of the waters of this river for a number of years. So, the project for the utilisation of the waters of this river could not be taken up. Later on, agreement was reached but it was too late. The time has changed. The project was to be taken up but on account of certain changed conditions—I refer to the Police Action in Hyderabad—it could not be taken up. After Police Action, the first phase of the project was taken up. In the Second Plan, we do not find any mention about the second phase of the project; the second phase is a very important phase in the whole scheme. We suffered a lot and that is why I say that I welcome this Bill as being necessary for the settlement of disputes.

There are certain defects in this Bill and I have moved certain amendments to remove those defects. Clause 4 refers to negotiated settlements. How long will this negotiated settlement take? It may drag on for years. Even with regard to Tungabhadra High Level Canal, it has taken two years to settle the dispute. We have this bitter experience. Only at a latter stage, after two years, a settlement could be effected. If we keep that provision without any time-limit, I am afraid that it will take years together for any settlement. Some time-limit must be put in here.

The second thing is about the number of judges in the proposed tribunal. Only one judge is provided. I think it is not enough. There

may be small disputes; there may be important disputes involving a number of States and big issues. If you hand over such disputes to a tribunal of one judge only, then people will lose confidence. Besides, full justice may not be done. One person may not be able to give a correct judgment in such cases. If there are no important problems, one judge will do. If we say 'one or more persons', then more judges could be appointed in cases where necessary. We should not bind our hands and feet by saying that the tribunal shall consist of one person only. It should be flexible. If we change it to 'one or more persons', it is flexible. I appeal to the hon. Minister to make this change.

There are other amendments also and I shall move them at the appropriate stage.

Pandit Thakur Das Bhargava (Gurgaon): I want to make one or two observations in relation to this Bill.

Clause 11 of this Bill reads as follows:

"Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act."

I read article 136 of the Constitution and it reads thus:

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

I think there is contradiction between the two. The words used in the Constitution are very weighty. The Supreme Court has got the last word in respect of every cause or matter which is decided by any

court in India. Clause 11 says, on the contrary, that the Supreme Court will have no jurisdiction. Therefore, I do not know how far we are justified in enacting this clause 11.

1 P.M.

The Deputy Minister of Irrigation and Power (Shri Hathi): To cut the matter short, may I draw your attention, Sir, to article 262 (2) which says:

"Notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1)."

Clause (1) of article 262 says:

"Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley."

Pandit Thakur Das Bhargava: What is that article?

Mr. Speaker: Article 262—Disputes relating to waters. The hon. Member may resume his seat and leisurely look into it. In the meantime I will call the hon. Minister in the Ministry of Home Affairs to present a report of the Joint Committee.

BIHAR AND WEST BENGAL (TRANSFER OF TERRITORIES) BILL

PRESENTATION OF REPORT* OF JOINT COMMITTEE

The Minister in the Ministry of Home Affairs (Shri Datar): Sir, on behalf of Pandit G. B. Pant I beg to present the Report of the Joint Committee on the Bill to provide for the transfer of certain territories from

Bihar to West Bengal and for matters connected therewith.

Shri Subodh Dasda (Midnapore-Jhargram—Reserved—Sch. Tribes): Sir, I wish to raise a point of order. I am a member of the Joint Committee. Yesterday, during the final Sitting of the Joint Committee on the Bihar and West Bengal (Transfer of Territories) Bill, the report was adopted unanimously. No member of the Committee objected or called for a vote to be taken. Having accepted the report without any objection, I submit, members of the Joint Committee are barred from submitting any minute of dissent.

Shri K. K. Das (Diamond Harbour): Yesterday, when extension of time was given, we were given to understand by the hon. Minister that there has been a certain minute of dissent and they want to reconsider the thing. I want to know whether there has been any material alterations since then or whether it remains what it was yesterday.

Shri Datar: It remains as it is.

Srinivas Renn Chakravarty (Basirhat): While what the hon. Member has stated is substantially true, certain members did move some amendments and they were defeated. Therefore, they have every right to submit a note or dissent.

Mr. Speaker: Now we are not deciding all those things. I thought a point of order was raised regarding the submission of the report. It was fixed that the report would be submitted yesterday, but I understand late in the evening, when the hon. Deputy-Speaker was here in the Chair, a motion was made for extension of time till today and the motion was adopted by the House. Therefore, there is no more point of order. When the Bill comes up, then the hon. Members may say whether minutes of dissent ought

[Mr. Speaker]

to be looked into or not to be looked into

Shri K. K. Basu: I did not support the point of order raised. I only wanted to know the facts.

Mr. Speaker: The hon. Minister says that there is no substantial alteration.

Now, Pandit Thakur Das Bhargava may continue

INTER-STATE WATER DISPUTES BILL—contd

Pandit Thakur Das Bhargava (Gurgaon): Sir, I am thankful to you for granting me some time to consider the reply given by the hon. Minister. I regret that I made a mistake in referring to this matter and I feel a study of article 262 is quite sufficient to assure me that the Bill is certainly justified. Article 262 by itself is a reply to the argument which I made under article 136.

Then I have got a very small point to make. The previous speaker has stated that some time-limit must be fixed. I know of a case in Palwal Tehsil in which it has taken about 32 years for the Punjab Government and the U.P. Government to come to any terms in respect of a wheel of water which accumulates there and the health of the whole town is ruined. But still both the Governments have not been able to come together and 32 years have passed. I would request the hon. Minister to fix some time-limit—one year, two years or three years, whichever is suitable to him. If any thing comes to the notice of the Government, the Government should see that within a reasonable time the matter is referred to a tribunal and some decision arrived at.

[MR. DEPUTY-SPEAKER in the Chair]

1.05 P.M.

At the same time, to cut the matter short—I do not want to take much time of the House—I would also refer to my amendments numbers 1, 2 and

3. I would respectfully submit that when the question is as to what is the dispute, then we ought to understand the foundation for the dispute. Clause 3 of the Bill says:

"If it appears to the Government of any State that a water dispute with the Government of another State has arisen or is likely to arise by reason of the fact that the interests of the State, or of any of the inhabitants thereof,...."

I am happy that these words are being used.

"....in the waters of an inter-State river or river valley have been, or are likely to be, affected prejudicially by—

(a) any executive action or legislation taken or passed, or proposed to be taken or passed, by the other State; tants thereof,....."

By executive action I understand some order which the Government of a State considers legally justified and which is objected to by some other State. This provision is there, but I understand that the Government may not pass any executive order and, at the same time, may do some act or may omit to do some act which prejudicially affects the rights of another State. I am anxious that water disputes of this nature, whatever cause they may be due to, whether due to executive action or no executive action or due to an act of omission by a State, should also be a subject matter for decision by a tribunal of this nature, so that as many disputes as possible may come within the purview of this clause 3 and there may be a decision thereon.

Similarly in (b) of clause 3 it is said:

"the failure of the other State or any authority therein to exercise any of their powers with respect to the use, distribution or control of such waters; or"

Now, it may happen that some of the inhabitants of a State may cause obstruction in the flow of water so that water may not flow to the other State. In a contingency like this I do not think that the dispute which arises there will be amenable to the jurisdiction of the Central Government if you do not insert the words "or inhabitants thereof". I am glad that clause 3 says "or any of the inhabitants thereof". It is not only a question of inter-State disputes. As a matter of fact, even the inhabitants are prejudiced. If it is due to the act of a number of people or the inhabitants of the State, such cases must also come within the purview of clause 3.

Again, in sub-clause (c) I find one significant omission. Sub-clause (c) says:

"the failure of the other State to implement the terms of any agreement relating to the use, distribution or control of such waters."

I can understand that it may be due to the total failure of the State to act up to its profession or promise. In that case the dispute will be such as will come under clause 3. But supposing the State chooses to interpret the clauses of the agreement in some manner which is not acceptable to the other State and the question becomes one of interpretation of the terms of the agreement, in that contingency the dispute would not come within the purview of this clause though the Central Government, the other Governments and the Parliament are all anxious that all such disputes may be settled. Therefore, unless the words are ample enough to include such cases I am afraid we will not be able to take advantage of this law.

I should, therefore, think that the provisions of this clause should be as wide as possible so that all matters in dispute may be referable to a tribunal and there may be no such bickering between the States as may

occasion bitterness, and not allow people to take full advantage of the inter-State rivers.

Shri D. C. Sharma (Hoshiarpur): Mr. Deputy-Speaker, Sir, when the history of Free India comes to be written, I think a very glorious chapter in it will be about the river valley projects of our country, and without inviting any kind of adverse comments I can say that most of the credit for that will go to our hon. Minister for Planning. I think, Sir, this Bill aims at putting our river valley projects on a sounder, more stable and better footing. Therefore, I welcome this Bill. But, as was pointed out by my esteemed friend Shri L. N. Mishra, this Bill is a very sad commentary upon the parochialism which our States practise and it is good that our Central Government has stepped in to correct that parochialism. You, Sir, are interested in the Bhakra-Nangal project as an inhabitant of the new State of Punjab which is coming into being. You know how the execution of that project was held up by a tiny State which was a princely State at that time. The idea of executing that project came to our administrators many years ago, but one small State, a princely State, at that time, would not give its consent to the implementation of that project which is now going to bring such a great deal of prosperity to the new State of Punjab and also Rajasthan. I would, therefore, think that this Bill is going to do a great deal of good to our countrymen at large.

This Bill is a move in the right direction. If the States do not give, or if they fail to give, a good account of themselves, I think the Central Government has the right to step in and keep up the balance. Without minimising the importance of provincial autonomy, I would say that the Central Government should step in more often so that the foundations of India's prosperity can be laid much more quickly than even now. There-

[Shri D. C. Sharma]

fore, I think that this Bill is a big move in the right direction.

I would now like to offer most respectfully a few suggestions to the hon. Minister for his consideration. There are many points of interrogation in this Bill. With the limited understanding that I have, I do not know how those questions are going to be solved. For instance, it is said in the Bill that the disputes will be referred to the Tribunal when negotiations have failed. It is an admirable principle and I do not want to quarrel with this principle. But I want to know at what stage the negotiations will start, what will be the subject of negotiation, how long the negotiations will go on and when the Government will come to a conclusion that the stage of negotiation has passed and the stage of arbitration has begun. I think these are very big questions, and they remain a big question mark, and they cannot be left to the sweet will of the authorities of the States concerned. This is the first big question mark that I find.

Again, I think that when more than one State is involved in a dispute it is not right to refer the matter to a single-man Tribunal. We have seen the consequences of a one-man Tribunal already. We have been referring some of the linguistic disputes to one-man Tribunals, in recent years. Without saying anything unfavourable about those hon. members who are presiding over those Tribunals, I must say that those one-man Tribunals have not commanded as much confidence as they should. I do not say that there is something inherently wrong in one-man Tribunals, but constituted as we are, I would say that provision should be made for a bigger Tribunal. If one man could decide the disputes which arise between one State and another, then, there need not be any Tribunal at all and the whole thing could be settled by means of negotiation. Only when disputes are deep and far-reaching and ticklish in character,

we appoint a Tribunal, and so, I would suggest that the number of persons who constitute the Tribunal should be increased. Of course, there is provision for assessors and they may be helpful for technical purposes and they may supply the technical knowledge which is needed by a Judge. But then, an increase in the number of persons on the Tribunal will make for easier acceptance of the decision, apart from a speedier decision.

Now, clause 5(3) says as follows

"If upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion, that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, may, within three months from the date of the decision, again refer the matter to the Tribunal..." etc.

I would say that if things are going to be done in such a manner, the whole purpose of this Bill will be defeated. I think we should give the right kind of reference to the Tribunal. After the decision is received, the Government concerned should act upon the decision. But here, the finality itself is left in doubt. It is said that if any matter has not been referred to the Tribunal originally, it can be referred to the Tribunal subsequently. Therefore, the Tribunal is given a kind of continuous jurisdiction. This will make for laxity in any decision that may be taken by the Tribunal. I think that the matters of dispute should be referred to the Tribunal in a firm, and decisive and authoritative manner and the decision of the Tribunal should also be firm and authoritative. It should not be as if the Tribunal will never come to a decision or that a matter should be referred again and again to the Tribunal.

Again, clause 13 of the Bill is, to my mind, very difficult to understand. When I read this Bill I thought of a book where the chapter headings are given but the chapters are yet to be written. I would ask the House to read clause 13. Most of the important things which can be referred to the Tribunal are left vague. What is going to be the form of the complaint, what is going to be the manner in which the complaint is to be made—all these are not clear. I think the hon. Minister should have told us what kind of complaints are going to be made within the purview of this Tribunal and in what manner those complaints are going to be made. The complaints may be made in a frivolous manner or in a vexatious manner. Such complaints do occur. I thought that there would have been some kind of finality about these very vital matters. But, they are vague. I would humbly suggest to the hon. Minister to give some firm decision in this matter.

It is said here:

“(b) the matters in respect of which a Tribunal may be vested with the powers of a Civil Court;”

These matters should have been specified in the Bill and should not have left to the rules. We can leave to rules only procedural matters of a minor kind. Here we find that rules are going to be made with reference to vital matters which form the core and pith of this Bill. It is not a small thing; it is a big thing. It is in regard to a Tribunal which is going to adjudicate between States and here the procedure has got to be specified.

Of course, I have nothing to say about the remuneration, allowances or fees payable to the presiding officer of the Tribunal, although we would have very much liked to know what salary and allowances he will get and whether he will draw the same salary etc. as before.

It has been said that the rules which will be framed will be laid

on the Table of the House for 14 days. Clause 13 deals with very vital matters and the rules made under this clause are not going to be of a routine nature; they are of a basic and fundamental nature. Therefore, the rules should be laid on the Table at least for 30 days, as they are very important.

As I said at the beginning, I welcome this Bill and I congratulate the Minister for having brought it before the House. But I would ask him respectfully to answer some of the questions raised with regard to this Bill, so that this Bill can be passed with the utmost serenity of mind.

Shri K. K. Basu (Diamond Harbour): Sir, this Bill naturally has the general support of the entire House, as revealed by the speeches delivered here. You will appreciate the importance of the rivers in the economic and social life of the people. Practically civilisation has developed along the rivers for ages and more so, with the new technological developments in the different parts of the country, rivers are playing and are bound to play a very important role in the reconstruction of the country.

As Professor Sharma has said when the history of new India is going to be written, roads and river valleys will find a very prominent place. By and large, we are for the development of the river valleys and for new schemes to harness the waters of the rivers. The rivers have been the cause of prosperity on many occasions, but, they have also been the cause of sorrow. My friend, Mr. L. N. Misra, knows the fate of the people living round about the river Kosi. But today science has given us the power to control and utilise the waters for the benefit of the community and the nation. Therefore, we feel that all efforts should be made by the Government and the legislature to remove the unnecessary bickerings and troubles which prevent the full utilisation of the national resources available in plenty in our country.

[Shri K. K. Basu]

Previous speakers have pointed out the sorry consequences of delaying many schemes which, if taken up in time and completed, would have naturally augmented the wealth of the community and the prosperity of the country. So, we feel that this particular Bill is bound to play a very important role in preventing future disputes that might arise between the respective States. However much we might try to bring unity, differences of opinion are bound to exist among the various States, and therefore, a machinery should be found out to settle the disputes quickly. We are glad to know that Government has waked up, however late it may be, and brought forward this particular legislation.

One point I would like to emphasise is this. In clause (3) there are three categories—(a), (b) and (c)—of matters of dispute. I would like to know from the Minister whether, when they are appointing a judicial authority to determine the dispute, they will take into consideration the mutual economic use of the waterways and the prosperity of the particular areas. Suppose there is a river flowing through two States A and B. Today B may be industrially more advanced and naturally it may want to utilise the water resources. But A may not be economically so well-organised and it may want to use the water resources later on. How are you going to determine the attitude that A may take? Clause 3(a) says:

"(a) any executive action or legislation taken or passed, or proposed to be taken or passed, by the other State".

Therefore, these things should be taken into consideration especially when in our country there are uneven developments of different regions. In one area, the waters of the rivers may be wasted and allowed to flow into the sea; in the adjoining

area, which may be industrially advanced, they might like to utilise the waters for generating power. In Yugoslavia, through canals they want to harness three or four rivers and utilise the waterways for the generation of electrical energy. Therefore, the needs of a particular State which may be industrially advanced may have to be considered for the time being, but, if not in immediate future, at least later on, the adjoining State might also want to utilise the waterways. So, one State should not be allowed to behave in a manner which is detrimental to the other State. These factors also should be taken into consideration.

Looking at the over-all picture of the economic planning of the country, we have the second Five Year Plan and we expect to have some more plans also. I feel that, when the judicial authority is appointed, unless the terms of reference and the scope are very much particularised, the judicial authority might take a legalistic view of the matter, which might ultimately prove to be against the economic development of the particular area. I will not go into this matter in detail, because the Minister himself has been for a number of years familiar with the problems of the different regions of the country, so far as the utilisation of the waters of rivers flowing through a number of States is concerned.

Regarding the constitution of the tribunal, I for myself would like to restrict this tribunal to the present Judges of the Supreme Court and not allow "have been Judges" to be appointed. I am very much against the appointment of retired Judges, because the people, at least, have a feeling that those Judges who are very friendly with certain persons may get the superannuation appointment. Therefore, I suggest that sitting judges of the Supreme Court should be appointed. If I am not incorrect, I think in the Government

of India Act, 1935, there was a provision that whenever any river dispute or similar dispute arises, the Chairman of the board should be a Federal Court judge.

Then, the permissive provision for appointment of assessors to the tribunal are not correct because I feel that the judges, however trained they may be in determination of a particular dispute, do not have the technical knowledge to decide a river dispute without going into the technical aspect of the matter. It is quite true that if it is only to interpret an agreement, as provided in sub-clause (c) of clause 3, then it may be easy for them because it is more or less based on certain principles and they have got only to determine what is the meaning of a particular expression. But if they have to determine whether the action which a particular State has taken is such, that it prejudicially affects the position or the benefit that is being enjoyed in respect of that particular river by another adjoining State, I am afraid their knowledge will not be sufficient. I remember one of the most eminent jurists in India, who was a member of the partition council of Bengal when it was divided during the partition days, having actually confessed in the course of the sitting of his colossal ignorance of the topography of Bengal. I do not want to name him because he was a lawyer of some standing and he was also the Supreme Court judge of India for some time. He was an eminent jurist of international fame.

Dr. Lanka Sundaram (Visakhapatnam): If it is so, why do you want the Supreme Court Judges to be there?

Sbri K. K. Dasu: The provision for assessor is there. What I want is that this provision should be permissive. Whenever a tribunal is appointed, there must be at least two assessors who are technical men, who know the problem. I understand that in the course of discussion some

of our friends have moved some amendments in respect of this clause. Government may consider them. I think the Minister will see that these differences do not stand in the way of further development and reconstruction of the country and the Government will try to utilize all the available natural resources for the development of the different areas of the country for the re-building of India, which all of us very much wish.

Dr. Rama Rao (Kakinada): I welcome this Bill and I need not take much time on a Bill for which there is universal support. We, Andhras, are rich in rivers and, therefore, rich in disputes also. On the one hand, we have at present a dispute with Orissa. Fortunately, only a few days ago they have come to some kind of an understanding. The Vamsadhara project is under discussion for a long time. If it is undertaken, a small area in Orissa will be inundated. They obstructed it for a long time. It should be possible for the Central Government to come to the rescue of Andhra. It may inundate a little area as a dam has to be constructed lower down. It is for the third party, for the Central Government, to consider whether it is worthwhile having a large area to be irrigated with a loss of a small area or because one State suffers small inundation so the benefit of this project should be limited very much for the other State.

It is good that a machinery is being developed to settle the disputes. If you see the new map of Madhya Pradesh you will find that it extends almost from Delhi to Andhra. It touches even the Godavari. At present we have no dispute with them because we have no projects in that area. But there may be potential disputes. I hope there won't be disputes in that area.

Dr. Lanka Sundaram: It is a question of the tentacles of the octopus

Dr. Rama Rao: If any dispute arises when any project is under taken, they will be in a strong position. There is, therefore, particular reason for us, Andhras, to welcome this Bill. I have already mentioned the possible difficulties which may be encountered when there is a project on the Godavari river. We have our troubles with Tungabhadra. Therefore, I conclude this portion by saying: I welcome this Bill.

My hon. friend has already pointed out the necessity for a time limit. After the dispute has been brought to the notice of the Central Government, there must be some time limit within which negotiations should take place. Therefore, we have given an amendment to limit the time to six months.

Regarding judges, my hon. friend Mr. Basu has already mentioned that retired judges may be left to their avocations and active judges alone be appointed. The Bill also partly agrees with it. As far as High Court judges are concerned, Government wants judges who are in service. But I do not know why they are partial to the superannuated judges of the Supreme Court. If anything, Supreme Court Judges may be older than the High Court judges after retirement.

Shri N. C. Chatterjee (Hooghly): Always.

Dr. Rama Rao: This dispute about waters is a thing that concerns millions of people probably for centuries. Therefore, we ought to have judges who are in service.

Then, there may be issues which are complicated and require consideration by more than one person. In such cases, the Chief Justice must have the power to appoint more than one person as arbitrator. It may be just like the decision of a full bench. They have to decide issues like the division of the percentage of waters, whether a river can be obstructed higher up etc. So, if the

Chief Justice thinks that the matter is of sufficient importance, he must have the power to appoint more than one Judge. Here it is stated "a person". The Chief Justice's hands should not be tied like this.

There is only one more matter. Clause 8 of the InterState Water Disputes Bill says:

"Notwithstanding anything contained in section 3 or section 5, no reference shall be made to a Tribunal of any dispute that may arise regarding any matter which may be referred to arbitration under the River Boards Act, 1955."

Here my trouble is this. If the matter has not been referred to arbitration, there is no difficulty. Here we are excluding matters which may have been referred to arbitration. It would ultimately be referred to arbitration. But I have my own doubts whether this prevents reference of matters to the Tribunal when they are referred to arbitration. If it is a matter which has been referred to arbitration, then I understand it. But here it says "which may be referred". How do we know that it will be referred? Therefore, that may be clarified.

Lastly, I come to the rules. It says that the Central Government, after consultation with the State Governments, may make rules. We have given an amendment that the rules must be framed within three months. I do not say that our minister for irrigation and Power is very slow. But we have some experience about these rules. The Mineral Concession Regulation Act was passed in 1948 and the rules were laid on the Table of the House three days ago. The Mines Act was passed in 1952, but the rules were framed after three years, the regulations have to be framed. Therefore, we want to put a time-limit of three months for the rules to be framed.

Shri Achuthan (Cranganur): The whole House has welcomed this measure, and in fact, this Bill along with the River Boards Bill, has been long overdue. With the reorganised States coming into being there will be more scope for inter-State water disputes. Even today when this Bill was taken up for clause by clause consideration, hon. Members from Madras State were referring to disputes between Madras and the present State of Travancore-Cochin which after a few months will become Kerala State. Some part of the rivers now flowing in Travancore-Cochin now may go to Madras after the seven taluks are transferred to it. So, there are possibilities of disputes arising between State and State with regard to the flow of water, construction, embankments, levy and other matters. Previously also the State Governments themselves tried to refer the matter to arbitration as was the case between Madras and Travancore-Cochin, but it is better that a statutory provision is made by Parliament by which the parties to the dispute may apply to the Central Government and the Central Government, if it finds that negotiations are futile, can appoint a tribunal consisting of a Supreme or High Court judge

The States are waiting even now to bring their disputes before this body and so the endeavour of the Government must to see that, as Dr. Rama Rao pointed out, rules are framed early and placed before Parliament and action taken. Then only can we solve or prosecute the many schemes or the many inter-State matters of a varied nature, starting from levying and ending with the irrigation project, which are pending. Even in the local press statements and counter-statements are being made and Government have to make statements and give out press releases. With regard to Periyar and Perambikulam, even though there was no basis, there were reports that the Madras Government was encroaching on Travancore-Cochin waters,

and the Travancore-Cochin Government had to investigate and issue a statement that it was not so.

Shri V. P. Nayar (Chirayinkil): It might happen during the Adviser's regime

Shri Achuthan: I do not know. As far as we know during the last three or four months he did not go against our interests. Practically what interest has he other than to do justice?

With regard to the suggestion by Dr. Rama Rao about there being more members in the tribunal, I do not know whether there is much substance in it. Supposing a very complicated and serious matter referring to a number of States which would affect considerably the irrigational facilities of a State, arises, then a State may have suspicion or may think that it would be better to have three or two persons in the tribunal instead of one person. But when the matter is technical and the advices are there and all materials are before the person concerned who is of the status of a High Court Judge...

Dr. Rama Rao: The amendment is only permissive, and just for such matters as you are referring to.

Shri Achuthan: But I do not think there will be such a case which will require a Bench of three or five Judges. It is not such a matter. The States themselves can settle the matter, but because small disputes will be here and there, we say there may be a tribunal and the parties shall abide by its decision and carry it out. Some Preliminary discussions and negotiations will take place either by the States themselves or on the intervention of the Central Government, and finally it will come before the tribunal. I have no objection to making it permissive to the Central Government to have more than one person on the tribunal.

Dr. Lanka Sundaram: I welcome this Bill in principle. I feel that we have arrived at a stage in this country when the Central Government must intervene between the State Governments to resolve disputes of this character.

We in Andhra have got a series of rivers which flow from out of States other than Andhra. We have the Machkund project, a very important project now, and we have got the Ramapadasagar project in embryo, and this river Godavari traverses from Maharashtra into Andhra. We have the most amazing and important example of the Tungabhadra project—one of the tributaries of the Krishna river. I would not be willing to go into the details regarding the Tungabhadra river, but I am sure everyone in this House knows because it is a matter of constant discussion in this House that we in Andhra have a number of difficulties about the manner in which this Tungabhadra project is sought to be controlled and directed. With the result I feel that whenever any State Government, whether it is Andhra or non-Andhra for that matter—and there are a score of State Governments in this country—brings it to the notice of the Centre, there should be some sort of a tribunal appointed to adjudicate on the disputes between one State and another. With the result I say, and I say it very sincerely, that I congratulate the Minister in charge of this Bill for having brought it forward before us, making a third party available for adjudication whenever there is a sort of dispute or disagreement. But my difficulty is that clauses 6 and 11 apparently are slightly inconsistent. Clause 6 says:

“The Central Government shall publish the decision of the Tribunal in the Official Gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by them.”

And clause 11 says:

“Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act.”

The whole question is: why do you want to make it summary as a procedure? What are the difficulties of the Government in allowing some sort of appeal to lie with a higher tribunal?

• **Shri Nanda:** It is barred by the Constitution itself.

Dr. Lanka Sundaram: For example in the case of an ad hoc tribunal appointed by the Government of India to resolve disputes between Andhra and Orissa with regard to the Machkund project, or between Mysore and Andhra with regard to the Tungabhadra project, why should they be so hidebound as to prevent a sort of further appeal lying? I would like to have a cogent answer from the hon. Minister because I feel....

Shri V. P. Nayar: Constitution-bound.

Dr. Lanka Sundaram: The Constitution must be changed. We have changed it often enough. To-day we are on the Ninth Amendment Bill, and goodness knows before even this House is dissolved how many more amendments will be brought forward.

The question is: why are they hide-bound? Why do we want to put this proposition in a straight jacket. I personally feel that there is a lot in what my friend Dr. Rama Rao said a few minutes ago. Clause 22 (2) provides:

“The arbitrator shall be a person to be appointed in this behalf by the Chief Justice of India from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court.”

I feel this is a matter which is of technical importance. It is a matter involving water rights, a matter in-

volving engineering skills. Why do you always only bring in the Supreme Court or the High Court Judges? Why do you not bring in engineers? Why can you not say that the retired chief engineers of State Governments or engineering consultants of the Government of India will have a similar position as that of the judges of the Supreme Court or the High Court or judges who have been on the Supreme Court or on the High Courts?

Shri Kasliwal (Kota-Jhalawar): They will be assessors.

Dr. Lanka Sundaram: Some of us have had experience of being assessors on so many committees, and we know that assessors do not have the same rights as members of the committee or commission or tribunal, for that matter. I speak with a certain amount of confidence because I have been an assessor more than a dozen times on the Union Public Service Commission.

The whole point here is this. Instead of merely making it a justiciable or legal issue, why do you not make it a technical issue, an issue which will certainly be appreciated by the disputants? Why do you not say, as I said just a few minutes ago, that retired engineers or irrigation engineers of the State Governments or from the Central Water Power Commission will be appointed as members of these tribunals?

I am sure my hon. friend Shri Nanda will not possibly argue with me contra when I say this, because I feel these are matters involving technical considerations, the apportionment of the waters of rivers, the manner in which the rivers are managed, the manner in which the distribution is made between one State and another or matters of dispute as regards, shall we say, irrigational and other facilities. So, I feel that this Bill is slightly defective, and I am sure even at this stage, the Minister can bring forward an amendment—and I hope the entire House will be with him in this—to equip the so-called tribunal with technical knowledge and experience.

I think every time you bring in a Supreme Court judge or a High Court judge, sitting or retired,—and you, Mr. Deputy-Speaker, had the very great distinction of being a High Court judge at one time in your life—you know that the technical competence is not available. I am anxious to give Government the accessory of technical knowledge. I hope the Minister would not possibly grudge this request on the part of this House, that this Bill should be amended in such a manner that at least there is scope available for technical men being brought on these tribunals.

I think that in this country, the picture of the rivers traversing the length and breadth of the country, passing through different State territories and disembodying into the sea eventually, brings to our mind something like what is called the Danube Commission, for example, in Central Europe, in the inter-war period. Even today, there is a Danube Commission, if I am not mistaken. The Danube Commission is truly international in character. Why do you not allow the State Governments also to be participants in the discussion or the investigation of the disputes concerned? Why do you simply take it to the rarefied atmosphere of legal quibbling? I am sure the Minister will agree with me when I say that I have the highest regard for the High Court and the Supreme Court in particular. But the point is this. How can they be technically competent to dispose of these disputes, because I feel that the entire objective of this Bill is to secure a settlement of disputes, of an honourable and enduring character, in a manner in which both disputants will be bound by it? How can you hope to get it?

Some of us have appeared before judges of the Supreme Court. I speak with a certain amount of personal knowledge and assurance. What do they know, for that matter, apart from the interpretation of statutes, about a question like the industrial disputes, or a question like the

[Dr. Lanka Sundaram]

river disputes? You can certainly say, and I am sure every Member of this House will certainly say, and I am prepared to counter that argument, that after all, it is a matter of law.

But here is a matter of the life and living of the community, of the entire nation, a nation which is divided into various States which are constituents of the Republic of India, a community which has got very strong views about its rights. Some of us in Andhra,—and I am glad I am able to bear out the statement made very generally by my hon. friend Dr. Rama Rao—have got very strong points about the Tungabhadra project I am sure this House does not know the details in full. But I know the controversy about the high level canal of the Tungabhadra project. How are you going to determine it?

Shri Nanda: We have done it already.

Dr. Lanka Sundaram: No. You have not. I say so with a certain amount of confidence. I am sure my hon. friend Shri Nanda will give me this point, that we are still very sore about it. I am not indulging in expletives, when I say that we ask him to remember that Andhra is not satisfied as to the manner in which the Tungabhadra project has been sought to be managed. I may be wrong. I am prepared to give him the point. But why do you make it a purely justiciable or legal issue? Why do you not make it a competent, technical and practical issue? I would like to have an answer from my hon. friend. I am prepared to listen to him. I am prepared to yield the ground at this very moment, if he could give me an answer to this point. Why can he not make this a technical, competent and practical issue?

I am afraid, as far as we Andhras are concerned—you, Sir, will appreciate this, because you have got a number of rivers traversing from north to south—we have a number of rivers which cut across inter-State boundaries. I hope I am not exag-

gerating when I say that Andhra has got more rivers than any other State in India, the Vamsadhara from the north, then the Sarada, then the Varaha, then the Godavari, the great mighty river of India, then the Krishna, another great mighty river, the Pennar and so many others, some of them 100 per cent perennial, and some of them not so perennial; and they traverse the entire length and breadth of the country from the north to the south. We have got disputes. I am not talking as an Andhra alone. I give this assurance to my hon. friends here. But the point is this. How are you going to settle it, by making it a justiciable issue, by making it a matter for legal quibbling? I regret to say that this should not be the attitude of the Government of India.

I again say with reference to clauses 4 and 11 of this Bill, that my hon. friend should see that non-legal people are available on the tribunals. I hope he himself will bring forward an amendment. If you will permit me, I am certainly willing to table the amendment right now, to help him to arrive at a formula, which shall be acceptable to the country as a whole, and which will be workable as well. I regret to say that making it purely a matter for forensic eloquence will not solve this problem.

As I said at the outset, I welcome this Bill. I feel that something like this should have been brought forward even four or five years ago, since the Parliament was brought into existence. I am glad that Shri Nanda has brought forward this Bill. But let him make it a purely enduring proposition, so that the entire country will be behind him. There are no politics in this particular Bill. I am thoroughly convinced of it, and I am sure everyone of my colleagues in this House will bear me out on this point. This must be a proposition which will enable every part of the country to have the right to live and live properly.

In the light of what happened yesterday, when we passed and gave the

send-off to that great important enormous Bill called the States Reorganisation Bill, the time has come when a machinery should be available for the proper apportionment....

Mr. Deputy-Speaker: Was it a send-off or a welcome?

Dr. Lanka Sundaram: A send-off to the other House, if I may say so. After all, with all the rights and wrongs with which this House is endowed, I think there is the other place, which, if you would allow me to say so, is very much in the picture—I am speaking only in terms of procedure.

What I mean to say is that this is a Bill which is intended to give fair shares for all, for every part of this country, with the result that you cannot make it a purely legal or forensic proposition.

I am sure my hon. friend the Minister of Irrigation and Power will not object to this suggestion that he should bring forward an amendment—I make a very sincere appeal to him in the cause of the country; I am not making a partisan approach at all—for enabling technical people, that is, people who are irrigation engineers, to act on these tribunals. I do not know what his objection is. I would like to hear him, if he wants to say anything now interrupting me.

Mr. Deputy-Speaker: No immediate answer is needed.

Dr. Lanka Sundaram: You know that the procedure is available to every Member of this House....

Mr. Deputy-Speaker: The Minister would reply at the end. So, the hon. Member should not expect an immediate reply now.

Dr. Lanka Sundaram: It is a very important and serious problem, which has not cropped so far since this Bill was taken up. The point I am making is this. I am prepared to yield the ground to him to tell me what objection he has got—personally, as far as he is concerned, as a Minister—to allow or to bring forward an irrigation engineer into these tribunals.

2 P.M.

Shri Nanda: I shall give the answer; it cannot be a simple yes or no.

Dr. Lanka Sundaram: I am glad that my hon. friend's mind is working and I hope it will continue to work.

I would say, in fine, that this is a very important Bill. It is a Bill which is absolutely necessary for the well-being of the country. It is a Bill dealing with the manner in which the waters of the great rivers, the waterways of this country, are to be properly apportioned and I am most anxious that the administrative and mechanical approach—I am using the word very generically—which the Government want to adopt in respect of this Bill will be such that it will not only be technically competent to deal with these problems, but it will be able to give satisfaction to all the disputants to any particular waterway in this great country.

Shri Nanda: Sir, I have listened with due attention to all the observations and suggestions made regarding this Bill and also the amendments that have been suggested. I, however, feel that I would not be in a position to accept any of the amendments and I shall explain the reasons.

Taking up first the remarks of the hon. Member who spoke last. He was very keen to have an immediate reply to his suggestion and I shall take the earliest opportunity to make that reply. In the course of my day to day duties I have to work with engineers. I know them fully well; I have great regard for them not only as engineers, but I believe some of them are very good administrators also and they can be trusted to perform various duties and discharge high responsibilities. Therefore, if I say that I am not inclined to favour this suggestion it is not because I have any doubt regarding the capacity or integrity of our engineers. I

[Shri Nanda]

shall explain why this does not fit in here.

The hon. Member will possibly remember—if he was here during the earlier part of the proceeding—that there has been a keen insistence on having not one judge but more judges, not High Court Judges, but Judges of the Supreme Court, not retired Judges, but serving Judges. This is the importance that they attach to the judiciary.

Dr. Lanka Sundaram: Clause 4 (2) says "persons who are, or have been". That means retired people

Shri Hathl: That does not apply to High Court Judges. The idea is to have existing High Court Judges.

Dr. Lanka Sundaram: Hardly any difference—tweedledum and tweedledee!

Mr. Deputy-Speaker: The hon. Member in the course of his speech has made every point very clear. Now he should listen to the reply.

Dr. Lanka Sundaram: On a point of personal explanation. You have known me for the past four and a half years. I am not interested in obstructing the Minister. The point is.....

Mr. Deputy-Speaker: The House realises that the hon. Member feels very keenly so far as this Bill is concerned.

Dr. Lanka Sundaram: Every Bill. You have watched me for four and a half years. The language is clear—from among persons who are, or have been, Judges of the Supreme Court or are Judges of a High Court. It is for you to give the ruling whether the language is clear, clubbing both the High Court and the Supreme Court together, or not. I am prepared to abide by your decision.

Mr. Deputy-Speaker: No question of my giving a decision in this case.

Shri Nanda: I was answering the main question, leaving aside for the moment the question of the language, which also is very clear. I was dealing with the principal issue raised by the hon. Member.

He made an appeal on behalf of the whole country and on behalf of all hon. Members here. I am quite sure that if he were to consult our friends here as to whether they would give up this provision which makes it obligatory to have a Judge of the Supreme Court or a High Court in favour of an engineer, none of them would agree. I see several hon. Members shaking their heads.

An hon. Member: We are not agreeable.

Mr. Deputy-Speaker: Parliament's decisions are not taken by the shaking of heads!

Shri Nanda: I have no other method of approach to the whole country. By what other method could I ascertain the will of the country? The country is represented here by the presence of these Members. So, sensing the opinion of the Members here and also knowing the mind of the States in the matter, this provision is acceptable to everybody. If, however, I were to take this matter back to the States saying that these matters will not be referred to a Tribunal consisting of Judges, but that the Tribunal should be composed of some engineers or administrators, I am sure that all the States would say 'no'. That is my reading of what the States' mind is in the matter. Therefore, having due regard to the opinions of the States—and this is a matter which vitally affects the States—I think that any departure from the method adopted here will not be acceptable.

Moreover, what the hon. Member desires is being furnished in some other way, in some other place. I do not know whether the hon. Member was present here during the pro-

ceedings in connection with the earlier Bill, the River Boards Bill. There it is that technical questions come in. Schemes are made there..

Dr. Lanka Sundaram: May I interrupt the hon. Minister? Will he give me an assurance that the assessors to be appointed under sub-clause (3) of clause 4 will be technical people? I would be satisfied with that.

Shri T. B. Vittal Rao (Khammam): One of the assessors will be a technical man.

Dr. Lanka Sundaram: Will he make it obligatory that one of the assessors will be a technical man, say, an irrigation engineer.

Shri Nanda: Certainly, that is the intention.

Mr. Deputy-Speaker: When they have to tender advice, it is for the Tribunal to see what sort of advice is sought in a particular case.

Shri Nanda: If for example, a reference to a Tribunal is only the interpretation of an agreement, the terms of an agreement, or whether an agreement has been implemented or not, it may be that the kind of help that the Tribunal requires is not that of an engineer; it may be something else. Supposing it is a question about pollution of water, then a man who knows sanitary engineering may be required. As to whether the technical aspects are being fully looked after or not, my answer is that those are going to be considered in very great detail by the Boards and the Board will have, if he will kindly refer to the relevant clause there, specialists, experts and technicians of all kinds. The Boards will be very properly manned. Questions as to whether an agreement has been implemented or not, or some State has not carried out its part, or refuses to do or has done some thing in excess, all these are matters which are mainly in the domain of judicial determination. This provision I may respectfully state is quite ade-

quate and appropriate for the purpose.

Dr. Lanka Sundaram: Will the hon. Minister explain the qualifications of the assessors to be appointed under sub-clause (3) of clause 4—who are to be the assessors, what are their qualifications? I am interested in it.

Shri Nanda: The intention certainly is to enable the Tribunal to have the help of assessors who will have the relevant, appropriate technical qualifications, having regard to the nature of the dispute before them—which may be in many cases an engineering dispute, may be something else also. Therefore, we cannot tie down the Tribunal as to who the assessors will be. I may remind the hon. Member that we had in the original Bill a provision that the Central Government may make a recommendation, but that also, at the instance of the Joint Committee, was deleted. 'Leave this matter to the discretion of the Tribunal'—that is what they said, and rightly so.

Dealing further with the same question, of the composition of the Tribunal, I entirely agree with Members that if possible, we might have provided for more than one member. That was our intention and original idea. But I may inform hon. Members that the Supreme Court took a very different view. They said that if it was not one, the number would have to be three, and they indicated that they would not be in a position to give three. They asked—what is the use of your asking for three in such cases? Therefore, let us try on this basis.

As regards the question of the status of the Judges, that also has arisen because of the advice of the Supreme Court. We had originally put it in the way in which hon. Members wanted it to be put. The original wording was exactly that. But we have been told to change it and, therefore, we have had to change the provision accordingly.

[Shri Nanda]

There was another point made that instead of the wording that the Tribunal 'may' appoint two or more, it should be that it 'must' appoint. That also we leave to the Tribunal. After all, we trust the judgment of the Tribunal in such very big matters. We can also trust them to see whether there is need for assessors or not. It may be just a matter of interpreting a particular sentence in a whole agreement. For that, there will not be any need of assessors.

Now remain the amendments tabled by my hon. friend, Pandit Thakur Das Bhargava. We gave very close consideration to them yesterday. This is not so much a matter of judgment of the Minister as the advice of the legal advisers. We were told on all these points that it was not necessary to make these changes, that the wordings as they stood covered all these intentions. 'Executive action' includes omission. So 'omission' is covered under the wording. Failure to implement would be an omission. So far as the inhabitants are concerned, in this case it is really the State which is to act on behalf of these inhabitants. Therefore, these suggestions, though perfectly all right so far as the merits of the things are concerned, are not necessary to make them clear in a legal sense, because the existing wording of this clause covers all those points.

One more point, as to the negotiations, remains. It is asked: Why should we not limit the period to six months? It should not be prolonged beyond that. That is the suggestion. I certainly agree that negotiations should not be unduly prolonged. But these negotiations are in the hands of the Central Government, and the Central Government are bound by something which is not in this Bill but which is in the Plan. The Plan's targets have to be achieved. Suppose a certain action is to be taken for supply of water for irrigation as well as for power. Now it will be

the anxiety of the Central Government not to take six months. One hon. Member—I think it was Pandit C. N. Malviya—opposed the stipulation of the period of six months for this reason, that it would become a routine thing; the State would say, 'we have got six months'. I do not want to give them six months. It may have to be done in 15 days or a month.

Shri B. Y. Reddy: It should not exceed six months.

Shri Nanda: Then it becomes difficult. When there is a period given, it may be that all that is needed to be done cannot be completed within the maximum period. There may be something outside the control of the Central Government. The Central Government are taking up this Bill with a certain purpose. The purpose is to expedite the making and framing of schemes and their implementation.

Therefore, let the Central Government be trusted to do that, keeping in view the consideration that the intentions and objects of our Five-Year Plan, which will have to embrace all these schemes, will be carried out in good time. It may be that in some exceptional case negotiations on some complicated technical matters may arise which require investigation, by a team of engineers, of experts. This investigation may possibly be so complicated that it may take more than six months.

Dr. Lanka Sundaram: My question is: where are the experts, apart from the Judges?

Shri Nanda: That is in connection with the earlier thing. But if the question arises here, the experts will be of the Government. If it is necessary to have experts here, they will be government experts.

I have answered all the points.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Complaints by State Governments as to water disputes)

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 2—

for lines 12 and 13, substitute:

"(a) any act, omission or legislation enacted or proposed to be enacted by the other State; or".

(ii) Page 2, line 15—

before "to exercise" insert:

"or inhabitants thereof".

(i.) Page 2, line 17—

after "to implement" insert:

"or wrong implementation of".

I have already indicated the lines on which I thought these amendments were necessary. I formally move them now.

Mr. Deputy-Speaker: I shall now put these amendments to the vote of the House.

The question is:

Page 2—

for lines 12 and 13, substitute:

"(a) any act, omission or legislation enacted or proposed to be enacted by the other State; or".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 15—

before "to exercise" insert:

"or inhabitants thereof".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 17—

after "to implement" insert:

"or wrong implementation of".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(Constitution of Tribunal)

Shri B. Y. Reddy: I beg to move:

(i) Page 2, line 29—

for "one person" substitute:

"one or more persons".

(i.) Page 2, line 28—

after "shall" insert:

"within a period which shall not exceed six months from the date of receiving such request from any State Government".

(ii) Page 2, line 31—

omit "or have been".

Shri Nanda: I do not accept these amendments.

Mr. Deputy-Speaker: The question is:

Page 2, line 29—

for "one person" substitute:

"one or more persons"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 28—

after "shall" insert:

"within a period which shall not exceed six months from the

[Mr. Deputy Speaker]

date of receiving such request
from any State Government"

The motion was negatived.

Mr. Deputy-Speaker: The question
is:

Page 2, line 31—

omit "or have been"

The motion was negatived.

Mr. Deputy-Speaker: The question
is:

"That clause 4 stand part of
the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 12 were added to
the Bill.

Clause 13.—(Power to make rules)

Dr. Rama Rao: I beg to move:

Page 4, line 29—

add at the end:

"within three months after
obtaining the President's assent"

I have already explained this
amendment.

Mr. Deputy-Speaker: The question
is:

Page 4, line 29—

add at the end:

"within three months after
obtaining the President's assent".

The motion was negatived.

Mr. Deputy-Speaker: The question
is:

"That clause 13 stand part of
the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

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

Shri Nanda: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question
is:

"That the Bill be passed".

The motion was adopted.

MOTOR VEHICLES (AMENDMENT) BILL

The Deputy Minister of Railways
and Transport (Shri Alagesan): Sir,
I beg to move*. "That the Bill fur-
ther to amend the Motor Vehicles
Act, 1939 be referred to a Joint Com-
mittee of the Houses consisting of 45
members; 30 from this House, name-
ly, Shri K. L. More, Shri Fulsinhji B.
Dabhi, Shri M. L. Dwivedi, Shri C. C.
Shah, Shri T. N. Viswanatha Reddy,
Shri Amarnath Vidyalankar, Shri M.
K. Shivananjappa, Shri Rohanlal
Chaturvedi, Shri Krishnacharya
Joshi, Shri Suriya Prasad, Shri Ram
Sahai Tiwari, Shri Basanta Kumar
Das, Shri Bhupendranath Mishra,
Shri Sitanath Brolomo-Choudhury,
Sardar Iqbal Singh, Shri T. S. Avi-
nashilingam Chettiar, Shri Raghunath
Singh, Shri Shree Narayan Das,
Shrimati Sushama Sen, Shri Ramesh-
war Sahu, Shri R. R. Morarka, Shri
T. B. Vittal Rao, Shri K. Anandan
Nambiar, Shri K. S. Raghavachari,
Shri Y. Gadilingana Gowd, Shri U.
M. Trivedi, Shri Giriraj
Saran Singh, Shri Bahadur Singh,
Shri Uma Charan Patnaik and the
Mover and 15 members from Rajya
Sabha;

that in order to constitute a sitting
of the Joint Committee the quorum
shall be one-third of the total num-
ber of members of the Joint Commit-
tee;

that the Committee shall make a
report to this House by the 20th Nov-
ember, 1956;

that in other respects the Rules of
Procedure of this House relating to
Parliamentary Committees will apply
with such variations and modifications
as the Speaker may make; and

*Moved with the recommendation of the President

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The proposal to amend the Motor Vehicles Act of 1939 has undergone several vicissitudes and has a long history behind it. The Motor Vehicles Act, 1939, except for Chapter VIII relating to the compulsory insurance of motor vehicles against third party risks, which came into force on the 1st July, 1946, has been in force since July 1939 in Part A and C States and since 1st April, 1951 in Part B States.

As war broke out soon after the Act had come into force, it could not be given a fair trial under normal conditions. Nevertheless, it did succeed in bringing about improved standards of driving and road safety and some measure of regulation of the competitive 'small owners' of transport vehicles. Shortly after the conclusion of the war it was found necessary to amend the Act generally to remove the defects revealed in practice and, in particular, to give effect to the then agreed policy between the Centre and the Provinces which had gradually been evolved for the better co-ordination of land transport generally, and of road rail transport, in particular. An amending Bill was accordingly introduced in the Central Legislative Assembly in 1946 and it reached the stage of report by a Select Committee. Its further progress was halted for a time by the constitutional changes leading to Independence. Subsequently, other developments in the shape of the initiative taken by some State Governments in nationalising sections of road transport made it necessary to reconsider amendments to the Act. With the finalisation of the Second Five Year Plan, the trend of road transport development has become more clear and the amending has not come a day too soon.

The Bill before the House is the result of prolonged consultations and discussions with the State Govern-

ments and at meetings of the Transport Advisory Council during which it was found possible to reach a large measure of agreement on most of the proposals. The views of certain important associations of road transport operators and of users of motor vehicles, have also been taken into consideration. The present Bill also incorporates most of the provisions contained in the Bill as revised by the Select Committee of the Central Legislature in 1946 as these provisions were put in to remove the defects that were revealed in the course of working of the Act over a period of years.

The Bill has been before the House for nearly nine months. Along with the text, fairly elaborate notes on the clauses have been circulated which I hope, will be of use to the House when detailed consideration of the clauses is taken up. I would, however, like to take this opportunity to explain some of the more salient features of the Bill.

The most important feature of the Bill is Chapter IV-A which incorporates certain special provisions relating to the State Transport Undertakings. The Motor Vehicles Act, as it stands at present, contains no provisions to facilitate the introduction or expansion of nationalised transport services. Some States have amended the Act with local effect only or promoted separate legislation to implement their schemes of nationalisation of road transport. The creation of monopoly rights for their State undertakings which such legislation sought to achieve was in some cases successfully challenged by the private interests affected, on constitutional grounds. The uncertainty regarding the amount of compensation to be paid to displaced private operators together with the provision under the Constitution as it stood then which made the quantum of compensation a justiciable issue, also gave rise to difficulties and discontent. With the amendment of the constitutional provisions relating to the creation of

[Sbri Alagesan]

State monopolies and the payment of compensation for interests acquired by the State, the way is now clear to have a uniform law throughout the country in these respects.

The broad concept of the new Chapter is as follows:—

(a) A scheme for introducing a nationalised transport service for passengers or goods should receive the approval of the State Government

(b) When a scheme has been so approved, the State undertakings shall apply to the Transport Authority concerned in the prescribed manner for a permit in respect of any route or areas or the whole of the State, as the case may be, to the exclusion of every other person. The Transport Authority shall then grant the necessary permit to the vehicles of the nationalised service and for this purpose may cancel or modify or attach conditions to the permits of the existing operators on the routes where the nationalised service is proposed to be operated.

(c) Where an existing permit is cancelled during its currency or the terms thereof are modified so as to curtail the number of vehicles or routes covered by it, it shall be obligatory on the State Transport undertakings to pay to the permit-holders compensation for cessation of business. This compensation is to be based on the unexpired period of validity of the permit and calculated as follows:

- (1) For every complete month or part of a month excluding 15 days of the unexpired period of the permitRs. 100.
- (2) For part of a month not exceeding 15 days of the unexpired period of a permitRs. 50.

Provided always that the amount of compensation shall in no case be less than Rs. 200/-. No compensation will also be payable for non-renewal of a permit and this is being laid down specifically.

It will be seen that the formula that has been adopted has the advantage of simplicity as it leaves no room for any dispute or controversy regarding the quantum of compensation payable to displaced operators. I may add that the U.P. Government have a ready enacted legislation on these lines.

No provision is being made for the acquisition of assets by the State undertakings or the payment of compensation therefor. It was originally the intention to include in the amending Bill certain provisions laying down,

- (i) the procedure to be adopted in case the State undertakings decide to acquire the assets of a private operator,
- (ii) the manner of determining the compensation to be paid for such assets, and
- (iii) the principles on which such compensation should be based.

Government were, however, advised that while it would be in order for Parliament to legislate in regard to the form and manner in which compensation is to be given and the principles thereof, it had no power to lay down the procedure for acquisition as in such cases, the acquisition would be for the purpose of State and not the Union.

In view of this advice, it is proposed to leave the question of acquisition of assets entirely to the State Governments.

The next important amendment relates to the question of inter-State traffic. The present law provides that a permit granted in any State shall not be valid in any other State un-

ess countersigned by the State Transport Authority of that other State. Though some of the States have entered into mutual agreements permitting the operation of a specified number of vehicles on inter-State routes, the position is unsatisfactory in a number of States. The negotiations between the States have been generally of a prolonged character and have often failed to produce any agreement. Instances are not rare of transport vehicles having to stop at the border of a State in the absence of any mutual agreement and passengers and goods have to be transferred to vehicles plying within the other States.

From the point of the economy of the country as a whole, it is of the utmost importance that there should be maximum freedom of movement for traffic from one State to another. At the meeting of the Transport Advisory Council held in February 1956, the States have generally approved certain model principles on the basis of which inter-State agreements can be negotiated. The acceptance by States of these model principles will, it is hoped, facilitate the conclusion of agreements where such agreements do not exist. Nevertheless, it seems desirable (and this view has been endorsed by the Transport Advisory Council) that the Centre should have reserve powers to set up inter-State Transport Authorities for the regulation of traffic on inter-State routes. These powers are intended to be used only where a deadlock has arisen and mutual agreement is not possible. Further, it is felt that a provision of this nature will be useful as a ready means for the statutory implementation of any decisions which the Zonal Councils envisaged in the States Reorganisation Bill, which has been passed only yesterday by this House with such unanimous consent and universal acclaim, may take for the development of inter-State traffic. The relevant provisions for the setting up of inter-State Transport Authorities have been incorporated

in the Bill under clause 57. This clause also envisages the setting up of a Central Transport Authority to co-ordinate and regulate the activities of Inter-State Transport Authorities.

The Study Group on Transport Planning in their report submitted last year had drawn attention to the fact that while in the U.S.A. and the U.K. nearly four-fifths of the goods vehicles operating on the roads were private carriers, that is, owned by industry and establishments moving their own goods, in India, the proportion of private carriers to the total number of goods vehicles was only about 23 per cent. One of the factors which has led to this lopsided development is the provision under the present law which requires the owners of a private carrier to obtain the countersignature of the Regional Transport Authority of any area outside the jurisdiction of the Regional Transport Authority which has issued the permit, if he desires to extend his operations into that area. In States which are divided into several regions for the purposes of the Act, this involves obtaining countersignatures in many cases even for moving from one district to another within the State. In principle, there is not much of a justification for denying to the private lorry owner the same freedom of movement that the owner of a private motor car enjoys. But the State Governments are not in favour of giving complete freedom of movement all over the country to private carriers. As a first step, however, towards securing greater freedom of movement for private carriers it has been agreed that provision should be made in the Bill that where movement over more than one region within a State is desired, permits granted by the State Transport Authority shall be valid for such movement without the countersignature of any other Authority. The State Transport Authority will, of course, be free to screen applications for such permits before issuing them.

[Sbri Alagesan]

Representations have been repeatedly made by Associations of transport operators against the practice followed by many transport authorities in States, allegedly at the instance of the State Governments, of granting temporary permits for short periods to regular transport operators in order to avoid possible claims to compensation for loss of business in the event of nationalisation. Under these conditions, private operators are naturally reluctant to invest the capital necessary for operating road services.

To remove apprehensions and to create conditions under which private enterprise can develop on routes and areas where nationalisation is not contemplated immediately, provision has been made in the Bill to re-enact sub-section (1) of section 58 laying down the period of validity of a regular permit as not less than three and not more than five years and making it clear by an amendment to section 62 that no temporary permit should be issued under that section in respect of any route or area for regular operation except for such short periods as may be necessary for a decision to be given on a pending application for a regular permit. It is hoped that when these amendments become law, private operators will have a reasonably sufficient security of tenure to enable them to function smoothly and develop their operations.

Another import feature of the Bill is with reference to the co-ordination of all forms of transport. The present Act provides for the co-ordination of road and rail transport only. This has been expanded to include other means of transport as well as like inland waterways. Such co-ordination, I need hardly emphasise, assumes special significance in the context of the mounting transport needs of the Second Plan.

I do not propose to take up the time of the House much longer except to mention briefly that the de-

finitions in Chapter I of the Act are being recast so as to classify motor vehicles according to construction into light, medium and heavy vehicles and according to use as public service vehicles, goods vehicles, etc. A new Chapter II-A is being added to provide for a system of licensing conductors in the same way as drivers are being licensed at present. The minimum basic provisions only have been included and matters of detail have been left to be prescribed by the State Governments under their own rule-making powers. Provision is being made in Chapter VIII for State Governments to appoint Motor Accidents Claims Tribunals to determine and award damages with a view to helping persons of limited means in preferring claims on account of injury or death without the necessity of obtaining a court decree for enforcing their claims against the insurance companies. The Chapter relating to offences, penalties and procedure is being extensively revised so as to provide adequately deterrent penalties for offences against the provisions of the Act.

I think I have referred to most of the important provisions of the Bill. I have refrained from referring to the other provisions of the Bill because they relate more to matters of detail. But I would like to mention that they mark a definite improvement over the existing Act as they are intended to provide for better control and regulation and bring about greater efficiency in operation.

Now, I would like to say something about what might appear to the House as an important omission in the Bill, namely, provisions relating to hours of work, conditions of employment, etc., of workers employed in the road transport industry. The Motor Vehicles Act at present includes only one section—section 65—which restricts the hours of work of drivers. The question whether the Act should be enlarged to cover other matters relating to employment has been considered

and it was agreed that it would be more appropriate to undertake separate legislation on the subject, rather than enlarge the scope of the Act which is primarily concerned with the safety aspects of motor vehicles. I may mention here that the Labour Ministry are already seized of the matter and are having under their consideration proposals for the enactment of suitable legislation.

In conclusion, I should like to clarify the policy of Government with regard to road transport development during the Second Five Year Plan. Both Government and the Planning Commission have given a great deal of thought to this and arrived at the following conclusions which take into account the capacity of both private and public sectors to provide the necessary transport. Private interests who have been operating road motor transport were assailed by misgivings and fears with reference to the nationalisation policies of the State Governments.

I do not want to be apologetic about the nationalised road transport undertakings of the various State Governments which have played a very useful part in meeting the growing transport needs of the country. Nationalisation in the field of road transport has come to stay and nobody can wish it away. But at the same time, I do not want private interests to be scared away by this development. Government have now clearly laid down that there will be no nationalisation of goods transport services during the next five years. Even with regard to nationalisation of passenger transport services, it has been recommended to the State Governments that they should suitably phase their programmes for expansion and simultaneously a very liberal policy should be pursued with respect to licensing of goods vehicles and also of passenger vehicles in areas lying outside the proposed nationalisation schemes. The State Governments have also been informed that their

schemes for nationalised road transport have been approved on the understanding that Corporations under the Road Transport Corporation Act, 1950, wherein the Railways and, if possible, private operators could participate, should be set up for running the nationalised undertakings. Further, the expansion of the nationalised sector in road transport is limited by the funds made available in the Second Plan. With this clarification of Governments' position, I hope all uncertainties and doubts would be removed and the private operators who even now provide almost the entire goods transport services and about three-fourths of the passenger services would expand further with confidence and enthusiasm.

Mr. Deputy-Speaker: Motion moved;

"That the Bill further to amend the Motor Vehicles Act, 1939 be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely; Shri K. L. More, Shri Fulsinhji B. Dabhi, Shri M. L. Dwivedi, Shri C. C. Shah, Shri T. N. Vishwanatha Reddy, Shri Amarnath Vidyalankar, Shri M. K. Shivananjappa, Shri Rohanlal Chaturvedi, Shri Krishnacharya Joshi, Shri Suriya Prasad, Shri Ram Sahai Tiwari, Shri Basanta Kumar Das, Shri Bhupendranath Mishra, Sardar Iqbal Singh, Shri Sitanath Brehmo Chaudhary, Shri T. S. Avinashilingam Chettiar, Shri Raghunath Singh, Shri Sree Narayan Das, Shrimati Sushama Sen, Shri Rameshwar Sahu, Shri R. R. Morarka, Shri T. B. Vittal Rao, Shri K. Ananda Nambiar, Shri K. S. Raghavachari, Shri Y. Gadilingam Gowd, Shri U. M. Trivedi, Shri Giriraj Saran Singh, Shri Bahadur Singh, and Shri Uma Charan Patnaik and the Mover, and 15 members from Rajya Sabha;

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

[Mr. Deputy-Speaker]

that the Committee shall make a report to this House by the 20th November, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri V. P. Nayyar: (Chirayinkil): I must confess that, after going through the various provisions of the Bill and hearing the hon. Mover, who repeated most of what is written in the Statement of Objects and Reasons, I am unable to decide whether I should support the Bill or oppose it. It has certain provisions which are welcome, but, on the other hand, I find that the Bill, as a whole, has not taken stock of the situation of the motor transport industry in our country. We know and we have been told now also, that this Bill is a revival, with certain modifications, of a Bill which lapsed as early as 1946. In 1946, the then Government made an attempt to pass a legislation and make the Motor Vehicles Act more current and in doing so, the Government had some objectives and reasons. Today the perspective has very much changed. It is not in the 1946 perspective that this Bill has to be revised. In 1946, we were not thinking about our Plans. Today the context is different. Transport has a definitely better-understood role in the economy of our country—a factor which, I am afraid, has not been taken into consideration in drafting this Bill. We cannot understand if a revision like this would take eight or ten years. If the revision had

affected the provisions fundamentally, then we could have understood it. But, here and there, certain provisions are modified or changed and the law is according to the Government—made up-to-date.

In so far as the day-to-day operation of the motor vehicles are concerned, may be, some more conditions have been laid down in the matter of licences or checking up or in the matter of determining the laden weight. Some of these provisions are desirable. But, the Bill overlooks the fact that in a planned economy, planning for transport must be sufficient well ahead; it should be thought out and executed before the economic planning takes shape. When we are on the Second Plan, planning for transport should have been completed for the third and fourth Plans.

India has several problems of transport. The Rs. 1125 crores which we may be investing in the development of railways under the Second Plan, will still leave much room for motor transport. What is our difficulty? How are we to deliver the goods? Has the Government planned or thought of a law which will very effectively serve the needs of the transport industry in the context of its necessary development. On going through the provisions of this Bill, I submit that I am very much disappointed in this regard.

The Ministers may acknowledge in private conversations that the transport development is a necessary prerequisite of economic development. If that is understood by the Government I do not see why this Bill should be presented in the form in which we have it before us. However, I am glad that the Government had at last opened its eyes now. The Motor Vehicles Taxation Enquiry Commission's recommendations were made in 1950. What was the Government doing all these days?

I was really surprised when I went through the Statement of Objects and Reasons. It may be argued that it contains some objects and some reasons. I do not find any object which can be called an object. Everything there is a reason for bringing this law in its present form. I submit that the revision of the Motor Vehicles Act, as contemplated in this Bill, has absolutely no relevance to the development of the road transport industry.

The hon. Minister was heard saying that even in the road transport industry, the development had been "lop-sided." It is very correct. It is terribly lop-sided. But the major factors are not taken into consideration by the Government. It may be said that it is not a matter for the Transport Ministry but that it is a matter for the Commerce Ministry or some other Ministry or the Defence Ministry. But, it is not so.

2.49 P.M.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

If we have a plan, it must be brought before this House. It must have some bearing and relation to the Plan and it must be thought of in terms of the Second Plan which we have. I submit that even after passing this Bill, the evils which prevent the growth of the motor transport industry, whether in the private sector or in the public sector, will still remain. We have many problems to face and we have to solve them. The hon. Minister's contention may be that it is not within the scope of this Bill. What I am submitting to the House is, when revision of the law is contemplated, these basic aspects ought to have been taken into consideration.

Sir, you know, our country is probably the only country, where in the operation costs of motor vehicles the Government has no real control. In factors which determine the operational cost of motor vehicles the Government do not have much of a say. Let us take the case of fuel on which

motor vehicles run. Yesterday, we heard from the hon. Minister for Works, Housing and Supply that even in the matter of fixation of prices of oil distilled or refined in this country the Government of India has no voice and it is all in the hands of the foreign enterprises which are doing the work. Today the price of petroleum or Diesel oil is to be determined not by the Government of India but according to the dictates of foreign firms. The price position of oil is very much dependent on the caprice of certain British firms in our country.

That is not the only point. In the operational cost, you know, Sir, perhaps, the Second highest incidence is that of tyres. What is the position of tyres today? We know that the foreign firms which monopolise the manufacture of tyres in this country get perhaps the cheapest raw rubber and, undoubtedly, the world's cheapest labour, and yet they sell the tyres at the highest cost in the world. It is not my view, but the Tariff Commission has reported so. Can't we do something about it? These Dunlops, Fire Stones and India Rubber companies between them control, not 99 but cent per cent. of the tyres which we require. We also know, when on the one side the Government allows the tyre companies to purchase raw rubber at rock bottom prices, denying the rubber cultivators their legitimate due, and give the workers the lowest wages compared to other rubber factory workers in the whole world, the tyres are allowed to be sold in India at the highest prices. Is it not a factor which has to be looked into when we know that in every public transport within 5,000 to 10,000 miles a set of tyres costing not less than Rs 700-800, will have to be changed? So, one of the factors which has one of the highest incidence in the cost of operation of these vehicles is again in the monopolistic grip of the foreigners.

Then Sir, take the case of spare parts. I happen to know something about spare parts manufacture in this

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country. Several thousands of vehicles in use in this country had been manufactured in foreign countries. We have got them in private use and in public use. The ancillary industries to the automobile industry in India are not developed to such an extent that we can provide the spare parts from our own factories. I shall come to that a little later, but now let us see how spare parts are sold. You will be surprised to know, Sir, that if you want to change a "genuine" condenser for a Ford, you will have to pay five times more than the price at which you will get a condenser from a local manufacturer. But, unfortunately, the condenser of local manufacturer will not fit into a Ford-V8. This applies to all spare parts we require. Therefore, the supply of spare parts for the vehicles in operation and which have been made in other countries is still in the control of foreigners. So it comes to this. The cost of petrol on which the motor transport has to operate, the cost of tyres and the cost and supply of spare parts, all these three major factors, are in the octopus grip of the foreign capitalists. Have we done anything about it? Are we at least trying to do something about it? Without trying to do anything in these respects, what is the meaning of revising the Bill and making it up-to-date saying that a particular driver must pay Rs. 5 for taking a licence? These are all, Sir, important matters, studiously over-looked by this Government.

Then again, Sir, there is another question which has not been considered in its proper perspective. In no country can road transport industry develop unless prior to that development the automobile industry has developed well. We cannot go on importing diesel trucks and improve the road transport of our country in the way in which we want it to be done, much less when we say we are going towards a socialist pattern of society. Even the manufacturing units in

India are in the iron grip of foreigners. Maybe, the hon. Minister may say it is necessary owing to the lack of technical know-how. I agree, for the time being some help may be necessary. But what I am saying is, as far as I have studied the development of automobile industry, I do not know of any country where automobile industry has developed within four walls of one manufacturing unit. You know, Sir, for an ordinary automobile about 1200 parts are required. Normally, 400 to 500 parts will be made under one roof and the rest will be distributed to hundreds of outside units. Even in capitalist countries the development has been like that. In India that is not the position. Why? This is a very fundamental issue which the Government ought to have considered.

In India the craze of the manufacturers, who are, all of them without exception, in partnership with foreign manufacturers or with whom they are in collaboration, is always to go on changing models after models. This is to get sure sales and profits. If today you buy a Hindustan which may be of 14 H.P., or you buy a Studebaker truck which may have a particular wheel-base, say 197, next year you will find that a new model has been introduced. They will change the H.P., they will change the wheel-base, they will change the steering assembly Gear Box, knee action and what not. The result is that along with the development of automobile assembling industry, it is not a manufacturing industry as yet, the simultaneous development of ancillary industries has become impossible in our country just because we have not laid down certain standards which will hold good for a period of years. Sir, is there a factory in India which can manufacture all the king pins or spindle bushes that may be necessary for all the variety of cars we have? If we have got 7 or 8 manufacturers in this country, they manufacture 15, 18, or

25 types of vehicles. We do not know what particular make there will be after two years. It was only in 1954 that we had the "New Look Hindustan" and now the new Land-master with a different H.P. has come. How can a man who sets up a factory for manufacturing an electrical equipment or a dynamo for 14 H.P. Hindustan immediately switch over without knowing the thing that is required when the manufacturer himself changes to a different pattern next year? That has been. Sir, one of our curses. We have not been able to lay down a definite policy regarding our automobiles. The result is that we are still able to manufacture or assemble—or both—only 20,000 automobiles a year.

I submit, Sir, if in this context we have to think in terms of developing the automobile industry, we have no reason to keep this question unsettled any longer. We must take some action. It is also necessary to lay down the automobile policy before we think of developing the industry to meet the requirements of additional production and consumption under the Second Five Year Plan. It is also necessary to have certain standards. We are prepared to wait for our luxury cars, and we must. It is not as if we should continue to improve upon the Dynafloxs luxury convertibles or stream-lined cars, or make further improvements on our baby cars to accommodate five people. There is no question of that at all in an under-developed economy like ours. Certain comforts will have to be sacrificed by the few, for the time being, in order to help other industries on which the development of automobile industry and the development of road transport industry necessarily depend.

Therefore, Sir, I submit, that the lack of a policy well in advance, and determining for a number of years what should be the specification of automobiles, or the standards for various component parts which go into the manufacture of automobiles, is the cause of all troubles. Unless

these matters have been decided upon, there is no question of amending the legislation telling us that they want to keep the legislation up-to-date!

There is again the question of spare parts industry. This has been completely neglected. The Government has done nothing about it. The Government has not encouraged anybody in this line and there is, as I said before, no specifications laid down for that also. We know the Indian Standards Institution can do something in this. Sir, in other under-developed countries the position is not like this. When they think of economic planning, they give priority for development of transport undertakings. They plan for that well ahead, for three or four plan periods. They decide as to what must be done in respect of this most fundamental requirement. They lay down that until a target is reached, until the economy is so well developed, they will have only a standard 4 tons or 5 tons truck or a standard type of passenger car. Without doing so, just to come and say, because a driver has to obtain a licence we are adopting this procedure now, or that this section has to be slightly changed in order to enable people to have a better understanding of the problem, etc., I submit, will not touch the fringe of the problem.

I must now tell the hon. Minister through you, Sir, that I certainly welcome some of the provisions of the Bill. For example, in regard to the provision relating to inter-State transport, I would very much wish to have a more liberalised provision but still, as it is, it is good. There are other provisions also which are not bad. But when the hon. Minister was saying that the hon. Members doubt as to why even a provision relating to the workers has not been included he was not able to give us a guarantee that by the time this Bill becomes law, the Labour Minister will also bring forward a legislation. He could not give us a guarantee, Sir, he is laughing now. I can understand

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the significance of his laughter also, and I can well appreciate his helplessness. I would like to ask him one question. If this law is made up-to-date without a provision relating to labour, as you know, under the present Motor Vehicles Act, the drivers and the conductors and other crew can be exploited to the extent of nine hours per day and 54 hours per week. Is it not inhuman exploitation? The Government must understand that the driver's job today is not the job which it used to be in 1939 nor is the conductor's. The hon. Minister knows that in 1939, when the Motor Vehicles Act was framed, there were no public vehicles above three or four tons each. It is common knowledge that a driver will have to expend more energy in driving a ten-ton vehicle than what he has to, in driving a three-ton vehicle. It is also common knowledge that a diesel vehicle of the type that we have in the Delhi Road Transport Service—Leyland, Guy, Mercedes and others—carries 60 to 70 passengers. Is it not common knowledge that a driver who drives a vehicle with 60 to 70 passengers will have to use more of his strength more of his energy and have more anxiety in safely carrying these passengers than when he is carrying only 30 or 35 passengers in a three-ton bus? It is a question of physical and mental exertion. So, I submit that in 1939, for driving three-ton and one and a half ton trucks and buses, the Government laid down only nine hours per day or 54 hours per week; but today, the job is something very different, because, the work of the driver as well as that of the conductor has increased. The conductor, in 1939, had to give tickets only for 23 persons. Today, he has to give tickets for 50 persons or more. The attendant work will also be heavier. So, the work affects both the drivers and the conductors.

There is also another question about which the Government have not so far made a serious study at all. The

use of diesel oil in public transport is increasing. I have some information with me which says that diesel oil, especially to the drivers driving vehicles of the type where we find the engines mounted near the Driver's seat is injurious. Protection in these bonnetless type of vehicles is very little and the escape of diesel gas is very common in such vehicles. I do not know whether you, Sir, had any occasion to travel in Delhi's buses. Even the exhaust smoke of diesel is supposed to have more harmful effects than the smoke from burning petrol. I am not a scientist. I have not done any research into this matter, but the opinion seems to be that this is a matter worth investigation. I know that several people who drive diesel trucks get occasional chest pains and some of them get tuberculosis. This may not be the precise reason for their infection but then the fact remains that many drivers get T.B. This gas is possibly injurious.

In Government-owned factories, this is not the case. For example, we had been to the Hindustan Aircraft factory, and Shri T. N. Singh was also with me then. We found that in the spray-painting section which handles some noxious gas, the workers were given some protection. They were given two or three tablets of vitamin B and an extra glass of milk every day at the cost of Government. I submit that the driver's job in a diesel truck is even more hazardous and even more dangerous. This question has not been studied. Apart from the fact that the labour of the driver has increased, that his workload has increased and apart from the fact that the Government have chosen to revise the entire provision relating to licences, punishment, this, that and the other—as my friend Shri Gadgil would put it—the Government have no mind to reconsider this case. The hon. Minister is not in a position to give us an assurance that by the time this Bill becomes law they will also change the other aspect relating to labour. Unless we have the other provision relating to labour also

modified by the time we get this law passed by Parliament, the result will be that the Government would have conscientiously increased the workload of the transport workers in this country. They have no excuse to do so. I will not deal with all the provisions in detail. I would refer only to some of the aspects. The hon. Minister said that punishment is sought to be made more deterrent. But does he contemplate any punishment to the owner by whose fault a spare-part has not been replaced in time and because of which a crash happens? Is there any provision regarding this? Very often we know that the owners of public transport will not even purchase a tyre unless the tyre bursts. When a vehicle runs at 30 miles per hour, and when the tyre bursts, no driver can possibly save the bus from a crash. What is the penalty that will be imposed on the owner? There are many other instances which I can quote like this. Unless a sparepart is supplied at a particular time, it is very likely that the vehicle will not be within control of the driver. After all, it is a mechanical contrivance and the control will depend upon the mechanical efficiency of the vehicle. So, in that case, have the Government thought of punishing the owner whose responsibility it is to replace the worn out part in the vehicle in time?

Then, Sir, I find from my own experience in the Travancore-Cochin State that the drivers today have to undergo three types of punishment in the State-owned transport department of the Travancore-Cochin State. It is surprising. You, Sir, know the principles of jurisprudence better. A poor driver has to stand three punishments. The moment there is an accident, the department can place him under suspension. Then the police can take away his licence. When he has undergone these two punishments, he is sent to a court of law and the court has ample powers to convict him also. But the Department which may be responsible for the accident is absolutely free. This is frequently happening and this posi-

tion also has to change, if the Government mean to do something good to the transport workers.

I find a very peculiar provision relating to weighment. There is some alteration sought by an amendment by which the existing provision relating to weighment of the buses will change. I read the provision and I could not understand what was being contemplated by the Government. According to the law, a police officer can stop a vehicle if he suspects that the vehicle carries a load, say, of four tons while it is allowed to carry only three tons. But how can he weigh it? According to the law — I am subject to correction by the hon. Minister — when a policeman stops a vehicle on suspicion that there is a greater weight than what is allowed to be carried in that vehicle, he can take the vehicle either one mile forward, to a checking post, get it weighed in a machine and then let the vehicle go, or, he can take the vehicle about five miles or so back in the direction from in which the lorry came. This is unworkable, absolutely. I have been to various traffic offices, but I have not so far seen any weighing machine on which the truck could be put and the load weighed. For doing this, one has to do two things. Firstly, the lorry must be weighed, and secondly, the entire load also should be weighed. Of course, there may be changes as to the disposal of the load and its being kept at a particular place, etc., but that is not the point here. I submit that the present provision relating to the checking of the load to be carried in a lorry is a provision which leads to the extreme form of corruption. We know that certain bridges have a carrying capacity of only three tons. But one can find that every lorry which carries five to ten tons passes through the bridge with impunity, provided that before entering the bridge, the driver has bribed somebody. It happens so. We know it from our own experience. I do not blame the drivers or the conductors. At

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every checking post, and more so when the checking posts are far away from the town, there is a regular rate of distribution of bribes. The traffic A.S.P. will get 3 annas in the rupee; the D.S.P. will get 2 annas and the traffic head constable will get 4 annas in the rupee and so on. It is very easy, because under the law, if there is an excess weight, very stern action can be taken. At night a lorry starts carrying a load of vegetables to a market 50 miles away; there is a policeman, an inspector or an A.S.P. and a surprise check takes place. We know that there are no contrivances or contraptions in those places by which you can weigh the load without removing it from the lorry. At dead of night, if I am a driver, I would rather pay any amount to the policeman than having the weight checked by removing the load from the lorry. So, these provisions require a complete revision and some arrangement must be evolved. I cannot suggest off-hand how it can be improved. Maybe it has to be tackled at a different level; but the sort of thing I have explained exists throughout from Cape Comorin to Kashmir namely that when a lorry has a higher load than what is allowed by law, you can certainly escape without fear of any further checks, provided you give some bribe.

Cancellation of licences also should be reconsidered. I cannot say it for certain, but I remember that the driver will have an opportunity to be heard. If a licence is suspended or cancelled, I submit that the driver has a right to be heard; if that is lacking in the Bill, that provision should also be incorporated. It is not very clear as it is. In the case of a driver, he shall be heard, but not his representative. You will understand. Mr. Chairman, that the representative of the licensing authority may be a person who can argue the case. But, if a driver is allowed to appear by

himself, he cannot make an effective plea, because the others would have been talking in English, since the Acts are more popular in English. So, he may also be permitted, if he feels it necessary, to engage somebody else to argue his case. It is a very important matter for the drivers. I understand till now the provision has been that when the licensing authority's order had to be appealed against, the licensing authority or his representative had the right of hearing; but the driver was left alone. What I submit is, according to the present law, if the driver gets the right of hearing, he must also get the right to be represented by an advocate, by his Union Secretary or by whomsoever he thinks proper. Otherwise, the driver may find it very difficult to argue his case.

I would once again request the hon. Minister to think of revising the law on the lines which I have suggested. I find that speed limits are also being enhanced. As you know, speed limits are observed only on days on which there are police checks. All of us find, when we have a stroll along the India Gate, that some of the top officials drive at 60 or 70 miles per hour, when we know that the speed limit is much lower. If you are a member of some of these organisations, you know well in advance that there is going to be a police check, say, on the 27th of next month. These may not have relevant provisions in law, but these are facts, which the hon. Minister approves by his laughter.

Shri Alagesan: There need not be a remark for physical gestures.

Shri V. P. Nayar: If you make so many physical gestures, I cannot help making a few observations.

You, Mr. Chairman, certainly have much more experience than me; from your memory, can you tell us if you have heard of any big man having

been punished severely for the violation of this law? I can give details of what has happened in the hon. Minister's city—big men having been involved in accidents which resulted in the death of pedestrians, but being allowed to go free. I only point out that according to the law as it stands today, big men have ample chances of escape. They can telephone to the A.S.P. or the D.S.P., have the case written off as an accident and see that it does not go to the law court. I agree with the hon. Minister that the punishment should be stricter; but, when you think of revising the law, you must also think of preventing escape from such provisions. It is not the question of drivers alone. As I said earlier, the owners' responsibility for the accidents, by not attending to the repairs in proper time, should also be taken into consideration.

I shall close by once again requesting the hon. Minister not to think of revising the Bill by itself, but also to think of the position of the automobile industry. The transport industry, which has a great task before it—the fulfilment of the future plan—must be considered to be an industry which can develop only if certain other industries are also developed. A co-ordinated plan by the entire Government—not by this Ministry or that Ministry alone—should be thought of, before modifications of legislations are considered like this.

Shri N. M. Lingam (Coimbatore): I got up because the debate was about to collapse. Anyway, I give my whole-hearted support to the Bill before the House. The previous speaker has pointed out the several deficiencies that he has noticed in the interests of the development of the motor and transport industry. He has said that the Bill does not take into consideration the question of the development of the automobile industry and ancillary industries and the development of roads. But, these are obviously beyond the scope of this measure. The scope of this Bill is

limited to the regulations of motor vehicle traffic; and, within this scope, the provisions are as up-to-date and as salutary as they can be.

The Principal provisions of the Bill are those relating to the nationalisation of road transport by the State Governments. We have accepted a mixed economy in the country and it is no wonder that State Governments have taken to the nationalisation of road transport increasingly. At the same time, having the over-all picture of the country in mind, with a view to giving a fillip to the private enterprise in this direction, the Planning Commission has cautioned the State Governments against tendencies to nationalise road transport completely. They have stated that goods traffic should be left to the private enterprise and it is the passenger traffic that should be nationalised according to the capacity of the State Government. But how far the State Governments are going to implement these recommendations of the Planning Commission remains to be seen. As far as this Bill is concerned, it is satisfactory to note that the policy with regard to the development of motor transport in the private sector is clearly stated. As the hon. Minister pointed out, the question of compensation payable to the industry taken over by States has been settled finally by the Constitution. This also helps the development of the industry unhampered.

One of the provisions which I must welcome is that relating to the constitution of the inter-State transport authority. The absence of such an authority has caused great hardship in the transport field. It must be within the knowledge of every member here that great inconvenience is caused to passengers as well as great dislocation of traffic for goods at borders of different States. This is analogous to the provision which we discussed a little while ago with regard to the Inter-State Water Disputes Bill. This transport authority like the authority or the tribunal in the other Bill, will be able to contact

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the State Governments and settle the disputes arising between the State Governments. Here also the provision says:

"On a request received in this behalf from a State Government or otherwise, the Central Government may, after consultation with the Governments interested, by notification in the Official Gazette, constitute an Inter-State Transport Authority for the purpose of regulating the operation of transport vehicles in respect of such area or route common to two or more States....."

In the South the traffic between Mysore and the Nilgiris has been greatly affected by the want of an inter-State authority. Mysore is contiguous to the Madras State and my constituency happens to be at the border. That also happens to be a centre of tourist traffic. I have seen visitors both Indian and foreign, at the border being put to considerable inconvenience because the two Governments among themselves have not been able to settle this question. So, I particularly welcome this provision which will remove this great difficulty throughout the country.

The Bill also takes power for the co-ordination of traffic; not only co-ordination between road and rail traffic but also inland traffic. The motor car taxation enquiry committee said that there is not much competition by road transport with rail transport. If there is any competition, its scope is extremely limited. Their only recommendation related to the restriction of road transport over long distances. Although competition did not exist in a serious form, they did make a recommendation. If we envisage the development of road transport industry within the next decade it is necessary to co-ordinate transport between road and rail way and also inland traffic because we are developing all the three prongs of the transport industry in India.

This brings me to the question of roads. My hon friend who spoke before me referred to the automobile industry as an essential adjunct to the development of road transport. He also referred to the availability of spare parts and the cost of propulsion for the healthy development of road transport. But he omitted to mention about road communication. Unless we have a good system of communication according to plan, it will not be easy to develop road transport. A good system of road communication is necessary not only to accelerate road transport but to have road-rail and inland transport co-ordination.

Our road system is based on the Nagpur Plan. After the Nagpur Plan several plans have been prepared by States. Although the Centre has been responsible for the plans for the national highways, State Governments have largely taken upon themselves the plans, the problems relating to development of State communications. In this connection it is necessary to realise that such plans for the development of roads have to be integrated with the plans that we have for the whole country for the co-ordination of rail and road transport. Also, this road system has to be related to the development of industry. We do not know if the road system is designed to serve the interior of the country where raw materials are available and where industries could be developed. So, this important matter of the development of communications has a vital bearing not only on the road transport, but also on the industrial development of the country itself. Although that is not within the scope of this Bill, I make these observations so that in the appropriate context Government may bring forward necessary legislation or take other measures necessary because, as I said, it is closely linked with the development of road transport.

The hon. Minister went out of the way to allay the fears or apprehensions that may be felt here with regard to

the conditions of workers. It is true that there is no mention about the conditions of workers, but we can take it that the Ministry is keenly aware of the need to improve the condition of motor transport workers so that this important link of the industry, the human material behind the industry, is made efficient.

The previous speaker referred to one matter, regarding the punishment of owners for accidents caused by want of spare parts or worn out spare parts. It seems that he has not seen the amendment incorporated in clause 33 of the Bill. It reads:

"Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for such period, not being in any case more than one year or less than three months, as may be specified in the certificate by the prescribed authority under sub-section (1)"

The conditions of licence have been made more stringent and it is not possible to escape the provisions of these rigorous measures. That should obviate his fears about people getting into trouble for no fault of theirs.

I also welcome the provision relating to the constitution of a central road transport authority. Such an authority will be able to co-ordinate the activities of the regional transport authorities, the State transport authorities and the inter-State transport authorities. The provision with regard to the licensing of conductors is also welcome because the role of the conductor is becoming as important as that of the driver. The other provisions of the Bill are of a minor nature and I shall reserve my remarks on them for the clause by clause consideration stage.

Shri S. C. Samanta (Tamluk): I welcome the amending Bill that has been brought forward by the hon. Minister.

We all know that improvement of the transport system is most urgent

for the development of the country. The First Five Year Plan is over and we are on the Second Plan. During the First Five Year Plan we found that the railways could not provide that much transport facility as was required by the country, and especially by the industrialists. Being a member of an enquiry committee on the railways, I came to know that in the near future it is impossible for the railways to cope with the transport needs of our industrialists. The railways are trying hard to supply wagons, supply trains for passengers, but it has become almost impossible as industrial development is running ahead. So, we are very glad that at this moment the hon. Minister has brought forward this amending Bill by which he is going to provide for the transport of passengers and goods by another means, namely road. Inland waterways and sea transport have also to be co-ordinated with road and railway transport, so that passengers and goods can easily be carried and industrialisation may proceed as we envisage it.

At present we find that a vehicle carrying either passengers or goods from one State cannot enter another State. There are so many restrictions. My hon. friend Shri Lingam was referring to a small thing, that is about tourists. Tourism is not a small thing to us at present. We have taken up tourism since 1950. We all know how tourism has developed in other countries. You will be glad to know that several crores of rupees of foreign exchange is going to come this year only through tourism in India. In 1950 it was a very small amount. It was only about a crore of rupees, but now it has been increasing to several crores.

The foreign tourist who comes to Delhi wants to go to Agra, Haridwar and other places. He would like to cover this small distance by car rather than by train. A good car is hired by him and he proceeds towards Agra. On the U.P. border it is stopped. There is a check post. He cannot go

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further. It has come to our notice that some cars have been detained for hours together. Can we expect such tourists who are detained in such a way on the inter-State border to come again to India? When they go back to their country, will they not describe India as a country where no transport arrangement exists?

This kind of thing can be avoided by this inter-State transport arrangement. The hon. Minister has proposed an inter-State transport authority and a central road transport authority which go a long way to provide facilities both to passengers and goods to be carried.

When the railways in spite of best efforts are not able to carry the amount of goods required to be carried, we have to take to road transport. I respectfully submit that if goods are allowed freely to be transported for 200 to 500 miles by road by the side of the railway from one place to another, the congestion on the railways will decrease to some extent. We have come to know that there is no competition at present between the railways and road transport. The hon. Minister has therefore brought this Bill in good time and we will to some extent be relieved of the congestion in the railways. During the Second Five Year Plan period, so many industries are going to be established in our country. If we look at the Calcutta port, or the Madras port, or the Bombay port, or the newly built Kandla port, what do we see? We see there is terrible congestion in these places, either because the goods cannot be removed from the ports by the railways or because the goods transported to these ports lie idle there because they could not be exported in time. The ships are lying at the harbour for two or three days, sometimes even five days, because of transport difficulties. So, I would request Government, to make rules, after the passing of this Bill, to see that there

is no hindrance in the passage of goods through public carriers etc.

Roads generally belong to the States. The Central Government have jurisdiction only over the national highways. Just as national highways are going to increase in their mileage, likewise, village roads and State roads also are going to be increased in mileage. We are glad to see that the Central Government have come forward with the proposal for forming a Central Transport Authority, which will have some jurisdiction over the State and village roads.

Ours is a vast country, where there are a number of States. In other countries, if a person were to travel, he does not find much of a difficulty. If, however, a person travels from Calcutta to Bombay, or from Delhi to Madras, he finds that there is difficulty with regard to the transport system. If you go to Europe and traverse a distance of thousand miles, you will cover three or four or five States, whereas, in India, you have to cover a distance of more than thousand miles all within the same country. Here, there are difficulties and difficulties, owing to which the carriage of goods has become impossible in India. At such a critical moment as this, I tender my sincere thanks to Government for having come forward with measures to relieve the congestion so as to make the Second Five Year Plan a success.

You know we discussed the Second Five Year Plan after dividing ourselves into committees. When we discussed transport and industries in the committees, what did we find? We were absolutely without any hopes. But I am glad that at last, hope against hope has come to us. If Government sincerely implement the provisions of this Bill, there will be no room for despondency. If there is industrial development in the country, a number of things will be manufactured, which will be used either within the country

or exported abroad. How can that be done, unless we have a sound transport system? So, I am very happy that this Bill has been brought forward. I wholeheartedly support the Bill.

Shri Matthen (Thiruvellah): I rise to support the Bill. Nevertheless, I cannot help joining my hon. friend, Shri V. P. Nayar, with whom I do not generally like to join, in several of his observations. I am sorry he is not present here.

He said that this Bill, is, of course, a very good Bill, but unfortunately, it has been presented not in the 1956 perspective, but in the 1946 perspective. The Statement of Objects and Reasons would clearly indicate the climate at that time. But today, the greatest problem is the transport problem. And as my hon. friend Shri S. C. Samanta, as member of the committee on the Second Five Year Plan said, it is impossible for the railways to lift the goods or to transport the passengers completely. They want something else to complement their efforts.

One thing that can complement their efforts is the surface transport industry. But unfortunately, I am afraid, the provisions of this Bill are not adequate enough to give that fillip to surface transport which will enable it to fill up the gap which the railways feel unable to cope with. I admit that inter-State transport complications will be reduced by the provisions of this Bill, but they are only permissive provisions. There is a Central Transport Authority contemplated. But knowing as we do how the permissive clauses are prevailing on the States, I feel that the provisions here will not be sufficient to meet the difficulties of restrictive transport between one State and another.

I admit that the railways are the backbone of the country's economy. I have no quarrel with the development of the railways. But I have a feeling that the development of road transport has been getting a step-motherly treatment from the Ministry. It is true, as the Deputy Minister said

the other day at Bombay that the two systems of transport are not competitive but complementary. But the fact remains that enough has not been done to develop road transport. I am not an expert on transport, but Mr. Neogy, Member of the Planning Commission, has stated, supporting the observation of the Transportation Member of the Railway Board, that the cost of transporting one million tons by rail is Rs. 4 crores, while by road, it is Rs. 11.6 crores. The cost of transport of some raw material and commodities by rail is about 1-3/4 and 3-1/2 annas per ton mile, while that by road is 6 annas. I happened to read an article by the President of the Indian Roads and Transport Development Association, one Mr. Wagb, recently. In the context of the Second Five Year Plan, as he has worked it out—I am no authority on this; I am only mentioning this to get clarification from the hon. Deputy Minister—and he says that the figures given by the Transportation Member of the Railway Board confirmed by Shri Neogy of the Planning Commission, are not correct. According to him, the cost of transport of one million tons by railway is Rs. 11-1/2 crores and not Rs. 4 crores. Slight difference between Rs. 4 crores and Rs. 11-1/2 crores! He has worked out the figures from the Second Five Year Plan, according to the Railway Budget, which I have not with me now, nor do I have time to go into that. He says that the transport of one million tons by road costs Rs. 4-1/2 crores. This was given as Rs. 11.6 crores by the Transportation Member of the Railway Board. He says that the 6 annas per mile, which the Railway Board member referred to as the cost of transport by rail, refers to nationalised transport. Private transport, according to the Study Group's report, costs only 3 annas per mile. According to the President of the Indian Roads and Transport Development Association, with truck-trailer combination it can be reduced still further from 3 annas. He says that if, within the limits of laden weight, that is, 18,000 lbs. per vehicle, agreed to

[Shri Matthen]

by the Indian Roads Congress, the track-trailer combinations are permitted to work on a large scale on the National Highways and important State Highways, the problem of the shortage in the railway's capacity to meet the estimated shortage in the Second Plan seems to be capable of solution.

Therefore, I would humbly submit to the Planning Commission as well as to the Transport and Railway Ministries not to decide to raise the allotment for the railways before they go into this aspect thoroughly and study and satisfy themselves—they have got efficient members to study it—about the efficiency and cost of surface transport. We have got good highway roads now. State Highway roads have improved considerably since 1950-51 and we expect to implement the Nagpur Plan by the end of the Second Plan period. We have also got automobile factories in the country capable of producing the required number of truck-trailer combinations.

In this connection, I beg to add that the laden weight now is about 14,500 lbs. per vehicle. I am not quite sure of it; but I happened to read somewhere. In some committee's recommendation that it can be raised up to an optimum of 32,000 lbs. All that I want is that the Ministry should make a thorough study of the possibilities of surface transport in the light of the observations made by surface transport organisations and others.

I was just reading that in America, the development of road transport, in the matter of goods traffic, from 1939 to 1953 was about 283 per cent while that of the railway was only 66 per cent. Even now there is a very large amount—I forget the figure—which America has allotted for the development of its highways for linking up the whole place, as they believe that this can be more efficiently done by surface transport than by rail transport. My information is that one or two railway units have been scrapped.

My main object in speaking today is to urge that the subject of surface transport should be given greater attention by the Transport Ministry than has been given to it, and sufficient encouragement should be given to the private sector in developing surface transport. I say this because the problem now is want of sufficient finance for the implementation of the Plan. The railways need much more than they have asked for, and have been provided for, but the difficulty comes in view of the fact that we have to import a lot of cement, a lot of steel and a lot of rice. In addition, we have to develop our own agriculture. It is a very large expenditure—about Rs. 100 crores. We cannot find more money for starting transport in the public sector. So my humble submission is that this may be given to the private sector. Let no more nationalisation be attempted in this respect.

Of course, I am glad that the Planning Commission has stated that transport of goods by road should not be nationalised. But we have to create a climate. The fear of nationalisation is preventing people from investing money in this field—it means a large investment in these days. So it must be made very clear to them that it will not be nationalised. Not only that. We have to provide them facilities in other ways as well.

It is now admitted by all the concerned Ministries—the Ministry of Commerce and Industry, the Ministry of Transport as also the Planning Commission—that the problem of the Second Plan is transport. They have laid emphasis on the development of surface transport. The estimate of the Transport Ministry is that we need per annum about 15,000 trucks. I think the Planning Commission and the Commerce and Industry Ministry think that this is a modest figure and it must be 40,000 vehicles. The Tata Locomotives put the figure at 21,000 per annum, to keep up the tempo and

All the gap in the railways' capacity to transport goods. Asok Leyland puts it at 15,000 per annum and Automobile Products of India estimate it at 30,000 vehicles per annum. In an expanding economy as ours, it is very very necessary that our Plan is properly implemented and no bottle-neck comes in between.

4 P.M.

In this connection, excuse my saying that it is the stagnant economy of the countries of Asia and the countries of Africa that has been responsible for all the dissipated troubles we have been seeing here. Fortunately for us we have now a dynamic economy today as a result of the First Plan and on account of the future Plans we are going to implement. Then, all these petty problems would be solved and people would interest themselves in the development of the economy. Once the material standard of living is developed, they will think of higher things than creating mischief on the basis of linguism and so on. So, it is a very important factor that we must implement our Plans and in that nothing shall stand in our way.

In the Second Plan there is an estimated increase of 30 to 35 per cent of our production over 1950-51. Even though the Railways did expand their goods carrying capacity by 34 per cent by 1955-56, it was not possible for them to lift more than 75 per cent of the increase. This shows that the estimate was defective by about 5 to 10 per cent. The Second Plan estimates an increase of 110 per cent over 1950-51 in all commodities; it may go up to even 120 per cent, I am told. The Railways provide only 75 per cent of the capacity for lifting the goods. That means it is short by more than 35 per cent. From the look of things it is not likely that the Railways will get more funds than they have already got though I wish they could get more. My point is that surface transport can easily take up 9 per cent of this volume. To put it short, I was reading in Transport that we need for normal

feeder traffic about 100,000 vehicles for supplementing the sector of the bullock cart, and if the bullock cart is not able to supplement, we may need about 30,000 more. There is 9 per cent of the gap already mentioned by me and altogether it comes to 130,000 vehicles. When we take passenger vehicles including replacement, it would come to 170,000 making a total of 300,000. Against this, the production capacity in the country today is about 1.7 lakhs. There is a possibility of releasing some vehicles from the disposals. Even then the total will not exceed 2 lakhs. So, the likely gap will be more than a lakh of vehicles. That means our production targets have to be put up. If it is not possible for our factories to produce them, I beg to submit that facilities should be given for the import of heavy trucks lest it might block the transport of goods.

I am not raising any controversial issue of rail versus surface transport. I want to make it very clear. My only object in saying this is how to solve the problem.

In this connection, let me invite the attention of the Deputy-Minister to a delegation that met him on behalf of the Indian Road Transport Association, Bombay, recently, in which they asked for certain facilities to be given to surface transport. One was in the matter of inter-State transport restrictions about which my friend Sri Samanta gave a very vivid picture here. As I said before the provision in this Bill is not adequate.

The second is to put a ceiling on State tax. There again, from the look of things, it will take a long time before we get the States to agree to these proposals. But there is another proposal which the deputation raised when they met the Deputy Minister and that was a reduction of 20 per cent in the Motor Vehicles tax by the Centre. At present 68 per cent of the total tax on motor vehicles, directly or indirectly, is Central. If the Central Government can give a reduction of 20 per cent. of this tax, it will be a great

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incentive even for the States to come up and offer reductions. It appears that the hon. Deputy Minister said that they cannot do it because this is the time that the Second Five Year Plan needs a lot of funds.

In the first place, I submit that this would not reduce the revenue because the production and import of vehicles will be 4 or 5 times. Therefore the total revenue earned by the Centre will not be less than what they have though they make a reduction of 20 per cent. That will show the bona fides of the Ministry and the Central Government. That will give a momentum for creating a climate for the development of surface transport.

Another thing they suggested was to provide credit to viable units of operators for buying their vehicles. You know the price of vehicles is very high. That is one of the stumbling blocks, one of the retarding factors for the development of road transport. When we are giving credit by Financial Corporations for every other activity, it is only fair that we provide some Financial Corporation to give them credit at reasonable terms.

[MR. DEPUTY-SPEAKER in the Chair]

4.08 P.M.

The third suggestion was the grant of development rebate to the buyers of motor vehicles. I recommend all these suggestions to the hon. Minister for his serious consideration if he is really earnest about developing road transport.

Shri V. P. Nayyar: That is the question.

Shri Matthen: Another suggestion is the suspension of the Code of Principles and Practice during the Second Five Year Plan. I believe the Ministry is inclined to consider it provided the

States suggest it. That is the difficult part of the proposition. This is something that is created by the Centre. They want the States to take the initiative. Already they have not been co-operating in the matter. Therefore, it is only reasonable and appropriate for the Central Government to suspend these for the duration of the Second Plan. That means that it will help to increase the production of trucks that will be manufactured by the Indian factories.

Another suggestion made was for the removal of restrictions proposed by chapter IV of the Motor Vehicles Act, 1939. Several States are even now trying to extend their nationalisation work, and I think there is a good provision in the Plan to help the States to nationalise road transport. Why cannot this money meant for the nationalisation of the transport industry be diverted for the development of roads or any other things that will help road transport because there are already private sectors who are prepared to do it if only Government would give them the encouragement and the climate?

My main object in rising to speak today is to request the Ministry to study this problem of surface transport, how far they can help implement the shortage of the railways and what they ought to do about it.

Shri Gaganath Shastri (Banaras Distt.—Central) rose—

Mr. Deputy-Speaker: I see the hon. Member getting up several times to speak, but as he knows, he is in the Joint Committee.

श्री गगनाथ शिष्ट : यदि आप स्वागत हैं, तो मैं दोहराना चाहूँगा ।

Mr. Deputy-Speaker: I now call upon Shrimati Kamlendu Mati Shah.

बीमती कबलेयुमति गाह (जिला गढ़वाल-पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर-उत्तर) : सब से पहले मैं आप को धन्यवाद देती हूँ कि आप ने मुझे बोलने का अवसर प्रदान किया। यह विधेयक वास्तविकता के सम्बन्ध में जो कि माननीय मंत्री जी ने पेश किया है इस का मैं स्वागत करती हूँ। इस के साथ ही साथ मैं आप की धाया से कुछ सुझाव माननीय मंत्री जी की सेवा में भी प्रस्तुत करना चाहती हूँ और मुझे पूर्ण आशा है कि वह उन पर ध्यान देंगे।

पहला मेरा सुझाव यह है कि जिन्होंने भी मोटरें तथा बसें चलाई हैं उन सब का हर साल चैकिंग होना चाहिये। इस का कारण यह है कि जो मोटर वाले प्राइवेट लोग होते हैं वे मोटरों की बुरी हालत होने पर भी उस को चलाते रहते हैं और कोई परवाह नहीं करते हैं। जब वे उन मोटरों को पास करवाने के लिये जाते हैं तो जो चैक करने वाला होता है उस का हाथ में वे कुछ रख देते हैं और अपनी मोटर को पास करवा लेते हैं। मैंने देखा है कि इसी कारण से गढ़वाल की तरफ, जो कि एक पहाड़ी इलाका है, कितने ही एक्सीडेंट (घटनाएँ) पिछले कुछ ही समय में हुए हैं। इन एक्सीडेंट्स का एक मुख्य कारण यही रहा है कि मोटरों की बहुत बुरी हालत होती हुए भी उन को वे चलाते रहते हैं। एक और जो कारण इन एक्सीडेंट्स के होने का है वह ओवर सोडिंग (अधिक भार नादना) है। ओवर सोडिंग होने की वजह से जब मोटर किसी मोड़ पर टर्न करती है तो वह गड्ढे में जा कर गिर जाती है। इस वास्ते मैं प्रार्थना करती हूँ कि इस चीज को देखने के लिये कि मोटर अच्छी हालत में है या नहीं, कुछ अच्छी व्यवस्था होनी चाहिये।

दूसरी बात जो मैं कहना चाहती हूँ वह यह है कि पहाड़ों पर जो सड़कें बनती हैं वे मैदानों में बनी हुई सड़कों की तरह की नहीं होती हैं। उन सड़कों के किनारे पर एक दो फुट ऊँची दीवारों का होना अत्यन्त आवश्यक है। यह कहा जाता है कि इन दीवारों

का बनाया जाना कुछ कठिन है लेकिन मैं समझती हूँ कि इस में कोई भी कठिनाई नहीं होगी। खैर इस काम को तो इंजीनियर लोग कर सकते हैं परन्तु मैं इसे आप के ध्यान में लाना चाहती थी। अगर आप ने दीवारें बनाने की स्वीकृति दे दी तो इस से दो फायदे होंगे। एक तो जो ममबा होता है उस को आप सड़क के नीचे कुछ दूरी पर न फेंक कर, उस दीवार को लड़ा करने के लिये इस्तेमाल कर सकेंगे और दूसरी जो पत्थर होते हैं उन्हें भी आप को किसी दूर के स्थान पर फेंकने की जरूरत नहीं पड़ेगी। इन दोनों चीजों का उपयोग दीवार लड़ी करने में किया जा सकता है। इन दीवारों के बनने से मोटरों के लिये एक बचाव का साधन उपलब्ध हो जायगा।

मोटरों में ओवर-सोडिंग न हो इस के लिये आप को प्रांतीय सरकारों को कड़े आदेश जारी करने चाहिये क्योंकि ओवर-सोडिंग होने के कारण बहुत से एक्सीडेंट हो जाया करते हैं।

धूमन के जो स्थान होते हैं वे भी बड़े होने चाहिये और इस के लिये यहां से कोई आदेश प्रांतीय सरकारों को जाने चाहिये। मैं जानती हूँ यह इंजीनियरों का काम है और वे इसे कर सकते हैं। परन्तु यदि यहाँ से कोई आदेश प्रांतीय सरकारों को भेजा जाय तो वे उन पर जल्दी अमल करेंगे। हमारी बात को तो वे सुनती ही नहीं हैं।

जो प्राइवेट मोटरों वाले होते हैं उन को इसी बात की फिक्र रहती है कि किस तरह से ज्यादा रुपया कमाया जा सकता है। जो मोटर ड्राइवर होते हैं उन को भी यही फिक्र रहती है कि कुछ रुपया उन को जेब में बचा जाय। यह रुपया वे लोग ओवर-सोडिंग कर के कमा लेते हैं और अपनी जेब में डाल लेते हैं। इस की रोकथाम करने का भी कोई प्रबन्ध होना चाहिये।

अब एक विशेष धनुरोध मैं माननीय मंत्री जी से करना चाहूँगी हूँ। पहले भी मैं ने उन से इस के बारे में प्रार्थना की थी और धाज फिर करती हूँ। मुझे बड़ी खूबी है कि आप

[श्रीमती कमलेश्वरमणि शाह]

घल्फोड़ा में रेल की लाइन दे रहे हैं जो कि ४२ मील लम्बी होगी और साथ ही साथ एक रोपवे भी दे रहे हैं। तकरोबन आठ महीने पहले मैं ने उन से प्रार्थना की थी कि हरिद्वार से रुद्रप्रयाग तक ८२ मील का रास्ता है, उसके लिये आप हमें रेल दें। इस का उत्तर उन्होंने यह दिया था कि इस में बहुत खर्चा आयेगा। घल्फोड़ा भी तो एक पहाड़ी स्थान है और उसके लिये आप ४२ मील रेल सड़क दे रहे हैं और इस पर भी तो काफी खर्चा आयेगा। यदि यह ८२ मील की सड़क नहीं दे सकते थे तो कम से कम ३० मील की सड़क तो दे देते—

उपाध्यक्ष महोदय : माननीय सदस्या सड़क चाहती हैं या मोटर वीहिकल्स (मोटर गाड़ियाँ) ?

श्रीमती कमलेश्वरमणि शाह : मोटर भी चाहती हूँ और सड़क भी। चूँकि कई मनानीय सदस्यों ने सड़कों का भी जिक्र किया है इस वास्ते मैं ने भी जिक्र कर दिया है। इस में मैं समझती हूँ रेल की भी मांग की जा सकती है।

तो मैं माननीय मंत्री जी को याद दिलाना चाहती थी कि मैं ने एक रेल की सड़क की भी मांग की थी और वह इस लिये कि जब यह दूसरे स्थानों पर दे रहे हैं तो हम को क्यों इस से वंचित कर रहे हैं।

उपाध्यक्ष महोदय : एयरफील्ड (हवाई प्रह्ला) भी मिलना चाहिये।

श्रीमती कमलेश्वरमणि शाह : यह भी मिलना चाहिये—

उपाध्यक्ष महोदय : सब कुछ मोटर वीहिकल्स एक्ट (मोटर गाड़ियाँ अधिनियम) में ?

श्रीमती कमलेश्वरमणि शाह : अब मैं एक और बात की तरफ माननीय मंत्री जी

का ध्यान दिलाना चाहती हूँ। जीनसारबाबर में हजारों मन आलू पैदा होते हैं और लाखों रुपये की उनसे धामदनी होती है। उस के बगल में ही गंगा यमुना है। दूसरी तरफ जानपुर खाई में दो पैसे सेर आलू बिकते हैं और आंधकाश तो सड़ कर ही जाया हो जाते हैं। वहाँ से आलू बड़ी आसानी से मसूरी की तरफ ला कर बेंचे जा सकते हैं लेकिन सड़क इत्यादि का कोई प्रबन्ध न होने के कारण ऐसा नहीं किया जा सकता है। इस के बारे में पहले भी मैं ने कई बार मांग की है और अब भी करती हूँ। मैं चाहती हूँ कि माननीय मंत्री जी इस पर भी सोच विचार करें और उदार हो कर यदि हमें भी उधर से सड़क देने की कृपा करें तो बहुत अच्छा होगा।

श्री रघुनाथ सिंह : जिन बातों को ध्यान में रखते हुए इस बिल को उपस्थित किया गया है, उनका मैं स्वागत करता हूँ। इस बिल में चार बातें मुख्य हैं। पहली बात तो यह है कि आज तक जो कंढक्टर लोग होते थे उन का कोई स्टेटस नहीं होता था। यदि उन के ऊपर कोई अस्पष्टि आ जाती थी तो किसी भी तरह से उन का उपकार नहीं किया जा सकता था। लेकिन अब इस बिल के द्वारा उन को कुछ उपकार करने की कोशिश की गई है। दूसरी बात जो इस बिल में रखी गई है वह यह है कि अंतर्राष्ट्रीय यातायात को भी एकसुगमि रूप दिया गया है : जो तीसरी बात है और जो सब से अच्छी है वह है कम्पेन्सेशन (क्षतिपूर्ति) देने के बारे में। आज तक तो वह होता था कि एक्सोर्ट्स (उर्ध्वनार्य) में यदि कोई घायल हो जाता था तो उस को कम्पेन्सेशन (क्षतिपूर्ति) देते देते तीन तीन और चार चार बरस जगा दिये जाते थे और कई कई बार तो उसे कोर्ट की शरण लेनी पड़ती थी। जितनी परेशानी इस तरह आ होती थी उस को हम लोग जो कि वकील हैं, अच्छी तरह से जानते हैं। साथ ही साथ उन को कोर्ट में जा कर इस चीज को साबित करना

पड़ता था और तब कहीं उसे हरजाना मिल पाता था। इस में कम्पेन्सेशन देने की जो विधि रखी गई है उस से जो लोग एक्सीडेंट्स (दुर्घटनाओं) में हलाहल या घायल होंगे, उन का बहुत उपकार होगा। इन चीजों को जो इस में स्थान दिया गया है उस के कारण इस बिल का सर्वत्र स्वागत ही किया जायेगा।

श्री दी० चं० शर्मा (होशियारपुर) :
चौथी बात कौन सी है ?

श्री रघुनाथ सिंह : चौथी बात जो है उस को मैं कहना तो नहीं चाहता था लेकिन क्योंकि आप ने पूछा है इस बारे में कहे देता हूँ। चौथी चीज जो रखी गई है वह पैनलटी (अर्थ दंड) के बारे में है। अब तक जो मोटर चलाने वाले होते थे उन को सौ रुपये से लेकर दो सौ रुपये तक फाइन (जुर्माना) हुआ करता था। और इस से ज्यादा फाइन करने का अधिकार या कुछ महोने से ज्यादा जेल भेजने का अधिकार अदालतों के पास नहीं था। यदि एक ड्राइवर रैश ड्राइविंग (तेज गाड़ी चलाना) करता है और कोई एक्सीडेंट हो जाता है तो उस को इस से ज्यादा सजा नहीं दी जा सकती थी। परन्तु अब उस को इस से ज्यादा दंड भी दिया जा सकेगा। लिहाजा ये चार चीजें अच्छी हैं और चूँकि इन को इस बिल में स्थान दिया गया है इस लिये मैं इस बिल का स्वागत करता हूँ।

इस के साथ ही साथ मैं आप का ध्यान इस ओर भी खींचना चाहता हूँ कि जहाँ तक मोटर यन्त्रायात का सम्बन्ध है यह प्राइवेट सेक्टर (गैर सरकारी उद्योग क्षेत्र) में आता है। जहाँ तक रेलवे लाइन का सवाल है हमारे हिन्दुस्तान में ३४,७०५ मील रेलवे फाइव है और इस के विपरीत पीने तीन लाख मील लम्बी सड़कें हैं। लोगों का ज़रू के साथ ज्यादा सम्बन्ध है वह है सड़कों के साथ। इस के साथ ही साथ अगर आप देखें तो आप को पता चलेगा कि रेलों में तकरीबन १० लाख लोगों को काम मिला हुआ है जब कि मोटर वीहीकल्स

(मोटरगाड़ियाँ) करीब करीब २३ लाख आदमी काम पर लगे हुए हैं। इस तरह से एम्प्लायमेंट (रोजगार) की दृष्टि से भी रोड ट्रांसपोर्ट (सड़क परिवहन) का बड़ा महत्व है। एक वीहीकल के पीछे कम से कम सात आदमियों की जीविका चलती है। एम्प्लायमेंट की दृष्टि से यह हमारे देश की बहुत बड़ी इंडस्ट्री है और उस को एक नवीन और व्यवस्थित रूप देने के लिये जो बिल प्रस्तुत किया गया है, उस का स्वागत होता ही चाहिये।

हमारे जहाँ लोकोमोटिव्स (इंजन) वेगन्स (माल के डिब्बे) और कोचिज (सवारी डिब्बे) कुल मिला कर करीब करीब ३,४६,००० हैं, जब कि १९५४ के आरम्भ में मोटर वीहीकल्स की संख्या ३,५३,००० थी, इस का मतलब यह है कि लोकोमोटिव्स, वेगन्स और कोचिज की कुल तादाद से ज्यादा तादाद मोटर ट्रांसपोर्ट की है। इस की उपयोगिता इस दृष्टि से भी है कि एक बस में एक कैबिनर—में—इंजन और वेगन दोनों कम्बाइन्ड होते हैं। इसलिये अगर कोई सागान कहीं भेजना हुआ, तो उस को एक सड़क से दूसरी सड़क पर भेज सकते हैं, लेकिन रेलवे में जब ८० गाड़ी होंगी, तो एक इंजिन खींचेगा। इसलिये जहाँ तक उपयोगिता का सवाल है, रोड ट्रांसपोर्ट हमारे लिये अधिक उपयोगी है, लेकिन इस के लिये फाइव इयर प्लान (पांच वर्षीय योजना) में जो रकम रखी गई है, उन को देख कर आश्चर्य होता है। फर्स्ट फाइव इयर प्लान में रेलवे के लिये ४०० करोड़ रुपये रखे गये थे और रोड ट्रांसपोर्ट के लिये सिर्फ २०० करोड़ रुपये दिये गये थे। सिकंड फाइव इयर प्लान में, जो कि हमारे सम्मुख है, रेलवे को ६०० करोड़ रुपये दिये गये हैं, जब कि रोड ट्रांसपोर्ट के लिये स्टेट्स (राज्य) और सेक्टर (केन्द्र) दोनों मिल कर, सिर्फ २४६ करोड़ रुपये देंगे और २५ करोड़ रुपये सेन्ट्रल बोर्ड (केन्द्रीय बोर्ड) देगा, अर्थात् कुल मिला कर केवल २७१ करोड़ रुपये रोड ट्रांसपोर्ट के लिये रखे गये हैं।

[श्री रघुनाथ सिंह]

इस के साथ ही आप यह भी देखिये कि फर्स्ट क्लास इयर प्लान में रेलवे लाइन सिर्फ ८१० मील पहले की अपेक्षा ज्यादा बन सकी, भर्षात् ४३० मील तो यह बनाई गई, जो कि वार (युद्ध) के समय में हटा दी गई थी और ३८० मील नई रेलवे लाइन बनाई गई। इस के मुकाबले में रोडज को देखिये। फर्स्ट क्लास इयर प्लान से पहले ६७,००० मील सम्पी मैटल्ड रोड हमारे यहां थी और नान-मैटल्ड रोड १,४७,००० मील थी। प्रथम पंचवर्षीय योजना में ३०,००० मील नई रोड बनी थी, जब कि रेलवे लाइन सिर्फ ३८० मील बन सकी।

हम सब को ज्ञात है कि हमारी प्राइव्जन (उत्पादन) बढ़ रही है। फर्ज कीजिये कि कि एक गांव किसी रेलवे स्टेशन से ४० मील दूर है वहां पर ५०० टन गेहूं या चावल पैदा कर लिया गया, लेकिन जब तक उस के ट्रांसपोर्टेशन (परिवहन) का इन्तजाम नहीं होगा, तब तक उस उत्पादन से कोई विशेष फायदा नहीं हो सकता है। इस लिये मेरा कहना यह है कि जिस तरह से आपने यह एक्ट बताया है, उसी तरह आप को द्वितीय पंचवर्षीय योजना में रोडज (सड़कों) के लिये ज्यादा से ज्यादा प्रावोजन (उपबंध) करना चाहिये। अभी तक आप ने इस के लिये ८७१ करोड़ रुपये रखे हैं। मैं समझता हूं कि इस रकम को बढ़ा कर कम से कम ४०० करोड़ रुपये कर देना चाहिये।

जैसा कि मैं ने अभी बताया है, प्रथम पंच वर्षीय योजना काल में केवल ३८० मील रेलवे लाइन तैयार की जा सकी, जिस के मुकाबले में उसी काल में ३०,००० मील रोड तैयार की गई। उस के बनाने में श्रमदान का भी भाग है। और स्टेट गवर्नमेंट्स (राज्य सरकारें) और म्युनिसिपल कमेटिज (नगर-पालिकाएँ) का भी हिस्सा है। अगर आप इस को प्रोत्साहित करेंगे, तो इस से हमारे देश का साम होगा।

इसी सम्बन्ध में मैं यह भी कहना चाहता हूं कि हम को प्राइवेट सैक्टर (गैर-सरकारी उद्योग क्षेत्र) और पब्लिक सैक्टर (सरकारी उद्योग क्षेत्र) के विवाद में नहीं पड़ना चाहिये। यह हम को मानना पड़ेगा कि इस समय ६० प्रतिशत मोटर व्हीकल ट्रांसपोर्ट प्राइवेट सैक्टर के हाथ में है। प्राइवेट लोगों ने इस में रुपया लगाया हुआ है। एक आदमी २०, २५ हजार रुपया लगा कर एक कार्रियर (मोटर) खरीदता है और चलाता है और यह अपने काम में दख होता है—एन्सपर्ट होता है। हम को यह बात भी ध्यान में रखनी चाहिये कि आपात्काल में यह इंडस्ट्री हमारे काम में आ सकती है। आप को मालूम होगा कि पिछले युद्ध में हिटलर ने पोलैंड को आठ दिन के अन्दर अन्दर जीत लिया था। वह कैसे जीत लिया था। उस ने अपने सैनिकों और सामग्री का ट्रांसपोर्टेशन रेलवे के द्वारा नहीं किया था। जर्मनी में इतनी चौड़ी सड़कें बनाई गई थीं, इतने व्हीकल कब्बे हुए थे कि एक रात के अन्दर ही अन्दर उस ने पचास हजार सेना पोलैंड के बोर्डर पर खड़ी कर दी थी। मैं आप से यह पूछना चाहता हूं कि अगर आप ने रोड ट्रांसपोर्ट को डेवलेप (विकास) नहीं किया और आप के पास ट्रांसपोर्टेशन के दूसरे साधन न हुए, तो पश्चिमी सीमा पर पाकिस्तान द्वारा हमला होने पर आप राजपूताना में सेना और सामग्री को कैसे भेजेंगे ?

एक माननीय सदस्य : हवाई जहाजों से।

श्री रघुनाथ सिंह : मैं जानता हूं कि हवाई जहाजों से इतनी फौज और सामग्री नहीं भेजी जा सकती है। हवाई जहाजों से आप दूसरी सहायता कर सकते हैं, बम्बार्ड (बम फेंकना) कर सकते हैं, लेकिन दो हजार मील लम्बे पश्चिमी बोर्डर पर मोटर ट्रांसपोर्ट के बिना सेना नहीं पहुँचाई जा सकती है। युद्ध के बादस हमारे बहुत नजदीक आ गये हैं, मोकि हमारा विश्वास है कि युद्ध नहीं होगा। लेकिन फिर भी हम को इस इंडस्ट्री में प्राइवेट सैक्टर को

ईशेष करना है—इस को पब्लिक सेक्टर नहीं बनाना है। जहाँ तक यात्रियों का सम्बन्ध है, उन के लिये रोडवेज ठीक है, लेकिन शिपिंग और मोटर व्हीकल्स जब धन तक प्राइवेट सेक्टर में रहे हैं। और उन को वहाँ ही रहने देना चाहिये। अगर सैकंड वर्ल्ड वार (द्वितीय विश्व युद्ध) के वक्त पी० एंड्रयू० कम्पनी न होती, तो प्राग इंग्लैंड कहाँ होता? वह एक प्राइवेट कम्पनी है और उस के प्राइवेट जहाज हैं। वार के जमाने में उस के पचास करोड़ से भी ज्यादा तागत के जहाज डूबा दिए गए थे, लेकिन फिर भी उस ने अपने देश के लिये बहुत कार्य किया और उस की रक्षा की। इसलिये जनता की सुविधा की दृष्टि से भी, एम्प्लायमेंट की दृष्टि से भी और देश की सुरक्षा की दृष्टि से भी इस इंडस्ट्री का विकास किया जाना चाहिये। मैं श्री फ्लेगेसन से प्रार्थना करूँगा कि वह इस बात का प्रयास करें कि बोर्डर स्टेट्स (सीमांत राज्य) में रॉड ट्रांसपोर्ट का अधिक से अधिक विकास हो, उस को अधिक प्रोत्साहित किया जाय और प्राइवेट सेक्टर को दिया जाय ताकि किसी इमरजेंसी (आपात) के टाइम (समय) में वे अपने व्हीकल्स को आफर करें और देश की सुरक्षा में सहयोग दें।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और साथ ही साथ यह भी प्रार्थना करता हूँ कि रोड ट्रांसपोर्ट (सड़क यातायात) के लिये दूसरी पंचवर्षीय योजना में कम से कम ४०० करोड़ रुपये रखे जायें। हमने तीस हजार मील लम्बी सड़क श्रमदान के द्वारा और दूसरे उपायों से तैयार कर के दी है। प्रायः सभी कर्त्तव्य है कि प्रायः इस सम्बन्ध में प्राइवेट सेक्टर को सहायता करें और उस को इस इंडस्ट्री को विकसित करने में सहायता दें। प्रायः हम को रोडज दें, ताकि यातायात में अधिक सुविधा हो सके।

Shri T. B. Vittal Rao (Khammam)
rose—

Mr. Deputy-Speaker: The hon. Member did not stand up before. All right.

Shri Alagunan: I think the hon. Member is also a member of the Joint Committee.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Generally, the convention has been that Members of the Select Committees do not speak at this stage.

Mr Deputy-Speaker: Unless something is very important, they are not allowed to take part. The Chair occasionally allows it.

Pandit C. N. Malviya (Raisen) rose—

Mr. Deputy-Speaker: I have been looking to the hon. Members to speak but then he did not stand up.

Pandit C. N. Malviya: One after the other, Sir.

Mr. Deputy-Speaker: Certainly.

Shri T. B. Vittal Rao: Sir, This Bill tries to regulate our road transport system in the various States. For a long time after the Planning Commission has turned down the high allocation asked for by the railways, this question of moving the goods has been exercising our attention. In the circumstances placed as they were with the financial resources that were available, we had been content with the allocation made for the Railways, but we were thinking of alternative modes of transport for carrying the industrial and agricultural goods during the Second Five Year Plan.

Sir, I welcome some of the provisions that have been made in this Bill with regard to nationalisation. Regarding the quantum of compensation that has to be paid, we shall discuss it in the Joint Committee. It has been contended in some quarters that nationalisation has been responsible for impeding the growth of this industry. It is not so. Today nationalisation has taken place in some—things like 22 States. In some States even freight transport has been nationalised. If I remember correctly, even the transport of freight has

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been nationalised fully in Himachal Pradesh, Bombay and other places—probably, in Bombay it is a little more. With all that, if you take the road transport industry as a whole, today there are 47,000 operators. We could not develop to the extent we wanted, because of the fact that we had to depend mostly on foreign countries for running this industry. For petrol we have to depend on foreign countries. Even the prices, as it was stated here yesterday, are manipulated by some foreign monopolists. It is not sold at the production cost. Secondly, we are importing nearly Rs. 200 crores worth of crude oil for our requirements. These facts clearly go to show that it is not nationalisation that has been standing in the way of development of road transport, but it is due to our dependence on foreign countries for our requirements. Even for the accessories, which were so clearly enumerated by my friend Shri V. P. Nayar, we have to depend on them and that has also been responsible for the delay in the growth of this industry.

When we are trying to develop the road transport system, the Government should also pay some attention to the development of automobile industry as such. Even to this day we have not got an automobile factory in the public sector. All the four factories are in the private sector and these firms are doing the job in collaboration with some foreign concerns. Therefore, unless and until the Government pays proper attention to the development of automobile industry, I am afraid there would not be a corresponding growth in the transport system as a whole.

The other question which has been agitating in the minds of the people has been about the recommendations made by the Motor Vehicles Taxation Enquiry Committee. I do not know how far the recommendations will be accepted by the Government, but this question has been agitating in the minds of the operators; not only the owners but also those who want the

development of our road transport industry.

The incidence of taxation on motor vehicles is very high. In order that the number of vehicles in this country may increase, it is necessary to decrease this taxation which, as I said, is very high. The first point to be considered in this connection is, if the amount of tax is decreased then how to make up for the amount that we will be lost by this reduction and by which the prices of motor vehicles will be brought down? The question raised is, when, in the context of the Second Five Year Plan, we have to get about Rs. 1,000 crores from additional taxation and revenue, whether it is wise to embark upon any decrease in this taxation. Those who have been demanding a decrease in taxation have also given some alternative suggestions like imposition of fuel tax on petrol. That is on the principle "you pay as you use". I cannot give a firm opinion on this, but this has been the suggestion put forward by those who think in terms of developing the automobile industry.

Now I come to the next point about the provision made with regard to inter-State transport. This provision is most welcome. For want of permits today it is estimated that the idle capacity of motor vehicles in some places run up to 20 per cent. to 25 per cent. Because the operators do not get permits from the neighbouring States, the time for which the vehicles remain unused works up to 20 per cent. to 25 per cent. By this provision I hope that difficulty will be overcome and the vehicles will be used to their full capacity.

Regarding the conditions of work for the drivers, I would say, whenever you increase the work-load for the drivers you should correspondingly make some provision for the welfare of the workers in the industry. Unfortunately, though this industry is well organised today, there is no statutory provision governing the conditions of work of the workers.

In some nationalised undertakings there are some executive orders but there are no statutory provisions in respect of the private operators.

If you view it from this context, the enhancement of punishment for drivers involved in accidents does not stand to reason. We all say that whosoever is responsible for the accident should be punished. I would suggest that there should be a division of responsibility. If any spare parts are missing, or some damaged or old spare parts are used, then the owner must be made responsible for the accident. If there is proof of rash driving or negligent driving on the part of the driver, then the driver should be held responsible. There should be some sort of a division like that; otherwise the drivers only will be held responsible, because if he says that he would not drive a vehicle with a defective brake or some other defective part, he stands to be discharged. That is why I say that there should be some sort of division of liabilities, both on the owner as well as the driver.

In this connection, I would like to point out one important aspect which is generally talked about in our country. While granting the permits, there is always a large amount of expenditure that has to be spent by the party. The party which wants a permit has to incur large amounts for getting a permit. After all, for the process of getting a permit, the party has to spend nearly Rs. 1,000. Sometimes, a couple of thousands is also spent for a small permit. Whether it is in the form of a bribe or any other thing, large amounts have to be spent for getting a permit. This should be guarded against in the grant of permits in the future. There should not be any abuse of the provision, and the people who do not deserve a permit should not be enabled to get a permit by unfair means.

Finally, I would suggest that we should go ahead with nationalisation of at least the passenger services. I come from a State where we under-

took nationalisation nearly 24 years ago. We have done it without hurting any interest.—neither the owners nor the drivers or any other category of workers. All the workers who were displaced on account of nationalisation were taken over to the nationalised industries. The operators were given some sort of compensation wherever possible.

With these words, I commend my suggestions to the acceptance of the House.

Shri Feroze Gandhi (Pratapgarh Distt-West cum Rae Bareilly Distt-East): There is no quorum.

Mr. Deputy-Speaker: Let the bell be rung—Yes; now there is quorum. The hon. Minister may reply.

The Deputy Minister of Railways and Transport (Shri Atagasan): I should thank the hon. Member who drew the attention of the Chair to the want of quorum, and for having got me at least the hon. Members who spoke on this Bill to hear my reply.

I am happy to note that the principles underlying this Bill have been heartily endorsed by the hon. Members who took part in the debate. My hon. friend Shri V. P. Nayar had something interesting to say about the development of the automobile industry, etc., on which subject I am aware, he is an expert. But whatever he had to criticise, I am sorry to say, fell outside the scope of the Bill, and whatever he approved fell within the scope of the Bill. I should again thank the hon. Member, Shri V. P. Nayar, and other hon. Members also who endorsed the principles behind this Bill.

Much was made of the fact that this Bill was held over from 1946 and that we are doing a thing now quite behind time, and because we do it now, in 1956, it looked to some hon. Members as though we are behind time. A right thing, whether it was proposed in 1946 or earlier, does not cease to be a right thing in 1956. Today, we have incorporated several provisions which are of a more detailed nature and which, as I remark-

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ed in my earlier speech, go towards better operation of road transport in this country. If some old provisions have been taken in and incorporated here, they do not cease to be relevant because some ten years have elapsed in the meanwhile.

Shri Matthen also urged and pleaded for a 1956 perspective and not for a 1946 perspective. The mere mention of 1946, I believe, confused my friends. They were so confused as to say that we are lagging behind and that we are having a perspective which does not suit the present day. I shall presently show that it is not so.

The need has arisen to fulfil the intentions which we had, through this Bill. In the past few years, various State Governments rightly decided to nationalise portions of road transport. I do not want to go into the merit of it. The State Governments are sovereign in the field and they have got every right to decide, and they know what they should do. But the action of the State Governments in having decided to nationalise road transport created a certain fear among the private interests who have been running road transport services and serving the country in this field. They felt diffident to proceed further. They thought that the Democles' sword of nationalisation was hanging over their heads and as such they could not proceed further and fulfil the role expected of them. It is at this juncture that this Bill has been placed before the House. It provides a remedy and shows a way out of this morass and puts faith in the people who have been doubting and questioning the course that the State Governments have been adopting. Wherever nationalisation is undertaken, it has been made clear beyond doubt that compensation will be paid. The 1946 report of the Select Committee certainly did not provide for it, because it did not face such a situation as the present one. These circumstances were not present when the 1946 Bill was considered. This Bill answers a current need and

supplies the remedy to a situation which was otherwise getting bad.

The other important aspect of the Bill is with reference to the free flow of inter-State movement of road transport. That is a very important provision. My friend, Shri Samanta, described the harassments which people have to undergo while going from one State to another. It is a pity that the State Governments could not by mutual negotiation come to a satisfactory settlement in this regard. Some State Governments have come to such a settlement, but others are not able to come to such smooth-working agreements. So, we have to step in. It is not our intention to intrude upon the constitutional sphere that belongs to the States; but, wherever it is a matter of Inter State movement, naturally we have to step in to fulfil the needs that are demanded by the situation. This is an important provision which will also encourage the tourist industry in this country. I am glad to announce that our income from this source, as calculated by the Reserve Bank, has increased. The latest position is, in 1954 we were able to earn more than Rs. 7 crores by means of foreign tourists who came into the country. That apart, the real need, which is a domestic one, is to supplement rail transport by sufficient road transport. For that the machinery that we have envisaged is in the form of Inter-State Authorities and we have also envisaged a Central Transport Authority. This, I should think, has come not a day too soon.

Shri Matthen: Is it adequate?

Shri Alagesan: Look at the other aspect also, to which I draw attention being established and one of the subjects which fall within the purview of the zonal councils is Inter-State transport. Here we are effect to the decisions that may be taken by the zonal councils. I am pointing this out simply to show that we are not suffering from any 1946 perspective; we are well ahead and we

try to meet the problems of the times

A point was made that we should remove the obstacles in the way of the development of road transport by reducing taxation—Central, State and so on. At the same time, my hon. friend, Shri Matiben, pleaded that we should extend financial aid and credit to viable units of road transport. The study group of the Planning Commission went into this question and they came to the conclusion that the element of taxation was not a really oppressive thing in the way of development of road transport. But still, they wanted to produce a psychological effect by way of reduction in taxation. Already something has been done in this field. In fact, we wanted to bring in legislation which will lay down the principles of motor vehicle taxation and which will also lay down a ceiling. But, we were advised that according to our present Constitution, no principle of taxation can by any means embrace laying down a ceiling. So, we had to fall back on the machinery of the Transport Advisory Council. We have taken up this question and are discussing this with the various State Governments. It is true that it is not a matter which can be decided very quickly. We have to deal with a number of State Governments, which are perhaps more zealous of their rights than the Centre of this Parliament can ever be, to push through any measure. When you have to arrive at compromises, delays are inevitable. We have taken up this question in the forum of the Transport Advisory Council and the State Governments naturally—I do not blame them—have asked for some time to consider this question. Our intention is that the level of motor vehicle taxation should be well within 75 per cent. of the present Madras taxation. That is the recommendation of the Motor Vehicles Taxation Enquiry Committee and we are working towards that. If the State Governments can agree to this voluntarily without our having to undertake any legislation—because, we just cannot—

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certainly it will go a long way in lightening the load of ~~taxation~~ on motor transport. These are some of the things which we have already taken in hand and are pursuing.

On the question of prices of motor vehicles, Mr. Nayar had something very relevant to say. It is not only the maintenance cost, but the initial capital cost also which is involved. This question has been referred to the Tariff Commission. They are seized of the matter and are enquiring into it. If as a result of their finding we are able to bring about a reduction.....

Shri V. P. Nayar: It is a very big "if".

Shri Alagesan:.....even by a small percentage in the price of motor vehicles, we would have reduced the capital cost straightaway. These are some of the means by which we want to remove the obstacles in the way of further development of road transport.

I think this Bill, as has been placed before the House, shows the green light to the private sector to go ahead with the development in the field of surface transport, as my friend Shri Matiben was emphasising. One other point made by Mr. Nayar and Mr. Vittal Rao refers to the legislation regarding the labour employed in this very important field. One cannot minimise the urgency of a proper legislation for those who are engaged in this very important sector of our economy. But Mr. Nayar wanted an assurance from me that that Bill also would become law by the time this Bill became law. I am only sorry that I am unable to give such an assurance. He will realise that it is well-nigh impossible to hold out any assurance that that Bill also will become law. I have been standing in the queue for such a long time, and, happily or unhappily, when I come before this House, even the time that was allotted for this measure has not been consumed by the House. We had to stand in the queue for a long time. I have

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got a number of Bills to push through and I very much doubt whether I would be able to do it during the life of this Parliament. So, it is too much to expect that this also should become law. But I can assure the hon. Members that the Labour Ministry is already considering this matter and in good time they will bring forward suitable legislation. I missed the point of Mr. Vittal Rao. I heard him saying that the compensation proposed is not sufficient or some such thing.

Mr. Deputy-Speaker: He said that he will discuss it in the Joint Committee.

Shri Alagesan: We welcome that. In this matter we are having an open mind. We are prepared to hear the members on the Select Committee for this is an important matter and the representations made in this behalf by the private interests will also be taken into consideration and I hope when the Bill emerges from the Select Committee there will be a satisfactory solution found to this matter. I have nothing more to say except to express my gratitude to the hon. Members who have heartily endorsed the principles of this Bill.

Shri V. P. Nayar: With your permission, may I ask a question? The hon. Deputy Minister was pleased to answer some points relating to the initial cost in purchasing or acquiring the vehicles. Could we have the reaction of Government on the points which we raised about the operational costs, especially the cost of petrol, tyres and spare parts?

Shri Alagesan: All these things can surely be gone into. The hon. Member mentioned about spare parts.

Shri V. P. Nayar: Petrol, tyres and spare parts.

Shri Alagesan: You are too ambitious; that is all what I can say. Regarding spare parts, the duty, as per the recommendation of the Tariff Commission, was brought down from

60 per cent. ad valorem to 40 per cent. in May 1953 and this accords with the recommendation made by the Motor Vehicles Transport Enquiry Committee also. This is one of the matters which relate to running cost.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Motor Vehicles Act, 1939 be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shri K. L. More, Shri Fulsinhji B. Dabhi, Shri M. L. Dwivedi, Shri C. C. Shah, Shri T. N. Viswanatha Reddy, Shri Amarnath Vidyalankar, Shri M. K. Shivananjappa, Shri Rohanlal Chaturvedi, Shri Krishnacharya Joshi, Shri Suriya Prashad, Shri Ram Sahai Tiwari, Shri Basant Kumar Das, Shri Bhupendranath Mishra, Shri Sitnath Brohmo-Chowdhry, Sardar Iqbal Singh, Shri T. S. Avinashilingam Chettiar, Shri Raghunath Singh, Shri Shree Narayan Das, Shrimati Sushama Sen, Shri Rameshwar Sahu, Shri R. R. Morarka, Shri T. B. Vittal Rao, Shri K. Ananda Nambiar, Shri K. S. Raghavachari, Shri Y. Gadlingana Gowd, Shri U. M. Trivedi, Shri Giriraj Saran Singh, Shri Bahadur Singh, Shri Uma Charan Patnaik and the Mover;

and 15 members from Rajya Sabha;

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

that the Committee shall make a report to this House by the 20th November, 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

5-3 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 13th August, 1956.

Saturday, 11th August, 1956

COLUMNS

COLUMNS

MESSAGE FROM RAJYA SABHA

2933

Secretary reported that Rajya Sabha at its sitting held on the 9th August, 1956, had agreed without any amendment to the Reserve Bank of India (Amendment) Bill, 1956, passed by Lok Sabha on the 20th July, 1956.

BILLS PASSED

- (i) Clause-by-clause consideration of the River Boards Bill, as passed by the Rajya Sabha, was taken up. The clauses were adopted and the Bill was passed.

2936—76

- (ii) The motion to consider the Inter-State Water Disputes Bill, as passed by Rajya Sabha, was moved by the Minister of Planning and Irrigation and Power (Shri Nanda). The discussion was concluded, the clauses were adopted and the Bill was passed.

2976—85

2987—3020

REPORT OF JOINT COMMITTEE PRESENTED

2985—87

The Minister in the Ministry of Home Affairs (Shri Datar) presented the Report of the Joint Committee on the Bihar and West Bengal (Transfer of Territories) Bill.

BILL REFERRED TO JOINT COMMITTEE

3020—80

The Deputy Minister of Railways and Transport (Shri Alagesan) moved for reference of the Motor Vehicles (Amendment) Bill to a Joint Committee of the Houses. The motion was adopted.

AGENDA FOR MONDAY
13TH AUGUST, 1956

Consideration and passing of National Highways Bill and discussion on motions re-modification of Displaced Persons (Compensation and Rehabilitation) Rules, 1955.