

**SYL Canal – A Testament of Hope and Faith
for People of Haryana**

BY

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'Water' and 'Air' are 'life'. Water is a 'National Resource', more importantly a 'human resource'. Our fate depends on continued access to nutritious food, abundant water and clean air. Out of the three, I treat equitable availability of water as the most important and the remaining two i.e. food and air, as a direct corollary.

In India, we use 90% of ground water for agriculture that requires constant irrigation. According to a recent report, available 'ground water' in India was 600 cubic kilometer per annum in the year 1997 and demand was equal to its availability. By 2050, level of ground water shall be about 100 cubic kilometer per annum and demand shall be 1200 cubic kilometer per annum. As qua 'surface water', its level was 300 cubic kilometer per annum in the year 1997. By 2050, surface water level is projected to fall to 50 cubic kilometer per annum. On top of that, demand for use of water by domestic, industrial and agriculture sectors by 2050 is expected at 1.4 trillion cubic litres. Moreover, in the year 2050, our population is slated to be a staggering 1.6 billion (160 crores). Needless to add that this simple challenge of equitable availability of

clean water shall be the principal challenge to our Nation State over next decades.

This being so, can anyone say that each drop of water flowing through our soil is theirs? Can you control water? Can you own water? Can you divide water? Can you refuse to share water? Can you claim proprietary rights over water? Can you claim royalty for water? Can there ever be exclusive ownership of this life giving natural resource?

These are questions that States and individuals claiming right of ownership over water must answer for themselves as also to the future generations of this country. Future of our children lies in looking within and giving a sincere yet simple answer to these questions made vexed by 'Machiavellian machinations' of myopic political interests.

Sharing of water and inter-State water sharing disputes – whether of 'Satluj-Yamuna Link (SYL)' or 'Narmada' or 'Cauvery' or many similar manifestations have to be, therefore, viewed in the prism of this basic premise.

Having said that, I shall like to bring in focus the historical injustice meted out to People of Haryana by persistent denial of share of water in Punjab Rivers – known in popular parlance as share in water of Ravi-Beas Rivers by construction of Satluj-Yamuna Link Canal.

While rhetoric is free and truth is a casualty in politics, I take this opportunity to place the facts as they are:-

- (i) The Indus Water Treaty, 1960 was signed between the then Prime Minister, Pt. Jawaharlal Nehru and Field Marshal, Mohd. Ayub Khan, the then President of Pakistant, which finally affirmed the

rights of India (including Joint Punjab) over Punjab Rivers. Post-partition, on demand of people of Haryana region of Punjab, a number of committees were constituted by the Joint Punjab Government and Government of India to provide water to the areas now comprising of State of Haryana. All these committees recommended a substantial share of water for Haryana region from Punjab rivers. Particular are "The Food Committee on Land and Water Use in Punjab", constituted on 12-01-1965 and 'The Haryana Development Committee', constituted on 20-01-1965. Both these Committees recommended 4.56 million acre feet of water for Haryana areas in Joint Punjab.

- (ii) Haryana was carved out of State of Punjab on 1st November, 1966. Section 78 of Punjab Reorganisation Act, 1966 made special provisions with regard to rights and liabilities of successor States including sharing of water of Bhakra, Ravi and Beas. On failure of settlement of dispute, Haryana approached Government of India on 21-10-1969 for a decision of the water dispute under Section 78 of the 1966 Act. In accordance with Section 78 of the 1966 Act, Government of India headed by Smt. Indira Gandhi took the initiative to decide allocation of water vide order/notification dated 24-03-1976, popularly known as 'Indira Gandhi Award'. Haryana and Punjab were allocated 3.5 million acre feet each of water and it was directed that a canal be dug in Punjab territory to carry Haryana's share of water.
- (iii) Haryana paid a sum of Rs.1.00 crore to Punjab on 10-11-1976 and another sum of Rs.1.00 crore on 31-03-1979 for purposes of construction of SYL Canal. S. Prakash Singh Badal was then the Chief Minister of Akali Dal government in Punjab.

- (iv) Having accepted the money for construction of SYL Canal, in terms of order/notification dated 24-03-1976 of Government of India, State of Punjab again backtracked. Haryana filed Suit No.1 of 1979 in Supreme Court of India on 30-04-1979 for implementation of order/notification dated 24-03-1976 of Government of India for construction of SYL Canal in the territory of Punjab within a period of two years. State of Punjab proceeded to file a counter Suit No. 2 of 1979 on 11-07-1979 challenging the validity of order/notification dated 24-03-1976 of Government of India allotting share of water to Haryana as also the very foundation of the Punjab Reorganisation Act, 1966.
- (v) This vexed issue was again settled on intervention of then Prime Minister, Smt. Indira Gandhi and it resulted into signing of a tripartite agreement between States of Punjab, Haryana and Rajasthan on 31-12-1981. Under this tripartite agreement, Haryana was allocated 3.5 million acre feet of water, while Punjab and Rajasthan were allocated 4.22 million acre feet and 8.60 million acre feet of water respectively out of the total surplus water of Ravi-Beas Rivers. Under this tripartite agreement, SYL Canal was to be completed within a period of two years. Based on this agreement, both the Suits referred to in (iv) above were withdrawn by States of Punjab and Haryana from Supreme Court of India on 12-02-1982.
- (vi) On 8th April, 1982; Smt. Indira Gandhi, the then Prime Minister, once again took the initiative and started digging of Canal in Punjab territory at Kapoori.

- (vii) Digging of SYL Canal in Punjab territory started after 1982 and 95 per cent of the work was completed till June, 1987 i.e. during the period of Congress government.
- (viii) In the meanwhile, State of Punjab went through extreme turmoil of terrorism. Punjab once again challenged the very claim of Haryana to share of water in Punjab Rivers based on 'Riparian principles'.

Shri Rajiv Gandhi, the then Prime Minister, once again took the initiative to settle the inter-State water dispute and other inter-State issues. On 24-07-1985, an agreement historically known as 'Rajiv-Longowal Accord', was signed at between the then Prime Minister, Shri Rajiv Gandhi and then President of Shiromani Akali Dal, Sant Harchand Singh Longowal. Shri Surjit Singh Barnala, the then Punjab Chief Minister, was also a party to this agreement on behalf of the Akali Dal. Government of India agreed to appoint a tribunal for adjudication of the share of water as also claims of the States of Punjab and Haryana. A judicial tribunal was accordingly constituted under the Chairmanship of Justice V.B. Eradi. This tribunal toured States of Punjab and Haryana, called for all the documents and heard extensive arguments.

On 30-01-1987, Eradi Tribunal delivered its landmark verdict and allocated 3.83 million acre feet of water to Haryana based on 'Riparian principles' and 5.00 million acre feet of water to Punjab, besides Rajasthan and Delhi.

- (ix) In 1991, Congress government of Haryana instituted a suit for issuing directions to State of Punjab for completion of the Canal. On 06-09-1996, the then Bansi Lal's government instituted an amended suit for the same relief after withdrawing the earlier Suit.

On 15-01-2002, Supreme Court of India allowed the Suit of Haryana government, directing the Punjab government to complete the SYL Canal within one year.

- (x) On failure of Punjab government, an executory application was filed for issuing directions to Punjab for completion of Canal. On 04-06-2004, Supreme Court again directed Punjab to complete the construction of SYL Canal within a year, failing which it should be constructed by a Central agency. Punjab filed review petition against judgment/order dated 04-06-2004. This review petition was also dismissed by Supreme Court on 02-07-2004.
- (xi) On 12-07-2004, in a blatant affront to federalism and Parliamentary democracy, State of Punjab passed the Punjab Termination of Agreements Act, 2004. Considering the gravity of the matter, Government of India intervened by exercising extraordinary powers of reference under Article 143 of Constitution of India and referred the validity of the 2004 Act to a Constitution bench of Supreme Court of India.

Undisputed facts are:-

- (a) Haryana has a right of water in Punjab Rivers being a part and parcel of the erstwhile State of Punjab.
- (b) Right of Haryana region to share of water in Punjab Rivers was affirmed by the 'Food Committee on Land and Water Use in Punjab' and the 'Haryana Development Committee' as far back as on 12-01-1965 and 20-01-1965 when Haryana area was part of joint Punjab.

- (c) Right of Haryana has been recognized by award dated 24-03-1976 of Government of India issued in terms of Section 78 of the Punjab Reorganisation Act, 1966. Even Government of Punjab had acquiesced to this award by accepting money for construction of SYL Canal from Haryana on 10-03-1976 and 31-03-1979.
- (d) Right of Haryana to share of water has also been recognized by Tripartite agreement entered between States of Haryana, Punjab and Rajasthan on 31-12-1981. Based on this agreement, 95% of SYL Canal was constructed and completed uptill June, 1987.
- (e) Right of Haryana to share of water including its claim as a 'Riparian Basin State' was further recognized by none less than Eradi Tribunal vide its award dated 31-03-1987. Eradi Tribunal was constituted by the historical 'Rajiv-Longowal Accord' on 24-07-1985.
- (f) Right of Haryana to share of water in terms of verdict of Eradi Tribunal was fructified by Supreme Court judgment dated 15-01-2002 in Suit No. 1 of 1995 directing State of Punjab and Union of India for construction of SYL Canal.
- (g) Right of Haryana to share of water has been further affirmed by the second verdict dated 04-06-2004 of Supreme Court, directing construction of SYL Canal within one year.

There can not be a better case for sharing of water either on facts or in law or based upon the spirit of mutual brotherhood. Construction of SYL Canal is not only an article of faith for People of Haryana but also a test of democratic resilience and equitable distribution of resources in this country. It is time when politicians rose above the parochial and myopic

vested interests and vote bank politics to ensure equitable distribution of ancestral family legacy between the two brothers – in this case share of water - through construction of SYL Canal.
