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Sutlej-Yamuna Link (SYL) Canal Dispute

Published On: 06-10-2023

Why is in news?

Noting that Haryana had already constructed its portion of the Sutlej-Yamuna Link (SYL) canal, the Supreme Court on Wednesday pulled up the Punjab government for not completing construction of its part of the canal and asked the Centre to survey the land allocated for the project in Punjab so as to assess the work progress.

About the Canal (SYL):

The Sutlej Yamuna Link Canal (SYL) is a **211-km-long**, an **under-construction canal** to connect the Sutlej and Yamuna rivers.

It was planned in 1966 after Haryana was carved out of Punjab.

121 km stretch of the canal was to be constructed in Punjab, and another 90 km in Haryana.

The **decades-old dispute over the canal**, which is supposed to carry water from Punjab to Haryana, has its origin in a disagreement over sharing of Ravi-Beas water.

The river Beas joins river Sutlej in Punjab.

The dispute regarding sharing of river water emerged after Punjab was reorganised in 1966, and the state of Haryana was created (out of Punjab).

After this, **Punjab refused to share waters of Ravi and Beas with Haryana.**

About the dispute:

In 1955 the waters of the the Ravi and Beas rivers were calculated at 15.85 million acre feet (MAF), and divided among Rajasthan (8 MAF), Undivided Punjab (7.2 MAF) and Jammu and Kashmir (0.65 MAF).

The water dispute started **in 1966, when the Punjab Reorganisation Act divided erstwhile Punjab into the states of Punjab and Haryana.**

Haryana completed the project in its territory by June 1980, the work in Punjab, though started in 1982, was shelved due to protests by the opposition led by Shiromani Akali Dal (SAD).

The construction work for the SYL canal was launched by then Prime Minister in April 1982 near Kapoori village of Punjab's Patiala district.

In July 1985, amidst the insurgency in Punjab, the then Prime Minister signed an accord with SAD, agreeing to set up a new tribunal to assess the sharing of water.

The **Eradi Tribunal** headed by Supreme Court Judge V Balakrishna Eradi was set up to **reassess availability and sharing of water.**

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The tribunal recommended an **increase in the shares of Punjab and Haryana** to 5 MAF and 3.83 MAF, respectively.

In August 1985, the chief of SAD was killed by militants, less than a month after signing the accord. In 1990, the Chief Engineer and a Superintending Engineer were killed by militants. The construction came to a halt.

In 1996, the Haryana government **moved the Supreme Court** over the issue.

In 2002, the **Supreme Court directed Punjab to continue work** on the SYL and complete it within a year. The Punjab Government, however, moved a review against the SC order but the petition was rejected.

In 2004, following orders by the SC, the Central Public Works Department (CPWD) was appointed to take over the canal work from the Punjab Government.

The Punjab Assembly passed the **Punjab Termination of Agreements Act (PTAA)**, which **abrogated all its river water agreements with neighbouring States**. The then President (Dr. A.P.J. Abdul Kalam) referred this Act to the Supreme Court to decide on its legality in the same year.



In 2016, the Supreme Court says that as Punjab backed out of its promise to share river water and the PTAA is invalid.

In 2020, the SC asked the Chief Ministers of Punjab and Haryana to negotiate and the Union Government to mediate between the States. And still the issue continues.

At present Punjab is using about 1.9 MAF of Haryana's share of water as it has not completed the construction work of the SYL Canal in its area.

If SYL is constructed then this water share that belongs to Haryana, about 10.08 lakh acres of state land will be irrigated.

Besides this, the state water shortage will also be quenched and lakhs of farmers will be benefited by adding that with the availability of this water, the groundwater level which is going down significantly in southern Haryana will also improve.

Settlement Inter-State Water Disputes:

Constitutional Arrangements:

Schedule 7 of the Constitution:

It distinguishes between the use of water within a State and the purpose of regulating interstate waters.

Union List: In entry 56, the **Union Parliament the power to formulate laws and mechanisms** for regulating Interstate rivers.

State List: In entry 17, the States **retain autonomy regarding water utilisation** for purposes such as water supply, irrigation and canals, drainage and embankments, water storage and water power subject to provisions of Entry 56 of List 1 (Union List).

Article 262:

In case of disputes relating to waters, **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 rivers.

Parliament may, by law also provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as mentioned

Statutory Arrangements:

River Board Act, 1956:

Its purpose is to enable the Union Government to create Boards for Interstate Rivers and river valleys in consultation with State Governments.

The objective of Boards is to advise on the inter-state basin to prepare development scheme and to prevent the emergence of conflicts.

Till date, **no River Board has been created.**

Inter-State Water Dispute Act, 1956:

If a particular State or States approach the Union Government for the constitution of the tribunal:

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Central Government should try to resolve the matter by consultation among the aggrieved States;

In case, consultation does not work, then the Union Government may constitute the tribunal.

Reasons for Several Inter-State River Water Disputes in India:

India is a **water-stressed country with uneven distribution of water resources**. As a result, states with limited water resources often engage in disputes to secure their fair share.

Different states have **competing demands for water**, including agricultural irrigation, and industrial use, leading to conflicts as states vie for their respective requirements.

Many inter-state water disputes have their **roots in historical agreements and treaties** that were formulated during the colonial period or post-independence.

The **construction of dams, barrages, and irrigation projects** on rivers can impact the flow of water downstream, leading to disputes over water allocation.

Water disputes in India are **often influenced by political factors**, including regional aspirations, electoral considerations, and states' perception of their rights over water resources.

Inter-State River Water Dispute Tribunals:

Inter-state river water tribunals are **quasi-judicial bodies** established by the Indian government, **constituted under the Interstate River Water Disputes Act, 1956**.

The primary purpose of these tribunals is to **adjudicate and provide a binding decision** on the allocation of water resources among the disputing states.

The Tribunal shall consist of a **Chairman and two other members** nominated in this behalf by the Chief Justice of India from among persons who at the time of such nomination are Judges of the Supreme Court or of a High Court.

The Central Government may, in consultation with the Tribunal, appoint two or more persons as assessors to advise the Tribunal in the proceedings before it.

Dispute redressal mechanism:

Once a dispute is referred to a tribunal, it conducts hearings, examines evidence, receives representations from the disputing states, and seeks expert opinions to arrive at a decision.

The tribunal's decision, known as an award, is **final and binding on all parties involved**. The award is published in the Gazette of India and is enforceable under the law.

However, the **decisions of these tribunals can be challenged in the Supreme Court of India** through a Special Leave Petition under Article 136 of the Constitution.

Additionally, the Supreme Court can also intervene if there are issues related to the violation of fundamental rights.

Sutlej River:

Sutlej River is the **easternmost tributary** of the Indus River.

It rises in the **Kailash Mountain near Mansarover Lake** from Rakas lake in Tibet.

The **Bhakra Nangal Dam** is built on the river Sutlej.

It provides irrigation and other facilities to the states of Punjab, Rajasthan and Haryana.

The Sutlej water is allocated to India **under the Indus Waters Treaty** between India and Pakistan.

The drainage basin in India includes the states and union territories of **Himachal Pradesh, Punjab, Ladakh and Haryana.**

Yamuna River:

The Yamuna is the **2nd-largest tributary river of the Ganges** by discharge and the longest tributary in India.

Yamuna river originates from **the Yamunotri Glacier at the Bandarpunch peaks** of the Lower Himalaya in Uttarakhand.

It **merges with the Ganges at Triveni Sangam, Prayagraj**, which is also a **site of the Kumbh Mela**.

It flows through several states like **Haryana and Uttar Pradesh, passing by Uttarakhand and later Delhi.**

The important tributaries of the Yamuna River are Tons, Chambal, Hindon, Betwa and Ken.

Conclusion:

The Inter-State Water Disputes have been allowed to linger on for a long time. The politics of electoral mobilization has been one of the major factor, along with institutional infirmities in the arrangements. The Union and State Governments should put national interest above narrow parochial interests. As the pressures of climate change become evident through water stress in various regions, it becomes imperative that such disputes are settled in order to ensure optimal use of nation's water resources.