

A STUDY ON SUTLEJ YAMUNA LINK CANAL: FIELD OF DREAMS

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INTRODUCTION

India is facing major challenges in its water resources management sector. The upsurge in population ensuring in a steady decline in per capita water availability. Urbanization and industrialization have put more pressure on water use. The major rivers in India are shared by two or more states. With the increasing demand for water which largely falls under the authority of states, and with the states increasingly asserting their legal and political power, inter-state water dispute are in the rise and are getting more complex and contentious. When an Inter-State Water Dispute arises between two or more states, direct negotiations between the parties undoubtedly constitute the best means to solve the dispute. Because, settlement by negotiations has the consent of the contending parties and can be expected to be implemented without delay, faithfully and diligently. However, in the event of continuous failure of negotiations between the parties there is no alternative method but to refer the dispute to adjudication.

The inter-state River Water Disputes are one of the most contiguous issues in the Indian Federalism today. In extreme case it may hamper the relationship among different states. The recent case of the Sutlej Yamuna link canal, the issue links to the dispute between Punjab and Haryana after the formation of the Haryana in 1966. The parties involved are Punjab, Haryana and Rajasthan. To enable Haryana to use its share of the waters of the Ravi-Beas Rivers, a canal linking the Sutlej with the Yamuna was planned and in 1982 its construction was started. It is one such issue that continues to divide the polity has been the Sutlej Yamuna Link canal dispute. The dispute is mainly between Punjab and Haryana, which are born out of the same womb, although the states of Rajasthan, Jammu and Kashmir and Delhi are also involved in it. The dispute is regarding water allocation of Ravi and Beas waters (Ravi and Beas are rivers in the state of Punjab), over the quantity of water available and to be allocated and over the just share of each state. Here the question pertains as to whether the states of Haryana and Punjab should continue getting the share of water allocated to them by virtue of various agreements between them. The state of Punjab claims all the river waters by virtue of being a riparian state (a riparian state is the one in which the river originates). The Indian Constitution attaches a special status to inter-state water dispute, whereby they neither fall under the Supreme Court's jurisdiction. These disputes can only be adjudicated by temporary and Ad hoc inter-state water dispute tribunals. Water dispute is governed by the Inter-State Water Dispute Act, 1956.¹ According to its provision, a state government can approach the Centre Government to refer the dispute to a tribunal, whose decision is considered final.

¹ The Inter-State water dispute act, 1956 further amended in 2002, this amendment specifically does not permit altering the prevailing tribunal verdicts issued before the year 2002 (i.e. but not the tribunal awards issued after the year 2002). Thus this amendment bars the tribunals to give any time period/validity for constituting a new tribunal.

WHAT IS SUTLEJ YAMUNA LINK CANAL (SYL)

Sutlej Yamuna Link Canal or SYL as it is popularly known is a proposed 214-kilometer long canal in India to connect the Sutlej and Yamuna rivers. However, the proposal met obstacles and was referred to the Supreme Court of India. It defines river water sharing between the states of Punjab and Haryana. The Sutlej Yamuna Link Canal (SYL) was supposed to bring Beas, Ravi and Sutlej river waters from Punjab to Haryana and Rajasthan. Unfortunately, this canal has been a serious bone of contention between Punjab and Haryana. For decades, the SYL has generated hysterical propaganda against the compulsions that have motivated politicians to take decisions, leading to unpopular decisions. In 1960, India and Pakistan signed the Indus Waters Treaty, which reserved waters of the Ravi, Beas and Sutlej exclusively for India. Six years later, when Punjab was reorganised, the new state of Haryana claimed its share of waters. In 1976, the union government announced that both states would receive 3.5 million acre-feet (MAF) of water from the available annual flow of 15 MAF through the construction of the SYL. This would benefit farmers in southern Haryana who could then use it through lift irrigation schemes. The source of water for the SYL is the Bhakra dam. The canal starts from the tail end of Anandpur Hydrel canal near Nangal and goes up to the Western Yamuna Canal from where it collects waters of the Ravi and Beas. Currently, Haryana gets only 1.62 MAF of the allotted 3.5 MAF, and the balance is to be made available through the SYL canal. In 1978, the Punjab government moved the Supreme Court and thus started a series of litigations, with both sides remaining intractable. Meanwhile construction of the canal started in 1981 in both Punjab and Haryana. In Punjab, construction came to a grinding halt in 1990 due to militancy and the killing of a senior officer and labourers. In 1996, the Haryana approach SC for the early completion of the canal. In 2002, SC directed Punjab to complete the SYL canal in a year. Again in June 2004, SC directed Punjab to complete the work in its territory and ordered the formation of a central agency to “take control” of Punjab’s work on the canal.

REASONS FOR DISPUTES

The Punjab Reorganisation Act, 1966, led to the bifurcation of the State of Punjab into separate entities, viz. Punjab and Haryana. The State of Haryana laid claim over 4.8 out of 7.2 MAF (which was the entitlement of the composite Punjab State), on the principle of equitable distribution. The new State of Punjab, on the other hand, conceded nothing to Haryana, mainly on the plea that, Haryana was not a riparian State, i.e. none of these rivers flow through Haryana. Acting under section 78 of the Punjab Reorganisation Act, 1966, the Union Government, allocated 3.5 MAF each to Punjab and Haryana and 0.2 MAF to Delhi. In order to ensure full utilisation of the water allotment to Haryana under this statutory decision, proposal to link River Sutlej and Yamuna was mooted under the Sutlej-Yamuna Link (SYL) Canal scheme. The proposed canal is a 214-kilometer long canal and will connect the Sutlej and Yamuna rivers. While, Punjab moved the Supreme Court against the statutory decision, Haryana, on the other hand, moved the same Court for compelling Punjab to implement it.

HISTORICAL BACKGROUND OF SUTLEJ YAMUNA LINK CANAL

India and Pakistan post the division into separate entities, signed an agreement, called the Indus Treaty, with respect to the sharing of river water in 1960. As per the agreement the waters of the Western rivers (the Indus, the Jhelum and the Chenab) would be reserved for the exclusive use and benefit of Pakistan, whereas the entire flows of the three Eastern Rivers (The Ravi, the Beas and the Sutlej) would be available for the exclusive use and benefit of India. It was further agreed upon that India would allow the use of Eastern Rivers for next 10 years to Pakistan, who would be given time for the construction of replacement canals in Pakistan till 31 March 1970. After this transactional period, India would have the exclusive rights over the water of the Eastern Rivers, namely, the Ravi, the Beas and the Sutlej. At the domestic front, the State Governments of Punjab, Jammu and Kashmir and Rajasthan were required to prepare a development programme for the utilisation of the waters of the Eastern Rivers. While at the time of signing the said treaty, the waters of Sutlej had already been planned to be utilised for the Bhakra-Nangal Project, the surplus flow of rivers Ravi and Beas, over and above the pre-partition use, was allocated by the Agreement in 1955 between the concerned states, Punjab 7.20 MAF (Including 1.30 MAF for Pepsu), Rajasthan 8.00 MAF (Million Acre Feet), Jammu & Kashmir 0.65 MAF (Total 15.85 MAF). After that this allocation, there was a reorganization of the State of Punjab under the Punjab Reorganisation Act, 1956 as a result of which successor states, namely, State of Punjab and State of Haryana were created and it became necessary to determine their respective shares of the successor states out of the quantum of water which could become available in accordance with aforesaid allocation for use in the erstwhile State of Punjab and when the successor states failed to reach an agreement, a notification dated 24th March, 1956 was issued by the Central Government under Section 78 of the Punjab Reorganisation Act, 1956 under which State of Haryana was allocated 3.5 MAF quantity of water; to give effect to the allocation of 3.5 MAF of water to the State of Haryana under the said 1956 notification, construction of Sutlej-Yamuna Link Canal (hereinafter called SYL Canal) was started by the State of Haryana in their portion after the 1956 notification. The construction of SYL Canal was also started by Punjab in their portion in early eighties. The States of Punjab, Haryana and Rajasthan entered into agreement dated 31.12.1956, by which the States of Punjab, Haryana and Rajasthan, in view of overall national interest and optimum utilisation of the waters. It was also agreed under the aforesaid 1956 agreement that the SYL Canal project could be completed in a time bound manner with a maximum period of two years from the date of signing of the agreement so that the State of Haryana is enabled to draw its allocated share of water. This agreement is in use for deciding the periodical distribution of waters among the concerned states by the Bhakra Beas Management Board. An accord called the "Punjab Settlement" was signed on 24th July, 1956 to resolve the issues relating to the State of Punjab.

ERADI TRIBUNAL (TRIBUNAL UPON RAVI-BEAS RIVERS)

There is at present no machinery for the adjudication of water disputes which may arise among the various states governments. The makers of the constitution incorporated provisions in the Constitution of India to regulate the sharing of inter-state waters. Under Article 262 of the Constitution, Parliament is empowered to provide for the adjudication of disputes relating to use, distribution and control of water of inter-state rivers and river valleys. A Tribunal was set up under Inter-State Water Disputes Act, 1956

to adjudicate such disputes. The main object of the Act is to provide for the constitution of Tribunal for adjudication of a water dispute. 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 Tribunal may appoint two or more persons assessors to advise it in the proceedings before it. The Inter-State Water Disputes Act, 1956 defines a water dispute to mean any dispute or difference between the two or more state governments with respect to:

- (i) The use, distribution or control of the waters of, or in, any inter-state river, or river valley: or
- (ii) The interpretation of the terms of any agreement relating to the distribution or control of such waters or implementation of such agreements; or
- (iii) The levy of any water rate in contravention of the prohibition contained in the Act.

The jurisdiction of the courts in respect of any dispute or complaint referred to in Article 262(1) can be barred by Parliament by making law. The Inter-State Water Disputes Act, 1956 was enacted by Parliament in exercise of power under Article 262 of the Constitution. Section 11 of the said Act excludes the jurisdiction of the Supreme Court in respect of a water dispute referred to the Tribunal.

To give effect to paragraphs 9.1 and 9.2 of the 'Punjab Settlement', acting under the powers vested in the Centre, Section 14 was inserted in the Inter-State water Disputes Act, 1956. A three member Ravi and Beas Water Tribunal, known as the Eradi Tribunal, was constituted in April 1986, for verification of the quantum of usage of water claimed by the farmers of Punjab, Haryana and Rajasthan regarding shares in their remaining waters. The contentions presented by the parties in response to the notice by the Tribunal were as follows:

Punjab: Haryana and Rajasthan, not being riparian States, should not claim any share from these rivers, which was the entitlement of Punjab alone. It was, but a concession made by Punjab to the farmers of Haryana and Rajasthan, to continue to allow the use of water from these rivers.

Haryana: The state of Haryana was carved out of Punjab and has equitable right on waters of these rivers. The Tribunal should first verify the quantum of usage as on the specified date and thereafter adjudicate on the claims of Punjab and Haryana as to the remaining waters. The State of Haryana could not fully utilise its share of the Ravi-Beas waters, as the SYL canal had not been completed.

Rajasthan: The State argued that jurisdiction of the Ravi Beas Tribunal was restricted only to verification of the usage from the Ravi-Beas system as on 01 July 1985. Since, the State's share was settled by the 1955 Agreement and later re-enforced by the 1981 Agreement, the Tribunal should not alter, vary or affect Rajasthan's share.

After looking into the various legal and constitutional aspects of the claims made by the contending parties and the validity of their claims and counter claims, this Tribunal submitted its report on January 30, 1987 and determined the allocation of water as under: Rajasthan 8.60 MAF, Haryana 3.83 MAF, Delhi 0.20 MAF, Punjab 5.00 MAF, Jammu and Kashmir 0.65 MAF (Total 18.28 MAF). Punjab was unhappy, it charged that the Tribunal in determining the share had gone beyond the terms of reference and committed "errors of jurisdiction" The Tribunal made an attempt for an equitable apportionment of

river water. The quantum of Ravi-Beas water used, as on 1st July 1985, by Punjab was 3.1 MAF, by Rajasthan (4.98 MAF). The share of Delhi and Jammu and Kashmir remained unchanged. The Tribunal took notice of two important aspects while making its award. First, Haryana was not utilising the full quantum of water allocated to it under the 1976 and 1981 agreements, Second, Haryana was receiving 3.68 MAF of Yamuna water, whereas Punjab had no other source except the Ravi-Beas water. Ultimately the Tribunal decided to be fair and reasonable and equitable. To allocate the surplus available, water allocation was made on the basis of the 1921-1960 flow series. It allocated 5.0 MAF to Punjab and Haryana got 3.83 MAF. The share of Rajasthan and Delhi remained unaffected. After the submission of the Tribunal report there was no change in the confrontational stand by Punjab and Haryana over the sharing of the Ravi-Beas water.

In 1987, Punjab thus contested the Eradi Tribunal award on grounds that the Tribunal had overestimated the free water available and underestimated the use of water by Punjab farmers. In July 1988, Justice Eradi adjourned the Tribunal because of violence in the state. The Tribunal began functioning again in November 1997, after being ordered by the Supreme Court to do so. With no clear decision having been taken by the Tribunal, the Haryana government again approached the apex court. In January 2002, the Supreme Court ordered that Punjab complete the construction of the SYL within 12 months on the failure of which, the Centre would appoint a central agency to complete the work. A subsequent suit filed by Punjab against the canal was dismissed in June 2004. Punjab Assembly responded by passing the 2004 Act, terminating all its obligations under the 1981 Act despite the Supreme Court judgments. Apprehending trouble, then President Dr. APJ Abdul Kalam sought the Supreme Court's opinion on the 2004 Act under Article 143 (1) of the Constitution.

SUTLEJ YAMUNA LINK CANAL LAND BILL, 2016

The Punjab Assembly On 14th March, 2016 unanimously passed the contentious Punjab Sutlej Yamuna Link Canal Land (Transfer of Proprietary Rights) Bill, 2016, proposing to re-vest property rights to the owners of nearly 3,928 acres of land acquired to construct the SYL canal.

PROVISIONS OF THE BILL

- The Bill states that it will, “provide for transfer of proprietary rights to the land owners from whom land was acquired by the state government for construction of Sutlej Yamuna Link main canal.”
- The state government will notify a suitable machinery for settlement of claim of landowners. The settlement of such claims in due course shall not in any manner affect the transfer of land in favour of the landowners.
- The terms and conditions of transfer of land and record rights will stand amended modified by the revenue authorities concerned.

Asserting that it will not remain a silent spectator when its orders are sought to be made “in executable” the Supreme Court on 17th March, 2016 ordered a status quo with respect to the land acquired for Sutlej Yamuna Link (SYL) canal as it accepted the Haryana government's plea for an interim restraint order. A Constitution Bench led by Justice Anil R. Dave referred two Supreme Court judgments of 2002 and

2004, and the consequent decree passed by it whereby Punjab was asked to construct the canal on its territory. “Prima facie, it appears that an effort has been made to see that execution of a decree of this Court is being made in-executable and this Court cannot be a silent spectator, therefore, we direct that status quo shall be maintained by the parties with regard to the properties...,” said the five-judge Constitution Bench. The Bench said the status quo order will operate with respect to “lands, works, property and portions of the canal and all lands within the alignment of the SYL canal within the territories of Punjab” covered its previous judgments.

SYL STATUS IN 2020

- SC has directed the Chief Ministers of both states to negotiate and settle the SYL canal issue at the highest political level to be mediated by the Centre.
- Punjab has asked for a tribunal for fresh time-bound assessment of the water availability.
- Punjab holds that there has been no adjudication or scientific assessment of river waters in the state till date.
- The availability of Ravi-Beas water has also come down from the estimated 17.17 MAF in 1981 to 13.38 MAF in 2013. A fresh tribunal would ascertain all this.

JUDICIAL ATTITUDE

In a democratic country India, the role of judiciary is extremely significant which administers justice according to law. In a developing country like India, the inter-state river water disputes must be resolved quickly so that water resources could be utilized and harnessed properly for economic development.

In *T.N. Cauvery Sangam v. Union of India* the Supreme Court has held that once the Central Government finds that the dispute referred to in the request received from the State Government cannot be settled by negotiations, it becomes mandatory for the Central Government to constitute a Tribunal and to refer the dispute to it for adjudication. If the Central Government fails to make such reference, the Court may, on an application under Art. 32 by an aggrieved party, *issue mandamus* to the Central Government to carry out its statutory obligation. The Tribunal shall then investigate the complaint and forward a report to the Central government known as order or award of the tribunal. Within three months of the report, the Central Government or any of the State Government concerned can approach the tribunal for clarification. The Central Government shall publish the tribunal's decision in the official gazette, and then the decision will be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any water dispute referred to a tribunal.

In *State of Haryana v State of Punjab* also known as the First SYL Canal case. After hearing the case the Supreme Court gave three months' time to both the parties to reach an agreement. Then, on 15 January 2002, the Supreme Court ordered Punjab to complete the SYL within six months, failing which the central government had to finish the task. The Punjab government filed an appeal for review, which was rejected by the Court on 4 June 2004 with directions to the central government to assign this work to the central agency. Accordingly, the Central Government entrusted the CPWD the task to complete the SYL canal. On June 4, 2004 the Apex Court announced its final verdict on the SYL issue, the highlights of

which are as follows:-

1. Since the Punjab Government had failed to complete the canal within the one year deadline imposed by the January 15, 2002 verdict, so the Court directed the Centre to construct the unfinished portion of the SYL canal.
2. The Punjab Government was also ordered to provide adequate security to the officials of the executing agency and to the construction workers engaged by it.
3. The executing agency was directed to prepare a new map of the canal on the basis of a fresh survey by keeping in mind that no damage was caused to the green belt falling in the way.

However, there has been no progress in the matter since then and the Centre has not even started the construction of the unfinished Canal. Thus the future of the Ravi-Beas dispute hangs in uncertainty.

In *State of Haryana v. State of Punjab and Another* the Supreme Court (hereinafter read as SC) held that the disputes relating to the Sutlej-Yamuna Link canal 'the SYL Canal' was not a water dispute within the meaning of Section 2(c) of the Act of 1956 was correct even on this historic basis. The SC ordered that the SYL canal should be made functional in a year's time. While decreeing the suit in favors of Haryana, the learned Division Bench of the SC held that the dispute before it is not in any way related to the use, distribution or control of the waters and that the dispute centres round the question of the obligation on the part of Punjab to dig the canal which became necessary for carrying the allocated waters. The SC after examining all the legal aspects and provisions, decided that, "the quantity of water that has already been allocated in favor of the state of Haryana, must be allowed to be drawn and that can be drawn only if the additional link canal is completed, inasmuch as the existing Bhakra Main Canal has the capacity of supplying only 1.62 MAF of water. This being the position, we unhesitatingly hold that the plaintiff-State of Haryana has made out a case for issuance of an order of injunction in the mandatory form against the State of Punjab to complete the portion of SYL Canal, which remains incomplete and in the event the State of Punjab fails to complete the same, then the Union Government must see to its completion, so that the money that has already been spent and the money which may further be spent could at least be utilized by the countrymen. Therefore, by way of a mandatory injunction, direct the State of Punjab to continue the digging of Sutlej-Yamuna Link Canal, portion of which has not been completed as yet and make the canal functional within one year from today."

In another case *State of Haryana v. State of Punjab* the Supreme Court direct the Union of India to carry out its proposed action plan within the following time frame:

- 1) The Union of India is to mobilize a Central agency to take control of the canal works from Punjab within a month from today.
- 2) Punjab must hand over the works to the Central Agency within 2 (Two) weeks thereafter.
- 3) The construction of the remaining portion of the canal including the survey, preparation of detailed estimates and other preparatory works such as repair, desilting, clearance of vegetation etc. are to be executed and completed by the Central Agency within such time as the High Powered Committee will determine.

Punjab Legislature on 12th July, 2004 enacted the Punjab Termination of Agreements Act, 2004 (PTAA). The Act terminates all agreements relating to the Ravi and Beas waters, including the agreement dated 31.12.1981 signed by the Chief Ministers of Punjab, Haryana and Rajasthan and fully discharges Government of Punjab of any obligation arising from the agreements. The Act provides that all existing and actual utilizations through the existing systems shall remain protected and unaffected. A Presidential Reference regarding the PTAA has been made on 22.07.2004 under Article 143 of the Constitution of India.

The legislature for the State of Punjab introduced Punjab Sutlej Yamuna Link Canal Land (Transfer of Proprietary Rights) Bill, 2016. No assent of Governor till date and therefore, it is not a legislation and will remain Bill passed by Legislative Assembly. The State of Haryana praying that the operation and implementation of Punjab Sutlej Yamuna Link Canal Land (Transfer of Proprietary Rights) Bill, 2016 be suspended so that the entire proceedings initiated in pursuance of the Reference may not be frustrated. After hearing the concerned parties, on 17.3.2016, this Court was constrained to pass the following order:- it appears that an effort has been made to see that execution of a decree of this Court is being made in executable and this Court cannot be a silent spectator of the said fact and therefore, we direct that status quo shall be maintained by the parties with regard to the following properties referred to in para (d)(ii) of the application: “(d)(ii) lands, works, property and portions of the SYL canal and all lands within the alignment of the SYL canal within the territories of the State of Punjab which are covered by the judgments of this Court in State of Haryana v State of Punjab, (2002) 2 SCC 507 (paragraphs 18 and 19) and State of Haryana v State of Punjab, (2004) 12 SCC 712 (paragraph 96).”

In *State of Tamil Nadu v. State of Kerala and Another*, has held that a State “cannot through legislation do an act in conflict with the judgment of the highest Court which has attained finality. If a legislation is found to have breached the established constitutional limitation such as separation of powers, it has to go and cannot be allowed to remain.” It has been further observed by this Court as:- It is true that the State’s sovereign interests provide the foundation of the public trust doctrine but the judicial function is also a very important sovereign function of the State and the foundation of the rule of law. The legislature cannot by invoking “public trust doctrine” or “precautionary principle” indirectly control the action of the courts and directly or indirectly set aside the authoritative and binding finding of fact by the court, particularly, in situations where the executive branch (Government of the State) was a party in the litigation and the final judgment was delivered after hearing them. Such unilateral action of a particular State has to be declared contrary to the Constitution of India as well as the provisions of the Inter State Water Disputes Act, 1956.

CONCLUSION

Thus, the SYL canal issue until today is a disputed one. Despite numerous interventions by the Centre and Supreme Court and after so many years of negotiations and discussions, it has not yielded any result. The dispute has been lingering for over 40 years. Neither the Punjab nor the Haryana seems to be satisfied. The dispute has defied solution till now not because there have not been efforts by the centre and State to resolve the dispute but because the issue has got caught in politics. It is the political compulsions of States and selfish motives of leaders of different political parties involved which are not letting the States to arrive at a settlement. Politics is playing havoc in these States.

REFERENCES

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2. Dodda Srinivasa, *Inter-State Water Dispute in India* 51 (Deep & Deep Publications Pvt. Ltd., New Delhi, 1998).
3. Sutlej Yamuna Link Canal (SARYU) or SYL as it is popularly known, is a proposed 214-kilometer long canal in India to connect the Sutlej and Yamuna rivers. It defines river water sharing between the states of Punjab and Haryana. To empower Haryana to utilize its offer of the waters of the Sutlej and its tributary Beas, a waterway connecting the Sutlej with the Yamuna, cutting over the state, was arranged. On April 8, 1982, Prime Minister Indira Gandhi ritualistically dug the ground at Kapoori village in Patiala area for the development of the 214-km Sutlej-Yamuna Link (or Sutlej Yamuna Link) channel, 122 km of which was to be in Punjab, and 92 km in Haryana.
4. The Inter-State water dispute act, 1956 further amended in 2002, this amendment specifically does not permit altering the prevailing tribunal verdicts issued before the year 2002(i.e. but not the tribunal awards issued after the year 2002). Thus this amendment bars the tribunals to give any time period/validity for constituting a new tribunal.
5. Dodda Srinivasa, *Inter-State Water Dispute in India* 52 (Deep & Deep Publications Pvt. Ltd., New Delhi, 1998).
6. The SYL canal runs 122 km was to be in Punjab and 92 km in Haryana
7. Captain Abhimanyu, Finance Minister of Haryana, while presenting the Government of Haryana 2018-19 budget in March 2018 announced that the INR 100 crore (1 billion) funds have been for completion of the construction of SYL
8. ¹ Indira Khurana, "Transboundary disputes - Politics and Litigation Play Havoc: Sutlej Yamuna Link Canal" Vol. 39 *Economic & Political Weekly* p.608-609 (2006)
9. The Punjab Reorganisation Act, 1966 (31 of 1966)
10. Sutlej Yamuna Link Canal (SARYU) or SYL as it is popularly known, is a proposed 214-kilometer long canal in India to connect the Sutlej and Yamuna rivers. It defines river water sharing between the states of Punjab and Haryana. To empower Haryana to utilize its offer of the waters of the Sutlej and its tributary Beas, a waterway connecting the Sutlej with the Yamuna, cutting over the state, was arranged. On April 8, 1982, Prime Minister Indira Gandhi ritualistically dug the ground at Kapoori village in Patiala area for the development of the 214-km Sutlej-Yamuna Link (or Sutlej Yamuna Link) channel, 122 km of which was to be in Punjab, and 92 km in Haryana.
11. B.R. Chauhan, *Settlement of International Water Law Disputes in International Drainage Basins* 403 (New Delhi, 1981).

12. Agreed on the reallocation of the waters among the States as Share of Punjab: 4.22 MAF, Share of Haryana: 3.50 MAF, Share of Rajasthan: 8.60 MAF, Quantity earmarked for Delhi water supply: 0.20 MAF, Share of J & K: 0.65 MAF (Total 17.17 MAF). A Yamuna Agreement, 1994 take place for the sharing of Yamuna river water among the state of Himachal Pradesh, Uttar Pradesh, Haryana, Union Territory of Delhi and the state of Rajasthan. The state of Punjab also claim their rights on Yamuna River water.
13. P.S. Dhillon, *A Tale of Two River* 51-52 (Himalaya Publications, Chandigarh, 1983).
14. The Punjab Settlements provides that:

The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1.7.85 waters used for consumptive purposes will also remain unaffected.

The claims of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge.

The construction of the SYL canal shall continue. The canal shall be completed by 15th August, 1986.
15. Hon'ble Justice V. Balakrishna Eradi Judge, Supreme Court of India, chairman of the Ravi-Beas water Tribunal
16. The Inter-State Water Dispute Act, 1956 (Act 33 of 1956), s. 2(c)
17. Etymologically the term "riparian" means, "the bank of stream" or "the bank of a river". Thus, the land to be riparian must have the stream flowing over it and along its borders. The doctrine of riparian rights emphasizes the recognition of equal rights to the use of water by all owners of land abutting a river, as long as there is no resulting interference with the rights of other riparian owners.
18. Vishwa Ballabh (ed.), *Governance of Water: Institutional Alternatives and Political Economy* 181-182 (SAGE Publications, New Delhi, 2008)
19. Punjab Termination of Agreements Act, 2004 (Act 17 of 2004).
20. If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.
21. Meenakshi Arora, *Sharing of River Water and Political Interests: Dispute Over Sutlej Yamuna Link Canal Between Punjab and Haryana* (2011) (Unpublished Ph.D. Thesis, Jawaharlal Nehru University, New Delhi)
22. Kanchan Vasdev, "Punjab Assembly passes Bill against construction of SYL" *Indian Express*, March 15, 2016.

23. UtkarshAnand, “Maintain status quo on SYL canal: SC to Punjab govt” *Indian Express*, March 18, 2016.
24. <https://www.drishtiiias.com/daily-updates/daily-news-analysis/sutlej-yamuna-link-canal-project> Visited on 9/08/2021
25. (1990) 3 S.C.C. 440 the Supreme Court on 16th February 2018 delivered its verdict in the Cauvery water dispute, allocating more water to the share of Karnataka. The final allocation for a total of 740 TMC (16.99 MAF) is : Karnataka: 284.75 TMC (270+14.75 (6.52 MAF), Tamil Nadu: 404.25 TMC (419-14.75 (9.28 MAF), Kerala: 30 TMC (0.69 MAF), Pondicherry: 7 TMC (0.16 MAF).
26. AIR 2002 SC 685
27. Second SYL Canal case: State of Haryana v State of Punjab, (2004) 12 SCC 673
28. (2002) 2 SCC 507.
29. (2004) 12 SCC 712
30. Punjab Termination of Agreements Act, 2004 (Act 17 of 2004)
31. (2014) 12 SCC 696