

SUTLEJ-YAMUNA LINK (SYL) CANAL - GEOGRAPHY

NEWS:

WHAT'S IN THE NEWS?

Supreme Court Reminder to Punjab

- The Supreme Court reiterated its 2017 directive to Punjab, ordering the status quo on land and property related to the Sutlej-Yamuna Link (SYL) Canal.
- Punjab was reminded not to alter or transfer any canal-related land or infrastructure, preserving the status for possible resolution.

Origin and Design of the SYL Canal

- The SYL Canal was envisioned to ensure equitable distribution of Ravi and Beas river waters among Punjab, Haryana, and Rajasthan.
- The canal project was designed as a 214-km waterway, with:
 - 122 km falling in Punjab, and
 - 92 km in Haryana.
- The aim was to facilitate water sharing as per inter-state agreements, particularly between Punjab and Haryana.

Timeline of Key Legal and Political Developments

a. 1981 Agreement

- An inter-state agreement was signed between Punjab, Haryana, and Rajasthan to share Ravi-Beas waters, making the SYL canal a central infrastructure component.

b. 1996 Legal Action

- Haryana filed a suit in the Supreme Court seeking completion of the canal, citing breach of agreement and denial of water rights.

c. 2002 Supreme Court Verdict

- The Supreme Court ruled in favour of Haryana.
- It directed Punjab to complete the construction of the canal within its territory.

d. 2004 Punjab's Legislative Response

- Punjab passed the Punjab Termination of Agreements Act, unilaterally revoking the 1981 agreement and halting canal construction.
- This was viewed as a defiance of the apex court's orders.

e. 2016 Supreme Court Ruling

- A five-judge Constitution Bench held that the 2004 Act was unconstitutional, reinstating the court's 2002 direction to complete the canal.

Recent Supreme Court Directions (2024–2025)

- The Supreme Court appointed:
 - The Union Home Secretary,
 - Punjab Chief Secretary, and
 - Director General of Police (DGP), Punjabas Receivers to manage and oversee land-related issues associated with the SYL canal.
- It urged the Union Government, Punjab, and Haryana to reach a mutually acceptable solution through negotiations.
- The case will be relisted for hearing on August 13 if no progress is made.

Constitutional and Legal Framework for Inter-State Water Disputes

a. Article 262 of the Indian Constitution

- Empowers Parliament to:
 - Make laws for the adjudication of inter-state river disputes.

- Exclude the jurisdiction of courts, including the Supreme Court, over such disputes once a law is enacted.

b. Key Laws Enacted under Article 262

- River Boards Act, 1956:
 - Empowers the Centre to create River Boards in consultation with States for managing inter-state rivers.
 - No River Board has been established so far under this Act.
- Inter-State River Water Disputes Act, 1956 (ISRWD Act):
 - Provides for setting up tribunals when disputes arise and States request intervention.
 - The Centre must attempt conciliation before forming a tribunal.

Key Provisions of the Inter-State River Water Disputes Act, 1956 (as amended in 2002)

- The tribunal must be constituted within 1 year of receiving a formal request from a State.
- The tribunal must give its final award within 5 years (extendable by 1 year).
- The award has legal force equivalent to a Supreme Court decree.
- Tribunal awards are final and non-appealable, though parties may seek clarification within 3 months.
- However, courts may still be approached under Article 136 (Special Leave Petition) or Article 32, invoking Article 21 (Right to Life).

Structural and Procedural Issues with Inter-State Tribunals

a. Prolonged Proceedings and Delays

- Tribunal processes are slow; e.g., the Cauvery Water Disputes Tribunal took 17 years (1990–2007) to give its award.

- Even after decisions, implementation is often delayed due to lack of enforcement powers.

b. Judicial Review Despite Restrictions

- Although tribunal decisions are meant to be final, States challenge awards in the Supreme Court, often under human rights or procedural grounds.

c. Lack of Technical Expertise

- Tribunals are typically chaired by judges, with limited involvement of scientific, ecological, or hydrological experts.
- This results in overreliance on legal interpretation rather than scientific assessment.

d. Water Data Deficiency

- There is no transparent, authoritative, central repository of river flow and usage data.
- States often withhold or manipulate water data to strengthen their legal claims.

e. Federal Complexity and Bureaucratic Delays

- Overlapping roles between the Centre and States create red tape and procedural bottlenecks.
- The Centre's dual role as mediator and stakeholder often leads to conflict of interest.

Recent and Proposed Reforms

a. Inter-State River Water Disputes (Amendment) Bill, 2019

- Proposes the formation of a permanent tribunal to address all disputes.
- Establishes a Dispute Resolution Committee (DRC) for pre-tribunal negotiations, promoting amicable solutions.
- Recommends inclusion of technical experts (engineers, hydrologists, ecologists) as permanent tribunal members.

- Proposes creation of an independent water data authority under the Central Water Commission (CWC) to ensure reliable and transparent data.
- b. Promotion of Alternative Dispute Resolution (ADR)
- Encourages mediation, conciliation, and negotiation by neutral bodies or the Centre to resolve disputes without prolonged litigation.

Significance of the SYL Canal Dispute

- The SYL issue is emblematic of broader challenges in inter-state water sharing:
 - Balancing equity and ecology
 - Maintaining federal harmony
 - Ensuring compliance with legal mandates
- The outcome of this case may set precedents for other ongoing disputes such as those involving Cauvery, Krishna, and Mahadayi rivers.

Source: <https://www.thehindu.com/news/national/supreme-court-pulls-up-punjab-for-high-handedness-in-denotifying-land-meant-for-syl-canal/article69544221.ece>