

AGREEMENT OF 31ST DECEMBER, 1981 ON ALLOCATION OF SURPLUS RAVI BEAS WATERS AND IMPLEMENTATION OF SUTLEJ YAMUNA LINK CANAL PROJECT BETWEEN PUNJAB, HARYANA AND RAJASTHAN

WHEREAS under the Indus Waters Treaty of 1960, the waters of the three rivers, namely, Sutlej, Beas and Ravi became available for unrestricted use by India after 31st March, 1970; and

WHEREAS while at the time of signing of the said Treaty, the waters of the 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 agreement, in 1955 (hereinafter called the 1955 Agreement), between the concerned States as follows, namely:

Punjab	...	7.20 MAF (including 1.30 MAF for PEPSU)
Rajasthan	...	8.00 MAF
Jammu & Kashmir	...	0.65 MAF
		<u>15.85 MAF</u>

and, for the purpose of the said allocation, the availability of water was based on the flow series of the said rivers for the years 1921-1945; and

WHEREAS the Central Government issued a notification on 24th March, 1976, allocating 3.5 MAF of the waters becoming available as a result of Beas Project to Haryana and the balance not exceeding 3.5 MAF to Punjab out of the total surplus Ravi-Beas waters of 7.2 MAF falling to the share of erstwhile State of Punjab after setting aside 0.2 MAF for Delhi drinking water supply; and

WHEREAS the Punjab Government sought a review of the aforesaid notification for increasing the allocation to Punjab and linked this matter to the construction of the Sutlej-Yamuna Link Canal for Haryana in Punjab territory; and

WHEREAS the Government of Haryana filed a suit in the Supreme Court praying inter-alia that a directive be issued to Punjab for expeditiously undertaking construction of the Sutlej-Yamuna Link Canal in Punjab territory and for declaring that the notification of the Government of India allocating the waters becoming available as a result of the Beas Project issued on 24th March, 1976, is final and binding; and

WHEREAS the Punjab Government also filed a suit in the Supreme Court challenging the competence of the Central Government to enact Section 78 of the Punjab Reorganisation Act 1966 and notwithstanding this, questioning the notification issued under Section 78 of the said Act; and

WHEREAS adjournment has been sought from time to time in hearing of the suits filed in the Supreme Court by Haryana and Punjab to enable the parties to arrive at a mutually acceptable settlement of the differences that have arisen; and

WHEREAS discussions have been held by the Prime Minister of India and Union Minister of Law, Justice and Company Affairs with the Chief Ministers of Haryana, Punjab and Rajasthan.

Now therefore we the Chief Ministers of Haryana, Rajasthan and Punjab keeping in view the overall national interest and desirous of speedy and optimum utilisation of the waters of the Ravi and Beas Rivers and also having regard to the imperative need to resolve speedily the differences relating to the use of these waters in a spirit of give and take do hereby agree as under:

- (i) According to the flow series 1921-60, the total mean supply of Ravi Beas Waters is 20.56 MAF. Deducting the pre-partition uses of 3.13 MAF and transit losses in the Madhopur Beas Link of 0.26 MAF, the net surplus Ravi-Beas waters according to the flow series 1921-60 is 17.17 MAF as against the corresponding figure of 15.85 MAF for the flow series 1921-45, which forms the basis of water allocation under the 1955 Agreement. It is now hereby agreed that the mean supply of 17.17 MAF (Flow and Storage) may be re-allocated as under:

Share of Punjab	4.22 MAF
Share of Haryana	3.00 MAF
Share of Rajasthan	8.60 MAF
Quantity earmarked for Delhi Water Supply	0.20 MAF
Share of Jammu & Kashmir	<u>0.65 MAF</u>
	<u>17.17 MAF</u>

In case of any variation in the figure of 17.17 MAF in any year, the shares shall be changed pro-rata of the above revised allocations subject to the condition that no change shall be made in the allocation of Jammu & Kashmir which shall remain fixed as 0.65 MAF as stipulated in the 1955 Agreement. The quantity of 0.20 MAF for Delhi Water Supply stands as already allocated.

- (ii) Until such time as Rajasthan is in a position to utilise its full share, Punjab, shall be free to utilise the waters surplus to Rajasthan's requirements. As Rajasthan will soon be able to utilise its share Punjab shall make adequate alternative arrangements expeditiously for irrigation of its own lands by the time Rajasthan is in a position to utilise its full share. As a result, it is expected that during this transitional period when Rajasthan's requirements would not exceed 8.0 MAF, 4.82 MAF of water should be available to Punjab in a mean year when the availability is 17.17 MAF.
- (iii) The Bhakra and Beas Management Board (BBMB) shall be permitted to take all necessary measures for carrying out measurements and for ensuring delivery of supplies to all the concerned

States in accordance with their entitlements such as rating the gauge discharge curves, installation of self-recording gauges, taking observations without any hindrance of the discharge measurements. The selection of the control points at which the Bhakra and Beas Management Board would take appropriate measures as mentioned above shall include but be not limited to all points at which Bhakra and/or Ravi-Beas discharges are being shared by more than one State and all regulation points on the concerned Rivers and Canals for determining the shareable supplies. The decision of the Bhakra and Beas Management Board would be binding insofar as the selection of the control points is concerned for the purposes of taking discharge measurements to facilitate equitable distribution of the waters but if any State Government contests the decision, the Central Government shall decide the matter within 3 months and this decision shall be final and binding. All the concerned State Governments shall co-operate fully and shall promptly carry out day-to-day directions of the Bhakra Beas Management Board in regard to regulation and control of supplies, operation of gates and any other matters, in their territories, for ensuring delivery of supplies as determined by Bhakra Beas Management Board in accordance with their entitlements as provided under the Agreement.

- (iv) The Sutlej-Yamuna Link Canal Project shall be implemented in a time bound manner so far as the canal and appurtenant works in the Punjab territory are concerned within a maximum period of two years from the date of signing of this Agreement so that Haryana is enabled to draw its allocated share of waters. The canal capacity for the purpose of design of the canal shall be mutually agreed upon between Punjab and Haryana within 15 days, failing which it shall be 6500 cusecs, as recommended by the former Chairman, Central Water Commission.

Regarding the claim of Rajasthan to convey 0.57 MAF of water through Sutlej-Yamuna Link/Bhakra System, Secretary, Ministry of Irrigation, Government of India will hold discussions with Punjab, Haryana and Rajasthan with a view to reaching an acceptable solution. These discussions shall be concluded in a period of 15 days from the date of affixing signatures herein and before the work starts. If no mutually acceptable agreement is reached, the decision of Secretary, Ministry of Irrigation to be given within this period shall be binding on all the parties. In case it is found necessary to increase the capacity of Sutlej-Yamuna Link Canal beyond that decided under above sub-para in any or entire reach thereof, the States concerned shall implement the Link Canal in a time bound manner with such increased capacity at the cost of Rajasthan Government.

The differences with regard to the alignment of the Link canal and appurtenant works in the Punjab territory would be discussed by the Haryana and Punjab Governments who should agree to a mutually acceptable canal alignment in Punjab territory including appurtenant works within a period of three months from the date of signing of this Agreement. If, however, the State Governments are unable to reach complete agreement within this period, the matter shall be decided by the Central Government within a period of two weeks.

Both the State Governments shall co-operate fully to enable Central Government to take timely decision in this regard. The decision of the Central Government in this matter shall be final and binding on both the Governments and the canal and appurtenant works in Punjab territory shall be implemented in full by Punjab Government. However, work on the already agreed reaches of the alignment would start within fifteen days of the signing of the agreement and work within the other reaches immediately after the alignment has been decided. Haryana shall provide necessary funds to the Punjab Government for surveys, investigations and construction of the Link Canal and appurtenant works in Punjab territory. Where, as a result of acquisition of land, extreme hardship is caused to families, the Punjab Government shall forward to the Haryana Government suitable proposals for relieving such hardship in line with such schemes in Punjab undertaken in respect of similar canal works in Punjab territory. The Haryana Government shall arrange to bear the cost of such proposals. In the event, however, of any difference of opinion arising on the question of sharing such costs, the parties shall abide by the decision of the Secretary, Ministry of Irrigation, Government of India. The progress of the work shall not, however, be delayed on this account. The Central Government will be requested to monitor the progress of the works being carried out in Punjab territory.

- (v) The Agreement reached in paras (i) to (iv) above shall be implemented in full by the Governments of Haryana, Rajasthan and Punjab. If any signatory State feels that any of the provisions of the Agreement are not being complied with, the matter shall be referred to the Central Government whose decisions shall be binding on all the States. In this respect the Central Government shall be competent to issue such directions or take such measures as may be appropriate to the circumstances of the case to facilitate and ensure such compliance.
- (vi) The suits filed by the Governments of Haryana and Punjab in the Supreme Court would be withdrawn by the respective Governments without any reservations whatsoever but subject to the terms of this Agreement.
- (vii) The notification of the Government of India allocating the waters becoming available as a result of the Beas Project issued on 24th March, 1976 and published in the Gazette of India, part II, Section 3, sub-section (ii) as well as the 1955 Agreement stand modified to the extent varied by this Agreement and shall be deemed to be in force as modified herein.

In case of any difference on interpretation of this Agreement, the matter will be referred to the Central Government whose decision shall be final.

We place on record and gratefully acknowledge the assistance and advice given by our respected Prime Minister Smt. Indira Gandhi in arriving at this expeditious and amicable settlement.

NEW DELHI, the 31st December, 1981.

(BHAJAN LAL)
Chief Minister of
Haryana

(SHIV CHARAN MATHUR)
Chief Minister of
Rajasthan

(DARBARA SINGH)
Chief Minister of
Punjab

In the presence of:

(INDIRA GANDHI)
Prime Minister of India