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Federalism and water disputes in India: The case of Punjab

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Abstract

India's federal system, while constitutionally designed to balance powers between the Union and the states, has often revealed tensions in the management of shared natural resources. Water, classified as a state subject, is also influenced by Union powers, particularly in cases of interstate rivers. This paper examines the case of Punjab to highlight the complexities of federalism and water disputes in India. The study underscores how Punjab represents a unique situation: its river waters were allocated to non-riparian states such as Haryana and Rajasthan, despite the absence of a constitutional mandate. The research objective is to analyze how constitutional provisions, legislative measures such as the Punjab Reorganization Act (1966), and central notifications in 1955, 1976, and 1981 shaped Punjab's water allocations and their political consequences. Methodologically, the study relies on historical analysis of legislative documents, government notifications, tribunal frameworks, and secondary scholarly sources to trace the evolution of Punjab's water disputes. The findings reveal that central interventions in Punjab's river water allocations often bypassed constitutional mechanisms, weakening the federal balance and imposing political and economic costs on the state. The decline of canal irrigation, overreliance on groundwater, and the deepening agrarian crisis illustrate the ecological consequences of these policies. Politically, these allocations exacerbated tensions between Punjab and the Union, fueling demands for federal autonomy and contributing to episodes of unrest. In conclusion, the Punjab case illustrates how India's federal structure permits the Union government to exercise authority flexibly, sometimes unitary and sometimes federal, depending on political expediency. The study calls for a more consistent and equitable framework for water governance that respects both constitutional principles and the sustainability of state resources.

Keywords: Federalism, Punjab River waters, Indian Constitution, Punjab Reorganization Act, interstate water disputes, groundwater crisis, central-state relations, agrarian economy

Introduction

India's quasi-federal constitution allocates substantial powers to the Union government, often superseding state authority. This predominance of central authority poses significant challenges to managing and allocating water resources within the Indian federal system. India has 25 major river basins and hundreds of interstate rivers. The Union government has established nine different water dispute tribunals to address and resolve interstate river water disputes; however, these disputes persist, highlighting the inherent tensions within India's federal structure^[1]. In India, water governance operates within a framework that delineates responsibilities between state and central authorities. Water is primarily classified as a state subject, specifically addressed in the State List under entry 17 of the Constitution. This designation grants state governments the authority to manage water supply, irrigation, canals, drainage systems, embankments, water storage facilities, and hydroelectric power generation. However, the exercise of these powers is tempered by the provisions stipulated in the Union List, notably entry 56. This entry empowers the Central Government to oversee the regulation and development of inter-state rivers and their associated river valleys. Consequently, while states hold primary jurisdiction over water management within their territories, the Central Government retains significant authority to address issues that transcend state boundaries.

Punjab is a unique case in the context of inter-state water disputes in India for three primary reasons. Firstly, the allocation of Punjab's river waters to the states of Rajasthan and Haryana is notable as these states do not share a co-riparian relationship with Punjab.

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The perennial rivers Satluj, Beas, and Ravi flow exclusively within Punjab and do not flow through territories of Rajasthan or Haryana. Secondly, Punjab stands alone among Indian states in that the central government exerts direct control over the allocation and management of its river waters, including the administration of dams. This central oversight is unprecedented in the context of water resource management in India. Lastly, the allocation of Punjab's river waters did not occur within the framework of the constitutional provisions and legal structures. Constitutionally, Punjab bears no obligation to share its water resources with Rajasthan and Haryana, as these states do not possess co-riparian status. Consequently, the central government lacks the jurisdiction to intervene in the management of non-interstate rivers, as stipulated by Article 262 of the Indian Constitution, which grants the central authority only in the context of inter-state river disputes. The allocation of Punjab River waters has a significant influence on political, international, and internal dynamics over constitutional and legal frameworks. This phenomenon raises complex questions about the nature of Indian federalism. India does not have a uniform approach to natural resource management, the Union government adopts varied strategies that are context-dependent, lacking a singular policy directive or strict adherence to constitutional constraints in navigating inter-state water disputes or broader natural resource management. The Punjab case serves as a pivotal example for understanding the nature of Indian federalism, highlighting how state behaviour can appear indifferent despite the existence of similar constitutional and legal frameworks. This situation underscores the dual nature of the power conferred upon the Union government, enabling it to exercise authority in a manner that is either federal or unitary depending on its political considerations.

Constitutional and Legal Framework: A Source of the Centre's Power over States in Water Governance

The Indian Constitution provides a nuanced delineation of powers between the Union and the states, particularly in the realm of water governance. The constitutional architecture is designed to establish the supremacy of the Union government over the states in various matters, including the management and regulation of water resources. Article 256 of the Indian Constitution positions states as obligated to adhere to laws enacted by Parliament, asserting that *"the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State."* This provision grants the Union government the authority to issue directions to states as deemed necessary, thereby reinforcing the central government's role as the primary authority within the Indian federal structure.

Water is primarily categorized as a state subject under Entry 17 of the State List, which confers upon state governments the jurisdiction to legislate and manage water resources within their territorial confines. This encompasses critical dimensions such as water supply, irrigation, drainage, canals, embankments, water storage, and water power. However, the autonomy of states is circumscribed by Union powers under Entry 56 of the Union List, which empowers the Union government to regulate and develop interstate rivers and river valleys when such actions are considered expedient in the public interest. Additionally, Entry 24

grants the Union government the authority to legislate concerning shipping and navigation on inland waterways, thereby enabling it to address issues regarding rivers that traverse multiple states. Further reinforcing the central government's authority over interstate water disputes, Article 262 of the Constitution empowers Parliament to legislate on the adjudication of such disputes while precluding the jurisdiction of the Supreme Court and other courts in these matters. This stipulation highlights the intention to resolve interstate water conflicts through specialized tribunals established by Parliament, rather than through the conventional court system. In this context, the enactment of the Inter-State River Water Disputes Act (IRWDA) in 1956 under Article 262 stands as a significant legislative measure. The IRWDA facilitates the establishment of tribunals tasked with the adjudication of interstate water disputes, with their decisions being final and non-reviewable by any court of law. This framework bestows considerable authority upon the central government in adjudicating interstate water challenges, thereby underscoring the pre-eminence of the Union in water governance.

The constitutional provisions concerning state formation articulated in Articles 2 and 3 grant Parliament the power to alter state boundaries, enhance or diminish state territories, and decide on state mergers. Such provisions have played critical roles in historical contexts, specifically in the central government's reluctance to transfer control of the Bhakra Dam to Punjab underscores the complexities involved in federal-state relations. The Bhakra Dam, situated in the state of Bilaspur, which acceded to the Indian Union in 1948, remained under direct central control until 1954 and was merged with the state of Himachal Pradesh. Punjab's advocacy for the incorporation of Bilaspur into its jurisdiction was met with resistance from the central government, which sought to retain control over the dam due to its strategic importance and the resources it encompasses ^[2]. This situation exemplifies the Union's strategic manoeuvres aimed at preserving oversight of critical developmental projects, highlighting the nuanced interplay between federal authority and state interests in India. Moreover, Articles 245 to 263 further delineate the balance of power in centre-state relations, as provisions under these articles afford the Union an upper hand in legislative matters, especially in cases deemed to be in the national interest (Article 249) and in the context of international agreements (Article 251). Ultimately, Article 256 consolidates the obligation of states to align with the Union government's directives, reinforcing the central authority in conducting its operations. The constitutional and legal frameworks surrounding water governance in India reveal a complex interplay between Union and state powers, firmly establishing the central government's predominance in regulating and managing shared water resources.

Federalism, politics, and Allocations of Punjab River waters

During the colonial period, Punjab underwent a significant transformation in its geographical landscape. Once regarded as one of the semi-arid regions in the world, it evolved into one of the best-irrigated areas in the world, primarily due to the extensive network of canals developed by colonial power. This irrigation infrastructure not only altered the

region's agricultural practices but also had profound socio-economic implications for its inhabitants. Before the annexation, agricultural practices in Punjab primarily relied on rainfall, wells, and seasonal canals, with only approximately one-fourth of the region's land cultivated ^[3]. The British colonial administration strategically adopted an agricultural development pathway, which included the establishment of extensive canal networks. This initiative led to the creation of nine canal colonies and the irrigation of approximately twenty-six million acres of land ^[4]. Following the colonial period, the agricultural mode of development in Punjab was continued by the post-colonial Indian state and further intensified during the Green Revolution. The Indian state strategically utilized Punjab to satisfy its food security requirements, with the region contributing 60% of the nation's rice and 45% of its wheat to the central pool between 1975 and 2007 ^[5].

However, the allocation of Punjab's River water to neighbouring states such as Haryana and Rajasthan has had significant implications for local irrigation practices. Data indicate a continuous decline in the net area under canal irrigation; for instance, in 1990-91, 39.3% of Punjab's arable land was irrigated by canals, a figure that fell to 27.3% by 2012-13 ^[6]. Concurrently, the proportion of land irrigated by tube wells showed a marked increase, rising from 52.94% in 1990-91 to 71.85% in 2012-13. The number of tube wells also experienced a dramatic surge during this period, increasing from 1,92,000 units in 1970-71 to 13,85,000 in 2013-14 ^[7]. Current estimates suggest that the number of tube wells in Punjab has surpassed 14,00,000. The substantial shift in irrigation has had detrimental effects on the groundwater table in the Punjab region. Reports indicate that the groundwater table experienced a decline of 18 cm between 1982 and 1987, followed by a more pronounced decrease of 75 cm from 2002 to 2006. According to the Central Ground Water Board, out of a total of 150 blocks assessed, 114 blocks have been classified as over-exploited, three blocks are categorized as critical, 13 blocks are considered semi-critical, and only 20 blocks are designated as safe ^[8]. Punjab is currently grappling with a substantial crisis that can be largely attributed to two interconnected factors related to the nature of Indian federalism. Firstly, the Indian federal structure allocates a predominant share of financial resources to the Union Government, which adheres to a centralized planning model. This model constrains state governments, compelling them to develop following the priorities set forth by the Union. Specifically, for national food security and equitable growth, the Union Government has kept Punjab on an agricultural development trajectory. This policy orientation, along with the structural complexities inherent in Indian federalism, has significantly contributed to the ongoing challenges faced by Punjab. Secondly, because of the structural compulsions of the Indian federal system and the centralized planning mechanism, the agricultural path of development is the only option that Punjab has left, and it requires substantial amounts of water ^[9]. Historically, the allocation of river water from Punjab to other states has left Punjab reliant primarily on groundwater resources. This reliance poses a serious risk to sustainability and exacerbates the crisis within the state. The case of Punjab exemplifies how the Indian federal system can grant extensive powers to the Union Government, allowing it to operate beyond the intended constitutional framework. This is particularly

evident in the historical allocations of Punjab River water in 1955, 1976, and 1981.

International negotiation, national planning, and allocation of Punjab waters in 1955

The transfer of power in 1947 marked a significant turning point in South Asian history, as it resulted in the establishment of two independent nation-states, India and Pakistan. This geopolitical change led to the partition of Punjab, with the creation of a new international boundary that ran through the Indus basin. This division bifurcated Punjab and significantly altered the region's social, economic, and political landscape. The partition had profound implications for river water management, creating a complex situation regarding the distribution of rivers and canals. The rivers Indus, Jhelum, and Chenab fell within Pakistan, while the Sutlej, Beas, and Ravi rivers were located in India. Pakistan acquired 21 million acres of irrigated land in the Indus basin out of a total of 26 million acres ^[10]. The vast network of canals was situated in Pakistan, their headworks were located across the Indian border. This situation led to tension over control of the waters. In April 1948, tensions escalated when East Punjab ceased water supply to West Punjab, prompting immediate concern in Pakistan. Pakistani Prime Minister Liaquat Ali Khan addressed Indian Prime Minister Nehru, urging the restoration of water supply. An inter-dominion agreement was signed between the two parties to ensure a regular flow of water ^[11]. However, Pakistan sought a permanent resolution to the dispute and proposed that the matter be referred to the International Court of Justice, a suggestion that India rejected. As hostilities persisted, the World Bank intervened to facilitate negotiations aimed at resolving the conflict. Both nations presented competing claims regarding water rights; Pakistan demanded control over three western rivers and a 30% share of the eastern rivers, while India sought full control of the eastern rivers and a 7% share of the western rivers. After a decade of negotiation, the Indus Waters Treaty was finalized, granting Pakistan full control over the three western rivers and India sovereignty over the eastern rivers. These negotiations became the foundation for the allocation of Punjab's River waters in 1955 as India wanted to present its need before the World Bank ^[12]. The allocation in 1955 was also influenced by the national control over state subjects, particularly as India initiated the development of the Bhakra Dam as a national irrigation project. This endeavour allowed India to exert control over river water resources in Punjab amidst evolving international circumstances related to the negotiations over the Indus Basin. In this situation Punjab found itself in a precarious position, essentially reduced to a spectator in a geopolitical struggle between two sovereign nations, both of which had emerged following the 1947 partition. The rivers that once served as vital resources for Punjab were now the subject of negotiations between India and Pakistan, underscoring the region's diminished agency in determining its fate.

29 January 1955 inter-state conference was held on the development and utilisation of the waters of the rivers Ravi and Beas. In this meeting surplus waters from rivers Ravi and Beas were allocated between Punjab, PEPSU, Rajasthan, and Jammu Kashmir. 15.85 million acre-feet (MAF) of the waters of Ravi and Beas were allocated as:

- **Share of Punjab:** 5.90 M.A.F.

- **Share of Kashmir:** 0.65''
- **Share of Rajasthan:** 8.00''
- **Share of PEPSU:** 1.30''
- **Total:** 15.85'' ^[13]

And Madho Beas Link be increased from 8,000 to 10,000 cusecs. The allocation and management of water resources in Punjab have not adhered to the constitutional framework established in India. The central government has leveraged its sovereign authority to address the emerging international circumstances, particularly in light of the World Bank involvement in the negotiations between India and Pakistan concerning the utilization of Indus River waters. Notably, this meeting involved only bureaucratic officials and excluded elected representatives from participation. Consequently, the central government, through bureaucratic channels, allocated water resources for Punjab without soliciting the consent of the state's elected government, cabinet, or legislative assembly. This is a clear violation of the federal structure, as the union government operated as a unitary government in this context.

The 1955 inter-state conference on water allocation, without the involvement of elected representatives from Punjab ^[14], highlighted a troubling disregard for the federal framework of governance in India. This scenario not only undermined the agency of Punjab in determining its water rights and resources but also emphasized the broader implications of central authority in managing state-level issues. As Punjab found itself marginalized in these negotiations, it became evident that the needs and rights of states were often secondary to the geopolitics, and economic planning of the central government. Moreover, this dynamic shows how international politics has a significant impact on the allocation of Punjab's water resources, revealing how external pressures can exacerbate local inequities. The resultant challenges faced by Punjab in asserting its rights to these essential resources reflect a troubling trend in which regional voices are systematically diminished within the context of larger political agendas, raising critical questions about equity, governance, and federalism in India. The infringement of state rights regarding Punjab's river water allocations is not merely a one-time phenomenon; it has been exacerbated due to Punjab's reorganization in 1966 and the subsequent allocations in 1976 and 1981.

Punjab Reorganization Act of 1966 and Notification of 1976

In India, the Union Government possesses the constitutional authority to alter existing states or to create new ones under Article 3 of the Indian Constitution. This article empowers the Union legislature to reorganize state boundaries and establish new states by separating territory from existing states, requiring only a simple majority in Parliament for such actions. This provision grants the Union Government significant control over the governance and territories of states. While the creation of states often considers certain criteria, such as linguistic or cultural factors, adherence to these criteria is not obligatory. The Union Government may establish states based on its administrative requirements, which diminishes the autonomy of individual states. Consequently, states function primarily as extensions of central planning. The reorganization of Punjab in 1966 exemplifies this dynamic. Following a prolonged demand from the Akali Dal for a Punjabi-speaking state, the

reorganization resulted in the establishment of such a state. However, significant Punjabi-speaking regions and areas critical for river management and dam sites were excluded from this newly formed state. The Punjab Reorganizations Act constitutes a significant legislative framework within the Indian federal system, particularly regarding the allocation of powers related to water resources and river management. This Act bestows upon the Union Government the authority to oversee the headworks and rivers of Punjab, which includes crucial legal stipulations outlined in Sections 78, 79, and 80. Section 78 of the Punjab Reorganizations Act specifically delineates the rights and liabilities concerning the Bhakra-Nangal and Beas Projects. It provides the Union Government with unique (UN) constitutional powers that enable it to act as both arbiter and owner of Punjab's rivers. The text of Section 78 declares: Notwithstanding anything contained in this Act but subject to the provisions of sections 79 and 80, all rights and liabilities of the existing State of Punjab in relation to Bhakra-Nangal Project and Beas Project shall, on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed, and subject to such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government or, if no such agreement is entered into within two years of the appointed day, as the Central Government may by order determine having regard to the purposes of the Projects ^[15].

This section empowers the Union Government to exert control over the rivers of Punjab and provide water allocations from a riparian state to non-riparian states. This authority presents a notable deviation from the general provisions of the Indian Constitution, which typically confer such powers to an interstate river tribunal rather than directly to the Union Government only in case of interstate rivers. Consequently, Punjab stands as a singular instance where the Union Government is vested with direct control over the state's rivers. Further, Section 79 of the Punjab Reorganizations Act grants the Central Government the power to establish a board responsible for the administration, maintenance, and operation of the Bhakra Dam, Nangal Dam, and the Nangal-Hydel Channel, along with irrigation headworks located at Rupar, Harike, and Ferozepur, as well as the Bhakra Power Houses. This section underscores the Union Government's overall control over the three significant rivers of Punjab. Section 80 subsequently empowers the Union Government to manage the Beas Project, which was previously under the jurisdiction of the erstwhile State of Punjab, thereby facilitating the utilisation of Beas water within the state.

On March 24, 1976, the Government of India issued a notification that allocated the waters of Punjab to Haryana, based on the provisions of the Punjab Reorganization Act of 1966. This significant action highlights the exercise of central government authority over state matters within the framework of India's federal system. Text of the notification declares

Now therefore, in exercise of the Powers conferred by sub-section (1) of section 78 of the Punjab Re-organisation Act, 1966 (3) of 1966), the Central Government hereby makes the following determination, namely:-

"Taking note of the facts that Haryana has large arid tract and also several drought prone areas and the present

development of irrigation in the State of Haryana is substantially less as compared to that in the State of Punjab, and further taking into consideration that comparatively large quantity of water is needed for irrigation in the State of Haryana and there is limited availability of water from other sources in the State, the Central Government hereby directs that out of the water which would have become available to the erstwhile State of Punjab on completion of the Beas Project (0.12 MAF hereof is earmarked for Delhi Water Supply), the State of Haryana will get 3.5 MAF and the State of Punjab will get the remaining quantity not exceeding 3.5 MAF when further conservation works on the Ravi are completed, Punjab will get 3.5 of 7.2 MAF which is the share of the erstwhile State of Punjab. The remaining 0.08 MAF, out of 7.2 MAF is recommended as additional quantum of water for Delhi water supply for acceptance by both the Government of Punjab and Haryana ^[16]."

This notification epitomizes the central government's exercise of power over the states in a federal structure, particularly during a period of national emergency in India. This highlights the central government's approach toward Punjab concerning the overreach of its authority. By unilaterally allocating Punjab's water resources, the Central Government had circumvented established constitutional mechanisms and asserted its sovereignty over constitutional arrangements. This action undermines Punjab's autonomy and constitutional rights to make decisions and exercise power over subjects that fall under the state list. The Punjab Reorganization Act of 1966 and the Notification of 1976 are not in alignment with the Indian Constitution and federal conventions and justice for several reasons. The first act of 1966 made Punjab responsible for sharing its water with non-riparian states, which contradicts Entry 17 of the State List. This entry grants state governments rights over rivers. Moreover, the act granted the central government the power to control the headworks of Punjab, but none of its provisions of the Indian constitution authorizes the centre to take control of the state's headworks. Secondly, The Punjab Reorganization Act does not reference the allocation of water from the River Ravi; however, the Notification does allocate water from both the River Ravi and the Beas. This indicates a level of arbitrariness on the part of the central government, which seems intent on controlling and allocating Punjab's water resources while disregarding the constitution and the act it established. Thirdly, if it be assumed that Punjab was divided, then Punjab and Haryana hold a 60:40 share in the assets and liabilities of the former state of Punjab. By this logic, the assets of both Punjab and Haryana should be shared. However, when it comes to river waters, only the waters from the rivers of Punjab were divided. The water from the Yamuna River was not included in the sharing with Punjab. Additionally, the central government only controls the headworks of the rivers in Punjab, while the headworks on the Yamuna and Ghaggar rivers have been under the control of the state of Haryana.

This episode in the Indian federal setup regarding water resources reveals a notable disparity in the central government's treatment of Punjab and Haryana, despite the enactment of legislative provisions the central government has asserted control over the water resources and headworks in Punjab, while it has granted Haryana rights concerning the utilization of the rivers. Moreover, the centre ignores the

60:40 principle (which is otherwise not applicable in the case of Rivers) in water allocation by allocating an equal share of 3.5 MAF water to both Punjab and Haryana from 7.20 MAF water of Beas and Ravi. Fourthly whole arrangement of The Punjab Reorganization Act of 1966 and the directions of 1976 has been based on the Beas project. The Beas project came up in 1961 for the erstwhile state of Punjab to fully utilise the waters of the eastern rivers. Under the Beas project, 5.1 MAF water is to be utilised for current Punjab, 1.9 for current Haryana and the remaining 0.2 water for Delhi from the total of 7.2 MAF water of The Beas and Ravi ^[17]. Until 1976, Punjab utilized water under this scheme. However, due to a sudden directive from the central government, Punjab lost access to the water it had been using. According to the 1976 allocation, nine lakh acres of land in Punjab lost access to canal water. Consequently, the water that Punjab had been using for the past sixteen years now needed to be transferred to Haryana ^[18]. This situation reflects the central government's insensitivity toward Punjab.

The 1981 Agreement: Central Domination over Punjab

After the emergency general election in India in 1977, the first non-Congress government was formed, and state elections were held in nine states. The Janata Party came into power. However, the attitude towards water disputes remained unchanged. In Punjab, the Akali Dal won the state election, and at the national level, the Janata Government was in alliance with the Akali Dal. Akali Dal was hopeful to resolve the water dispute by challenging a 1976 notification issued by the union government. The Akali Dal wishes union govt. nullified the 1976 notification and also sought to reevaluate the decision made in 1955, but the Janata Party government did not respond to the demands of Akali dal ^[19]. In 1979, the Akali government filed a suit in the Supreme Court to challenge the 1976 notification and seek the dismissal of Sections 78, 79, and 80 of the Punjab Reorganisation Act of 1966. Meanwhile, the state of Haryana also went to the Supreme Court to pressure Punjab into constructing the Satluj Yamuna Link Canal following the 1976 allocations.

During this period, the Janata Government lost its majority in Parliament, and a new election took place in 1980, leading to Indira Gandhi's return to power. Once in office, Indira Gandhi dismissed the non-Congress governments. While reviewing the Supreme Court case, she pressured the Punjab Congress government to reach an agreement with Haryana. Consequently, through the mediation of the central government, the chief ministers of Punjab, Haryana, and Rajasthan reached an agreement for sharing the waters of the Ravi, Beas, and Satluj rivers. However, this agreement was not in the best interest of the people of Punjab. Indira Gandhi pressured Punjab's Chief Minister, Darbara Singh, to sign the agreement or face dismissal. Additionally, no provision in the constitution allows the union government to settle water distribution through such agreements. In this agreement union Govt. made a new basis to allocate waters changing the flow from 1921-45 to 1921-1960. With this new parameter new allocations were made

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:** 3.50 MAF
- **Share of Rajasthan:** 8.60 MAF
- **Quantity earmarked for Delhi:** 0.20 MAF
- **Share of Jammu & Kashmir:** 0.65 MAF
- -17.17 MAF^[20]

In addition to this settlement, the union established itself as the final authority in cases of water disputes in Punjab, assuming a role similar to that of a court. As part of the agreement, it was designated as the ultimate authority for any disputes regarding the interpretation of the agreement:- 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.

This agreement is not in the best interest of Punjab and fails to reflect the spirit of justice. The Union government, by altering the statistics, aims to create the illusion that Punjab is receiving more water than it did in 1976. Furthermore, government has inappropriately involved Rajasthan in the dispute between Punjab and Haryana.

According to the allocation based on the flow from 1921 to 1960, Punjab is assigned 4.2 million acre-feet (MAF) of water. However, in reality, the situation remains unchanged from 1976, as Haryana is receiving the same amount of water as it did then 1.9 MAF under the Beas project is utilized in what is now Haryana. With this agreement granting Haryana 3.5 MAF, Punjab's situation remains the same. Additionally, the Indian Constitution does not provide any mechanism for the Union government to allocate the waters of a riparian state to a non-riparian state. Furthermore, this agreement was not signed willingly; it was the result of pressure from Indira Gandhi on Darbara Singh. The central government's intervention did not have a positive impact on Punjab. Following this agreement, the Akali Dal launched the Dharam Yudh Morcha to advocate for a truly federal India, but the situation escalated into violence, resulting in a decade of turmoil in Punjab. Additionally, the Punjab State Assembly dismissed this agreement in 1985 after the Rajiv-Longwall Accord^[21].

Conclusion

The intricate interplay between federalism and water disputes in India, particularly in the state of Punjab, reveals significant challenges and complexities inherent in India's constitutional framework. Punjab's unique situation, characterized by direct central oversight and the allocation of its river waters to non-riparian states, underscores the tensions between state rights and central authority in water governance. The constitutional provisions allow the Union government to exert substantial control over resources that are primarily managed by the states, leading to a conflict

that raises critical questions about the nature of Indian federalism. The allocation of water resources is not merely a technical or legal issue, but one that significantly influences political relations and socio-economic conditions. The historical context of water allocations and the political motivations behind them highlight the need for a more consistent and equitable approach to water resource management. Despite the existence of constitutional frameworks, the application of these provisions can be selective and politically driven, suggesting a departure from strict adherence to federal principles. This situation not only highlights the constitutional ambiguities inherent in India's federal framework but also raises pressing questions about equity, justice, and the sustainability of water resources. The historical precedents set by the allocations in 1955, 1976, and 1981, alongside the provisions of the Punjab Reorganization Act, illustrate the significant impact of political decisions that often override constitutional mandates. As such, Punjab serves as a critical case study that reflects broader tensions within Indian federalism. The dynamics of water disputes reveal how the Union government can selectively exercise its authority, often prioritizing short-term political considerations over long-term legal consistency and regional equity.

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