

1. Surplus Ravi-Beas waters refers to available Ravi-Beas waters excluding the pre-partition utilization of 3.13 MAF by Rajasthan, the then Punjab and J&K. The surplus Ravi-Beas waters were first allocated in a Conference of the Chief Ministers held in January 1955, then by a Govt. of India Notification dated 24.3.1976 subsequent to the reorganization of Punjab in Nov. 1966 and later, in an agreement dated 31.12.1981 among the Chief Ministers of Punjab, Haryana and Rajasthan. As the issues got re-opened, there were prolonged negotiations which culminated in signing of the Punjab Memorandum of Settlement (Rajiv-Longowal Accord) on 24.7.1985 between the then Prime Minister of India, Shri Rajiv Gandhi and the then President of Shiromani Akali Dal, Sant Harchand Singh Longowal.

2. Para 9.0 of the Accord, on 'sharing of river waters' states as under:-

"9.0 Sharing of River Waters

9.1 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. Quantum of usage shall be verified by the Tribunal referred to in Para 9.2 below:

9.2 The claim 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 decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect shall be taken immediately.

9.3 The construction of SYL Canal shall continue. The Canal shall be completed by August 15, 1986."

3. Pursuant to the Accord, the Inter State River Water Disputes Act 1956 (ISRWD Act) was amended and a three-Member Ravi & Beas Waters Tribunal (RBWT) was set up in April 1986, to verify and adjudicate the matters specified in paragraphs 9.1 and 9.2 respectively, of the Accord. The Tribunal gave its report on 30.1.1987, which was forwarded to the States on 20.5.1987. References under Section 5(3) of the ISRWD Act, of Punjab, Haryana and Rajasthan and Central Govt. seeking some explanation/ guidance on the report were forwarded to the Tribunal on 19.8.1987 and are since under their consideration.

4. Report and decision under section 5(2) given in April, 1987. Clarification /explanation sought from the Tribunal under section 5(3) of the said Act by the party States. Presidential Reference 1 of 2004 was made on the Punjab Termination of Agreements Act, 2004. The Hon'ble Supreme Court has pronounced the judgement on Presidential reference in negative. Further, Govt. of Haryana has filed IA no 6 of 2016 in OS No. 6 of 1996 in the matter. The matter is sub judice.

5. Punjab Legislature on 12.07.04 enacted the Punjab Termination of Agreements Act, 2004 (PTAA). The Act terminates all agreements relating to the Ravi 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.

6. The Presidential Reference No. 1 of 2004 has been answered by the Hon'ble Supreme Court on 10.11.2016, wherein the Hon'ble Court has opined in its advisory jurisdiction that the Punjab Termination of Agreements Act, 2004 cannot be said to be in accordance with the provisions of the Constitution of India. However, as suggested by the Ld. Solicitor General of India, the Act has not been declared illegal by the Court on any prayer made by the Parties. Interlocutory Applications No. 6 of 2016 in a related Suit No. 6 of 1996 and the connected I.A. No. 1 of 2017 in I.A. No. 6 of 2016 are also under consideration of the Hon'ble Court at present. The issue of water availability and allocation is also being discussed at various level as a part of concerted efforts to reach at an amicable resolution of the Satluj Yamuna Link (SYL) Canal issue.
7. Further, the term of the Tribunal is being extended on a yearly basis and presently, the term of the Tribunal has been extended upto 05.08.2026