Chapter - 4

CHARTER OF DEMANDS: ANANDPUR SAHIB RESOLUTION

In 1966, Punjab was linguistically reorganized and its several parts distributed among three units: the core Punjabi Suba, the new State of Haryana, and Himachal Pradesh. The completion of the prolonged process of linguistic reorganization of States has left unresolved problems in two regions of the country and within the reorganized States themselves. The two regions where reorganization has not satisfied the demands of all groups are the Punjab and the North East. Insofar as the Punjab and the north east are concerned, it is important to consider whether the prolongation of inter-ethnic conflicts in these regions arises out of inherent differences in the nature of the issues in comparison with those handled successfully in the south and in the former Bombay province or out of differences in the ways these issues have been treated in the post Nehru era, in which Indira Gandhi was the dominant leader.\(^1\)

The reorganization of Punjab in 1966 created more problems than it could have solved. Chandigarh was unjustly turned into a Union Territory and the joint capital of the States of Punjab and Haryana; some of the genuine Punjabi speaking areas of Punjab were given to the State of Haryana; the central government established its

control over canal headworks and made arbitrary allocations of waters of the Sutlej, Ravi and Beas which had fallen to India’s share by the Indus Waters Treaty of 1960; various Power and Irrigation projects were taken over by the central government.

In February 1967, the Akali Dal came to power in Punjab in what was the first election in the linguistically reorganized Punjab of 1966. The Congress party was thrown out of power in Punjab after being in the saddle for 20 years. The Centre under the control of Congress Party engineered defections from the ranks of the opposition parties to bring down the government in the States. It had infringed upon the autonomous powers of the provincial governments even in those areas of administration which were purely state subjects. The frustrating experience of the state government in Punjab between 1967 and 1971, which saw four Chief Ministers in as many years, phenomenon of defections and counter-defections, President’s rule and democracy dipping to new low, added grievances to the list of problems and grievances created by the Reorganization of Punjab in 1966. The repeated failure of the Governments in Punjab from 1967 to 1971 brought into focus the thorny issue of Centre-State relations.

On the basis of their political and administrative experience, the Akali ministers became conscious of the areas of tension between the Centre and the State. One such area was allocation of funds for development purposes. The Akali Dal had a strong feeling that the
Punjab was getting much smaller share from the Centre than its due. No clearance was given by the Centre for the Thein Dam Project, and a thermal project had to be started without getting a clearance. The prices of agricultural produce fixed by the Centre was rather low. ‘At the political level also we faced interference in the very continuance of the Akali Ministry. These tactics of the Central Party were ultimately instrumental in the overthrowing of our Government.’

After the collapse of the government under the Chief Ministership of Parkash Singh Badal in June 1971, a team of Sikh delegates under the leadership of Jagjit Singh Chauhan, went abroad on a tour to Europe and USA to present the true picture of the Sikhs in India before the Western countries.

Dr. Jagjit Singh Chauhan, a medical practitioner from Tanda in Hoshiarpur District, became Deputy Speaker in the Akali Dal led coalition Government and was Finance Minister in the Lachhman Singh Gill Government. In 1971, he moved to the United Kingdom and in late 1971, he went to Nankana Sahib in Pakistan to set up a Sikh Government. He then visited USA at the invitation of some supporters. On 13 October 1971, he placed an advertisement in *The New York Times* proclaiming an Independent Sikh State. Chauhan was shown on Pakistani television receiving the keys of Nankana Sahib Gurdwara, the famous Sikh shrine at the birthplace of Guru Nanak

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near Lahore. The gesture of publicity marked Pakistan’s basic sympathy with the leaders of an independent Sikh State.

In 1971, India defeated Pakistan in the Indo-Pak war. East Pakistan became a sovereign republic of Bangladesh. Mrs. Indira Gandhi’s reputation as a Leader and popularity as Prime Minister sky rocketed as she was hailed as an incarnation of Goddess Durga. At the crest of her popularity, the Congress party swept the polls, both for Parliament in 1971 and the Punjab State assembly held in 1972. On 17 March 1972, Giani Zail Singh became Chief Minister of Punjab. During his Chief Ministership from 1972 to 1977, Zail Singh went to absurd lengths in sponsoring religious gimmickry, hoping thereby to wean away the religious extrovert supporters of the Akali Dal to the fold of the Congress. Inspite of his efforts and his religious stratagems to mollify the Sikhs, Zail Singh was not alert to the political direction the Sikhs were beginning to take.

In April 1973, the Working Committee of the Akali Dal adopted a policy resolution in a conference held at Anandpur Sahib which advocated for the federal structure in which the Central Government should actualize the federal concept of India by granting autonomy to the provincial government in all the areas except defence, currency and foreign relations. The unpublished Punjabi version of the resolution described Sikhs as a nation and demanded safeguards and

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structural arrangements within which Sikhs would have a predominant role in the administration of the State.

The issue of Centre-State Relations and of more Provincial Autonomy to the provinces was not a new issue raised only by Akali Dal in the 1970's. The leadership of the Congress and the Constituent Assembly at Independence was firmly in the hands of those who believed in the necessity for a strong, centralized State in India.\(^{194}\) In the Constitution of India and in the Indian federal system, there is a considerable array of central powers in relation to the States and numerous unitary features. Many political parties and intellectual groups had been demanding autonomy for the States in all other areas except defence, communications and foreign relations. The Government at the Centre had constituted several bodies to study the question.

In 1965, the Administrative Reforms Commission had formed a study team under the chairmanship of Mr. M.C. Setalvad, a legal luminary, to examine and recommend changes in the Centre-State relations. In 1971, Rajmannar Committee established by Tamil Nadu Government submitted its report which also referred to the feeling of anguish and frustration afflicting the state government because of overriding administrative and financial powers wielded by the Central

\(^{194}\) Paul R. Brass, *The Politics of India since Independence*, p.63.
The demand was even more drastic than the one made through the Anandpur Sahib Resolution. According to the Report, the subjects relating to Defence, Foreign Policy, Inter-State communication and Currency alone should remain with the Centre. In 1967, when the leftist parties formed a coalition government in Kerala, under E.M.S Namboodiripad, they also faced teething problems as had piqued the Akali-Dal led governments in Punjab. The United Left front had then submitted a proposal for a review of the Centre-State relations, especially in the area of finance, to the National Development Council. In 1977, the Communist Government of West Bengal had submitted another memorandum which argued that "nothing beyond foreign relations, defence, communications and currency should remain exclusively in the hands of the Central Government".

While there were various attempts by Non-Congress governments to bring forth the flawed centre-state relations, in Punjab the brain behind framing the isolated Sikh demands was Sirdar Kapur Singh ICS. He was an eminent Sikh Philosopher, theologian, politician, writer, who tried to argue for the right of Punjab to frame its own internal autonomous Constitution as was recognized for the state of Jammu and Kashmir under Article 370. After his dismissal as a

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member of the Indian Civil Service, he became a vocal critic of the Government. On the insistence of Akali Dal leaders, Kapur Singh joined the Akali politics. In 1962, he was elected to the 3rd Lok Sabha from Ludhiana constituency. As a one man think tank of the Akali Dal, it was he who declared Sikhs to be “sui generis a free and sovereign people” and persuaded the Akali Dal to demand a “self determined political status” for the Sikhs. He tried to persuade the leaders of the Akali Dal to demand autonomy for the State in all areas except defence, foreign affairs, communications, currency and economic planning. He maintained that the unity of the Sikhs with India could not be a long lived permanent feature, unless it was founded on the terms on which they had joined the Republic of India. However, the majority viewpoint in the Akali Dal was not prepared to set out political objectives, requiring radical changes in the constitutional structure until the experiences during the 1960’s-70’s in which the state government was continuously interfered with and thus soured their tempers. They were now compelled to take a bold stand. The Anandpur Sahib Resolution was the result of this change in the attitude of the Akali Dal. The political goal, the Resolution proclaimed, is enshrined in the commandments of the tenth Guru, the ultimate objective of which is the pre-eminence of the Khalsa.

197 Jaswant Singh Mann, Some Documents on the Demand for the Sikh Homeland, Chandigarh, 1969, p.35.
On 11 December 1972, Shiromani Akali Dal appointed a sub-committee to examine the situation and to revise the programme and policies of the Dal.\textsuperscript{198} The members of the committee were Surjit Singh Barnala, Gurcharan Singh Tohra, Jiwan Singh Umranangal, Gurmeet Singh, Dr. Bhagat Singh, Balwant Singh, Gian Singh Rarewala, Amar Singh Ambalavi, Prem Singh Lalpura, Jaswinder Singh Brar, Bhag Singh, Major General Gurbaksh Singh of Badhani. The Committee prepared the draft, which was approved by the Working Committee of the Akali Dal at Anandpur Sahib on 16 October, 1973.\textsuperscript{199}

Indira Gandhi the leader of the Congress party viewed the Anandpur Sahib Resolution as a secessionist document. She used it to depict the Akali Dal as a separatist and herself the savior of Indian unity. The Akali Dal officially stated that the Anandpur Sahib resolution did not envisage an autonomous Sikh State of Khalistan. Its president, Harchand Singh Longowal in August 1977 declared: "Let us make it clear once and for all that the Sikhs have no designs to get away from India in any manner. What they simply want is that they should be allowed to live within India as Sikhs, free from all direct and indirect interference and tampering with their religious way

\textsuperscript{198} The Tribune, 12 December, 1972.
of life. Undoubtedly, the Sikhs have the same nationality as other Indians."

In 1973, when the Resolution consisting of Charter of demands was adopted at Anandpur, it did not attract much attention. However, the excesses committed during the period of Internal Emergency accentuated the demand for more powers to the States. The manner in which the Fundamental Rights of the citizens were infringed by the Constitutional Amendments carried out by the Congress at the Centre, embittered the moderate voices within the Akali Dal in Punjab. The Anandpur Sahib resolution was presented at the 18th Session of the All India Akali Conference at Ludhiana on 28-29 October 1978, presided over by Jagdev Singh Talwandi, where it was proposed by Mr. Tohra, SGPC Chief and seconded by Mr. Badal, Chief Minister of Punjab and endorsed without any dissent. Chandrashekhar, leader of the Janata Party was present at the Conference and endorsed what the Akali Dal proposed. The Congress leaders did not respond to the resolution in any form. The CPM regarded it akin to their demand for greater autonomy.

**PURPOSE**

The Shiromani Akali Dal shall ever strive to achieve the following aims:

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1. Propagation of Sikhism, its ethical values and code of conduct to combat atheism.

2. Preservation and keeping alive the concept of distinct and sovereign identity of the Panth and building up of appropriate condition in which the national sentiments and aspirations of the Sikh Panth will find full expression, satisfaction and facilities for growth.

3. Eradication of poverty and starvation through increased production and more equitable distribution of wealth and also the establishment of a just social order sans exploitation of any kind.

4. Vacation of discrimination on the basis of caste, creed or any other ground in keeping with basic principles of Sikhism.

5. Removal of disease and ill health, checking the use of intoxicants and provision of full facilities for the growth of physical well-being so as to prepare and enthuse the Sikh Nation for the national defence. For the achievement of the aforesaid purposes, the Shiromani Akali Dal owned it as its primary duty to inculcate among the Sikh religious fervour and a sense of pride in their great socio-spiritual heritage through the following measures:

   a) Reiteration of the concept of unity of God, meditation on His Name, recitation of gurbani, inculcation of faith in the Holy Sikh Gurus as well as in Guru Granth Sahib and other appropriate measures for such a purpose.
b) Grooming at the Sikh Missionary College the Sikh youth with inherent potential to become accomplished preachers, ragis, dhadis and poets so that the propagation of Sikhism, its tenets and traditions and its basic religious values could be taken up more effectively and vigorously.

c) Baptizing the Sikhs on a mass scale with particular emphasis on schools and colleges wherein the teachers as well as the taught shall be enthused through regular study circles.

d) Revival of the religious institution of *dasvandh* among the Sikhs.

e) Generating a feeling of respect for Sikh intellectuals including writers and preachers, who also would be enthused to improve upon their accomplishments.

f) Streamlining the administration of the gurdwaras by giving better training to their workers. Appropriate steps would also be taken to maintain gurdwara building in proper condition. The representatives of the party in the Shiromani Gurdwara Prabandhak Committee would be directed to pull their weight towards these ends.

g) Making suitable arrangements for error free publications of gurbani, promoting research in the ancient and modern Sikh history, translating holy gurbani into other languages and producing first-rate literature on Sikhism.
h) Taking appropriate measures for the enactment of an All India Gurdwaras Act with a view to improving the administration of the gurdwaras throughout the country and to reintegrate the traditional preaching sects of Sikhism like Udasis and Nirmalas, without in any way encroaching upon the properties of their deras.

i) Taking necessary steps to bring the Sikh gurdwaras all over the world under a single system of administration with a view to running them according to the basic Sikh forms and to pool their resources for the propagation of Sikhism on a wider and more impressive scale.

j) Striving to free access to all those holy Sikh shrines, including Nanakana Sahib, from which the Sikh Panth has been separated, for their pilgrimage and proper upkeep.

RESOLUTIONS:

On 28 October 1978, the President of the Akali Dal, Mr. Jagdev Singh Talwandi in his address at the 18th All India Akali Conference at Bhai Randhir Singh Nagar, Ludhiana, said that the unity of the Panth was the most serious problem facing the Sikhs. He affirmed the fact that the Creator had honoured the Panth and the State power had been bestowed on the Sikhs after great sacrifices by the Akali Dal. So, he suggested to his colleagues that they should not harm the larger interests of the Panth for short-term gains. He referred to the Amritsar
and Kanpur incidents and said that the Sikh martyrs had upheld the traditions and greatness of Guru Granth Sahib and brought glory to the Sikh religion.\textsuperscript{203} He lashed out against the Nirankaris and asked Akali workers to expose their "dark deeds" and appealed to all the Singh Sabhas, societies and institutions to spend a major part of their budgets in preparing literature to counter that of the Nirankaris, for free distribution among the masses.\textsuperscript{204}

To mark the inauguration of the 18\textsuperscript{th} All India Akali Conference in Ludhiana, the massive colourful procession started from Guru Nanak Stadium at 11:00 a.m. and terminated at Bhai Randhir Singh Nagar at 5:00p.m. covering a distance of about 11 km.

The Akali Subjects Committee passed all Resolutions. The 512 member general house of the Dal, which is also known as the Subjects Committee were presented with 11 resolutions. The meeting was attended by 477 members. It lasted for an hour and passed all the resolutions unanimously and without any amendment. These resolutions has been adopted earlier by the Akali Dal Working Committee. It also passed a resolution on the Nirankari issue which was presented to it by the SGPC Chief, Mr. Gurcharan Singh Tohra. The resolution was framed earlier by a five-member sub-committee

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  \item \textsuperscript{203} The Tribune, 29 October, 1978.
  \item \textsuperscript{204} Khushwant Singh, A History of the Sikhs, Volume II, p.344.
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consisting of Mr. Kapur Singh, Giani Lal Singh, Mr. Satbir Singh, Giani Gurdiv Singh besides Mr. Gurcharan Singh Tohra. The Resolutions passed unanimously were as under:

**Resolution No. 1**

Moved by S. Gurcharan Singh Tohra, President, Shiromani Gurdwara Parbandhak Committee, and endorsed by S. Parkash Singh Badal, Chief Minister, Punjab.

The Shiromani Akali Dal realizes that India is a federal republic, a geographical entity of different languages, religions and cultures. To safeguard the fundamental rights of the religious and linguistic minorities, to fulfill the demands of the democratic traditions and to pave the way for economic progress, it has become imperative that the Indian constitutional infrastructure should be given a real federal shape by redefining the Central and State relation and rights on the lines of the aforesaid principles and objectives. The concept of total revolution given by Lok Nayak, Jai Parkash Narayan is also based upon the progressive decentralization of powers. The climax of the process of centralization of powers of the states through repeated amendments of the Constitution during the Congress regime came before the countrymen in the form of the Emergency (1975), when all fundamental rights of all citizens was usurped. It was then that the programme of decentralization of powers ever advocated by Shiromani

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Akali Dal was openly accepted and adopted by other political parties including Janata Party, C.P.I. (M), D.M.K., etc. Shiromani Akali Dal has ever stood firm on this principle and that is why after a very careful consideration it unanimously adopted a resolution to this effect first at the All India Akali Conference, Batala, then at Anandpur Sahib which has endorsed the principle of State autonomy in keeping with the concept of federalism.

As such, the Shiromani Akali Dal emphatically urges upon the Janata Government to take cognizance of the different linguistic and cultural sections, religious minorities as also the voice of millions of people and recast the constitutional structure of the country on real and meaningful federal principles to obviate the possibility of any danger to the unity and integrity of the country and, further, to enable the states to play a useful role for the progress and prosperity of the Indian people in their respective areas by a meaningful exercise of their powers.

**Resolution No. 2**

This momentous meeting of the Shiromani Akali Dal calls upon the Government of India to examine carefully the long tale of the excesses, wrongs, illegal actions committed [against the Sikhs] by the previous Congress Government, more particularly during the Emergency, and try to find an early solution to the following problems:

(a) Chandigarh originally raised as a Capital for Punjab should be handed over to Punjab.
(b) The long-standing demand of the Shiromani Akali Dal for the merger in Punjab of the Punjabi-speaking areas, to be identified by linguistic experts with village as a unit, should be conceded.

(c) The control of headworks should continue to be vested in Punjab and, if need be, the Reorganization Act should be amended.

(d) The arbitrary and unjust Award given by Mrs. Indira Gandhi during the Emergency on the distributions of Ravi-Beas waters should be revised on the universally accepted norms and principles, and justice be done to Punjab.

(e) Keeping in view the special aptitude and martial qualities of the Sikhs, the present ratio of their strength in the Army should be maintained.

(f) The excesses being committed on the settlers in the Terai region of the Uttar Pradesh in the name of Land Reforms should be vacated by making suitable amendments in the ceiling law on the Central guidelines.

**Resolution No. 3 (Economic Policy Resolution)**

The chief sources of inspiration of the economic policies and programme of the Shiromani Akali Dal are the secular, democratic and socialistic concepts of Guru Nanak and Guru Gobind Singh. Our economic programme is based on three principles:

(a) Dignity of labour.
(b) An economic and social structure which provides for the upliftment of the poor and depressed sections of society.

(c) Unabated opposition to concentration of economic and political power in the hands of the capitalists.

While drafting its economic policies and programme, the Shiromani Akali Dal in its historic Anandpur Sahib Resolution has laid particular stress on the need to break the monopolistic hold of the capitalists foisted on the Indian economy by 30 years of Congress rule in India. This capitalist hold enabled the Central government to assume all powers in its hands after the manner of Mughal imperialism. This was bound to thwart the economic progress of the states and injure the social and economic interests of the people. The Shiromani Akali Dal once again reiterates the Sikh way of life by resolving to fulfil the holy words of Guru Nanak Dev: "He alone realizes the true path who labours honestly and shares with others the fruits of that labor."

This way of life is based upon three basic principles:

(i) Kirat Karo - Doing honest labour,

(ii) Vand Chako - Sharing with others the fruits of this labour, and

(iii) Nam Japo - Meditation on the Lord's Name.
The Shiromani Akali Dal calls upon the Central and the State
governments to eradicate unemployment during the next ten years. While pursuing this aim, special emphasis should be laid on
amelioration the lot of the weaker sections, scheduled and depressed
classes, workers, landless and poor farmers and urban poor farmers
and urban poor. Minimum wages must be fixed for all of them.
The Shiromani Akali Dal gives first priority to the redrafting of the
taxation structure in such a way that the burden of taxation is shifted
from the poor to the richer classes and an equitable distribution of
national income ensured. The main plank of the economic programme
of the Shiromani Akali Dal is to enable the economically weaker
sections of the society to share the fruits of national income.

The Shiromani Akali Dal calls upon the Central government to
make an international airport at Amritsar which should also enjoy the
facilities of a dry port. Similarly, a Stock Exchange should be opened
at Ludhiana to accelerate the process of industrialization and
economic growth in the State. The Shiromani Akali Dal also desires
that suitable amendments should be made in the Foreign Exchange
rules for free exchange of foreign currencies and thereby removing the
difficulties being faced by the Indian emigrants. The Shiromani Akali
Dal emphatically urges upon the Indian government to bring about
parity between the prices of the agricultural produce and that of the
industrial raw materials so that the discrimination against such states
that lack these materials may be removed. The Shiromani Akali Dal demands that the exploitation of the produce of cash crops like cotton, sugarcane, oil seeds, etc., at the hand of traders should be stopped forthwith and for this purpose arrangements be made for purchase by government of these crops at remunerable prices. Besides, effective steps should be taken by government for the purchase of cotton through the Cotton Corporation. The Shiromani Akali Dal strongly feels that the most pressing national problem is the need to ameliorate the lot of millions of exploited persons belonging to the scheduled classes. For such a purpose the Shiromani Akali Dal calls upon the Central and State governments to earmark special funds. Besides, the state governments should allot sufficient funds in their respective budgets for giving free residential plots both in the urban and rural areas to the Scheduled Castes.

The Shiromani Akali Dal also calls for the rapid diversification of farming. The shortcomings in the Land Reforms Laws should be removed, rapid industrialization of the State ensured, credit facilities for the medium industries expanded and unemployment allowance given to those who are unemployed. For remunerative farming, perceptible reduction should be made in the prices of farm machinery like tractors, tubewells, as also of the inputs.

**Resolution No. 4**
This huge gathering of the Shiromani Akali Dal regrets the discrimination to which the Punjabi language is being subjected in adjoining States of Himachal, Haryana, Jammu and Kashmir, Delhi, etc. It is its firm demand that in accordance with the Nehru Language Formula, the neighboring states of Punjab should give "second" language status to Punjabi because of fairly large sections of their respective populations are Punjabi-speaking.

Resolution No. 5

The meeting regrets that against the "claims" of the refugees who had migrated to Jammu and Kashmir as a result of the partition of the country, no compensation had been provided to them even after such a long time and these unfortunate refugees had been rotting in the camps ever since then. This Akali Dal session, therefore, forcefully demands that their claims should be settled soon and immediate steps should be taken to rehabilitate them even if it involves an amendment to section 370 of the Constitution.

Resolution No. 6

The 18th session of the All India Akali Conference take strong exception to the discrimination to which the minorities in other states are being subjected and the way in which their interests are being ignored. As such, it demands that injustice against the Sikhs in other states should be vacated and proper representation should be given them in government service, local bodies and state legislatures, through nominations, if need be.
Resolution No. 7

The 18th session of the All India Akali Conference notes with satisfaction that mechanization of farming in the country has led to increase in the farm yield and as a result the country is heading toward self-sufficiency in foodgrain. However, the session feels that poor farmers are unable to take to mechanization because of the enormity of the cost involved. As such, the Shiromani Akali Dal urges upon the Government of India to abolish the excise duty on tractors, so that with the decrease in their prices, the smaller farmers may also be able to avail themselves of farm machinery and contribute to increase in agricultural produce of the country.

Resolution No. 8

This conference of the Shiromani Akali Dal appeals to the Central and State governments to pay particular attention to the poor and labouring classes and demands that besides making suitable amendments in the Minimum Wages Act, suitable legal steps be taken to improve the economic lot of the labouring class, to enable it to lead respectable life and play a useful role in the rapid industrialization of the country.

Resolution No. 9

This session seeks permission from the Government of India to install a broadcasting station at the Golden Temple, Amritsar, for the relay of Gurbani Kirtan for the spiritual satisfaction of those Sikh who
are living in foreign lands. The session wishes to make it clear that the entire cost of the proposed broadcasting project would be borne by the Khalsa Panth and its overall control shall vest with the Indian Government. It is hoped that the Government would have no hesitation in conceeding this demand after due consideration.

**Resolution No. 10**

This mammoth gathering of the Shiromani Akali Dal strongly urges upon the Government of India to make necessary amendments in the following enactment for the benefit of the agricultural classes who have toiled hard for the sake of larger national interests: 1. Hindu Succession Act be suitably amended to enable a woman to get rights of inheritance in the properties of her father-in-law instead of the father's. 2. The agricultural lands of the farmers should be completely exempted from the Wealth Tax and the Estate Tax.

**Resolution No. 11**

This vast gathering of the Shiromani Akali Dal strongly impresses upon the Government of India that keeping in view that economic backwardness of the scheduled and non-scheduled castes, provisions proportionate to their population should be made in the budget for utilization for their welfare. A special ministry should be created at the Centre as a practical measure to render justice to them on the basis of reservations.
**Resolution No. 12**

The Congress government is called upon to vacate the gross injustice, discrimination done to Punjab in the distribution of Ravi-Beas waters. The Central government must also give approval for the immediate establishment of six sugar and four textile mills in Punjab so that the State may be able to implement its agro-industrial policy.  

The Anandpur Sahib Resolution acquired the hallowed status of Magna Carta of Sikh demands as raised by Sikh party, Shiromani Akali Dal. From 1978 onwards, it remained the epicentre around which subsequent demands were woven from time to time. Thus, the issue of Centre-State relations, which was put on the back burner during Indira Gandhi’s totalitarian regime, along with other democratic demands of the Akali Dal crystallized in the form of Anandpur Sahib Resolutions. The 'Provincial Autonomy' which was guaranteed even by the Government of India Act 1935, was demanded by the Akali Dal with more financial and administrative powers to the states.

Some of the very important demands raised in the Anandpur Sahib Resolution and which originated from the flawed Punjab Reorganization Act of 1966 were: Chandigarh had not been

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transferred to the Punjab, the State’s boundaries had not been readjusted and Punjabi speaking villages were left in neighbouring States, Punjab’s demand for a fairer allocation of river waters had not been accepted, Central government continued to control Canal headworks, Power and Irrigation projects. The issue of Punjab’s demand for River waters and the control of canal headworks has been discussed in the next section to bring out the urgency of the water requirements for Punjab.

Punjab has been politically divided twice in the 20th Century. In 1947, at the time of Partition of India, Punjab was divided when west Punjab went to Pakistan and east Punjab came to India. In 1966, the East Punjab on the Indian side was further truncated, on linguistic basis into the States of Punjab and Haryana.

In 1947, at the time of Partition of India, a conflict arose between India and Pakistan with regard to the sharing of the Indus waters. Out of the irrigated area of 9.6mha of the pre-partition Indus basin, 8mha had gone to Pakistan and 1.6mha came to India.

The Indus Waters Treaty is a water-sharing treaty between the Republic of India and Republic of Pakistan. The treaty was signed in Karachi on 19 September 1960 by the then Indian Prime Minister Jawaharlal Nehru and the then President of Pakistan, Field Marshal Mohammad Ayub Khan. The World Bank (then the International Bank for Reconstruction and Development) is a signatory as a third party.
The Indus Waters Treaty was the outcome of eight years of discussion and negotiation between the Governments of India and Pakistan carried on under the auspices of the World Bank.

The waters of the Indus basin begin in the Himalayan mountains of Indian held Kashmir. They flow from the hills through the States of Punjab and Sind, converging in Pakistan and emptying in the Arabian Sea, south of Karachi. Where once there was only a narrow strip of irrigated land along these rivers, developments over the last century have created a large network of canals and storage facilities that provide water for more than 26 million acres - the largest irrigated area of any one river system in the world.

The partition of the Indian subcontinent created a conflict over the plentiful waters of the Indus basin. The newly formed states were at odds over how to share and manage what was essentially a cohesive and unitary network of irrigation. The political boundary between the two new countries was drawn right across the Indus basin, leaving India the up-stream, and Pakistan the down-stream, riparian on five of the six rivers in the Indus system. Moreover, two important irrigational headworks, one at Madhopur on the River Ravi, and one at Ferozpur on the River Sutlej, on which two irrigation canals in West Punjab had been completely dependent for their supplies, were left in Indian territory. Pakistan felt its livelihood threatened by the prospect of Indian control over the tributaries that fed water into the Pakistani
portion of the basin. Pakistan even wanted to take the matter to the International Court of Justice but India refused, arguing that the conflict required a bilateral resolution.

“India and Pakistan can go on shouting on Kashmir for all times to come, but an early settlement on the Indus waters is essential for maintenance of peace in the sub-continent”, reported to have said by persons in authority in London and Washington.\(^{207}\)

In February, 1951, David E Lilienthal, formerly the Chairman of the Tennessee Valley Authority and of the US Atomic Energy Commission, visited the region to write a series of articles for Colliers magazine. Lilienthal had a keen interest in the subcontinent and was welcomed by the highest levels of both Indian and Pakistani governments. During the course of his visit, it became clear to Lilienthal that tensions between India and Pakistan were acute, but also unable to be erased with one sweeping gesture. In the journal he wrote under the title, “Another ‘Korea’ in the Making” that,

"India and Pakistan were on the verge of war over Kashmir. There seemed to be no possibility of negotiating this issue until tensions abated. One way to reduce hostility..... would be to concentrate on other important issues where cooperation was possible. Progress in these areas would promote a sense of community between the two nations which might, in time, lead to a Kashmir

settlement... India and Pakistan work out a program jointly to develop and jointly operate the Indus Basin river system, upon which both nations were dependent for irrigation water. With new dams and irrigation canals, the Indus and its tributaries could be made to yield the additional water each country needed for increased food production. In the article, I had suggested that the World Bank might use its good offices to bring the parties to agreement, and help in the financing of an Indus Development program.²⁰⁸

Lilienthal’s idea was well received by officials at the World Bank, and, subsequently, by the Indian and Pakistani governments. Eugene R. Black, then president of the World Bank told Lilienthal that his proposal "makes good sense all round". Black wrote that the Bank was interested in the economic progress of the two countries and had been concerned that the Indus dispute could only be a serious handicap to this development particularly in the vital section of agriculture and hydro-electric development. Black proposed a Working Party made up of Indian, Pakistani and World Bank engineers. The World Bank delegation would act as a consultative group, charged with offering suggestions and speeding dialogue. After hectic round of discussions and deliberations, the Treaty was signed. The Treaty comprises of a Preamble, 12 Articles and 8 Annexures.

All the water of the Eastern rivers shall be available for the unrestricted use of India. The term Eastern Rivers means The Ravi, The Beas and The Sutlej taken together. Provisions regarding western rivers, Pakistan shall receive for unrestricted use all those waters of the Western Rivers which India is under obligation to let flow.

Prior to the signing of the Indus Waters Treaty in 1960, on the basis of an interstate conference on the ‘Development and Utilisation of the waters of the Rivers Ravi and Beas’ held in 1955, the Central government in India had allocated the surplus of 15.85 million acre feet (MAF) of the rivers, over and above the actual pre-partition utilization as follows:

- East Punjab : 7.20 MAF
- Rajasthan : 8.00 MAF
- Jammu and Kashmir : 0.65 MAF

It is logical that water is an inseparable part of the land on which it flows, and the territory being an integral component of the state irrigation and hydel power are state subjects under Item 17 of the State List. This fact is enshrined in our Constitution wherein under Article 162 and 246(3), of our constitution gives full and exclusive legislative and executive powers to the States over water and hydel power. Agriculture and Industry being wholly dependent on

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Irrigation and Power, these have been kept purely State subject in our constitution. This is common in most of the countries in the world. The Introduction of sections 78 to 80 in the Punjab Reorganization Act, 1966 instead of giving Punjab complete power over water and hydel projects gave powers to the Centre.

These sections of the Punjab Reorganization Act are violative of Article 14 of the Constitution which ensures equality. The Act on the one side gives exclusive rights of the waters of Yamuna to Haryana, it makes the waters of Punjab rivers not only distributable by the Centre but also vests their control with the Central government.

Before the Reorganization of Punjab, there was a project called the Beas Project, under which about 0.9MAF waters were supposed to be used in the Haryana area of the erstwhile Punjab, whereas the remaining waters of the Punjab rivers were to be utilized in Punjabi Suba and for which channels had also been dug. But after the reorganization took place in 1966, as Punjab had become non-riparian with respect to Yamuna, similarly Haryana had become non-riparian with respect to Ravi, Beas and Sutlej and thus the question of giving even this 0.9MAF to Haryana could not arise.

**Applications of Sections 78 to 80**

Control over Punjab rivers established: Before 1966, Punjab was in total control of its rivers and the utilization of their waters and hydel power. The multi-purpose projects in Punjab were controlled by
a board. Its Chairman, Secretary, the General Manager and three members were from the Punjab Administration. There were only two members from Rajasthan and one from Himachal Pradesh. This Board and its administration worked under the Punjab Government.\textsuperscript{212} The entire budget and the administration of Punjab projects were controlled and approved by the Punjab Government and its legislature. But after 1966, Central Government under Sections 78 to 80 constituted a statutory Board which works under the Central Government. The Chairman, two Working members and two other members are appointed by the Centre and one member each is taken from Haryana, Punjab, Himachal Pradesh and Rajasthan.\textsuperscript{213}

The important fact is that whereas earlier every employee of the multipurpose projects was an employee of the Punjab Government, hence forward everyone has become an employee of the Central Government. Thus, the entire control, administration, functioning and development of the Punjab rivers and their hydel power have been taken over by Centre.

Another major irritant is the construction of Indira Gandhi Canal for diverting 8 M.A.F. (later 8.6 M.A.F.) of water to Rajasthan. Centre approached the World Bank for a loan to construct this Canal. The World Bank sent a team of experts to assess its feasibility and productivity. The team was headed by David E. Lilienthal. He gave the

\textsuperscript{213} Punjabi Reorganization Act, 1966, p.39.
report, “Viewed realistically the Rajasthan Project in its ultimate form is a dubious one. The ideal of extending the Rajasthan Canal parallel to the Indo-Pakistan border in the northern portion of the Thar Desert down to a point about opposite the Sukkur Barrage was a seductive one...”

The U.S. Bureau of Reclamation severely criticized India for wanting to undertake an irrigation scheme in desert lands, They warned that the consequences of persisting with the project from the technical and economic point of view would be plain frustration. And yet we find that out of 15.2 M.A.F. Punjab rivers waters, 8 M.A.F. remained earmarked for non-riparian Rajasthan, and later actually 8.6 M.A.F. were allotted to it. The net result is that out of 15.2 M.A.F. only 3.5 M.A.F. were given to riparian Punjab and the rest were managed to be diverted to non-riparian States. It is significant to note that the same Rajasthan applied to the Narmada tribunal for water of that river. Its request was rejected outright because Rajasthan was non-riparian in regard to river Narmada.

In 1966, after the reorganization of Punjab into the States of Punjab and Haryana, a dispute arose between the two States over their shares in the water once allocated to the composite State of Punjab in 1955. Haryana claimed 4.8 MAF out of the total of 7.2 MAF

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allocated to composite Punjab, and Punjab claimed the entire water available.

Punjab wanted the entire quantity of water on 2 grounds: (1) On the basis of the Riparian principle, the Rivers actually flow through Punjab. (2) That the waters of the rivers were to be made available for irrigation through the canal system which lies entirely in the reorganised Punjab. Haryana asserted that Punjab has no locus standi in the matter as the surplus waters of Ravi and Beas have been acquired by the Central government on the payment of compensation to Pakistan. Haryana also based its claim as a Successor State on the 'principles of needs and equity.'

With the stalemate between Punjab and Haryana on the sharing of the Ravi-Beas Waters continuing, the Haryana Government approached the Centre and requested the Central government to determine the shares in accordance with the provision of Section 78(1) of the Punjab Reorganisation Act, 1966, which provides for apportionment of the rights and liabilities between the States of Punjab and Haryana. Section 78 of the Act reads:

"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.”

This conflict continued to linger on with various fact-finding committees, commissions giving their reports. Finally, on 24 March 1976, the Central Government, with Mrs. Indira Gandhi as Prime Minister gave the award, which dealt with the apportionment of the surplus Ravi-Beas waters in accordance with the provisions of the Section 78 of the Punjab Reorganisation Act, 1966. The award stated that 3.5 MAF of water was allocated to Haryana and the balance, not exceeding 3.5 MAF to Punjab out of the total surplus of Ravi Beas water of 7.2 MAF, which was the total share of the composite Punjab, after setting aside 0.2 MAF for the Delhi Drinking Water supply.

The Award of Indira Gandhi was announced when the National Emergency was imposed. This decision was resisted by the people of Punjab and finds explicit mention in the Anandpur Sahib Resolution No. 2, endorsed in the Ludhiana Conference in October 1978.

In 1977 Lok Sabha Elections, the Congress Party suffered a rout and Janata Party led by Morarji Desai came to power at the Centre. In

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215 **Punjab Reorganization Act, 1966.**

June 1977, Punjab Vidhan Sabha elections, Akali Dal emerged victorious and S. Parkash Singh Badal became Chief Minister. The Punjab Government under Akali Dal filed a petition before the Supreme Court, seeking a verdict on the constitutionality of Sections 78 to 80 of the Punjab Reorganisation Act, 1966 as also the March 1976 notification, apportioning the surplus Ravi-Beas flows between the States. The Haryana government, on the other hand, filed a petition in the Supreme Court praying, inter-alia, that a directive be issued to the State of Punjab for expeditiously undertaking the construction of the Punjab portion of the Sutlej-Yamuna Link (SYL) Canal and declaring that the March 1976 notification of the Centre allocating 3.5 MAF of Ravi-Beas waters each to Punjab and Haryana, was final and binding.

In January 1980, Lok Sabha Elections, after the break up of the Janata Party, Mrs. Indira Gandhi returned to power at the Centre. She was sworn in as Prime Minister for the fourth time on 14 January 1980. The Congress Party had come with a thumping majority capturing 351 seats out of 542 Lok Sabha Seats.

‘Indira needed a clean slate in the States too and she erased the past there by dismissing the nine Janata State Governments,

218 The Times of India headline puts it, ‘It’s Indira All the Way.’
imposing President’s rule and calling for fresh State Assembly elections. Congress won all........”219

In 1980 after the spell of President’s rule, Punjab Vidhan Sabha elections were held in which the Congress party emerged victorious, and Darbara Singh became Chief Minister. With the States of Punjab, Haryana and Rajasthan all under the Congress Rule, negotiations were opened and the suits filed by the Punjab and Haryana in the Supreme Court were withdrawn by the respective Chief Ministers under the orders from Mrs. Gandhi. “On her return to power Mrs. Gandhi got round....by ordering her Chief Minister, the luckless Darbara Singh, to withdraw the Punjab Government’s case filed by Akali Government.”220

The March 1976 award was replaced by the ‘accord’ signed by the Chief Ministers of Punjab, Haryana and Rajasthan on 31 December 1981. According to this agreement, the new surplus Ravi-Beas water was calculated as 17.17 MAF, based on the flow series from 1921-60 of the Beas Project Report compared to the corresponding figure of 15.85 MAF for the flow series for 1921-45 which had formed the basis of water allocation under 1955 decision. The Chief Ministers of Punjab, Haryana and Rajasthan agreed on 31 December 1981, that the main supply of 17.17 MAF (Flow and Storage) be reallocated as follows,

220 Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi’s Last Battle*, p.77.
Punjab (Riparian) : 4.22 M.A.F
Haryana (non-riparian) : 3.50 M.A.F.
Rajasthan (non-riparian) : 8.60 M.A.F.
Delhi (non-riparian) : 0.20 M.A.F.
Jammu and Kashmir (Riparian) : 0.65 M.A.F.

**Total** : **17.17 M.A.F.**\(^221\)

There is a public report that the Punjab Chief Minister, Darbara Singh was made to sign the above Agreement virtually under a threat. Haryana Chief Minister, Bhajan Lal was happy to get his share for Haryana because Haryana was going to Assembly Elections at that time. Under the Agreement, BBMB was to control headworks, The control of the Ropar, Ferozepur and Harike-Pattan headworks will pass from Punjab to the Bhakra-Beas Management Board authorities under the accord on the sharing of the Ravi-Beas Waters signed in Delhi.\(^222\)

Akali Dal (L) Leader, Surjit Singh Barnala described the Ravi-Beas waters agreement as harmful to Punjab. According to him several areas of Punjab would be rendered arid as result of this agreement.\(^223\)

The Chief Ministers further agreed that until such time as Rajasthan was in a position to utilise its full share through the Rajasthan Canal (now Indira Gandhi Canal), Punjab should be free to


\(^{222}\) *The Tribune*, 1 January 1982.

\(^{223}\) *The Tribune*, 1 January 1982.
utilise the waters surplus to Rajasthan’s requirements. Thus, during this period Punjab’s share would be 4.82 MAF. Haryana’s share was left untouched. Parkash Singh Badal, Leader of opposition in Punjab Assembly stated that “The divisible surplus water was of the order of 15.85 M.A.F. It was being shown to be 17.17 M.A.F. only to deceive the farmers of Punjab.” The Chief Minister of Punjab, Sardar Darbara Singh hailed this agreement and stated that though Haryana’s share of waters remained at 3.5 M.A.F., Punjab’s share has risen from 3.5 M.A.F. of 1976 Award to 4.22 M.A.F.224

By offering this carrot to Punjab, Indira Gandhi incorporated Clause 1V in the ‘Accord’, to make it obligatory for Punjab to construct the 6500-cusec SYL Canal in its territory by 31 December 1983, at the latest. It was further laid down that the alignment of the Punjab portion would be complete by 31 March 1982, failing which Centre was to undertake to do so on its own. A condition was also attached that work on those portions of the SYL Canal whose alignment had already been finalised would commence within 15 days of the signing of the accord. The monitoring of the construction of the SYL Canal was to be undertaken by the Central government. Haryana even agreed to bear the cost of suitably rehabilitating those families who were being displaced by the construction of SYL, so that the project should not get delayed.

After signing of the agreement, Mrs Indira Gandhi formally launched the construction of the SYL Canal at Kapoori village in Punjab on 8 April 1982. The very next day the Akalis in Punjab launched the *Nahar Roko* (Stop The Canal) agitation to prevent the construction of SYL Canal. It ultimately got merged in the *Dharma Yudh Morcha* (Righteous War) launched on 4 August 1982. Ultimately, the situation reached the signing of the Rajiv-Longowal Accord in July 1985, in which the latter committed the Akali Dal to complete the SYL Canal by 15 August 1986. Clause 9 of the Rajiv-Longowal accord exclusively aimed at the sharing of River Waters, states:\(^{225}\)

“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 1.7.1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in para 9.2.

9.2. The claims of Punjab and Haryana regarding their shares in the 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 be taken expeditiously.

9.3. The construction of the SYL canal shall continue. The Canal shall be completed by 15th August 1986.”

Thus, the issue of River Waters like other demands continue to linger on without a satisfactory solution reached. ‘A feature of the Punjab situation which distinguishes it from earlier linguistic reorganizations is that it has never been completed. In particular, there have been three outstanding issues which have not been resolved in the two-and-a half decades since the reorganization: the status of the capital city of Chandigarh, which remains still the joint capital of Punjab and Haryana; the status of some mixed Hindi- and Punjabi-speaking territories in which Hindus are the predominant population; and the division, for irrigation purposes, of river waters which run through the territories of both states.’

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