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CURRENT AFFAIRS

Date: 12 March 2024

DISPUTE BETWEEN PUNJAB AND HIMACHAL PRADESH OVER SHANAN HYDROELECTRIC PROJECT

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "DISPUTE BETWEEN PUNJAB AND HIMACHAL PRADESH OVER SHANAN HYDROELECTRIC PROJECT". THIS TOPIC IS RELEVANT IN THE "POLITY AND GOVERNANCE" SECTION OF THE UPSC CSE EXAM.

WHY IN THE NEWS?

The Centre has ordered that the status quo be preserved on the Shanan hydroelectric project, over which Punjab and Himachal Pradesh have opposing claims. Punjab has petitioned the Supreme Court on the subject.

SHANAN HYDROPOWER PROJECT

- The Shanan hydropower project, a **110 MW** behemoth nestled in Himachal Pradesh's **Mandi district**, holds a significant place in India's history.
- **Commissioned in 1932**, it was the **nation's first hydroelectric plant in the megawatt category**. However, its historical significance pales in comparison to the current ownership dispute that has pitted Himachal Pradesh against Punjab in a high-stakes power struggle.

A LEGACY OF COLONIAL LEASE AGREEMENTS

The roots of this conflict lie in a relic of the British Raj – a **lease agreement signed in 1925**. Back then, the then-ruler of **Mandi, Raja Joginder Bahadur, leased control of the Shanan project to Punjab for a period of 99 years**. This pact, a product of a bygone era, laid the foundation for the ownership dispute that would resurface nearly a century later.

HIMACHAL PRADESH STAKES CLAIM

With the lease expiring in March 2024, Himachal Pradesh has asserted its rightful ownership of the Shanan project. Their arguments hinge on **two key points**:

- **Geographical Location:** Himachal Pradesh contends that the project is located within their territory, and upon lease termination, ownership should naturally revert back to them.
- **Deteriorating Condition:** They further allege that Punjab has neglected the project's upkeep, leading to its deterioration.

PUNJAB COUNTERS WITH HISTORICAL PRECEDENT AND LEGAL BACKING

Punjab, the current owner, vehemently counters Himachal Pradesh's claims. Here's how:

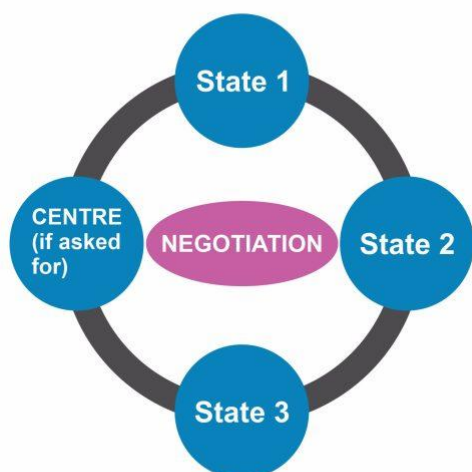
- **Historical Significance:** Punjab highlights the project's historical role in supplying electricity to the undivided Punjab region, encompassing present-day Delhi, before India's partition. This historical connection, they argue, strengthens their claim to continued ownership.
- **Central Government Notification:** They point to a central government notification issued in 1966, during state reorganisation, which designated the Shanan project to Punjab. This notification, they contend, supersedes the pre-independence lease agreement and serves as legal justification for their control.
- **Legal Action:** To solidify its legal standing, Punjab has filed a petition in the Supreme Court seeking a permanent injunction to prevent Himachal Pradesh from interfering with its operations at the Shanan project.

CENTRAL INTERVENTION AND AN UNCERTAIN FUTURE

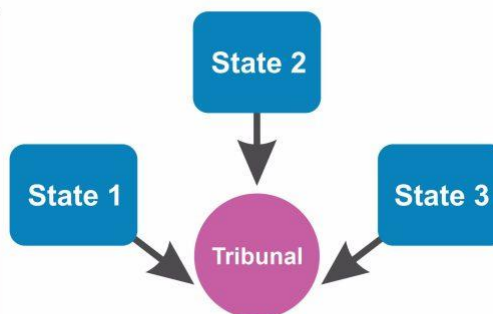
- Recognizing the critical role of the Shanan project in regional power generation, the central government intervened on the eve of the lease expiry. They **issued a status quo order, mandating both states to maintain the current operational state of the project** until a final resolution is reached. This temporary measure ensured an uninterrupted power supply but left the long-term ownership and management of the project undecided.
- The future of the Shanan hydropower project remains shrouded in uncertainty. **Both Himachal Pradesh and Punjab are likely to pursue their claims aggressively** through legal channels.
- The final verdict will not only determine the ownership of this historical asset but also set a precedent for resolving similar interstate disputes over resource management in India. The outcome will be keenly watched by the entire nation, as it has the potential to impact the development and management of critical infrastructure projects across the country.

Methods of Resolution

 Yojna IAS
योजना है तो सफलता है



Eg. Yamuna River water dispute among Delhi, Haryana and Uttar Pradesh



Eg. The Godavari Water Disputes Tribunal, Krishna River Water Disputes Tribunal, The Ravi & Beas Waters Tribunal, The Narmada Water Disputes Tribunal, The Kaveri Water Disputes Tribunal.

INTERSTATE RIVER WATER DISPUTES

Interstate water disputes (ISWDs) are a **major challenge to water governance in India**. These conflicts arise when multiple states share a river basin and disagree on the allocation and utilisation of its water resources. These disputes can have a **significant impact on agriculture, industry, and overall economic development**, often **leading to social unrest and political tensions between states**.

THE INTER-STATE WATER DISPUTES ACT, 1956

The Inter-State Water Disputes Act of 1956 serves as the primary legal framework for resolving such disputes. This act empowers the central government to:

- **Negotiation and Consultation:** In the event that a state raises a water dispute with another, the central government first attempts to resolve the issue through negotiation and consultation among the concerned states. This collaborative approach aims to find a mutually agreeable solution that considers the needs and interests of all parties involved.
- **Tribunal Formation:** If negotiations fail, the act empowers the central government to constitute a water disputes tribunal. This tribunal functions as a quasi-judicial body responsible for adjudicating the dispute and issuing a binding decision on water allocation.

2002 AMENDMENT: STREAMLINING DISPUTE RESOLUTION

Recognizing the limitations of the original act, the government introduced amendments in 2002 based on the recommendations of the Sarkaria Commission. These amendments aimed to streamline the dispute resolution process by introducing stricter timeframes:

- **Time-Bound Tribunal Formation:** The amended act mandates the central government to set up a water disputes tribunal within a one-year timeframe from the date a state formally requests it.
- **Decision Deadline:** Furthermore, the tribunal is now obligated to deliver its verdict within a three-year period, expediting the resolution process and reducing uncertainty for the involved states.

BEYOND LEGISLATION: THE NEED FOR COMPREHENSIVE WATER MANAGEMENT

While the Inter-State Water Disputes Act provides a legal framework for resolving conflicts, a more comprehensive approach to water management is crucial for India's long-term water security. This includes:

- **Interstate Water Sharing Agreements:** Cooperative agreements between states, outlining fair and sustainable water-sharing practices, can help prevent future disputes and promote collaborative management of river basins.
- **Data Sharing and Transparency:** Open and transparent sharing of hydrological data among states can foster trust and facilitate informed decision-making regarding water allocation.
- **Integrated River Basin Management (IRBM):** Implementing IRBM principles encourages a holistic approach to river basin management, considering the needs of all stakeholders and ensuring the sustainable use of water resources.

PRELIMS PRACTISE QUESTIONS

Q1. Consider the following rivers: (UPSC Prelims-2014)

1. Barak
2. Lohit
3. Subansiri

Which of the above flows through Arunachal Pradesh?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: B

MAINS PRACTISE QUESTION

Q1. Explore the implications of climate change on interstate water disputes, focusing on potential shifts in water availability and the need for adaptive strategies.

Himanshu Mishra

