

## Current Sikh Issues-Sikh Historical Perspective –

chapter 4-part 17

Punjab issues are virtually Sikh issues-Need to help Sikhs in punjab financially in education and Sikh religious spheres. Punjab, is generally called the homeland of Sikhs as Sikh religion was founded, developed and completed there and overwhelming majority of Sikhs reside there. Sikhs ruled over it, which was made Sikh empire by ousting the Mughals and Afghans after a struggle of about a century. The battles between Sikhs and Britishers took place there. Singh Sabha movement and Akali movements of Sikhs during British rule were conducted there, ousting the Mahants from Sikh Gurdwaras and taking over their control by the Sikhs themselves. Sikhs took part in the freedom of India movement from there to such an extent that their sacrifices equal to the entire rest of India.

In 1947 Punjab was divided at the time of partition and west of it from Wagha border was included in Pakistan while the east in India. Millions of Sikhs had to migrate from Pakistan area to Indian side. Sikhs formed over 60 per cent of Punjab population in India, which became one of the main reasons for the then Indian leaders to back out from the promises to Sikhs to make their homeland semi autonomous on the misconceived notion of visualising it to be a Sikh state. So deep was this misconception that it resulted in the rejection of the reorganisation of Punjab even on linguistic basis, though entire rest of India was reorganised on this basis. This unfair and unconstitutional treatment to Sikhs brought unnecessary confrontation between Sikhs and Govt. of India which was never tried to be rectified by the ruling party. After the Sikh struggle for a long period, Reorganisation of Punjab on linguistic basis was conceded in 1966. However such glaring encroachment were committed on Punjab river waters, Punjab capital Chandigarh, Punjabi speaking areas etc. as to keep the Sikhs in continuance confrontation with Govt. of India to which they kept engaged in agitations. Even the communal card was played, creating unheard of communal divide between Hindus and Sikhs. Economy of Punjab suffered a lot, particularly of agriculturists, being dominantly the Sikhs. Ultimately it led to violent atmosphere, instigated by secret state agencies, leading to army attack on Sikhs and Sikh shrines using the name of national interest, though it was anti national. It was all done for a dirty political game to retain power by the persons who were at the helm of the affairs, the traces of which could not be washed up till now.

The illegal and unjust usurpations of Punjab River waters and Punjab capital Chandigarh in violation of the provisions of the constitution of India might be the solitary instance in Republic of India. In no other state, Government of India has intervened in such matters. Rather the river waters of a state are utilized by that state only on the basis of Riparian law throughout India without any distribution to any other state. In any dispute as to interstate river waters, intervention of Union Government has been made legal and not as to the river waters, not interstate. In constitution of India, river waters are enumerated in state list, in the 7<sup>th</sup> schedule of entry 17 to which only the state and state legislature have been given the exclusive jurisdiction under article 146 of the constitution, while the jurisdiction of Union Government and of Parliament is exclusive for the subjects in Union list, though both parliament and state legislatures have the concurrent jurisdiction in the subjects of the concurrent list. India, being the Union of States, as laid down in Article 1 of the constitution, in the very beginning; the division of powers had to be prescribed between the Union Government and Parliament and states and state legislature. If this division is not followed and is violated, then the relations between states and union government are bound to become strained, endangering the unity and integrity of India.

In the case of Punjab river waters, such a division of powers as provided by the Indian constitution has been openly violated. The Union Government and its Prime Minister distributed the Punjab river waters which are not interstate rivers, to Rajasthan, Haryana, Jammu and Kashmir and Delhi, none of which is a riparian state, as none of the Punjab rivers flows through any territory of these states. In 1955 the distribution was made in the proceedings of the meeting of Deputy secretaries, held at the office of Irrigation Department of Govt. of India, that Punjab river waters may be spared for Rajasthan but the needs of Punjab will be first met, and this arrangement may be reviewed from time to time. The proceeding was even kept secret for sometime. No decision at the level of Punjab council of ministers and of Punjab legislature. No formal agreement as needed under Article 299 of the Indian constitution. It was obviously illegal and unconstitutional distribution of Punjab river waters, to be of no binding effect on Punjab and its people. In 1976 Indira Gandhi, Prime Minister, herself without any authority or jurisdiction made the distribution of Punjab river waters to Rajasthan, Haryana and Delhi obviously in violation of the constitution of India. It was illegal and of no binding effect on Punjab and its people. The

case filed in the Supreme Court against this distribution to be void and unconstitutional and of no binding effect by the Punjab government, was got withdrawn by putting undue pressure on congress chief minister Darbara Singh by Prime Minister Indira Gandhi. In 1981 another illegal distribution was made of Punjab river waters, including in the list the state of Jammu and Kashmir as well. It was got signed by the chief ministers of Punjab, Rajasthan and Haryana. The Punjab chief minister Darbara Singh was threatened to sign or resign. He was not ready to quit the post, so put his signatures under such undue influence and illicit political pressure. Here also, no decision by Punjab council of ministers.

No decision by the Punjab legislature, no formal agreement as envisaged in article 299 of the constitution. Thus it was also void and unconstitutional. There was no consideration. An agreement without consideration and under undue influence is void under the law. Punjab river waters had been given to the states of Bikaner which is now part of Rajasthan, Patiala and other princely states before 1947 in the united Punjab but on payment of revenue and under terms and condition of the Punjab state. But all these distributions of 1955, 1976, and 1981 were free of any cost. The canals to be constructed in Punjab territories to waste the vast tracks of Punjab lands and making the remaining a desert.

In no other state in India any such distribution of waters was ever done by Union Government or the Prime Minister. When Madras was reorganized, the rivers Krishna, Godawari and Mahanadi, which flow in Madras, did not flow in Tamil Nadu, the new organized state. So it was held to become non-riparian and not entitled to those river waters. The same position as of Haryana which became non-riparian at the reorganization but Haryana was held to be the claimant of Punjab river waters. In the case of the dispute of Narbada River between Maharashtra and other riparian states, in the tribunal constituted by Union Govt, Rajasthan gave the application to be made a party but it was rejected that Rajasthan was not riparian state. But the Punjab river waters were given to Rajasthan though it is not a riparian state. Why the exclusive exemption of Punjab to distribute its river waters to non-riparian states, having no legal claim. Moreover Punjab river waters are not even sufficient for Punjab lands which might become deserts and unfit for agriculture, particularly due to the future non-availability of underground waters in Punjab but of no consideration for government of India. In Punjab Reorganisation Act 1956 illegal provisions were added to have control of union Govt. over the Punjab river waters, Punjab dams, headworks and powerhouses (S.78-80) in violation of the constitution, as Punjab river waters, headworks, dams and power houses are in the state list in the exclusive jurisdiction of the state and state legislature, parliament having no jurisdiction to these matters. Any action taken under such unconstitutional provisions would obviously be illegal and of no binding effect. In 1985, in the so called Rajiv Longowal accord (Punjab settlement) provisions were added to deal with Punjab river waters and to appoint a tribunal to adjudicate over these matters for which S.14 was added to interstate river waters dispute Act 1956 and Punjab river water related clauses of the accord were referred to the Evadi Tribunal. All this is on the face of it unconstitutional and illegal. The accord on settlement, whatever it may be called was without any jurisdiction as Harchand Singh Longowal had no legal sanctity to represent Punjab state. Punjab river waters could not be under jurisdiction of Union Govt. and parliament. Inter state river waters dispute act could not be made applicable to the Punjab river waters. Thus every unlawful attempt has been made to usurp illegally Punjab river waters. In 2004 June, Supreme Court on the petition of Haryana State directed the Government of India to get constructed the SYL Canal to take the Punjab rivers waters to Haryana. Government of India in compliance of the direction, authorized the Central PWD to take up this assignment. Punjab legislature in July 2004 passed the act for the termination of the agreement of 1981 and all other agreements as to Punjabi river waters. "Punjab Termination of Agreements Act 2004" knocking down the very basis on which Supreme Court gave the directions. Govt. of India has made the Presidential reference to Supreme Court for advice as to the constitutionality of the Punjab Act and its effect on the provisions of S.78 of Punjab Reorganization Act and of 5.14 of the inter state rivers act and on the directions of Supreme Court. Its final outcome has to be awaited. But ultimately government of India will have to find the solution who created and complicated the issue. Punjab capital Chandigarh was constructed by the Punjab state as the capital of united Punjab. Lahore went to Pakistan after the partition of Punjab in 1947 at the time of Indian independence. Dozens of Punjab villages which were part of Kharar Tehsil in Roper District were acquired by Punjab state to construct this capital. These villages were in the Punjabi speaking zone as Punjab was demarcated in Hindi speaking and Punjabi speaking zones in 1949 itself. At the time of the reorganization of Punjab in 1966, Shah Commission which had been appointed to demarcate again the Punjabi speaking and Hindi speaking areas, for which there was no need, as these areas already stood demarcated, included Kharar Tehsil in Hindi speaking areas which was altogether wrong and it was

already in the Punjabi speaking zone. Government of India did not accept the recommendation of Shah Commission in this regard and included Kharar Tehsil in Punjab to be Punjabi speaking areas. However Chandigarh capital was made as Union Territory, depriving Punjab of its capital.

Punjab State and its people raised hue and cry against the illegal usurpation of their capital Chandigarh. Peaceful agitations and marches were organized by Akali Dal the Sikh political representative party. Twice, Sant Fateh Singh held the fasts unto death and self-immolation on this issue, who was President of Akali Dal but his life was saved on assurances by Govt. of India to hand over Chandigarh to Punjab. However Indira Gandhi, Prime Minister later disclosed the conditions to it that 114 villages of Ahohar and Fazilka, the best cotton zone areas be given to Haryana in lieu thereof. It was not acceptable to Punjab. In 1985 as per Punjab settlement, called Rajiv Longowal Accord, Chandigarh was to be handed over to Punjab by January 26th, 1986 but at the last hour the central government refused to do it. There was no remedy as the accord had no legal sanctity, as Longowal had no authority or position to represent Punjab. The matter is still lingering on, inspired by the fact that twice there had been Akali governments who could not successfully take up this matter with the government of India, while agitated for it when out of power. Punjab is the only exception in the reorganization of states' history whose capital Chandigarh has been turned into a Union territory directly under the control of union government. There was no logic in depriving Punjab of its capital Chandigarh which is a part of Punjabi speaking areas and for which thousands of Punjabis have been deprived of their lands, by acquisition to construct the capital. Haryana state can have no legal right to it as it was to be given only Hindi speaking areas while Chandigarh is in the areas of Punjabi speaking zone. The condition of Indira Gandhi, Prime Minister to Punjab to give its villages of the best cotton area smacks of ill intention.

In fact she had never reconciled to the reorganization of Punjab on linguistic basis but it had to be done due to the political compulsions and so such like hindrances were created. All the illegalities were committed to usurp the rights of Punjab as to its capital Chandigarh, as to its river waters, dams and power houses etc. Punjab the literal meaning, land of five rivers, had five rivers flowing in its territories before it was divided in 1947 into Pakistan and India. Two of its rivers, Jehlum and Chenab, flowing into the territories which now comprise Pakistan, went to Pakistan while three rivers, Ravi, Beas and Satluj, which were flowing into the territories of Punjab which became part of India, remained in Punjab. These river waters of Punjab are the main sources for the irrigation of the Punjab lands and not even sufficient for the Punjab lands. Punjab lands need 55.2 MAF of river waters but the total water of all these three rivers is 32.5 MAF, in accordance with the expert analysis. If any of the Punjab river waters is given to any other state then experts say that bulk of the Punjab lands would become barren and deserts unfit for agriculture. The underground water used for irrigation by tube wells has gone to so lower a level that it is likely to become impossible to pump it out in the near future, besides of its being unfit for agriculture due to its saline and other chemical mixtures at the lower level. The main source of livelihood of people of Punjab is agriculture and the overwhelming majority of landowners are Sikhs. In fact Punjab issues are the Sikh issues. These Punjab problems affect the people of Punjab, residing there and have to be faced and solved by them, for which they have to elect their representatives to be of vision, honesty, integrity and committed to their cause. Their elected leaders in the past were mostly not of such a high standard and beyond their selfish vested interests as they were more interested in the slogan raising before the elections but not faithfully pursuing their election manifestos. However Sikhs living outside Punjab and in the foreign countries certainly do feel interested due to their own past legacy of Punjab and as Sikhs as well, when Sikh rights are violated. Sikhs worldwide feel much concerned if the Sikhs in Punjab drift away from Sikh initiation, Sikh code of conduct and other Sikh values, being home land of the Sikhs. More so if their economy is being ruined and their younger Sikh generation are not getting the proper education needed today and instead becoming drug addicts, prohibited in Sikh religion. After all the Sikh inspiration is to come from there, where Sikh religion was founded and completed, where Sikh Gurus directly blessed the people and where are situated most of the Sikh Gurdwaras and other Sikh institutions. The financial position of the Sikhs living abroad is better than those living in Punjab. They must help the Sikhs there to uplift them in religious and educational spheres. They have all their near relatives living in the villages from where they migrated to other countries and most of them regularly visit their villages and relations. They can easily look after their villages in these matters. They can provide the financial help to set up Sikh Gurdwaras and engage the Sikh preachers, needed today to ensure the teaching of Sikh religion and Sikh history to the Sikhs and particularly the Sikh students and younger Sikh generation. They can themselves supervise it to ensure its proper working and good results. Similarly they can help to set up good schools and employ good teachers living in Sikh way of life to become the

role models for the students. their help and sympathy in this regard will bring the desired results. It is not much difficult to mobilise all the persons living abroad village wise and of neighboring villages for this purpose. Individual help to each village is practical and involve no misappropriation than through any of the so called leaders and outsiders.

Punjab is now in the dangerous zone for Sikhs, if the present trend of Sikh apostacy and derawad in Sikhs, migration though illegal, to other countries and the migration to punjab from some other states as labourers, continues, which would turn the Sikhs in minority in the near future in their own homeland. The ikh youth must be motivated to get the best education, to be devoted to their work of what ever kind and to be committed to their religion and its code of conduct, besides feeling pride to live in their own state.

The Sikhs living in other countries also must live in Sikh way of life ensuring it for their younger generation and give them best education in the schools and colleges and the religious education in Sikh religion, Sikh history and punjabi language in Sunday Gurdawara schools, besides taking active part in the socio-political activities in their countries and establishing their Sikh identity. It is then only that they will be able to easily provide impressive help in their villages in punjab.