

GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI,
DEPARTMENT OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA REJUVENATION
RAJYA SABHA
UNSTARRED QUESTION NO. 78
ANSWERED ON 19.07.2021

CONSTITUTIONAL VALIDITY OF PUNJAB TERMINATION OF AGREEMENT ACT, 2004

78 Shri Harshvardhan Singh Dungarpur

Will the Minister of **Jal Shakti** be pleased to state:

- (a) whether it is a fact that Presidential Reference has been made in the Supreme Court regarding constitutional validity of Punjab Termination of Agreement Act, 2004;
- (b) if so, whether the Supreme Court has listed the matter for hearing;
- (c) if not, whether Government is willing to make a request to the Supreme Court for an early decision on the Presidential Reference;
- (d) if so, the status thereon; and
- (e) if not, the reasons therefor?

ANSWER

THE MINISTER OF STATE FOR JAL SHAKTI AND TRIBAL AFFAIRS

(SHRI BISHWESWAR TUDU)

(a) Yes, Sir.

(b) The Hon'ble Supreme Court of India on 10.11.2016 has already rendered its opinion on Constitutional validity of the Punjab Termination of Agreements Act, 2004, in Presidential Reference 1 of 2004; the extract of which is as under:-

“In our opinion, the Punjab Act cannot be said to be in accordance with the provisions of the Constitution of India and by virtue of the said Act the State of Punjab cannot nullify the judgment and decree referred to hereinabove and terminate the Agreement dated 31st December, 1981.”

(c) to (e) Does not arise.
