



## **Pakistan, India Water Disputes, During 1947-1960 with Special Reference to Kashmir**

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### **ABSTRACT**

Pakistan and India both got independence in 1947 and very first day of independence both of the countries blamed each other on several issues, the main issues became bone of contention between two countries were the water dispute and the issue of Kashmir. Both of the issues are inter linked with each other because almost all rivers which flow in to Pakistan comes from Kashmir, furthermore the State of Kashmir was deliberately given to India by the Boundary Commission in 1947. Kashmir has long frontiers with Pakistan while India has only one seasonal rout of Gurdaspur to Kashmir. Both of the issue though are related to each other so it is very important to look both issues in the light of Economics, politics and history to judge the importance of this issue for both countries.

### **INTRODUCTION:**

Pakistan got independence on 14 August 1947. It was the result of Muslim struggle under the leadership of Jinnah against the British rule. Sir Radcliffe as a Chairman Boundary Commission divided Punjab in to East Punjab and West Punjab; East Punjab went to India while West Punjab was adopted by Pakistan. Radcliffe knowingly or unknowingly gave land route to India for Kashmir from Gurdaspur. The City of Gurdaspur was given to India in spite of Muslim Majority. Gurdaspur was the only land route for India to Kashmir thus the British created a permanent conflict between the two countries. It was only a fair weather link with Kashmir which was closed in snow weather. Moreover Indus, Chenab and Jhelum rivers had their head waters from Kashmir.

The major Rivers of Pakistan were flow from Kashmir and they irrigated the land of West Punjab. Radcliffe not only gave way to Kashmir but also gave the two Head works to

India, one was Madhupur Headwork on River Satlug and the other was Ferozpur Headwork over the River of Ravi. By capturing the Kashmir Valley India gained access to the water of Indus and its tributary Rivers, Chenab, Jhelum, Ravi, Beas and Satlug.

Since that day Kashmir has become the bone of contention between the two countries. The Muslims of Kashmir revolted against the Maharaja Hari Singh's decision of accession with India in 1947 but India launched military in Kashmir on 26 October 1947. India claimed that Maharaja of Kashmir had signed an agreement of accession with India. First April, 1948 was the day when India cut off the irrigation water from the both Head works Madhupur and Ferozpur which caused life threat for the crops of West Punjab. In May 1948, the Mujahedeen's of NWFP with the help of local Muslims captured 35.15% of Kashmir which is now a day called Azad Kashmir. Kashmir is situated in the middle of India, Pakistan, China, and Afghanistan in Himalayan Mountains. At the time of independence Kashmir had area of 222236 square kilometers with population of 4.02 million. After the war of 1948 India got 45.62%, Pakistan got 35.15 % of Kashmir, and remaining 19.23 of Kashmir went to China. The Line of Control (LOC) between the two parts is 778 KM long. (Kinney-2012)

The Punjab province was the show place of British India. Punjab was the land of five rivers the Ravi, Chenab, Jhelum, Satlug and Beas. The British had established a vast irrigation system in Punjab due to these Rivers. Canals and head works were constructed to distribute the River water in the province. Punjab had become the garden in India before partition. The irrigation system of Punjab was one of the best irrigation systems in the world before partition. Most of the Canals were irrigating the area from Lahore to Bahawalpur region were taken off from Madhupur and Ferozpur Headwork's.

The Rivers, Satlug, Beas and Ravi used to come in to Pakistan from India while the Indus, Chenab and Jhelum were from Kashmir. Almost 26 Million acres of Pakistani land was irrigated by the water of these Rivers. When India cut off the water supply of Pakistan in 1948, Pakistan protested on it and a committee was formed to probe the matter. Choudhry Mohammad Ali, Sardar Shoukat Hayat and Mian Mumtaz Doltana went India for negotiations and in May 1948 an agreement was signed between the two countries on 4 May 1948, in which India assured Pakistan of not withdrawing water delivery. This agreement was called Delhi agreement, but soon after the negotiations India once again reduced the water, and demanded money as remedy of water. Pakistan decided to go to the international court for the proper settlement of the water crises between the two countries.

On the other side India referred the Kashmir issue to the UN Assembly where Pakistan and India accepted the UN supervised ceasefire in Kashmir. Both countries agreed on plebiscite under the supervision of UNO which has been not implemented till the date.

The political aspect of Kashmir issue became more serious when India withheld the water supply to Pakistan on 1<sup>st</sup> April, 1948. Almost all main Rivers were come from Kashmir to Pakistan so water issue became the question of life and death for Pakistan. India claimed his right over the all Rivers originating from Kashmir. The valley of Kashmir is foothill of Himalaya Mountains and bounded by snow- covered peaks. It is quite true that heavy summer precipitations and melting snow of the mountains make the only source of fresh water which feed the entire Indus river system in Kashmir. This water has its strategic importance because it irrigates Pakistan. The Indus water system works as life line for Pakistan. An unrestricted flow of Indus is question of survival for Pakistan and for India, maintains the control over Indus is a political tool, so it is said that this equation of conflicts which has born in an incomplete chapter of partition agenda led to the Indus water disputes and the first Kashmir war in 1948 between the two countries in the region.(Khan-1965)

### **River Indus Location**

The Indus is multinational basin; it flows in four countries, China, India, Pakistan and Afghanistan. The origin of the River Indus is Tibet, so China is the upper most riparian of the

Indus River. Kabul River is contributed by Afghanistan which is tributary to the Indus River. The other five tributary Rivers are Chenab, Satluj, Jhelum, Ravi and Beas, these Rivers originates from Indian and Pakistani parts of Kashmir and the Indian Himachal Pardesh. India occupied Jammu and Kashmir contains the head waters of all five Rivers while the major area of Basin is shared by both India and Pakistan. Kashmir valley has high mountains, heavy snow fall in winter and rainy season is bestowed a number of lakes, streams, and rivers which ultimately join Indus river and formulates a gigantic River with heavy flow of water. The melted snow and heavy moon soon provides a permanent natural source of water which gives life to the agrarian system of Pakistan and Indian Punjab. The flourished agricultural economy in both sides is due to the water which comes from Kashmir. (Kasperson-1969)

The Radcliffe award is generally regarded as partial award because the exercised double standards between River Satluj and River Ravi by dividing the districts, which he not adopted in Ferozpur. Gurdaspur had three Muslim Tehsils of Shakargarh, Balata and Gurdaspur. Boundary Commission two of the three Tehsils Batala and Gurdaspur of District Gurdaspur along with Madhupur head works awarded India. Upper Bari Doab Canal was also awarded to India. This canal was serving about two third of total land in the Muslim areas of Lahore. The Boundary Commission gave India strategically vital land communication between Kashmir and India. Same the case was applied in Lahore when Radcliffe handed over the Eastern two third of Kasur to India. (Gulhati-1973)

### **Water as a Weapon**

After the 3<sup>rd</sup> June plan the people of Poonch and Mirpur aroused against the illegal accession of Kashmir to India. Maharaja tried to crush the people of Kashmir with iron hands; resultantly the people lost their lives. On the call of poor and depressed Kashmiris the Pathans of Afridi and Mehsud tribes of NWFP set off for the help of their Kashmiri Muslim brothers. Nehru while attending a dinner in the honour of Siam (Thailand) Governor General was conveyed about the invasion of the Mujahidin on Friday October 24 1947. Nehru told the whole story to Mountbatten who called a meeting of Defense Committee next morning on 25, Oct, 1947. Next day Indian Government took very bold decision about the military intervention in the state. The next step of India was to cut down the water flow to Pakistan on 1<sup>st</sup> April 1948 from Ferozpur and Madhupur. On this action Pakistan assessed that India was planning to take possession of head waters of Rivers which go from Pakistan. At that time Pakistan was already facing the food crises in the country, meanwhile the crop of wheat was demanding water for irrigation and water was also required for the cultivation of next crop. This created a lot of disturbance in Pakistan. India used river water as a military and economic weapon against Pakistan. The division of Radcliffe was enough for Pakistan; in addition the capture of Jammu and Kashmir by Nehru government added fuel to fire. The Kashmir and the waters of Kashmir are life lines for Pakistan but India by capturing the Jammu and Kashmir is to undermine Pakistan. (Khan-1967)

The occupation of India in Kashmir is mainly link to the Hydro strategic nature of the valley. India will never ready to relinquish her control over the Kashmir because she does not lose the control of upper riparian status. We can say that retaining and capturing of the water resources located in the territory of Kashmir by Pakistan and India has very strong linkage with the warfare, strategic planning, and political thinking in the region. The issue of Kashmir is not ideological but is question of control of water resources in the region.

### **Origin of the Dispute**

During the British government in India the Indus Basin system was developed as single administrative integrated unit. Before Partition British government founded a commission under the chairmanship of Sir B.N Rao which decided the riparian rights of the different states and provinces on the basis of universal principles that the upper riparian was not allowed to take any action that can disturb the irrigation system of the Indus basin or to

stop the supply the water to the lower riparian's. But after the partition of India Punjab was divided in two parts, East and West Punjab which created lot of differences between the two countries. The partition line gave the both head works of Madhupur and Ferozpur along with Central Bari doab and Upper Bari doab control to India and irrigated land by these canals to Pakistan. Resultantly the control of Madhupur and Ferozpur Headwork's along with Central Bari doab and Upper Bari doab left to the Indian control. (Crow-1995)

These canals were the main source of transferring water from the Eastern Rivers of Beas, Satluj and Ravi to the other canals in West Pakistan with the help of UBCD and CBCD. The rout of these canals was in India before their entrance in to Pakistan. So the irrigated land area of Pakistan was left on the will of India. She also claimed her sovereign right over the water of these rivers being upper riparian. The tribunal for the water disputes was set up by the British Government on 12 August 1947 and it became functional on 14 August 1947. Pakistan and India did not consult the tribunal for the distribution of River waters because both were already agreed on the distribution of water. On 20 December 1947 both East and west Punjab signed an agreement under which the status quo was to be maintained on the UBCD, CBCD and Dipalpur Canals. The Arbitral Tribunal between Pakistan and India decided all matters till 17 March 1948, before its dissolution on 31, March 1948. Now there was no issue of water distribution between the two countries yet India without any announcement stopped the irrigation water from Madhupur, Ferozpur and UBCD and CBCD on 1<sup>st</sup> April 1948. It was an open aggression against Pakistan. It looks as India was waiting the expiry date of arbitral Tribunal because very first day after the expiry of tribunal, India cut off the water distribution to Pakistan. Sir Patrick Spens the Chairman of Arbitral Tribunal reacted immediately against the water aggression of India and declared it the violation of the agreement between the two countries. (Gulhati-1973)

All the headwork's were though in India so Pakistan realized its helplessness and requested Nehru government for negotiations over the matter of canal water. Pakistan sent two Punjab Ministers Mumtaz Doltana and Shoukat Hayat khan along with Ghulam Mohammad, Federal Finance Minister went to India for talks in May 1948. After negotiations India and Pakistan reached on conclusion and signed an agreement on 4 May 1948 which is known as Delhi Agreement. According to the agreement the water of canal was restored for Pakistan temporarily till the arrangements of alternative resources. This agreement was signed by Nehru the Prime Minister of India along with two East Punjab Ministers and from Pakistan by Ghulam Mohammad Federal Finance Minister along with two West Punjab Ministers. The agreement was on temporary basis and the dispute over the distribution of canal waters remained unsolved so Pakistan decided to consult International court of justice for arbitration. Actually agreement did not contain the expiry date, the date of further negotiations and was not clear about the word canals. The Indian demand of transportation and maintenance charges till the alternate sources created a terrible situation for Pakistan. (Clark-1991)

On 4 June 1948 Pakistan claimed that India is not supplying the water from Eastern canals. On 15 June India agreed to supply of water subject to the payment of maintenance and transportation charges by Pakistan to India according to the Delhi agreement. On October 18 1948 Nehru sent a telegram and inquired about the 4 May agreement interpretation. In April 1949 meetings were held for the proper settlement of water issues in the light of Delhi agreement. Pakistan in a meeting in August 1949 proposed that if the agreement was not feasible then the problem should be referred to the international court of Justice but India refused. The next meeting between the two countries was held in Karachi on 27-29 March 1950 and six members committee was form from the both sides for the management of Indus Basin water. The committee members were Choudhry Mohammad Ali, H.A Majid and peer Mohammad Ibrahim from Pakistan and B.K Gokhlay, A.N Khosla and M.R Shacdev. India

demanded the full control over River Satluj, the distribution of equal water for India and Pakistan on the basis of need from Chenab, Ravi and Beas. India also demanded a construction of a new canal from the Chenab River to meet the short fall of water while Pakistan demanded the existed use of existed sources, the cost of construction should be shared between India and Pakistan and new supplies be met by storage facilities on River Satluj. The next meeting was decided in May 1950. In May India not only deviated from its agreed stance but also demanded the exclusive use of all the Eastern Rivers, Beas Satluj and Ravi and Chenab. Pakistan was trying to cancel the agreement of 1948 but Nehru wrote Liaqat Ali Khan on 12 September 1950 that India had not pressurized Pakistan for sign and there was no question of duress related to agreement. (Michael-1967)

According to the Delhi Agreement Pakistan agreed to pay India seignior age charges, however the amount remained disputed. On Pakistan request the water for summer 1948 crop was extended to the winter crop 1948-49 and then the summer 1949 too. In 1949 when United Kingdom along with sterling block countries devalued their currencies, Pakistan refused to obey, this refusal of devaluation of currency disturbed India and it imposed economic embargo against Pakistan. However Pakistan on 1<sup>st</sup> November 1949 informed India about the deposit of money as per decided in Delhi Agreement. Pakistan deposited money to Nehru government till July 1950 and then stopped due to the disputed portion of amount. The stoppage of disputed money created a deadlock between the two countries when World Bank offered its services as mediator. Although the Kashmir dispute had prime importance for Pakistan yet it became secondary due to the water crises in the region.

### **World Bank Role for settlement**

World Bank was founded in 1940 under the name of International Bank for Reconstruction and Development (IBRD). The bank was looking for some economic ventures which could enhance the reputation of the institution in the world. During the water crises in the region USA also offered its services to resolve the matter. At that time USA was searching allies against Communism so America sent David E. Lilienthal as mediator on the issue of water between the both countries. Lilienthal visited India in 1949 on the invitation of Prime Minister Nehru, later he came Pakistan in 1951. He after the meetings with the officials of both countries and stated that the water dispute between Pakistan and India had to be resolved so that relations between the two countries may get calm and quiet for the solution of Kashmir issue. He further said that the case of Pakistan was strong than India but in that way no one could dissolve the Food problem of the region. Lilienthal suggested that Indus water system should be developed like the seven state Tennessee Valley authority system. (Wisdom-1962)

World Bank gave a plan in 1954, 5 February which was based on general principles that three Eastern Rivers would be reserved completely for India and the three Western Rivers would be reserved exclusively for Pakistan. Nehru accepted the World Bank offer within 45 days while Pakistan hesitated to accept because it wanted alternative arrangement for the replacement of three rivers lost water.

In January 1955 talks between Pakistan and India again started under the umbrella of World Bank. The first agreement was signed after long discussions from 1<sup>st</sup> April 1955 to 30 September 1955; the second agreement was signed after long meeting from 1<sup>st</sup> October 1955 to 31 March 1956. The third round of meetings was held between Pakistan and India on 1<sup>st</sup> April 1956 to 30<sup>th</sup> September 1956. Fourth session of meetings was held during 1<sup>st</sup> April 1959 to 31 March 1960. During these meetings both Pakistan and India gave their proposals for the solution of water crises. The final agreement between Pakistan and India was signed on 19 September 1960 in Karachi between Mohammad Ayub Khan President of Pakistan and Jawaharlal Nehru Prime Minister of India through the friendly assistance of USA, UK,

Australia, Canada, West Germany and New Zealand, and under the supervision and cooperation of the President of World Bank, Mr. Black. (Thauker-1995)

The role of World Bank for the settlement of Indus Water Treaty was highly appreciable. The deadlock between the two countries ultimately deserved for a mediator. The World Bank played its role as facilitator for the promotion of communication between both countries. The provided opportunities to both Pakistan and India to project their own points of view. The World Bank slowly strengthened its control over the mediation process and sometime presented its own points to resolve deadlock. The bank not only controlled the psychological and physical temperature of meeting room but also enhanced the capabilities of both parties to take final decision. The worth mentioning dimension of the World Bank in the context of IWT was its role as financer. Bank also provided its expertise and resources for the settlement of the water issue between Pakistan and India. The Bank served as best formulator, manipulator and communicator during the entire period of mediation. World Bank remained neutral during the talks and it gained trust and respect from both countries. (Chudhary-1968)

During the talks Pakistan and India adopted secret policy. The people of Pakistan and India were generally known the fact that talks was going on between Pakistan and India but they were not fully aware of the formation or any real time of treaty. Bank provided shield of secrecy to the talks and resultantly it remained out of political and social pressure of the political parties and masses. In Pakistan especially and in India generally people demanded to disclose the contents of talks but top leadership in both countries remained tight lipped. Meetings for IWT were held in USA, UK and Italy that shows the privacy concerns of the both countries. The draft of Indus Water Treaty was a task like a mountain. Both parties were interested to secure their future rights. Each side had a wish that treaty should not change its stance and claim over the issue of Kashmir. Both parties tried to write phrases and terms defining obligations and rights to prevent other misinterpreting so we can see the annexes along with the main body of treaty are ten times larger than the treaty itself. (Carso Rachel, 1962)

### **Benefits for India**

- When the canal water issue arose in 1948, India demanded the rights over only one River Satluj, but at the time IWT three Eastern Rivers were given to India. The origin of all these three Rivers was Jammu and Kashmir.
- According to the IWT India was granted full authority to use the water of Three Easter Rivers, Satluj, Beas and Ravi. It was a great success for India because before partition India was utilizing just 1/5 of the two Rivers out of the three.
- The Indus Water Treaty made sure the availability of water to India. Nehru government became autonomous to use the water of Eastern Rivers according to its demands. India increased its hydro power and irrigation system in the country.
- India also increased the capacity of its canals. Nangal, Bhakra, Rajhistan Canal and four new canals were established in India. Sirhind canal and Sidhwan Branch Canal were modified for the better circulation of the Eastern Rivers.
- India utilized every drop of these waters by constructing dam network and link canals on Ravi, Beas and Satluj. India also violated the IWT when it started dams on Jhelum and River Chenab.

### **Benefits and Demerits of IWT for Pakistan**

- The treaty made assurance of unrestricted water supply to Pakistan. It got the rights to use the water of three Western Rivers however the other three Eastern Rivers were given to India. The provision of specified use of Western Rivers by India became permanent headache for Pakistan. The world's best handmade hydraulic system was in Pakistan through this treaty it declined due to the shortage of water.

- Pakistan had to adopt Link Canal system which was a big project that completed with the help of World Bank. By the diversion of water from its natural course Pakistan faced the gigantic problem of salinity and water logging.
- Pakistan was deprived three rivers forever of Eastern side. it was a great loss for Pakistan, and due to the shortage of water Pakistan faced many problems.
- Giving specified rights for the usage of water of Western Rivers for India according to the treaty Pakistan also faced perpetual problem generating mechanism.
- According to the IWT Article no three and annexure C,D ,India got some specified right to use the water of Western rivers, but these provisions were related to Jammu which was irrigated by Pratap inundation and Ranbia Canals off taking from the River Chenab above Marala and Jhelum River above Srinagar. This Article even allowed India to build Barrages for the storage of water over three Western Rivers but not dams. (Samil-1987)

These “Specified rights” of using Western Rivers to India are not less, in any way , then any international covenant provides to any upper riparian in addition to the three Eastern Rivers whose unfettered use was awarded to under IWT after the transition period”

### **Kashmir Alienation**

It is very interesting that Pakistan and India both countries did not consult Kashmiri people or leadership on the issue of signing of IWT in 1960. The whole process of meetings and decisions were kept secret from the Kashmiri people as well as the citizens of both countries therefore the effigies of Ayub khan and Nehru were put on fire in their respective countries after the treaty. The leadership in Pakistan demanded Ayub khan for the capture Kashmir by force rather to dissolution of Kashmir issue. Indus water Treaty created a lull in public pressure in Pakistan. MR. Shamshad Ahmed in 1962-63 talks hoped that Kashmir Problem will be dissolved in the same pattern of IWT. However the talks between Bhutto and Swaran Singh in 1962-63 can be considered a serious political effort for the solution of Kashmir dispute. Both sides agreed on the honorable solution of the Kashmir dispute. Chenab River formula between Bhutto and Swaran Singh was accepted in 1962-63, and it was acknowledged by the both countries that the Chenab River bank will be the boundary of Kashmir. Ayub Khan slightly hesitated because whole of Kashmir was the demand of Pakistanis. The dispute was going to solve when in May 1964 Nehru died and the hope of the settlement of Kashmir issue on the basis of Chenab boundary was sent to basket. (Khan-1963)

### **Economic and Environmental Burden on Pakistan**

According to that Indus Water Treaty Pakistan Built huge dams and canals for the transfer of water from Western Rivers to Eastern Rivers. These diversions needed huge amount for maintenance. Although World Bank gave financial assistance to Pakistan yet it was difficult for Pakistan to meet the expenditures. The Agricultural sector of Pakistan, the “Back Bone” of the country suffered a lot due to the shortage of water in Eastern Rivers. Total 51 million acres out of about 80% of land was dependent on canals irrigation and this portion produced the 90% of the total agricultural income for Pakistan. (Ahmed-1992)

Internally the distribution of water among the provinces was another problem for Pakistani government because every province was demanding the required water quantity for their irrigations but the resources were limited with the federal government due to the IWT. Govt. of Pakistan then established Water Distribution Committee to decide the water issues among the provinces. Committee tried to remain impartial yet provinces were not satisfied. Tarbela dam became inter provincial contention, though it was built for water storage and for the need of provinces. (Berger-1959)

Salinity was another problem for Pakistan, Water logging were the huge environmental hurdles which Pakistan faced. The construction of canals for transferring water from Western to Eastern Rivers according to the Indus Water Treaty, increased salinity level in the country. The diversion of the water of rivers from Western to Eastern side from its

normal flow became an uphill task and created problems for the economy of Pakistan. Due to the saline drainage effluent and the absence of sub-surface tile drainage of land at the root – zone level of crops due to salinity effected almost 60% of the Indus Basin land and about 7 to 10% of the land became disaster zone. About 70% of the drainage effluent pumped was saline –sodic and saline. Because of this the crops yield per acre in Indus Basin is one of the lowest in the world. Pakistan in early sixties in order to tackle the salinity and water logging, executed two projects NDP (National Drainage Programme) and SCARP (Salinity Control and Recommendation Project) with the cost of 500 billion for NDP and 250 Billion for SCARP but both pregame failed badly. (Tanji-1990)

### **Conclusion**

The main objective of the Indus Water Treaty was to facilitate the both states but at the long run treaty brought more complications between the two countries. Moreover the lower riparian Pakistan had even not the control of Western Rivers. The cost of the maintenance and diversion of canals along with ecological unsustainability in the politics of Pakistan loosed in terms of alienation of Kashmir and Kashmiris. The stance of India over the issue of Indus Rivers had labeled the Kashmir issue just a political. This treaty gave enough time to both countries for the solution of Kashmir issue. But unfortunately the Kashmir issue could not be solved as predicted by the mediators. (Warsi-1991)

The Kashmir issue ever presented as political, human rights and ideological tool from both countries. Hardly a few references is made to Kashmir issue as territorial and economic issue based on realities. Both countries kept Kashmir away from the water issue. Now a day if we analyze the situation we can say that in case of Indian control over Azad Kashmir would bring Mangla Dam in to the control of India and would help India to control the whole water of Pakistan, on the other side if Pakistan gets Jammu Kashmir would bring Salal Dam and Munawar and Tavy in to Pakistan's control. (Cheema-1990)

It is understandable that the water if Indus are the key of cooperation between Pakistan and India .The joint management of Kashmir have opened a new window of dialogues between the two countries. However the possibility depends on Indian attitude towards Pakistan by giving right of water and plebiscite in Kashmir

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