CHAPTER-5

INDO-PAK CANAL WATER DISPUTE
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The dispute regarding the distribution of the waters of the Punjab between India and Pakistan added one more item to the already long list of discord. The dispute is over now after the Indus water Treaty of 1960. It is, however, necessary to describe the configuration of the rivers of the Punjab in order to get into the heart of the dispute.

THE RIVER MAP OF THE PUNJAB

The north-western part of the Indian subcontinent comprises according to the actual political division, Kashmir, Punjab, Himachal Pradesh and Rajasthan in India and Punjab, the north-western Frontier Province,高度重视, Khaipur, Sindi and Baluchistan in Pakistan. It is naturally dry region in which annual rainfall varies from about 30 inches in the sub-mountain tracts to about 5 inches in the Rajasthan and Sindi deserts.1 Though the greater part of this region consists of excellent soil, successful cultivation in this area is not possible without the aid of artificial irrigation. For this, there exists an abundant source in the snowfed rivers of the Indus system which flow through this area.

The Indus system consists of the main river Indus, five tributaries from the East—The Jhelum, the Chenab, the Ravi, the Sutlej and the Beas and a number of other

1. Dr F.J. Barber, 'Indian Year Book of International Affairs' 1957, Vol. 1, Page-46
tributaries from the west. The Inius rises in Tibet and, after flowing through Kashmir, enters Pakistan tribal territory. The valley of the river in its upper part is separated from the rest of Kashmir by very high mountains. The river Jhelum rises in Kashmir and enters Pakistan long before it emerges from the hills. The waters of these two rivers, which between them carry about two thirds of the total flow of the entire Inius system, thus enter Pakistan before any large extraction is possible from them.

The river Chenab rises in the Punjab (India) and flowing through Himachal Pradesh and Jammu Province of Kashmir, enters Pakistan soon after it emerges from the Himalayas. The Chenab in its upper reaches flows for some fifty miles through Indian territory. Apart from the two minor canals in Jammu, all the water of this river flowed at that time into Pakistan. The three Eastern rivers, Beas, Ravi, and Sutlej, rise and flow in India but later on join the giant Inius in Pakistan, lending themselves to controversy. The Ravi flows 100 miles along the Kashmir - India frontier. For 150 miles it then forms the boundary of India and Pakistan. The Beas joins the Sutlej on Indian soil while the Sutlej itself, rising in Tibet, divides itself between India and Pakistan, there is no major canal on the Beas, but on the Ravi and the Sutlej there are some canals both in India and Pakistan. Thus the three Eastern rivers which lend themselves to India's use, have their upper courses in India but eventually join the Inius in Pakistan.
Fundamentally the crux has arisen because an area which had been planned by irrigation engineers without regard to political delimitations became divided along political, not economic, lines following the partition of Indian sub-continent. 12

Developed by the British engineers in the 1860's and 1870's, the Punjab canal irrigation system took shape as a single unit—its main arteries rival even the Suez Canal in both breadth and length. 3 Some of the earlier canals were constructed in the Eastern side of the Punjab in order to promote agriculture, but during the sixty years preceding partition, the trend was in the direction of developing crown waste lands by feeding them with irrigation canals so as to enable the government not only to receive water dues but also money from the proceeds of the sale of the crown waste lands. 4 Most of these lands lay in what now constitutes the territory of Pakistan, and so the result of this great engineering work became unevenly distributed as a consequence of partition.

As a result of the partition of the Punjab into East and West Punjab, 18 million acres were irrigated in Pakistan as against 5 million acres in India, although out

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3. Round Table—Dividing the waters, London, June 1955, Page 240
of a total cultivable area of about 85 million acres, dependent for irrigation solely on the Indus system, 40 million acres lie in India and 45 million acres in Pakistan. Again out of the 168 million acre feet which represent the annual virgin flow from the Himalayas into the rivers of the Indus system at the points where they enter the plains, only 9 million acre feet or about 5 percent were utilised in India, against 66 million acre feet or 40 percent in Pakistan. As many as 73 million acre feet run waste to the sea and about 20 million acre feet are absorbed in the long length of rivers in Pakistan. As a result of partition again, out of 31 weir controlled canals in the Indus basin, only 4 complete and 1 in part are in India, the rest being in Pakistan. In terms of actual supplies withdrawn, India's percentage is 14 as against Pakistan's 86. Of the inundation canals, India received 3.5 percent and Pakistan 96.5 percent.

As a practical consequence of the political division, the following results emerged:

(1) The area irrigated by the Upper Bari Doab Canal was cut in two, the upper part fell with in India and the lower part in Pakistan. Consequently, West Pakistan was left with an area dependent on the tail branches of the Upper Bari Doab canal which takes off from the Ravi in East Punjab.

(2) The Ferozepore weir (head works) lies in East Punjab, India, but one of the three canals taking off above it, the Dipalpur Canal, irrigates Pakistan exclusively, so that India controlled both Indian and Pakistani canals which are fed by these head works.

(3) The Suleimanka weir lies within the Montgomery District of Pakistan, but some important Eastern training works were located in Ferozepore District of India. These training works i.e. marginal embankments, which keep flood water from the sites of the weir, often extend many miles upstream and they are vital for the control of the river. Nevertheless, they do not constitute part of the headworks and so when the Boundary Commission awarded to West Punjab 'so much of the territory concerned as covers the headworks.' The training works immediately became a subject of dispute, dependent for its solution on the interpretation of the word 'headworks.'

Partition thus gave India a comparatively underdeveloped area, combined with complete control over the upper waters of three of the six rivers, upon which most of the canals in both countries depend. While drawing the boundaries of the divided Punjab Lord Radcliffe had observed that where the

boundary line disrupted such unitary services as irrigation, railways and communications, a remedy could be found, by agreement, in joint control of those common services. He noted: "I am entitled to assume with confidence that any agreement (existing at the time of partition) as to the sharing of water from these canals, or otherwise, will be respected by whatever government hereafter assumes jurisdiction over the Headworks concerned." 9

THE HISTORY OF THE DISPUTE

Unfortunately, however, differences arose soon in respect to the canals and the matter was raised in the 'Punjab Partition Committee on the Division of Physical Assets of the Punjab.' The Committee opined thus:

'The Committee is agreed that there is no question of varying the authorised shares of water to which the two zones and the various canals are entitled.' 10 But when this committee's report came up before the main Punjab Partition Committee it was not agreed to and the Punjab Partition Committee concluded that 'in regard to canals there was a difference of opinion over fundamental issues and it was


10. Ministry of External Affairs, Government of India, 1950- 'Correspondence which has taken place between the Prime Ministers of India and Pakistan on the subject of No War Declaration', Part-II, Page-6.
decided to refer the matter to the Central Arbitral Committee after both sides had prepared their cases.\footnote{Correspondence between the Prime Ministers of India and Pakistan on No War Declaration, Op. Cit., Page-6.} Although the matter of water rights or headworks was never referred to the Arbitral Tribunal, its Chairman, Sir Patrick Spens K.B.E., O.C. M.P., made a few observations regarding the dispute in an altogether different context, which are reproduced below verbatim for their importance.

Sir Cyril Radcliffe, as he then was, made the boundary awards in July 1947 and no doubt he had to consider in some part the question of waters. But when the Arbitral Tribunal was set up, over which I presided, one of the main claims that came from India was the claim to be compensated by West Punjab for the great area of the canal colonies which West Pakistan was going to get, and which had been paid for out of the resources of the old unidivided Punjab and the Central Government. We had a long and rather bitter reference in regard to that rather more bitter than most, because the canal colonies which passed to Pakistan had very largely been inhabited by the Sikhs who had then come into India and they were determined that their claim should be pressed for all its worth. Now, in the course of that reference, which went for several days, the question of the waters themselves arose. There was no reference whatever to us about the water rights or the
headworks or anything else. The partition council had retained that in their own hands and when my colleagues came, as they had to, to decide that Pakistan must make a substantial monetary contribution to India with regard to the great acreage of canal colonies that it was going to get. I remember very well suggesting whether it was not desirable that some order should be made about the continual flow of waters. Neither the Attorney General of India nor the Attorney General of Pakistan would hear of us saying one single word about the flow of water but we were invited by both the Attorney Generals to come to our decision on the basis that there would be no interference whatsoever with the then existing flow of water and the orders which my colleagues made, in which I had no part, they made on that basis. Our orders were published at the end of March 1948. 12

Earlier a Stani still Agreement was signed by the Chief Engineers of the East and West Punjab in December 1947 for the continued supply of water, against payment, to Pakistan canals, from headworks in India. The agreement expired on March 31, 1948.

WITHDRAWAL OF SUPPLY BY

INDIA

On 1st April 1948, the East Punjab Government which controls the headworks at Mihopur on the Ravi and at Ferozepore on the Sutlej cut off the supply of water from canals in Pakistan which were fed by those headworks. The supply of canal water had to be stopped on April 1, 1948, on account of Pakistan's failure to renew the agreement. For over four weeks water ceased to flow down the canals of Pakistan, creating understandable panic among the Pakistani peasants. In the middle of April 1948, the Chief Engineers of the two Punjabs met with the authority of their respective governments and concluded an agreement which provided for the continued supply of waters to Pakistani canals for a limited period and recognised the claim of the Government of India that it possessed the Upper Bari Doab Canal system and Ferozepore headworks as a result of the Radcliffe Award and the instruments of Partition. The agreement was not ratified by the Government of Pakistan.

THE AGREEMENT OF 4TH MAY 1948

In May, 1948, an Inter-Dominion Conference was held in Delhi, which resulted in an agreement under which Pakistan recognised the need of the East Punjab Government to develop

irrigation in her famine areas, and agreed to a progressive diminution of the supply of water to canals in West Punjab. It was mentioned in the Agreement:

(1) "The East and West Punjab Governments are anxious that this question should be settled in a spirit of good will and friendship. Without prejudice to its legal rights in the matter, the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government, on its part, recognizes the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were underdeveloped in relation to parts of West Punjab."

(2) "Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources."

(3) "The West Punjab Government has agreed to deposit immediately in the Reserve Bank such ad hoc sum as may be specified by the Prime Minister of India. Out of this sum, the Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute."

(4) "After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical
survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meeting between their representatives should take place."

(5) "The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached."

Simultaneously with this agreement, the water supply was restored to canals in Pakistan, but in August 1950, Pakistan took a different stand and in a communication to the government of India sent on August 23, 1950, stated that the Agreement of 4th May, 1948, was accepted by Pakistan under duress. In a subsequent letter to Nehru sent on October 18, Liaquat repeated the statement and alleged, in addition, that supplies of water to Pakistan were not restored until after Pakistan's signatures were affixed to the agreement on May 4, 1948.

In regard to the "agreement under duress" theory, it has to be mentioned that the decision of the Government of India to resume the water supply from the Upper Bari Doab and Dipalpur Canals to Pakistan was communicated to her on 29th April 1948. On 1st May, 1948, Liaquat acknowledged the message and thanked Nehru, the renewal of supply took place on 3rd May and the agreement was signed on the 4th May. The agreement

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itself states: "The East Punjab Government has revived the flow of water into the canals." 17 In December 1950, Pakistan repudiated the agreement unilaterally.

CHANGE IN ATTITUDE OF PAKISTAN

In July, 1948, another Inter Dominion Conference was held at Lahore. There, in response to the statement of the West Punjab representatives that a certain period of time would be required to tap alternative sources of supply, Indian representatives allowed Pakistan seven years time to accomplish the task. The matter rested there, but in June 1949, Pakistan took a legalistic stand claiming the waters of the Eastern rivers flowing to Pakistan as a downstream riparian and suggested that India should refer the matter to the International Court of Justice. Pakistan proposed, if India refused, to lay the dispute before the Security Council. 18 This sudden change of attitude of Pakistan caught India in a dilemma. Large tracts of land in East Punjab were awaiting adequate facilities for irrigation, but at the same time, any abrupt diversion of waters from Pakistan's canals was ruled out as undesirable. With much force, India pressed for a joint survey of the water resources of the Indus basin in the Inter-Dominion Conference.

held in August 1949, as it was here firm conviction that Pakistan had enough waters in her own rivers to fill her canals which at that time received their supply from Indian sources. Such a survey would enable both the Governments to work out a formula for equitable distribution of waters between the two countries. This stance of the Government of India was later independently confirmed by Mr. David E. Lilienthal, Head of the Tennessee Valley Authority and later Chairman of the U.S. Atomic Energy Commission. After making an 'on the spot' study of the problem, he commented:

"Less than 20 percent of the water of the Indus Basin is now put to use for irrigation, most of the waters of the six life-giving rivers of the Indus Basin flow to the Arabian Sea unused. If this wasted water or even a large fraction of it, is put to use, both India's needs and Pakistan's needs could be more than met."19

Largely at India's instance, therefore, a preliminary negotiating committee consisting of the representatives of the two countries was appointed to negotiate the terms of reference for a Joint Technical Commission. The negotiators held a series of meetings at Karachi from March 27 to March 29 and in the light of these discussions further studies were made at a two day conference in Delhi in the middle of May 1950, which was resumed again a few days later. At the conclusion of this task it seemed that Pakistani engineers

were sufficiently persuaded to agree to a joint technical survey. But the then Prime Minister of Pakistan, Mr. Liaquat Ali Khan, struck a discordant note in his letter to Nehru dated August 23, 1950, in which he stated:

"The discussion of this suggestion at the meeting of the negotiators made it quite clear, however, that no amount of further factual research would lead to agreement by negotiation. The factual data already collected, has made it clear that Pakistan could not agree to diminution of its share of supplies from the rivers of Sutlej with its tributaries - Beas, Ravi and Chenab." 20

Instead of allowing the engineers to undertake the joint survey, Pakistan's Prime Minister returned to the theme of devastation that would be caused to some of the richest areas in Pakistan and pressed for adjudication, challenging the right of India to divert waters from Pakistani canals. Over and again Pakistan's statesmen pressed their demand on the waters of the three Eastern rivers, basing their claim on international law. As late as 1954, Sir Zafarullah stated in a press interview, 'Pakistan claims that it is entitled on the basis of International Law and usage and also on the basis of partition itself, to continue to receive the pre-partition quantity of water that it used to receive from these rivers.' 21

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LEGAL ISSUE ANALYSED

Pakistan's repeated emphasis on her legal rights to the waters needs some clarification. Speaking in terms of International Law in general, it seems that the issue is not very clear. There are at least three principles by which the right to divert waters from rivers into irrigation canals are governed. There is, for example, the law of riparian rights which confers proprietary rights on the owner of the land contiguous to a stream. There is, again, the doctrine of prior appropriation which confers priority right on the first user of water irrespective of the distance of the land from the stream. And finally there is the principle of equitable distribution which regards a river as an indivisible unit to be utilised for the common benefit of all concerned irrespective of political boundary.

On the border issue, i.e., the right of the riparian upstream to divert waters at the expense of the riparian downstream authorities are not unanimous. Prof. Oppenheim maintains, "A state, inspite of its territorial supremacy, is not allowed to alter the natural conditions of its own territory to the disadvantage of the natural conditions of the territory of a neighbouring state—for instance to stop or divert the flow of a river which runs from its own into neighbouring territory". 22

This view is not shared by another eminent authority Prof. Schwarzenberger. On the contrary, he says, 'It is controversial whether International Customary Law or general principles of law recognised by civil nations impose any restraint on states regarding rivers which traverse the territories of several states.'

It seems therefore that the case of Pakistan, although very strong in terms of International Law, was not absolutely free of controversy. A uniform application of the traditional rule of International Law, as developed in Europe on riparian rights, in the India-Pakistan Canal Waters dispute, might bring in the paradoxical situation in which the riparian downstream would be entitled to diversion, whereas the riparian upstream would be denied the same privilege.

In fact, the entire controversy over the canal waters was powerfully affected by the Indian apprehension, not without justification, that Pakistan's oft repeated demand for a recourse to International Law had as its aim the eventual suspension of India's irrigation schemes on waters over which Pakistan staked its claim without making any effort to meet the requirements of her water-hungry peasants. International Law, for that matter, could not solve a problem which was basically human. Mr. David B. Lilienthal observed, 'Pakistan's

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position—that she has the legal right to the uninterrupted flow of water, a right to a share of water stored by India's dams upstream— is quite inadequate for this great issue... For India's food problem would still be on her back. Such a legal decision would not prevent the waste of most of the precious waters of the Indus...24

The Nehru-Liaquat correspondence, therefore, proved abortive. The controversy centred around the proposal of Liaquat to refer the matter to the International Court of Justice. Nehru at first insisted on a joint technical survey of water resources, then agreed to refer the matter to a tribunal of Indian and Pakistani judges to be assisted by a joint technical team. Nothing came from this suggestion. In the meantime, India intimated to Pakistan that India's development schemes could not be indefinitely postponed and that work on the Sutlej river would proceed apace to bring water to the thirsty lands of the East Punjab.25

BHAKRA NANGAL PROJECT

The idea of the Bhakra Nangal Project on the river Sutlej dates back to 1920 when a project report was first

prepared by the British Government. No progress could be made for quite a long time, actual work started on the Mangal Dam seven miles below Bhakra in 1945 (two years before Partition), the greater project at Bhakra having to wait until partition. But the estimates were drawn up before partition and East Punjab Government took up the plan in earnest in 1947 after the partition. When the project was to be completed in 1959-60, it was to irrigate 36 lakhs of acres in the Punjab and Rajasthan and was to generate 365,000 Kw of water at 100 percent load factor (exclusive of the power to be generated by the power house on the right bank of the dam, which was ultimately to have 5 generating sets of 90,000 Kw each to be installed according to load growth and was also to supply power to Rajasthan, Punjab, Delhi and Himachal Pradesh.)26 In addition, a tract of country north of Hissar in the Farahzapore district and Pepsi, hitherto inadequately served by the Sirhindi canal system, is to receive reinforcements of water which will greatly improve the quality and quantity of the existing crop yield.27

India's impatience with the delay occasioned by the protracted nature of the canal negotiations, is therefore understandable, but at the same time it is to be noted that Pakistan's fear of the reduced flow that was to follow, increased withdrawal from the Eastern rivers generally, and from the

27. Round Table, No.179, June 1955, page-246.
Sutlej in particular, was genuine. With the progress of the Shakra project therefore, tension mounted sharply, occasionally aggravated by the failure of the monsoon and the consequent reduction in the flow of water supplies to Pakistan's canals.

In the spring of 1951, Mr. David S. Lilienthal paid a visit to India and Pakistan as he became interested in the canal problems of the Punjabs. On his return to America, after a thorough examination of the water problem of the Punjab, he published his solution in an article in Collier's Magazine, which profoundly affected the subsequent history of the canal dispute. He strongly recommended that the whole Indus system should be designed, built and operated as a single unit along the lines of the Tennessee Valley Authority of the U.S.A. It was his opinion that jointly financed, an Indus Engineering Corporation assisted by India, Pakistan and the World Bank, could readily work out an operating scheme for storing, diverting and distributing water. Once designed, the scheme could be operated by a joint Indio-Pakistan agency or by a supranational agency such as the one envisaged in the Schuman Plan for Europe. Such a plan could certainly be financed, for this now worthless unirrigated land could, with water, become immensely productive and valuable, the increased

value of the land, now owned by the respective governments would be enough to base financing. 29

The immediate and practical effect of the article was the interest which the International Bank for Reconstruction and Development began to show in the Inius Canal Waters problem. Mr. Eugene Black, President of the World Bank, wrote to Nehru on November 12, 1952, suggesting that a working party of engineers should tackle the matter as a common problem to be solved cooperatively, 'not in a political climate, without relation to past negotiations and claims and independently of political issues.' The World Bank took up the suggestion of Mr. Lilienthal that Pakistan's use of water should be confirmed by India provided she worked together with India in a joint use of the international rivers.

AGREEMENT OF MARCH 13, 1952

Both sides accepted the offer of mediation as well as the terms of the aforesaid agreement, and so the President, Mr. Black, was able to confirm in identical letters to the two Prime Ministers the agreement that 'so long as the cooperative work continues with the participation of the Bank, neither side will take any action to diminish the supplies available to the other side for existing uses. 31' before agreeing


30. Ibid.

to this effort by the Bank, India made it clear that the
works on the Shakra Canals which had been started before
the partition of the country and on which the economy and
future of some of her famine areas depended should not be
interrupted. She also understood that the working party
should conclude its work in about six months.

THE WORLD BANK MEDIATION

The working party consisting of one engineer each
from India and Pakistan together with an engineer representa-
tive from the Bank, assisted by their advisers, met in
Washington during May-June 1952 with a view to drawing up a
comprehensive plan on the basis of the Lilienthal proposal
and agreed upon the outline of a programme for collection,
exchange and verification of data. A second conference took
place in December 1952 in Karachi and a third one in Delhi
in January 1953.

Meanwhile, Pakistan lodged a detailed complaint
with the United Nations charging India with deliberate
diversion of vital waters from the source streams of the
Indus river. Strangely enough, however, no official protest
to India was made, and so when in September 1954, Mr. Mohammad
Ali in his correspondence with Nehru referred to the alleged
diversion, the Indian Government not only denied the allega-
tion but brought to the notice of the Pakistan Government the
fact that Pakistan did not, at that time make any official
representation to India.
In September 1953, the working party of engineers conferred in Washington, this time to draw up the said comprehensive plan on the basis of the Lilienthal proposal. But it soon became clear that neither government was agreeable to a plan for the development of the Inluis Basin by a joint board on the lines of the T.V.A. The Bank then enquired whether they could agree on a joint plan and on agreement being reached, whether they were prepared to workout the respective allotted tasks of the said plan. This again fell through as each was suspicious of the other's bonafides in any joint work.

**WORLD BANK AWARDS OF FEBRUARY 5, 1954**

In a final attempt to solve the problem, the Bank proposed on February 5, 1954, that the settlement of the issue should be worked out on the following lines:

(1) The entire flow of the Western rivers, Inluis, Jhelum, and Chenab, would be available for the exclusive use of Pakistan, except for a small volume of flow for Kashmir. The Bank thus gave to Pakistan nearly 93 million acre feet for its 39.3 million acres. The allocation to Pakistan not only took care of existing uses (64 million acre feet) but gave in addition another 29 million acre feet for further development.

(2) The entire flow of the Eastern rivers, Ravi, Beas and Sutlej would be available for the exclusive use of Inluis, except that for a specified period, transitional in nature, Inluis would supply to Pakistan withdrawals
from these rivers. This transitional period roughly estimated at five years, would be worked out on the basis of time required to complete the link canals needed in Pakistan to replace these supplies. The Bank's plan gave to India 27 million acre feet for 25.6 million acres, thus ensuring for Pakistan a standard of development twice as high as the corresponding parts of India.

Each country would construct works located on its territories, but the cost of Pakistan's link canals needed to replace supplies from India would be met by India 'to the extent of benefit derived therefrom. This was estimated to amount to between 400 and 600 million rupees. 32

This Solomonlike judgement of the Bank was the end product of the failure of Indian and Pakistani engineers to come to an agreed comprehensive plan. Both sides presented their plans for the consideration of the Bank, but the margin of difference remained wide. The Indian plan claimed usable supplies from all Eastern rivers and seven percent of the Western rivers. Pakistan demanded seventy percent of the Eastern rivers and all

Western rivers. In quantitative terms, India claimed 29 million acres for its own use and allocated 90 million to Pakistan, Pakistan claimed 102.5 million for her use while allocating 15.5 million acres to India.

The plans, therefore fell through and the compromise plan of the World Bank emerged. The most hopeful feature of the plan was its recognition that, in the context of the existing relations between the two countries, each should be allowed to tap sources which are least susceptible to the other's interference. It gave to India the rivers she needed most. In fact, India has emphasized repeatedly that, whereas Pakistan could tap alternative sources to replenish the diminished supply from the Sutlej (in case of India's possible diversion) India depended solely on the Eastern rivers for the development of the desert and thirsty areas of East Punjab and adjoining areas.

Pakistan received the Indus and Jhelum which carry between them two thirds of the waters of the Indus Basin. And although both these rivers pass through Kashmir, it is not possible to divert water from them for India's benefit. Had Kashmir been a desert area, such as the Sudan, awaiting irrigation to turn its deserts into great fields of crops, Pakistan's apprehension might have been justified. However,

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33. 'The Canal Water Dispute' Eastern Economist, Delhi,
December 17, 1954.
there seemed to be a widespread feeling that India's control of Kashmir might result in the eventual drying up of Pakistan's green fields in the Punjab.

KASHMIR AND THE CANAL WATERS DISPUTE

Pakistan's Ministry of Foreign Affairs and Commonwealth Relations said, in a communique issued on August 17, 1951, 'Indian control over Kashmir would give India a complete stranglehold over the economy of West Punjab'. Although partially true, this was a misleading statement, giving a distorted picture of the true situation. Of the six life-giving rivers of Pakistan and India, the Indus, as has been mentioned, rises in Tibet, flows along Kashmir in high mountains, and then enters Pakistani tribal territory. However, although it passes through Kashmir, 'fortunately for Pakistan, it is difficult to envisage any large scale irrigation project in or diversion of Indus water from the Upper Valley in Kashmir or Tibet that might threaten supplies for canals in the Punjab or Sini.'

The river Jhelum has its source in the Kashmir hills East of Srinagar and as such, Indian interference might damage Pakistan's supply of water. But such a move would be fruitless, for 'it is no good storing the water unless you can remove the

water to Indian soil, and I do not think India can do that or wish to do that. In the absence of this possibility, water would inevitably flow down to Pakistan. Again, the headworks of the Jhelum Canal systems are at Mangla, in Azai Kashmir, occupied by Pakistan. Had India even possessed the Mangla headworks, she would not have succeeded in carrying the water to Indian soil. It would again have been a profitless acquisition. Therefore, the Pakistani accusation was illustrative of the height of self-deception which had been introduced into the dispute.

The case of the river Chenab is different. The world bank award presupposed that India would not interfere with the flow of this river which had been reserved for Pakistan. Political control of Kashmir by India affected the Western rivers only to some extent because control of Kashmir by Pakistan might have facilitated her work in making necessary engineering arrangements, which she could not undertake in the existing conditions. To sum up, the charge that Pakistan could be starved of her waters by India through her possession of Kashmir was untenable, although the psychological impact of Kashmir's status and that of the rivers which flow through Kashmir was quite considerable on the Pakistanis and that should not be minimised.

INDIA'S ACCEPTANCE OF THE PLAN

India accepted the World Bank's proposal of February 5, 1954 on March 25, 1954. In doing so her representatives stressed the urgency of an ad-hoc agreement about those works, the operation of which could not be delayed. One such work on the Indian side was the Bhakra Canals on the river Sutlej. On the Pakistani side, there was the Balloki Suleimanki link canal connecting the Ravi with the Sutlej—a canal joining the two irrigation systems, and dug to maintain the flow of water to those canal colonies of West Pakistan which would have suffered from any decline in the flow of the river Sutlej. India complained that Pakistan opened the Balloki-Suleimanki link on April 2, 1954, without waiting for any such ad-hoc agreement. As Bhakra was nearing completion and as there was no agreement until then, India informed Pakistan and the World Bank formally on 10th May 1954, that she intended to open the Bhakra canals in June 1954. On 18th May, 1954, Prime Minister Nehru announced in the Upper House of the Parliament, that India was going to use some water from the Sutlej river in June, 'more for trial than for other purposes,' and expressed his confidence that the Balloki-Suleimanki link which Pakistan had already constructed, would be an adequate substitute for the small amount of water to be withdrawn by India.38

37. Dr. P.J. Barber 'The Indus Water Dispute' Indian Year Book of International Affairs 1957, Vol.I, Page-60
On being informed by the World Bank of India's decision to use Sutlej waters, and largely at the instance of the Bank, Pakistan sent a delegation to Washington. Talks regarding ad hoc arrangements were initiated in the beginning of June. Pakistan complained that on 11th June, 1954, she made a concrete offer to make specified supplies available to the Bhakra canal by operating for this purpose certain works in Pakistan which had been meant exclusively to meet natural shortages in the Sutlej Valley canals. India denied the accuracy and the substance of this statement. She maintained that the proposal which Pakistan made on 10th June, 1954, was so obviously unsatisfactory that it was not followed up by Pakistani representatives themselves. They later stated that Pakistan would not be able to make definite proposals in this connection earlier than the 10th August 1954. The Bhakra Canal, therefore, was opened on July 8, 1954, by Prime Minister Nehru. India maintained that it was not correct to state that the Bhakra canals were opened when the Pakistan delegation in Washington was ready to negotiate an ad-hoc agreement. 39

Pakistan's Hesitation

Although India accepted the Bank plan on March 25, 1954, Pakistan showed a great deal of hesitation. Before replying, she asked the opinion of an independent American firm of hydraulic engineers. Pakistan wanted to know whether

the plan was feasible. The consultants reported adversely on the subject. In their reply to the Bank on May 14, 1954, Pakistan asked for a re-examination of the Bank proposal by a working party of India, Pakistan, and the Bank, in order to determine exactly how much water Pakistan could expect to get. She hoped that the Bank would change the plan if further technical study showed that the scepticism of the consultants was justified. 40

India interpreted this letter as a virtual rejection of the Bank plan by Pakistan. An official communique issued on June 26, 1954, from New-Delhi, runs thus: 'With rejection by Pakistan of the proposals formulated by the World Bank...one of the most noteworthy cooperative efforts...has ended in failure.' India accordingly concluded that the position was restored to what it was according to the Agreement of May 4, 1948, as a result of which India gave reasonable time to Pakistan to tap alternative sources and Pakistan agreed to India progressively diminishing the supply to Pakistani canals from Indian waters.

The decision by India to open the Bhakra canals, started a fierce water controversy between India and Pakistan. While the new channels were actually being filled, there seems to have occurred some temporary falling-off in the water supply to the Sutlej canals. Prime Minister of Pakistan Mohammed Ali characterised the diversion 'as a potential

40. Manchester Guardian, August 2, 1954, (editorial)
threat to peace’, and lodged a strong protest with New-Delhi. He also charged India with hai faith for.

1. Unilaterally opening the Bhakra canals in disregard of international commitments whilst cooperative efforts were still continuing under the aegis of the Bank.

(2) deliberately misinterpreting Pakistan’s reply to the Bank as a rejection of the Bank plan. 41

India did not deny that there was a fall. She denied that the fall in supply from July 4 to July 7, 1954, could be due to the opening of the Bhakra canals on 8th July 1954. By quoting past figures of supply, she sought to substantiate that 'such a drop in river supplies at this time of the year, though unusual, is not unprecedented.' She further maintained that from July 8 onward, she not only did not reduce the normal supply of water to Pakistan but, in fact, increased it. This she proved statistically by publishing the flow and supply data of the relevant period. In this denial, India was in the respectable company of the World Bank itself. On October 13, 1954, Mr. Garner, the Vice-President of the World Bank, said in Karachi, “The Bank was convinced that India had so far not withdrawn water unilaterally from Pakistan.”

This mutual bickering was an unhappy prelude to future negotiations, but fortunately passions on both sides

41. Pakistan News Digest, Karachi, August 1, 1954.
Dividing the Waters

Scale 1:13,000,000

POLITICAL BOUNDARIES

BOUNDARY OF INDUS BASIN

DAMS

CANALS

1. Thali Canal
2. Lower Jhelum Canal
3. Upper Chenab Canal
4. Upper Bari Doab Canal
5. Sirhind Canal
6. Lower Bari Doab Canal
7. Upper Jhelum Canal
8. Balloki Suleimanhe link
9. Bhakra Canal

© HEADWORKS
1. Mangla
2. Mera-1a
3. Madhopur
4. Rupar

© RESERVOIRS
7. Warsak — Under construction
8. Diaghan — Potential site
9. Largi — Potential site
5. Bhakra — Under construction
cooled down considerably. Pakistan showed readiness to resume negotiations on the basis of the Bank plan, subject to certain modifications, and India was prepared to admit that Pakistan's request for further technical study did not amount to a rejection of the proposal. India and Pakistan resumed discussions in Washington to end the dispute on December 8, 1954.

In the course of the talks under the aegis of the World Bank, the Government of India and Pakistan entered into ad-hoc transitional arrangements for the supply of water on three occasions - for kharif 1955, Rabi 1955-56 and for the period from April 1, 1956 to March 31, 1957. Although the Pakistan Government did not enter into an agreement for the period after April 1, 1957, India continued to give supplies to Pakistan in accordance with the agreement of May 4, 1948 and the principles of the Bank proposal. Later in April 1951, certain ad hoc arrangements were agreed to by India and Pakistan on sharing canal waters.

**THE INDUS WATER TREATY - 1960**

After 12 years of negotiations, for 8 years with the help of the International Bank for Reconstruction and Development, a settlement was reached in 1960. It was agreed that the existing volume of water withdrawals by each country should not be reduced and that new sources of water on both

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42. *Asian Recorder* 1959, Page-2611
sides of the boundary line should be shared through the construction of trans-boundary canals and other hydraulic works. Some 30 million acres of land would be served by means of 300 miles of canals most of them cement lined, some as big as the tributaries of the Indus itself. These irrigation facilities would be initially supplemented by the provisions of 30,000 kilowatts of hydro-power for Pakistan, thus permitting the country to begin to catch up with India's economic growth. The entire settlement was to involve a construction programme costing almost a billion dollars over a period of some 10 years. 43

The International Bank helped bring the plan to implementation by providing a substantial part of necessary loan funds to Pakistan, while on her part India agreed to finance the cost of certain essential replacement structures in Pakistan. Six friendly countries which had previously rendered the two countries technical and financial aid, continued to provide the major part of the necessary grants and loans for the mutually agreed upon development of the Indus. The fact is that six nations from three Continents joined with the two neighbours of a fourth Continent in "The most grandiose project ever conceived by man." 44 The six

44. U.S. Ambassador to Pakistan Mr. Willian Rountree, Asian Recorder, 1960, Page-3573.
countries which agreed to give financial aid to carry out
the projects envisaged under the Canal Waters Treaty were,
U.S.A., U.K., Canada, West Germany, Australia and New Zealand.
Prime Minister of India Mr. Nehru and President Ayub Khan of
Pakistan signed the Canal Waters Treaty on the evening of
September 19, 1960, at Karachi. On his arrival Mr. Nehru said,
"there was no need for me to have come to Karachi at all nor
was it necessary for the President to be here to sign the
Treaty. Representatives of our two countries could have signed
it. But the President of Pakistan took the trouble of inviting
me to come here. I accepted the invitation with great pleasure
because there was a desire in my heart to come here with a
message of goodwill and friendship from my Government and the
people of India." 45

He said, he had often wondered why India and Pakistan
should not become friendly again, as their people had lived
together in the ages past and demonstrate to the world their
new unity. India and Pakistan had one history, one culture, and
the same traditions. 46

Mr. Ayub Khan in his speech said that the implementa-
tion of the Treaty would call for continued cooperation between
the two countries for many years to come and added, "I have no

46. Ibid.
doubt that if we work in the same spirit and harmony, it will promote trust and understanding between the peoples of our two countries." 47

**TEXT OF THE TREATY**

"The Treaty allots the waters of the Indus, Jhelum and Chenab (Western rivers) to Pakistan except for essential uses in their own basins while they flow in India, and the waters of the Ravi, Sars and Sutlej (Eastern rivers) to India except for a transition period of 10 years which may be extended up to a maximum of 13 years during which Pakistan will build works to replace the waters received by her from these rivers. Article I of the Treaty relates to definitions of certain terms as used in the Treaty. 48 Article II of the Treaty concerning the eastern rivers contains 9 clauses:

1. All the waters of the eastern rivers shall be available for the unrestricted use of India except as otherwise expressly provided in this Article;

2. Except for domestic use and nonconsumptive use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with the waters


48. Ibid, pages 3573-3575 (Text of the Treaty).
of the Sutlej main and the Ravi main in the reaches
where these rivers flow in Pakistan and have not
yet finally crossed into Pakistan. The points of
final crossing are — (a) near the new Hasta bund
upstream of Suleimanki in the case Sutlej main and
(b) about one and a half miles upstream of the syphon
for the B-R-B-D link in the case of the Ravi main;
Except for domestic, nonconsumptive and agricultural
uses, Pakistan shall be under no obligation to let
flow, and shall not permit any interference with the
waters (while flowing in Pakistan) of any Tributary
which in its natural course joins the Sutlej main or
the Ravi main before these rivers have finally crossed
into Pakistan;
All the waters, while flowing in Pakistan of any
tributary which in its natural course joins the
Sutlej main or the Ravi main after these rivers have
finally crossed into Pakistan, shall be available for
the unrestricted use of Pakistan, provided, however,
that this provision shall not be construed as giving
Pakistan any claim or right to any releases by India
in any such tributary. If Pakistan should deliver any
of the waters of any such tributary, which on the
effective date joins the Ravi main after this river
has finally crossed into Pakistan into a reach of the
Ravi main upstream of this crossing, India shall not
make use of these waters. Each party agrees to
establish such discharge observation stations and make such observations as may be necessary for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan and Pakistan agrees to meet the cost of establishing the aforesaid discharge observation stations and making the aforesaid observation.

5. There shall be a transition period during which to the extent specified in Annexure H;
   i) limit its withdrawals for agricultural use,
   ii) limit abstractions for storages and
   iii) make deliveries to Pakistan from the eastern rivers.

6. The transition period shall begin on April 1, 1960 and end on March 31, 1970 or if extended under the provisions of part 8 of Annexure H on the date up to which it has been extended. In any event whether or not the replacement referred to in Article IV (i) has been accomplished, the transition period shall end not later than March 31, 1973.

7. If the transition period is extended beyond March 31, 1970 the provisions of Article V (5) shall apply;

8. If the transition period is extended beyond March 31, 1970, the provisions of paragraph 5 shall apply during the period of extension beyond March 31, 1970.

9. During the transition period, Pakistan shall receive
for unrestricted use the waters of the eastern rivers which are to be released by India in accordance with the provisions of Annexure II. After the end of the transition period, Pakistan shall have no claim or right to releases by India of any of the waters of the Eastern rivers. In case there are any releases, Pakistan shall enjoy the unrestricted use of the waters so released after they have finally crossed into Pakistan provided that in the event that Pakistan makes any use of these waters Pakistan shall not acquire any right whatsoever by prescription or otherwise to a continuance of such release or such use.

Article III relating to provisions regarding Western rivers says:

1. Pakistan shall receive for unrestricted use all those waters of the western rivers which India is under obligation to let flow under the provisions of paragraph 2.

2. India shall be under an obligation to let flow all the waters of the western rivers and shall not permit any interference with these waters except for the following uses restricted (except as provided in item (c) (ii) of paragraph 5 of Annexure C in the case of each of the rivers, the Indus, Jhelum and the Chenab): (a) domestic use, (b) non-consumptive use, (c) agriculture use (as set out in
Annexure C) and (d) generation of hydro-electric power as set out in Annexure D;

3. Pakistan shall have the unrestricted use of all waters originating from sources other than the eastern rivers which are delivered by Pakistan into the Ravi or the Sutlej and India shall not make use of these waters. Each party agrees to establish such discharge observation stations and make such observation as may be considered necessary by the Commission for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan;

4. Except as provided in annexures C and D, India shall not store any water of or construct any storage works on the western rivers.

Provisions regarding eastern rivers and western rivers as contained in Article IV state:

1. Pakistan shall use her best endeavours to construct and bring into operation with due regard to expedition and economy, that part of a system of works which will accomplish the replacement, from the western rivers and other sources of water supplies for irrigation canals in Pakistan which on August 15, 1947 were dependent on water supplies from the eastern rivers.

2. Each party agrees that any nonconsumptive use made by it, shall be so made as not to materially change on account of such use, the flow in any channel to the
prejudice of the uses on that channel by the other party under the provisions of this Treaty. In executing any scheme of flood protection or flood control, each party will avoid as far as practicable, any material damage to the other party and any such scheme carried out by India on the western rivers shall not involve any use of water or any storage in addition to that provided under Article III.

Nothing in this Treaty shall be construed as having the effect of preventing either party from undertaking schemes of drainage—river training, conservation of soil against erosion and dredging or from removal of stones, gravel or sand from the beds of the rivers provided that (a) in executing any of the schemes mentioned above, each party will avoid, as far as practicable any material damage to the other party (b) any such scheme carried out by India on the western rivers shall not involve any use of water or any storage in addition to that provided under Article III, (c) except as provided in paragraphs 5 and Article VII (1) (B), India shall not take any action to increase the catchment areas beyond the area on the effective date, of any natural or artificial drainage or drain which crosses into Pakistan and shall not undertake such construction or remodelling of any drainage or drain which so crosses or falls
into a drainage or drain which so crosses as might cause material damage in Pakistan or entail the construction of a new drain or enlargement of an existing drainage or drain in Pakistan and (i) should Pakistan desire to increase the catchment area, beyond the area on the effective date of any natural or artificial drainage or drain which receives drainage waters from India or except in an emergency to pour any waters into it in excess of the quantities received by it as on the effective date Pakistan shall before undertaking any work for these purposes, increase the capacity of that drainage or drain to the extent necessary so as not to impair its efficacy for dealing with drainage waters received from India as on the effective date;

4. Pakistan shall maintain in good order its portions of the drainage mentioned below with capacities not less than the capacities as on the effective date:
   1) Badhara drain (ii) Kasur nala (iii) Salim Shah drain and (iv) Fazilka drain;

5. If India finds it necessary that any of the drainages mentioned in paragraph 4 should be deepened or widened in Pakistan, Pakistan agrees to undertake to do so as a work of public interest, provided India agrees to pay the cost of the deepening or widening;

6. Each party will use its best endeavours to maintain the natural channels of the rivers as on the effective
date in such conditions as will avoid, as far as practicable, any obstruction to the flow in these
channels likely to cause material damage to the other party;

7. Neither party will take any action which would have
the effect of diverting the Ravi main between
Maidhopur and Lahore or the Sutlej main between Harke
and Suleimanki from its natural channel between high
banks;

8. The use of the natural channels of the rivers for
the discharge of flood or other excess waters shall
be free and not subject to limitation by either
party, and neither party shall have any claim against
the other in respect of any damage caused by such use.
Each party agrees to communicate to the other party
as far in advance as practicable any information it
may have in regard to such extra ordinary discharges
of water from reservoirs and flood flows as may
affect the other party;

9. Each party declares its intention to operate its
storage dams, barrages and irrigation canals in such
a manner consistent with the normal operations of its
hydraulic systems, as to avoid as far as feasible
material damage to the other party.

10. Each party declares its intention to prevent, as far
as practicable, undue pollution of the waters of the
rivers which might adversely affect uses similar in nature to those to which the waters were put on the effective date and agrees to take all reasonable measures to ensure that before any sewage or industrial waste is allowed to flow into the rivers, it will be treated where necessary in such a manner as not materially to affect those uses provided that the criterion of reasonableness shall be the customary practice in similar situations on the rivers.

11. The parties agree to adopt, as far as feasible appropriate measures for the recovery and restoration to owners of timber and other property floated or floating down the rivers subject to appropriate charges being paid by the owners.

12. The use of water for industrial purposes under Articles II (3), II (5) and III (2) shall not exceed: 
(a) in the case of an industrial process known on the effective date, such quantum of use as was customary in that process on the effective date; (b) in the case of an industrial process not known on the effective date, such quantum of use as was customary on the effective date in similar or in any way comparable industrial process or if there was no industrial process on the effective date similar or in any way comparable to the new process, such quantum of use as would not have a substantially adverse effect on
the other party.

13. Such part of any water withdrawn for domestic use under the provisions of Article II (3) and XII(2) as is subsequently applied to agricultural use shall be accounted for as part of the agricultural use specified in Annexure B and Annexure C respectively; each party will use its best endeavours to return to the same river (directly or through one of its tributaries) all water withdrawn there from for industrial purposes and not consumed either in the industrial process for which it was withdrawn or in some other domestic use;

14. In the event either party should develop a use of the waters of the rivers which is not in accordance with the provisions of this Treaty that party shall not acquire by reason of such use any right by prescription or otherwise, to a continuance of such use;

15. Except as otherwise required by the express provisions of this Treaty, nothing in this Treaty shall be construed as affecting existing territorial rights over the waters of any of the rivers or the beds or banks thereof or as affecting existing property rights under Municipal law over such waters or beds or banks. Article V of the Treaty concerning financial provisions contains seven clauses.
1. In consideration of the fact that the purpose of part of the system of works referred to in Article IV - (1) is the replacement from the western rivers and other sources of water supplies for irrigation canals in Pakistan which on August 15, 1947 were dependent on water supplies from the eastern rivers, India agrees to make a fixed contribution of £ 62,060,000 towards the costs of these works, the amount in £ sterling of this contribution shall remain unchanged irrespective of any alteration in the parity value of any currency.

2. The sum of £ 62,060,000 specified in paragraph (1) shall be paid in 10 equal annual instalments on November 1 each year. The first of such annual instalment shall be paid on November 1, 1960. ...

Article VI relates to exchange of data:

1. The following data with respect to the flow in and utilization of the waters of the rivers shall be exchanged regularly between the parties daily (or as observed or estimated less frequently) gauge and discharge data relating to flow of the rivers at all observation sites, daily extractions for or releases from reservoirs, daily withdrawals at the heads of all canals operated by the Government or by a Government agency (here in after in this article called canals) including link canals, daily escapages from
all canals, including link canals and daily deliveries from link canals;

"These data shall be transmitted monthly by each party to the other as soon as the data for a calendar month have been collected and tabulated, but not later than three months after the end of the month to which they relate."...

Article VII on future cooperation says:

1. The two parties recognize that they have a common interest in the optimum development of the rivers and to that end they declare their intention to cooperate by mutual agreement to the fullest possible extent....

Article VIII on the permanent Indus commission says:

1. India and Pakistan shall each create a permanent post of Commissioner for the Indus Waters and shall appoint to this post, as often as a vacancy occurs, a person who should ordinarily be a high ranking engineer competent in the field of hydrology and water use. Unless either Government should decide to take up any particular question directly with the other Government, each Commissioner will be the representative of his Government for all matters arising out of this Treaty and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty and in particular, with respect to the furnishing or
exchange of information or data provided for in the Treaty and the giving of any notice or response to any notice provided for in the Treaty...

2. The two commissioners shall together form the permanent Indus Commission. (Para-3)

3. The Commission shall meet regularly at least once a year alternately in India and Pakistan. (Para-5)

4. The Commission shall submit to the Government of India and to the Government of Pakistan before the first of June of every year a report on its work for the year ended on the preceding 31st of March and may submit to the two Governments other reports at such times as it may think desirable.

The parties agreed that as soon as the Treaty came into force, the Inter-Dominion Agreement on the canal waters dispute signed in New-Delhi on 4th May 1948 would become without effect.

Commenting on the Agreement, President Eisenhower of the United States of America said in Washington, "this brings to a salutary close a dispute of major proportions which had existed between these two free world countries since their independence 13 years ago. The livelihood of some 50 million people will be enhanced by the solution of this problem." 49

49. Asian Recorder 1960, page-3577
President of Pakistan signed the instrument of ratification on December 27 and the Indian President Dr. Rajendra Prasad signed it on December 28, 1960. The exchange of the Instrument of ratification took place in New Delhi on January 11, 1961.  

SUCCESSFUL IMPLEMENTATION OF THE TREATY

The India Pakistan Indus Commission in its report for 1963-64, published in India on September 11, 1964 said that the Commission's work was marked by a spirit of good-will, understanding and cooperation. The Commission undertook four general tours and one special tour of inspection of the rivers to ascertain facts about various development works.

During the 1965 war some members of the Indian Parliament asked questions on the propriety of continuing water supplies and making payments to Pakistan despite its wanton aggression on India. But the Lok Sabha on November 9, 1965, after a debate rejected all moves to disapprove the Government's decision to continue Indus Canal Water supplies and payments to Pakistan because any infringement of the Treaty by India would involve the country in a conflict with the world Bank which was not desirable.

Mr. H. C. Kale and Mr. Khalilur Rahman, Indus Commissioner of India and Pakistan met in New Delhi from

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March 11 to 17, 1966 after the hostilities of 1965. It was agreed that India would get more waters next summer on the second phase of the Indus Waters Treaty, which commenced from April 1, 1966. The Indian team gave a complete gauge and discharge data from September 1965 onwards. Pakistan, which had alleged that India had failed to discharge the agreed quantity of waters, did not know that the water level in the rivers was exceptionally low.

Pakistan also gave details regarding its receipt of waters and other related matters on the eastern rivers and discussed the issue with the Indian side. The two teams discussed the procedure for remitting the amount due to the owners of Timber that had floated down to Pakistan in the Ravi and Chenab rivers and had been recovered in Pakistan during 1962-63 and 1963-64.

Seventynine percent of the waters of the Beas was released by India for use by Pakistan until the construction of Mangla Dam in 1967, a year ahead of schedule. 54

India made the 10th and the last instalment of the payment under the Treaty to the World Bank in July 1969. Thus, the Indus Waters Treaty between India and Pakistan signed in

1960 expired on March 31, 1970 and was not renewed. The expiry of the Treaty marks the successful conclusion of a chapter in Indio-Pakistani relations which had been dubbed as the "Canal Waters Dispute." The Treaty provided for its extension for 3 years, but Pakistan did not ask for renewal. The construction of the Mangla Dam by Pakistan made it possible for that country to draw water from alternative sources to replace the supply which India was making available from the River Indus.

The Indus Water Treaty had allotted the waters of the Indus, Jhelum and Chenab (Western) rivers to Pakistan and of the Ravi, Beas and Sutlej to India, the approximate ratio in the share of waters being 80 to 20 in favour of Pakistan. Under the Treaty, of a total flow of 168 million acre-feet of waters of the Indus system, Pakistan was allotted 135 million acre feet. India's share was only 32,000,000 acre feet. This specifies the fact that India, on her part, never came in the way of normalization of relations, on the contrary, she has always been prepared to sacrifice (to a reasonable extent) for the sake of betterment of her relations with Pakistan.