

# PULWAMA AND INDUS WATERS TREATY: DOES INDIA HOLD ALL THE CARDS?

Relevant for: International Relations | Topic: India - Pakistan

Against the flow: The headrace tunnel of the Kishenganga project. The project taps the Jhelum, a western river, and under the treaty, Pakistan may exploit its waters. File photo

## Is the announcement by Water Resources Minister Nitin Gadkari that India would use up its share of waters in the rivers flowing to Pakistan a new one?

That India would use the entire share of water allotted to it under the Indus Waters Treaty, has been the government's traditional position. Then, in the aftermath of the Uri attack that claimed the lives of at least 20 Indian soldiers, Prime Minister Narendra Modi had declared that "blood and water" couldn't flow together and suspended India's participation in the Permanent Indus Commission, where India and Pakistan regularly meet to discuss sharing of waters in the Indus river basin system. Among the decisions taken at the time was one to "fully utilise" India's share of water. Work has progressed towards this end, according to the government. (The Indus commission talks too have resumed). In the aftermath of Mr. Gadkari's tweets of February 21, to "stop India's share of water" into Pakistan, Neeta Prasad, a spokesperson in the Union Water Resources ministry, told presspersons that "this is not a new decision... *Mantriji* [Minister] is simply reiterating what he has always said."

## How many dams is India planning to build to ensure that it uses up all of its share of the water?

India already utilises 95% of the 33 MAF (million acre feet) allotted to it under the norms of the Indus Waters Treaty. To consume the entire share, the government has undertaken steps to stop the flow of almost 2 MAF from the Ravi river, from Madhopur. These include completing the Shahpurkandi project, constructing the Ujh multipurpose project — to create 781 million cubic metre storage on the Ujh, a tributary of the Ravi — and developing the second Ravi-Beas link below Ujh. The last project alone will utilise 0.58 MAF of surplus water below the Ujh dam by diverting the same to Beas basin. All three are 'national projects.'

## Is the Minister's statement intended to pile up the rhetoric on Pakistan?

Yes. While it has been India's stated position to fully utilise its eastern rivers, Mr. Gadkari said on Friday that he had asked officials in the Water Resources Ministry to see if there were "technical ways" to stop the flow of Indus water that rightfully belong to Pakistan. One way — again an option that India has already exercised — is its construction of the Kishenganga Project, on the Jhelum and the Ratle project on the Chenab. Both of these are projects on the western rivers and under provisions of the Indus treaty, may be exploited by Pakistan. However, the treaty also allows India to use the water from these rivers in a "non-consumptive way" — that is, in a way that does not impede the flow of these rivers into Pakistan. Pakistan has objected to both these projects on the grounds that they do impede the flow. In theory, it is possible for India to violate the treaty and impede the flow of these waters in such a way that it makes hydropower projects by Pakistan on the Jhelum and Chenab unviable (as Pakistan already claims it does). However, the IWT has survived wars between India and Pakistan and it's still speculative if the Pulwama incident rankles India enough to consider violating the treaty.

**India and Pakistan's water sharing is governed by the Indus Waters Treaty, which was**

## brokered by the World Bank. Can India abrogate this treaty?

Neither India nor Pakistan can unilaterally abrogate the treaty. Article 12 of the treaty says: “The provisions of this Treaty, or, the provisions of this Treaty as modified under the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two governments.” The IWT is about sharing of water of six rivers — Indus, Chenab, Jhelum, Beas, Ravi and Sutlej — between India and Pakistan.

The two countries signed it in 1960 under the leadership of the then Prime Minister of India, Jawaharlal Nehru, and Pakistan President, Ayub Khan, and was brokered by the World Bank after nine years of negotiations.

Under the treaty, India has control over water flowing in the eastern rivers — Beas, Ravi and Sutlej, while Pakistan has control over the western rivers of Indus, Chenab and Jhelum.

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