

## Infinite Interplay of Radcliffe Award's Lethal Legacy: Nuclear Flash Point in the Making

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### Abstract

*The Radcliffe Award, a catastrophic boundary demarcation line established in 1947, has been a bone of contention between India and Pakistan since independence. This study investigates how this unjust Radcliffe Award birthed, amongst several others, a duo of perennial conflict sources between Pakistan and India viz. (i) protracted Kashmir dispute, and (ii) compromised Pakistan's water security by unfairly allocating Muslim majority areas and critical water resources to India. Kashmir dispute has already sparked multiple full-scale conventional wars, while the water security issue has similar potential to escalate into large-scale conflict. Most alarmingly, a war between two nuclear-armed states like Pakistan and India risks the catastrophic use of strategic nuclear warheads, which could be unleashed by any desperate state facing defeat. This chilling prospect underscores the imperative need for diplomatic resolution and conflict prevention, lest the region teeters on the brink of nuclear annihilation. Through scrutinizing existing literature and historical events, this research aims to elucidate the complex dynamics driving tensions and assess the likelihood of nuclear escalation. It finds that Muslims of the subcontinent had long been struggling to get a separate home land at the end of colonial rule, in order to avert the specter of communal riots, the breeding grounds of instability, after the British relinquish its imperial rules. However, contrary to their aspirations for human security, regional peace, and sustainable development, the unjust Radcliffe Award coupled with its arbitrary decisions sowed the seeds of enduring instability in the region. This paper's findings also shed new light on the long-term consequences of the Radcliffe Award. The study derives its significance by examining the intricate relationships between water security and human security as well as regional stability, this research contributes meaningfully to the existing body of knowledge, providing valuable insights for policymakers, scholars, and stakeholders seeking to address the protracted conflicts and disputes.*

**Keywords:** Pakistan, India, Radcliffe Award, Water Security, Conflict, Kashmir Issue

### Introduction

The Indian subcontinent witnessed a significant Muslim presence even before Muhammad Bin Qasim's conquest of Sindh in 712 CE. Muslims had established themselves in coastal regions like the Malabar Coast, Coromandel Coast, and Gujarat Coast. Following Qasim's return to Baghdad in 715 CE, various Muslim conquerors attacked India, including Mahmud of Ghazni, who launched 17 attacks between 1001 and 1027 CE, and Muhammad of Ghor, who conquered Delhi in 1173 CE. Other Muslim rulers made repeated incursions into India, paving the way for the establishment of Muslim rule. After these conquests, the Delhi Sultanate was established in 1206 CE. The Delhi Sultanate was ruled by five dynasties. Zaheer Ud Din Babar defeated last Delhi Sultan, Ibrahim Lodhi, dislodged Delhi Sultanate and established Mughal Empire in 1526 CE. However, after Aurangzeb's death in 1707, the Mughal Empire faced significant challenges, including emergence of autonomous regional dynasties, British colonial expansion, economic decline, and military defeats. This led to a gradual decline of the Mughal Empire. The final blow came with the War of Independence in 1857 CE, which marked the end of the Mughal Empire. Although the war was ultimately unsuccessful, it paved the way for the Indian Independence Movement, which eventually led to India's freedom from British colonial rule in 1947 CE.

Despite centuries of coexistence, the interests of Hindus and Muslims in India couldn't converge due to various factors. One primary reason was the differences in their religious beliefs and practices, which often led to misunderstandings and conflicts. Additionally, historical events like the Muslim conquests and the subsequent establishment of Muslim rule, as well as the British colonial era's divide-and-conquer policies, created divisions and mistrust between the two communities. This led to a surge in communal riots and violence, including the infamous Calcutta Riots (1946), Noakhali Riots (1946), and the Punjab Massacres (1947), which consumed the lives of thousands of innocent people. These tragic events, coupled with the failure of the Indian National Congress and the British

government to effectively address communal tensions, ultimately led to the demand for separate homelands, culminating in the Partition of India in 1947.

Muslims in India wanted to create a separate country, Pakistan, to escape violence, communal riots and instability. They hoped for peace and human development, however, the border-drawing process, called the Radcliffe Award, failed to bring the expected peace. Instead, it pushed the region into chaos. The award's legacy is complex and multifaceted, requiring a comprehensive and interdisciplinary approach to understand its far-reaching consequences.

This study attempts to examine the award's impacts on regional instability from historical and political perspectives. A critical aspect of the Radcliffe Award is its role in introduction of perennial sources of instability through unjust territorial division, giving a land access of Kashmir to India, which in turn provided India an opportunity to occupy Kashmir and become upper riparian of rivers flowing mainly in Pakistan's Punjab, perpetuating a cycle of conflict, full scale wars and competition between India and Pakistan. Unjust Territorial divisions and demographic considerations have resulted in displacement, migration, and social upheaval, exacerbating existing inequalities and tensions. Furthermore, the study will explore the environmental implications of the Radcliffe Award, particularly regarding water security and management. The award's allocation of critical water sources has had far-reaching consequences for agricultural production, economic development, and human well-being, highlighting the need for cooperative management and sustainable practices. By examining these interconnected themes, this study aims to provide a nuanced understanding of the Radcliffe Award's legacy and its ongoing impacts on the region. The research will contribute to the existing body of knowledge, offering valuable insights for policymakers, scholars, and stakeholders seeking to address the protracted conflicts and disputes in the region.

## Literature Review

The partition of India and Pakistan in 1947 was a traumatic event that changed the lives of millions. A new study examines the events leading up to the partition, focusing on the claims made by various groups over land, labor, and water. The research reveals that the Punjab Unionist Party, which represented a united front of different communities, was deliberately excluded from presenting their case to the Boundary Commission. This exclusion was motivated by the party's failure to fit into the narrative of separating Hindus and Muslims. The study highlights the concerns over land, labor, and water expressed by various organizations during the commission's proceedings. These concerns were often overlooked in the rush to divide the country along religious lines. The research shows how the partition process was driven by political interests, ignoring the social and economic realities of the region. In "Mapping Partition," Hannah Fitzpatrick provides a detailed geographical account of the partition process, exploring how colonial maps and geography shaped the border. The book reveals the devastating impact of dividing a region along arbitrary lines, displacing millions and creating long-lasting tensions. Both the study and the book offer new insights into the partition of India and Pakistan, highlighting the need to understand the complex events and motivations that led to this traumatic event (Fitzpatrick, 2024).

The Radcliffe Boundary Commission's decisions in 1947 have left a lasting scar on the region of Kashmir. For decades, India and Pakistan have been at odds over this beautiful land, and the blame lies with the commission's rushed and biased decisions. Many believe that Lord Mountbatten, the last British viceroy, played a significant role in the mess. He allegedly hurried the process, gave unclear instructions, and favored India, leading to a disputed border. His close friendship with India's leader, Jawaharlal Nehru, and strained relationship with Pakistan's leader, Muhammad Ali Jinnah, raise questions about his motives. The consequences have been devastating. India and Pakistan have fought wars and continue to clash, leaving the people of Kashmir caught in the middle. It's a painful reminder that national interests must be balanced with fairness, justice, and humanity (Ilahi, 2003).

The Kashmir dispute is a ticking time bomb that threatens global peace and security. It's a colonial legacy that has been festering for decades, and the UN Security Council has failed to

resolve it, making it the oldest unresolved dispute on its agenda. This dispute has the potential to spark a global catastrophe, and yet, the international community has failed to take decisive action. There are three main reasons for this failure:

1. The lack of effective mechanisms to enforce international law.
2. The inability of global leaders to understand the explosive nature of this dispute.
3. The fact that the world's top arms suppliers, including the permanent members of the Security Council, are fueling the conflict by selling weapons to both sides.

This research paper delves into the history of the Kashmir dispute, the Security Council's engagement with the issue, and the council's failure to maintain peace and security. It also explores how this failure has undermined regional and global security and threatens to derail the UN's Sustainable Development Goals. The Kashmir dispute is a test case for the Security Council's mandate to maintain international peace and security. If the council fails to resolve this dispute, it will embolden other conflicts and undermine the very fabric of global security (KHAN, 2024)

The partition of India in 1947 left behind a legacy of unfinished business, including territorial disputes, unequal citizenship, and the rise of majoritarian nationalism in India, Pakistan, and Bangladesh. The breakup of British India created new countries, but old tensions remain. The dispute over Kashmir, a Muslim-majority region, continues to simmer between India and Pakistan. Both countries want control over Kashmir for strategic, ideological, and religious reasons. This dispute is not just about land, but also about identity and belonging. Minority rights are another issue that remains unsettled. In Pakistan and Bangladesh, religion plays a significant role in politics, and minorities face discrimination. In India, while there is no constitutional discrimination, social differences and discrimination persist. The rise of majoritarian nationalism in all three countries has further complicated matters. In India, the use of Hinduism by political groups has strengthened majoritarian nationalism. In Pakistan and Bangladesh, the death of founding leaders led to a surge in majoritarian nationalism. Lord Mountbatten, the last British Governor-General of India, played a crucial role in the partition process. However, his actions have been questioned, particularly in the division of Punjab, which led to violence, migration, and ongoing issues like Kashmir and water disputes. Was Mountbatten solely responsible for these events, or were there other factors at play? This article explores Mountbatten's role in the partition of Punjab and its lasting impact (Aman & Ullah, 2023).

This study examines the role of Lord Mountbatten, the last Viceroy of united India, in the partition of India, with a focus on the division of Bengal and Punjab. Mountbatten's influence on Quaid-i-Azam Mohammad Ali Jinnah's acceptance of the division of these provinces is scrutinized, as well as his involvement in the 3<sup>rd</sup> June Plan and the establishment of the Radcliffe Commission. The study highlights the controversy surrounding Mountbatten's alleged alteration of the original boundary plan prepared by Radcliffe, reportedly to appease Jawaharlal Nehru and penalize Jinnah for not accepting him as the joint Governor-General of both India and Pakistan. This alteration, known as the Radcliffe Award, is argued to have sowed the seeds of numerous unresolved issues, including the Kashmir dispute, which has led to three wars between India and Pakistan. The study emphasizes the need to reevaluate Mountbatten's role in the formation, workings, and final decisions of the Radcliffe Commission, particularly in light of newly available official documents such as the Mountbatten Papers, Churchill Papers, and Attlee Papers. These documents provide valuable insights into Mountbatten's thoughts and actions regarding the Radcliffe Award, allowing for a more comprehensive understanding of this pivotal moment in Indian and Pakistani history (Chawla, 2018).

The partition plan of June 3, 1947, stipulated that the Boundary Commission would redraw the boundaries of Punjab and Bengal following the provincial assemblies' decisions. However, the commission's verdict sparked intense controversy, and the resulting boundary has proven to be a persistent source of conflict between India and Pakistan. The partition of Punjab has created numerous problems, including a contentious border that has preoccupied both nations since independence. This article examines the principles governing the division of Punjab and the political factors that led to deviations from these principles. The hasty British withdrawal and the arbitrary

partition of Punjab resulted in complex problems for the successor nations, including a border that has been a source of tension and conflict. By analyzing the events surrounding the partition, this article aims to understand the underlying causes of the ongoing disputes and the failure to achieve a just and fair division of the province (Cheema, 2000)

The partition of India and Pakistan in 1947 was a significant event in South Asian history, marking the beginning of independence for both countries and a global trend towards decolonization. However, it also sparked a long-lasting rivalry between the two nations. The partition led to extreme violence, resulting in an estimated 500,000 to 1 million deaths across India and Pakistan. Additionally, 10-12 million people were forced to migrate across the new borders in Punjab and Bengal, making it one of the largest mass migrations in history. The violence was further exacerbated by the widespread rape and abduction of tens of thousands of girls and women. The partition's aftermath also led to:

- Long-term border tensions
- Infrastructure problems
- The ongoing conflict over Kashmir

These repercussions continue to affect India and Pakistan to this day, making the partition a pivotal moment in their shared history (Saleem, 2003).

The partition of India and Pakistan in 1947 resulted in one of the largest mass migrations in history, with over 12 million people crossing the newly drawn borders. The violence that accompanied this event was catastrophic, with estimates suggesting that up to 1 million people lost their lives. The Boundary Commission, led by Sir Cyril Radcliffe, was tasked with dividing the provinces of Punjab and Bengal. However, the commission's decisions were marred by controversy, and the resulting boundary lines have been widely criticized. Radcliffe's appointment to the commission has been questioned, given his lack of experience and knowledge of the region. Despite this, he accepted the role and was given just five weeks to complete the task. The commission's decisions were influenced by political considerations, and the resulting boundary lines have been accused of being arbitrary and unfair. The alteration of the boundary line, allegedly at the behest of Lord Mountbatten, has been particularly contentious. The consequences of the partition and the resulting violence have been long-lasting, with the region still experiencing tensions and conflicts today. The legacy of the Radcliffe Award continues to be felt, and it remains a highly contested and sensitive topic (Ali, 2002).

The partition of India and Pakistan in 1947 led to a dispute over water resources. The British-established Radcliffe Award assigned the upper riparian region to India and the lower riparian region to Pakistan. This meant that India controlled the water flow from six major rivers that flowed into Pakistan. In 1947, India suddenly stopped the water flow to Pakistan, threatening its agricultural infrastructure. Pakistan approached the international community, and after a decade of strained relations, the World Bank mediated the Indus Waters Treaty in 1960. The treaty allocated three rivers to India and three to Pakistan. However, Pakistan alleges that India has violated the treaty by constructing dams on the Chenab and Jhelum rivers. This could deprive the Indus Basin region of its basic human right to water. Access to water is recognized as a fundamental human right by international conventions and declarations. The study examines the historical and contemporary nature of the conflict, human rights issues, and the implications of India's actions. It will also discuss the role of the World Bank in mediating the conflict and protecting the human right to water. Finally, it will explore options available to Pakistan to overcome the water conflict with India (Qureshi, 2017).

### **Rationale of Study**

The Radcliffe Award, a contentious boundary demarcation line established in 1947, has been a perennial source of conflict between India and Pakistan. This study investigates how the Award's egregious injustices, particularly the protracted Kashmir dispute and water security crisis, could potentially precipitate a nuclear war between the two nations. By scrutinizing existing literature and historical events, this research aims to elucidate the complex dynamics driving tensions and assess the likelihood of nuclear escalation. The intractable Kashmir issue and water security concerns,

exacerbated by the Indus Waters Treaty, have consistently strained Indo-Pakistani relations. This study seeks to determine whether these factors, combined with the presence of nuclear weapons, increase the risk of a catastrophic conflict. Through a comprehensive review of literature and expert analysis, this research endeavors to provide nuanced insights into the potential consequences of the Radcliffe Award's unjust legacy.

## 1. Radcliffe Award and Kashmir Issue: Unfinished Partition of Subcontinent

The Radcliffe Award, announced on August 17, 1947, was a hasty and controversial decision that divided the Punjab province into two parts, leading to numerous territorial issues, including the Kashmir dispute. This award has been widely criticized for its arbitrariness, lack of transparency, and disregard for demographic and geographical realities. The Radcliffe Award allocated several Muslim-majority areas to India, which provided it access to Kashmir and have been a subject of contention. Though several Muslim-majority areas that were awarded to India, however following giving two districts (role of Gurdaspur is most pivotal and crucial) were awarded India to give it access to Kashmir:

### 1.1.1 Gurdaspur District

At the time of partition, Gurdaspur district was the part of Lahore Division, it spanned over 3,542 square kilometers area, it had a total population of 1,153,511 in 1941. The district was home to 589,923 Muslim which made up 51.14% of total population. On the other hand, only 290,774 (25.21%) population was Hindu, 221,261 (19.18 %) population was Sikh, 51,522 (4.47) persons were Christian, while on 25 persons professed Jainism. There were 06 who were practicing other religions. Although majority of populations was Muslim, yet only tehsil Shakargarh was given to Pakistan, other Muslim majority tehsils were given to India (Census of India, 1941).

### 1.1.2 Amritsar District

At the time of partition, Amritsar district was also the part of Lahore Division, it spanned over 5075 square kilometers area, it had a total population of 1,413,876 in 1941. The district was home to 657,695 Muslim which made up 46.52% of total population. On the other hand, only 217,431 (15.38 %) population was Hindu, 510,845 (36.13 %) population was Sikh, 25,973 (1.84) persons were Christian, while on 1911 persons professed Jainism. There were 21 who were practicing other religions. Although majority of populations was Muslim, yet only district was given to India (Census of India, 1941).

The Radcliffe Award's allocation of these Muslim-majority areas to India has been widely criticized for its arbitrariness and disregard for demographic realities. Amritsar and Gurdaspur districts to India provided a crucial land link to Kashmir, which was a Muslim-majority state with a Hindu ruler. This access was vital for India to maintain control over Kashmir.

## 1.2 Consequences of India's Unjust Access to Kashmir:

India's unjust access to Kashmir has played havoc with peace of region. Since 1947, the Kashmir issue has been the source of instability in the region. Lion's share of both state's resources is blazed on this issue. Pakistan and India have been experiencing troubled relations due to this very issue. The disputes have resulted in several armed conflicts, including:-

### 1.2.1 Indo-Pakistani War of 1947

The Indo-Pakistani War of 1947, also known as the Kashmir War, was the first military conflict between India and Pakistan over the disputed region of Kashmir. The war began in October 1947. The war resulted in the division of Kashmir into two parts: Azad Kashmir (controlled by Pakistan) and Jammu and Kashmir (controlled by India). The war ended with a ceasefire in December 1948, but the Kashmir dispute remains unresolved. It left thousands dead and injured from both sides. Both the newly independent states had to undergone financial burden. Local infrastructure, agriculture, and industry was extensive damage. Trade and commerce severely disrupted. Thousand locals had to migrate either in Pakistan or India. The issue resulted in the United Nations'

involvement, with multiple resolutions calling for a plebiscite in Kashmir. The conflict set the stage for future conflicts and tensions between India and Pakistan over Kashmir (Chester, 2020).

### **1.2.2 Indo-Pakistani War of 1965**

Since, 1965, the Kashmir issue had persistently existing. On September 6, 1965, India launched a full-scale attack on Pakistani territory, crossing the international border open multiple fronts. The Pakistani military, determined to defend its soil, put up a valiant resistance against the Indian aggression. Despite being outnumbered and outgunned, Pakistani forces fought bravely, engaging Indian troops in fierce battles at Chawinda, Sialkot, and Lahore. The war saw iconic moments like the bravery of Major Aziz Bhatti and the tank battles in Asal Uttar. The Pakistani nation rallied behind its armed forces, and the country's resolve to defend its sovereignty was strengthened. In the end, India lost over 3,000 soldiers, 150 tanks, and 100 aircraft, while Pakistan suffered around 1,000 casualties and lost 20 tanks. The war ended in a ceasefire on September 22, 1965, with Pakistan achieving a strategic victory, having successfully defended its territory and forced India to withdraw its forces. The war also earned Pakistan international recognition as a formidable military power, and its armed forces were hailed as heroes. The Tashkent Agreement followed, with India agreeing to withdraw its forces and restore pre-war borders, marking a significant diplomatic achievement for Pakistan (Riza, 1984).

### **1.2.3 Indo-Pakistani War of 1971**

The Indo-Pakistani War of 1971 was a broader conflict that led to the independence of Bangladesh (then East Pakistan). However, Kashmir was also a factor that was followed by Simla Agreement in July 1972, which established a new Line of Control in Kashmir.

### **1.2.4 Siachen Conflict (1984-present)**

The Siachen Conflict is an ongoing militarized dispute between India and Pakistan over the Siachen Glacier region in Kashmir. The conflict began in 1984, when India launched a military operation to capture the glacier. Pakistan responded, and the two countries have since maintained a military presence in the area. The conflict has resulted in numerous casualties and has become one of the highest-altitude military conflicts in the world (Siachen Glacier: The Strategic Importance, 2013)

### **1.2.5 Kargil War (1999)**

In 1999, tensions escalated between Pakistan and India in the Kargil district of Indian-held Kashmir, leading to a full-scale conflict between Pakistan and India. The conflict saw intense fighting, with both sides suffering significant losses. Despite being outnumbered and outgunned, Pakistani troops held their ground, inflicting notable casualties on the Indian army. International pressure and diplomatic efforts eventually led to a ceasefire, and Pakistani forces withdrew from the area. The conflict resulted in over 4,000 casualties and highlighted the ongoing dispute over Kashmir, underscoring the need for a peaceful resolution.

### **1.2.6 India-Pakistan standoff (2001-2002)**

The 2001-2002 India-Pakistan standoff was a military standoff following the 2001 Indian Parliament attack, which was linked to Kashmir. The standoff began in December 2001 and lasted for several months, with both countries mobilizing troops along the Line of Control. The standoff ended without a full-scale war, but tensions remained high.

### **1.2.7 India-Pakistan conflict (2016)**

The 2016 India-Pakistan conflict began with a terrorist attack on an Indian military base in Uri, Kashmir, in September 2016. India, without any solid proof, blamed Pakistan and claimed that it responded with surgical strikes in Pakistan-administered Kashmir. Pakistan denied the strikes, and the conflict escalated into cross-border firings and artillery duels.

### **1.2.8 India-Pakistan conflict (2019)**

The 2019 India-Pakistan conflict began with a terrorist attack on Indian security forces in Pulwama, Kashmir, in February 2019. India, again blamed Pakistan, attempted failed airstrikes in

Pakistan, leading to a wider conflict. Pakistan retaliated with successful airstrikes, downing Indian jets and capturing Indian fighter pilot. However, in a goodwill gesture, Pakistan released Indian pilot to give peace another opportunity. The conflict de-escalated following international pressure and diplomatic efforts (Diplomat, 2019).

## 2. Radcliffe Award: Endangered Pakistan's Water Securitization

The Radcliffe Award allocated several key water sources and infrastructure to India, including control over the headwaters of the Indus River, comprising the Chenab, Jhelum, and Ravi rivers. These rivers flow from Indian-administered Kashmir into Pakistan, giving India significant influence over the water supply. Additionally, India gained control over the Sutlej River, which flows through Punjab, India, and then into Pakistan, as well as the Beas River, a tributary of the Sutlej River.

India also secured control over the upper reaches of the Ravi River, allowing it to build dams and regulate water flow. Furthermore, India received the Indus River's eastern tributaries, including the Ujh, Budhil, and Tarnah rivers. The Ganges River and its tributaries, which flow through India and into Bangladesh, were also allocated to India. Most significantly, India gained control over the water resources of the disputed region of Kashmir, including the Indus River's headwaters.

This allocation has enabled India to develop its water infrastructure, including the construction of dams like the Baglihar and Kishanganga dams, which have raised concerns in Pakistan about water flow and usage. India has also expanded its irrigation infrastructure, such as the Indira Gandhi Canal, increasing its water usage. This has led to concerns in Pakistan about water security and its dependence on India for water flows, exacerbating tensions between the two nations.

This section of study aims to explore how the Radcliffe Award affected the Pakistan's water sources and why the water distribution dispute between Pakistan and India has become a security issue.

### 2.1 Core Water Issues between Pakistan and India

When India and Pakistan gained independence from British rule in 1947, a commission led by Sir Cyril Radcliffe drew the border between the two countries. It unfairly gave to India the control over the sources of six major rivers that flow into Pakistan. As a result, India became the upper riparian state, while Pakistan became the lower riparian region, relying heavily on these rivers for irrigation. Just after partition, India suddenly stopped the river water flow to Pakistan, threatening Pakistan's agriculture and economy. Pakistan appealed to the international community, and after a decade of tensions, the World Bank stepped in to mediate a water-sharing agreement between India and Pakistan. The Indus Waters Treaty (IWT) was signed in 1960, allocating three eastern rivers the Ravi, Sutlej, and Bias to India and three western rivers while the western rivers viz. the Sindh, Chenab, and Jhelum to Pakistan. Both countries were allowed to use each other's rivers for non-consumptive purposes, like power generation and agriculture, as long as the water flow wasn't disrupted. The IWT resolved the water conflict for nearly four decades until India announced the construction of the Baglihar Dam on the Chenab River in 1999, ignoring Pakistan's concerns about the dam's design. Pakistan feared the dam would reduce the water flow into the Chenab River. Meetings between the two countries failed to reach an agreement, and Pakistan had to seek the World Bank's neutral expert judgment. Although the verdict didn't stop the dam's construction, it highlighted India's disregard for Pakistan's water concerns, reigniting tensions over the unfair Radcliffe Award. India has been building dams on the Chenab, Jhelum, and Neelum rivers, which Pakistan objects to, fearing they will disrupt water flow and threaten its irrigation system, drinking water, and domestic supplies. These tensions are escalating the India-Pakistan water conflict (Qureshi, 2017).

### 2.2 Hydro-Politics: A Potential Source of Conflict between Pakistan and India

Pakistan's survival depends on the Indus River, which is the backbone of its agricultural economy. The Indus River originates in the Himalayas and flows through Pakistan before emptying into the Arabian Sea. The Indus Basin is shared by four countries: Afghanistan, China, India, and

Pakistan. Pakistan receives the most water from the Indus and has the largest catchment area. The Indus River has five main tributaries and several smaller ones, which feed the irrigation system in Pakistan. The Radcliffe Award, led to disputes over water sharing and territorial integrity. Now, Pakistan faces water crisis issue with India. Pakistan's storage capacity is also limited, and only a small percentage of its hydro potential has been harnessed. Groundwater resources are depleting rapidly, and clean water availability and urban water management are becoming major issues (Ahmed, 2019).

Although, the Indus Water Treaty temporarily resolved the issue, yet India and Pakistan's long-standing water dispute has flared up again after Indian Prime Minister Narendra Modi threatened to divert the Indus River's water back to India. He also announced a task force to review the Indus Waters Treaty (IWT), which allocated the Indus River to Pakistan. Pakistan sees Modi's statement as a provocation and rejects any changes to the IWT. India's threat to revoke the treaty has raised concerns in Pakistan, as it would mean no agreement on water distribution, potentially destabilizing the region (Qureshi, 2017).

### 2.3 India: Exploiting its ill gotten Edge of Being Upper Riparian

India, having illegally earned the edge of being the upper riparian state by virtue of the unjust Radcliffe Award, had long exploited its position. Firstly, by coercing Pakistan to surrender the waters of three rivers (Ravi, Sutlej, and Beas) in favor of India through signing the Indus Waters Treaty (IWT), after that by violating the treaty's terms by misappropriating the waters of the remaining three rivers (Chenab, Jhelum, and Indus) allocated to Pakistan. India has been accused of violating the Indus Waters Treaty (IWT) in several ways, including:

**Illegal Construction of Dams:** India has constructed several dams on the Chenab and Jhelum rivers, which are allocated to Pakistan under the IWT. These dams have altered or have the capacity to alter the natural flow of the rivers to minimize water availability for Pakistan.

**Water Diversion:** India has been accused of diverting water from the Chenab and Jhelum rivers for non-permitted uses, such as use in irrigation.

**Failure to Provide Data:** India has not provided Pakistan with adequate data on water flows, as required under the IWT.

**Denying Inspections:** India has restricted Pakistan's access to inspect Indian dams and water facilities, as allowed under the IWT.

**Building Projects On Disputed Territory:** India has built dams and other water projects on disputed territory in Kashmir, which Pakistan claims is a violation of the IWT.

**Not addressing Pakistan's concerns:** India has not adequately addressed Pakistan's concerns regarding water sharing and dam construction.

### 2.4 Brief Review of India's Unlawful Constructions on Pakistan's Rivers

The unlawful and illegal constructions against the terms of Indus Water Treaty are discussed in detail below:-

#### 2.4.1 Chenab River

India is illegally constructing the Ratle Dam (850 MW) and the Kirthai-I Dam (930 MW) on the Chenab River, violating the Indus Waters Treaty (IWT). The Chenab River is a vital water source for Pakistan, and these dams will significantly reduce water flow to the country. The IWT stipulates that India must consult with Pakistan before building any dams on shared rivers. However, India has unilaterally pursued these projects, causing concerns about water security in Pakistan (Dawn, 2023).

#### 2.4.2 Jhelum River

India is constructing the Kishanganga Dam (330 MW) on the Jhelum River, another violation of the IWT. The dam will divert water from the Jhelum River, reducing Pakistan's share of the river's waters. The IWT prohibits India from building dams that alter the natural flow of shared rivers. Pakistan has raised objections to the project, but India continues to move forward, threatening Pakistan's water rights (Mariam Rehman, 2023).

#### 2.4.3 Indus River



India is building the Tulbul Project (45 MW) on the Indus River, which will create a navigational canal and alter the river's natural flow. This project violates the IWT's provisions, which prohibit India from building structures that modify the river's flow. Pakistan relies heavily on the Indus River for irrigation and drinking water, making this project a significant concern for the country's water security (Misra, 2010).

#### 2.4.4 Sutlej River

India is constructing the Nathpa Jhakri Dam (1500 MW) on the Sutlej River, which flows into Pakistan. While the IWT allows India to build run-of-the-river dams, the Nathpa Jhakri Dam's massive size and storage capacity violate the treaty's provisions. The dam will significantly alter the river's flow, affecting Pakistan's water supply and ecosystems downstream (Sharma, 2010).

#### 2.5 Floods in Pakistan

Pakistan has suffered significant economic losses due to flooding, with estimated costs totaling billions of rupees. The country faced a staggering loss of approximately PKR 1.15 trillion (USD 7.1 billion) in the 2010 floods, one of the most devastating in recent history. More recently, in 2022, Pakistan suffered another massive loss of around PKR 2.5 trillion (USD 15.5 billion) due to catastrophic flooding, making it one of the costliest natural disasters in the country's history (Nations, 2022).

#### Conclusion and Findings

The study concludes with the findings that Muslims of the subcontinent achieved independence in 1947, driven by a desire for peaceful survival and stability in the region. However, the border demarcating unfair Radcliffe Award, hastily drawn and arbitrarily imposed, has proven to be a perpetual source of instability, fueling conflicts, hostility, and tensions in the region.

The Radcliffe Award's egregious decisions have had far-reaching consequences, including the allocation of Muslim-majority areas to India, thereby providing to it the access to Kashmir. Furthermore, the Award managed to give the control of vital water sources and strategic assets related to rivers flowing into Pakistan, compromising the Pakistan's water security. This unjust distribution of resources has had a lasting impact on the region's dynamics, fueling tensions and conflicts that persist to this day. As both the nations are bolstering their military might, becoming increasingly lethal, and piling up their arms depots, the contentious legacy of the Radcliffe Award is unfolding its lethal repercussions.

The long-standing Kashmir dispute, a bone of contention between the two nations and a source of full fledge wars, limited wars and border skirmishes between Pakistan and India, was exploited by India in 2019 through a series of provocative steps, including the unilateral revocation of Article 370, imposition of a military lockdown, and redrawing of territorial boundaries. Meanwhile, the water security issue, dormant for decades since the Indus Waters Treaty, has resurfaced as a major flashpoint, due to India's repeated violations of Indus Water Treaty terms by constructing dams, altering and achieving the capacity to alter the flow of water, and by using waters of Pakistan's rivers for agricultural use, coupled with Indian Prime Minister Narendra Modi's threats to wield water as a weapon of destruction against Pakistan. This ominous development underscores the unjust nature of the Radcliffe Award, which has sowed the seeds of discord in the region. The Award's arbitrary division of territory and resources has created a perpetual state of conflict, with the Kashmir dispute and water security issue serving as stark reminders of its enduring legacy.

#### Recommendations

The Kashmir dispute must be resolved in accordance with the United Nations Security Council resolutions, which provide a clear framework for a peaceful and just settlement. This is essential for ensuring the rights and dignity of the Kashmiri people, as well as for promoting regional stability and security. The international community has a critical role to play in facilitating this process, by encouraging Pakistan and India to engage in constructive dialogue and negotiations.

The international community, including institutions like the World Bank, must also pressurize India to comply with the terms of the Indus Water Treaty. This treaty is a vital component of regional cooperation, and its implementation is essential for ensuring the equitable distribution of

water resources between Pakistan and India. By urging India to respect the treaty's provisions, the international community can help mitigate the risk of water scarcity and conflict, promoting instead a future of cooperation and sustainable development in the region.

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