



Perspective: Indus Waters Treaty

For Prelims: Kishanganga and Ratle Hydro Electric Projects, Indus Waters Treaty (IWT) Indus and its tributaries.

For Mains: Indus Waters Treaty: Disputes, What can be Done.

Why in News?

Recently, **India has informed Pakistan of its intention to amend the Indus Waters Treaty (IWT) of 1960**, which sets out a mechanism for the management of cross-border rivers. According to reports **India was forced to issue the notice as Pakistan's actions had "adversely impinged" on the provisions of the treaty and their implementation.**

What is Indus Water Treaty?

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The Indus Waters Treaty (IWT)

- The distribution of waters of the Indus and its tributaries between India and Pakistan is governed by the Indus Water Treaty (IWT).
- Was signed on Sept 19, 1960, between India, Pakistan and a representative of World Bank after nine years of negotiations.
- Partition of India cut across the Indus river basin, which has the Indus river, plus five of its main tributaries.

Western rivers

Chenab, Jhelum, Indus

India's rights over these rivers: Limited — can set up certain irrigation, run-of-the-river power plants, very limited storage, domestic and non-consumptive use, all subject to conditions

Eastern rivers

Sutlej, Beas, Ravi

India's rights over these rivers: All exclusive rights lie with India.

Indus Waters Commission a success story

- Once every five years, conducts a general inspection of all rivers in parts. Total inspection tours so far: Over 100
- Regularly meets once a year. Total meetings thus far, including those for taking up Pak objections: Over 100

MAP NOT TO SCALE

▪ About:

- India and Pakistan **signed the IWT in September 1960 after nine years of negotiations, with the World Bank** being

- a signatory to the pact.
- The treaty **sets out a mechanism for cooperation and information exchange between the two sides** on the use of the water of the Indus River and its five tributaries **Sutlej**, Beas, Ravi, Jhelum, and **Chenab**.
- **Key Provisions:**
 - **Water Sharing:**
 - The treaty prescribed **how water from the six rivers of the Indus River System would be shared between India and Pakistan**.
 - It **allocated the three western rivers**—Indus, Chenab and Jhelum—to Pakistan for unrestricted use, barring certain non-consumptive, agricultural and domestic uses by India and **the three Eastern rivers**—Ravi, Beas and Sutlej—were allocated to India for unrestricted usage.
 - This means that **80% of the share of water went to Pakistan while leaving the rest 20% of water for use by India**.
 - **Permanent Indus Commission (PIC):**
 - It also **required both countries to establish a PIC** constituted by permanent commissioners on both sides.
 - According to the provisions of the IWT, the **PIC is required to meet at least once a year**.
 - **Rights over Rivers:**
 - While Pakistan has rights over the waters of Jhelum, Chenab and Indus, **Annexure C of the IWT allows India certain agricultural uses, while Annexure D allows it to build 'run of the river' hydropower projects**, meaning projects not requiring live storage of water.

What is the Dispute Redressal Mechanism Laid Down Under the Treaty?

- **The dispute redressal mechanism provided under Article IX of the IWT is a graded mechanism. It's a 3-level mechanism:**
 - **First Commissioner:** Whenever India plans to start a project, under the Indus Water Treaty, it has to inform Pakistan that it is planning to build a project.
 - Pakistan might oppose it and ask for more details. That would mean there is a **question that question has to be clarified between the two sides at the level of the Indus Commissioners**.
 - **Neutral Expert:** If that difference is not resolved by them, then the level is raised. The **question then becomes a difference**. That difference is to be resolved by another set mechanism, which is the Neutral Expert.
 - It is at this stage that the **World Bank comes into the picture**.
 - **The Court of Arbitration:** In case the Neutral Expert says that they are not able to resolve the difference, or that the issue needs an interpretation of the Treaty, then **that difference becomes a dispute. It then goes to the third stage — the Court of Arbitration**.

What is the History of the Disputes?

- Pakistan had earlier objected to the Salal dam project in 1970 **over design concerns, negotiations for which ended in 1978**. This was followed by the neighbouring country's opposition to the 900 MW Baglihar Hydropower project, which involved the construction of a 150m tall dam on Chenab.
 - The construction for the project started in 1999, but **Pakistan raised objections soon after, finally threatening to invoke the arbitration provision in IWT to refer the matter to a Neutral Expert**.
- The recent notice appears to be a fallout of a longstanding dispute over two hydroelectric power projects that India is constructing - **one on the Kishanganga river, a tributary of Jhelum, and the other on the Chenab**.
 - Pakistan has raised objections to these projects, and dispute resolution mechanisms under the Treaty have been invoked multiple times. But a full resolution has not been reached.
- In 2015, Pakistan wanted that a Neutral Expert should be appointed to examine its **technical objections to the Kishanganga and Ratle Hydroelectric Projects (HEPs)**. But the following

year, Pakistan unilaterally withdrew its request and proposed that a Court of Arbitration should adjudicate on its objections.

- In 2016, Pakistan approached the World Bank seeking the constitution of a Court of Arbitration **under the relevant dispute redressal provisions of the Treaty.**
- Instead of responding to Pakistan's request for a Court of Arbitration, **India moved a separate application asking for the appointment of a Neutral Expert**, which is a lower level of dispute resolution provided in the Treaty.
 - India argued that Pakistan's request for a Court of Arbitration **violated the Treaty's graded mechanism of dispute resolution.**

What is Kishanganga Hydroelectric Project?

- The Kishanganga project is **located 5 km north of Bandipore in Jammu and Kashmir, India.**
- It is a run-of-the-river project that **includes a 37 m tall concrete-face rock-fill dam.**
- It requires to **divert water from the Kishanganga River through a tunnel to a power plant in the Jhelum River basin.**
- It will have an **installed capacity of 330 MW.**
- The construction of this hydroelectric project **began in 2007.**
- Pakistan **objected to the project arguing that it will affect the flow of the Kishanganga River** (called the Neelum River in Pakistan).
- In 2013, **the Hague's Permanent Court of Arbitration (CoA)** ruled that India could divert all the water with certain conditions.

What can be the Way Forward?

- **Negotiation and Dialogue:** The most effective way to resolve disputes is through negotiation and dialogue between the parties involved. Both India and Pakistan have established mechanisms such as the PIC to discuss and resolve disputes related to the treaty. The parties **can use these channels to address any issues and reach a mutually acceptable solution.**
- **Technical Solutions:** The IWT provides for technical solutions to address disputes related to the implementation of the treaty. The parties can use technical experts to resolve disputes related to the design, construction, and operation of the water infrastructure.
 - **For example, disputes related to the Baglihar Dam project were resolved through technical solutions.**
- **Mediation:** If negotiations fail, the parties can seek the assistance of a third party to mediate the dispute. The World Bank has played a key role in mediating disputes related to the Indus Water Treaty in the past. **Other international organizations or countries can also play a role in mediating the dispute.**
- **Legal Recourse:** The treaty also provides for a dispute resolution mechanism through an arbitration panel. The parties can refer the dispute to the panel if they are unable to resolve it through negotiation or mediation.
- **Long-term Solutions:** The disputes related to the IWT are often symptoms of larger political differences between India and Pakistan. Addressing these underlying issues through **sustained dialogue and cooperation can provide a long-term solution to disputes.**

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q1. With reference to the Indus river system, of the following four rivers, three of them pour into one of them which joins the Indus directly. Among the following, which one is such a river that joins the Indus direct? (2021)

- (a) Chenab
- (b) Jhelum
- (c) Ravi

(d) Sutlej

Ans: (d)

Q2. Consider the following pairs (2019)

	Glacier	River
1.	Bandarpunch	Yamuna
2.	Bara Shigri	Chenab
3.	Milam	Mandakini
4.	Siachen	Nubra
5.	Zemu	Manas

Which of the pairs given above are correctly matched?

(a) 1, 2 and 4

(b) 1, 3 and 4

(c) 2 and 5

(d) 3 and 5

Ans: (a)

Mains

Q. Present an account of the Indus Water Treaty and examine its ecological, economic and political implications in the context of changing bilateral relations. (2016)

PDF Reference URL: <https://www.drishtiias.com/printpdf/perspective-indus-waters-treaty>