



Disputes Related to Indus Water Treaty

Prelims: [Indus Water Treaty \(IWT\)](#), [Indus and its tributaries](#), [Kishanganga](#) and [Ratle Hydro Electric Projects](#), [World Bank](#).

Mains: [Indus Waters Treaty and associated implementation issues](#)

[Source: IE](#)

Why in News?

The **Neutral Expert (NE)** appointed by the [World Bank](#) under the **Indus Waters Treaty (IWT)** declared that he is “**competent**” to **adjudicate disputes** concerning the [Kishenganga](#) and [Ratle hydroelectric projects](#) in Jammu and Kashmir(J&K).

- This supports India’s stance to exclude the [Permanent Court of Arbitration \(PCA\)](#), reinforcing its diplomatic and legal efforts to assert rights over the [Indus waters](#).

What are the Key Disputes Regarding Indus Water Treaty (IWT)?

- **Water Sharing Dispute:**
 - **Kishanganga Hydroelectric Project:** [Kishanganga Hydroelectric Project \(HEP\)](#) is located on the Kishanganga River (tributary of Jhelum) in J&K. Pakistan objected, claiming that water diversion for power generation violates the IWT.
 - **Ratle Hydroelectric Project:** [Ratle Hydroelectric Project](#) is a run-of-the-river project on the Chenab River in J&K, Pakistan raised concerns that the dam's design, including the spillway gates, gives India excessive control over river flow.
- **Dispute Over Resolution Procedure:**
 - Pakistan objected to the **Kishanganga and Ratle projects**, initially requesting a NE under the **IWT** in 2015 but later sought adjudication by the PCA.
 - India opposed this, emphasizing the IWT's dispute resolution hierarchy, which prioritizes NE over PCA. **In 2022**, the World Bank initiated both NE and PCA processes.
 - India boycotted the PCA while engaging with the NE, asserting that only the NE has the authority to resolve disputes under the IWT.

//

INDUS WATERS TREATY: POINTS OF DIFFERENCE

Here's what the Neutral Commissioner will now decide upon

- | | |
|---|--|
| ■ Whether the pondage provided in the two dams' designs meet restrictions imposed by the IWT. | ■ Whether outlets below the dead storage level are in accordance with the IWT. |
| ■ Whether the intakes for the turbines provided in the design are in accordance with the IWT. | ■ Whether the designs of the gated spillways of each plant are in accordance with the IWT. |

What is the Indus Waters Treaty?

- **About:** It is a **water-sharing agreement** between **India and Pakistan** signed in **1960** under the aegis of the **World Bank** to divide the waters of the **Indus River** and its 5 tributaries (**Sutlej, Beas, Ravi, Jhelum, and Chenab**) between the countries.
- **Key Provisions:**
 - **Water Sharing Arrangement:**
 - The Treaty grants **India unrestricted use of the 3 eastern rivers (Beas, Ravi, Sutlej)** and allocates the **3 western rivers (Chenab, Indus, Jhelum) to Pakistan**, with certain allowances for India to use these waters for **domestic, non-consumptive, agricultural, and hydroelectric purposes** under specific conditions.
 - As per this arrangement, **Pakistan is allocated roughly 80% of the water** from the Indus River system, while **India receives approximately 20% of the water share**.
 - **Permanent Indus Commission:** The treaty mandated the establishment of a **Permanent Indus Commission (PIC)** with **representatives from both countries**, which is required to **meet annually** to ensure the implementation of the treaty.
- **Dispute Resolution Mechanism: Article IX of the IWT** outlines a **3-tier dispute resolution process:**
 - **Resolution by PIC:** Initial disputes or questions regarding treaty interpretation or breaches are addressed by the PIC, a bilateral body of officials from India and Pakistan.
 - **Neutral Expert:** If the **PIC fails to resolve the issue**, it is referred to a Neutral Expert appointed by the World Bank, at the request of either Commissioner.
 - **Court of Arbitration:** If the matter is classified as a **dispute or outside the** Neutral Expert's mandate, and if **bilateral negotiations fail**, either party can invoke a **Court of Arbitration** set up by the **World Bank**.

Note: PCA was established in **1899** and based in **The Hague, Netherlands**, resolves disputes between states, offering arbitration and other mechanisms. It also provides a **Financial Assistance Fund** to help developing countries cover arbitration costs.

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).

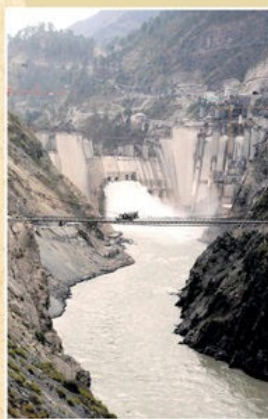
■ Was signed on Sept 19, 1960, between India, Pakistan and a representative of World Bank after eight years of negotiations.

■ 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

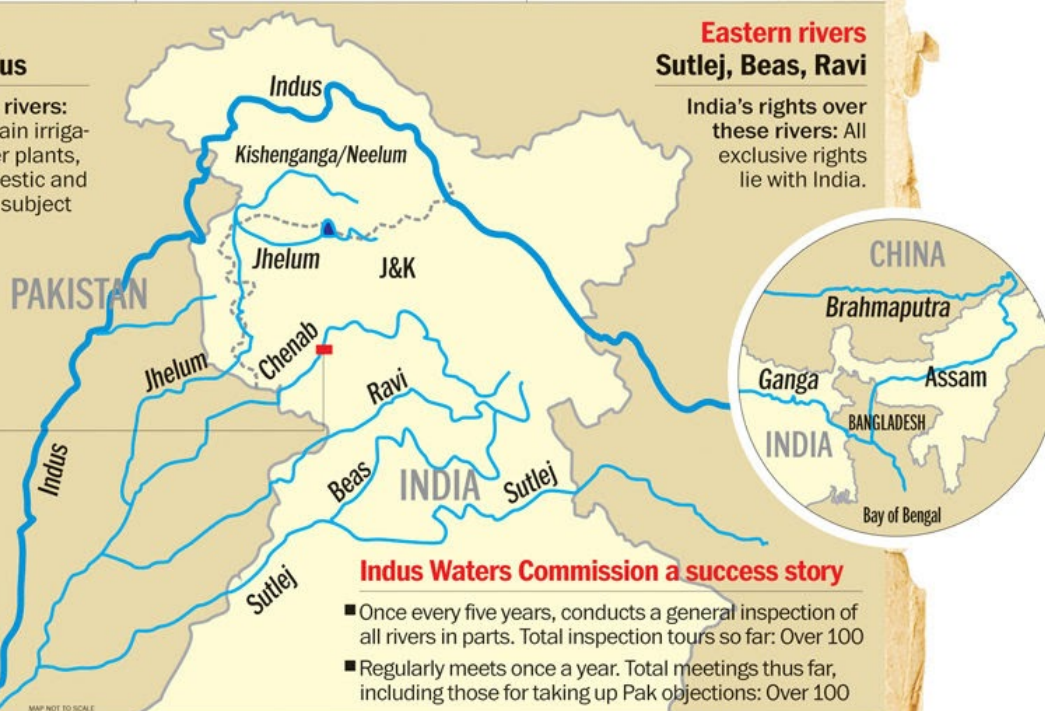


Baglihar dam on Chenab

Eastern rivers

Sutlej, Beas, Ravi

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



Why are the Challenges Associated with IWT?

- **Outdated Provisions:** The IWT does **not address modern challenges** like **climate change**, which has altered hydrological patterns in the Indus basin, affecting water availability.
 - Climate change has led to **accelerated glacial melt, erratic rainfall, and increased evaporation, reducing water availability**, which challenges the IWT which was based on **historical hydrological patterns**.
- **Lack of Flexibility:** The **rigid allocation of water resources** under the treaty **limits the** ability to implement adaptive water management strategies in response to changing circumstances.
- **Irregularities of PCA:** The ongoing parallel proceedings initiated by the World Bank highlight the **ambiguities in the treaty's dispute resolution framework**, signaling the need for reform and clarification.
- **Geopolitical Tensions:** The broader **mistrust and hostilities between India and Pakistan** hinder the **treaty's effectiveness, complicating cooperation** on water-sharing and management.

Way Forward

- **Renegotiation of the Treaty:** There is an urgent need to revisit the IWT to address its limitations and incorporate provisions for climate resilience and sustainable water management.
- **Enhanced Dialogue:** India and Pakistan must prioritize dialogue and trust-building measures to resolve disputes amicably. The revival of the **Permanent Indus Commission** could serve as a starting point.
- **Third-Party Mediation:** The World Bank and other neutral parties can play a constructive role in facilitating negotiations and ensuring compliance with the treaty.
- **Focus on Technical Solutions:** Both countries should adopt a technical and scientific approach

to resolve disputes over hydroelectric projects, emphasizing data sharing and joint studies.

Drishti Mains Question:

What is the Indus Water Treaty (IWT)? Discuss why India wants to renegotiate IWT.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims:

Q. 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) Sutle

Ans: (d)

Q. 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. The interlinking of rivers can provide viable solutions to the multi-dimensional inter-related problems of droughts, floods, and interrupted navigation. Critically examine. (2020)

