

Sansad TV Perspective: Indus Water Treaty

In the series Sansad TV Perspective, we bring you an analysis of the discussion featured on the insightful programme 'Perspective' on Sansad TV, on various important topics affecting India and also the world. This analysis will help you immensely for the [IAS exam](#), especially the mains exam, where a well-rounded understanding of topics is a prerequisite for writing answers that fetch good marks.

In this article, we feature the discussion on the topic: '**Indus Water Treaty**'.

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Guests:

1. Dr. Syamal Kumar Sarkar, Former Secretary, Ministry of Water Resources, GoI
2. Dilip Sinha, Former Ambassador
3. Alok Bansal, Director, India Foundation

Context: Amendment to the Indus Waters Treaty, 1960.

Introduction:

- India has informed Pakistan of its intention to amend the Indus Waters Treaty of 1960, which sets out a mechanism for management of cross-border rivers.
- India was forced to issue the notice as Pakistan's actions had "adversely impacted" on the provisions of the treaty and their implementation.
- India cited Pakistan's "intransigence" in resolving disputes over the Kishenganga and Ratle hydropower projects, both in Jammu and Kashmir.
- India also protested Pakistan's "unilateral" decision to approach a court of arbitration at The Hague.

Indus Waters Treaty:

- The Indus Water Treaty (IWT) is a water-distribution treaty between India and Pakistan, arranged and negotiated by the [World Bank](#), to use the water available in the Indus River and its tributaries.
- It was signed in Karachi on 19 September 1960 by then Indian Prime Minister Jawaharlal Nehru and then Pakistani president Ayub Khan.
- Under the provisions of this treaty India got about 3.3 crore of 16.8 crore acre-feet of water in the Indus system.

- India has about 20% of the total water carried by the Indus system while Pakistan has 80%.
- The treaty allows India to use the western river waters for limited irrigation use and unlimited non-consumptive use for such applications as power generation, navigation, floating of property, fish culture, etc.
 - At current usage, India utilises a little over 90% of its quota of Indus waters.

Notice from India:

- On January 25, 2023, India issued a notice to Pakistan through commissioners appointed under Article XII (3) of the Indus Waters Treaty stating the need to amend the Indus Waters Treaty, 1960.
- The notice gives Pakistan 90 days within which it can enter into intergovernmental negotiations to rectify the violations of the Indus Waters Treaty. This process will also update the Indus Waters Treaty as the situation has changed in the last 62 years.
- Article XII (3) of the Treaty is not a dispute redressal mechanism. It is in effect, a provision to amend the Treaty.
- However, an amendment or modification can happen only through a “duly ratified Treaty concluded for that purpose between the two governments”.
 - Pakistan is under no obligation to agree to India’s proposal.
- Article XII (4) under the treaty provides for the termination of the Treaty through a similar process — “a duly ratified Treaty concluded for that purpose between the two governments”.
- India has not fully utilised its rights over the waters of the three east-flowing rivers — Ravi, Beas and Sutlej — over which India has full control under the Treaty.
 - It has also not adequately utilised the limited rights over the three west flowing rivers — Indus, Chenab and Jhelum — which are meant for Pakistan.
- Following the Uri attack, India had established a high-level task force to exploit the full potential of the Indus Waters Treaty and use the Treaty as a strategic tool.
- Accordingly, India has been working to start several big and small hydroelectric projects that had either been stalled or were in the planning stages.

Reason behind notice:

- In 2015, India had requested Pakistan to appoint a neutral expert to examine the Kishanganga and Ratle hydropower projects and reveal their technical flaws.
 - India is constructing the 850 MW Ratle Hydroelectric Project on River Chenab and 330 MW Kishenganga hydroelectric project on River Jhelum.
 - In May 2018, Prime Minister Narendra Modi inaugurated the Kishanganga project despite objections by Pakistan.

- However, in 2016, Pakistan unilaterally proposed that an arbitration court adjudicate on its objections. This is in violation of Article IX of the Indus Waters Treaty which suggests a graded mechanism for resolving disputes.
- In 2016, taking cognizance of this, the World Bank had recommended to stop the process on both sides and find an amicable solution.
- The two countries have met five times from 2017 to 2022. In all these meetings, Pakistan has objected to India's hydropower projects on the western rivers.
- The first hearing of the Pakistani case at the Permanent Court of Arbitration at The Hague in the Netherlands began on January 27, 2023, with India boycotting the court process.
- The initiation of two simultaneous processes on the same questions and the potential of their contradictory outcomes creates an unprecedented and legally untenable situation, which risks endangering the treaty itself.

Way Forward:

- The water scarcity situation is gradually worsening in the basin. Climate change is increasing the uncertainties when it comes to water supply. Integrated development of the basin would create opportunities to build more storage facilities across the Indus and its tributaries to ensure better management of the scarce water.
- For appropriate and competent management of Indus systems, it is necessary to establish an effective and independent river basin organisation, involving all riparian states.
- Under an integrated programme of basin development, water projects can be situated at optimum locations, notwithstanding geographic divisions along political lines.
- India and Pakistan shall come forward together with China and Afghanistan to renegotiate a new Indus agreement for a comprehensive and integrated form of basin management as the benefit sharing of the Indus River system can also significantly contribute to regional peace, security and development.