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Indus Waters Treaty – Pakistan Invokes IWT over Sawalkot Hydroelectric Project

13 February 2026

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Indus Waters Treaty — Pakistan Invokes IWT over Sawalkot Hydroelectric Project

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WHY IN NEWS

Pakistan officially invoked the **Indus Waters Treaty (IWT) 1960**, requesting information and consultations from India regarding the **Sawalkot Hydroelectric Project** (1,856 MW) on River Chenab in Jammu & Kashmir's Ramban district — even as India accelerated the project by floating a **₹5,129 crore tender through NHPC**, with bid submissions scheduled for March 12–20, 2026, following India's suspension of the IWT after the Pahalgam terror attack.

THE INDUS WATERS TREATY — ARCHITECTURE

The **Indus Waters Treaty (IWT)** was signed on **September 19, 1960** by Indian PM Jawaharlal Nehru and Pakistani President Ayub Khan, brokered by the **World Bank**. It is one of the world's most durable international water-sharing agreements, surviving three wars (1965, 1971, 1999 Kargil) between India and Pakistan.

Core division of the Indus river system:

The Indus basin has six major rivers. IWT divides them into two groups:

Rivers	Allocation	Average Annual Flow
Eastern Rivers — Sutlej, Beas, Ravi	India's exclusive use	~33 million acre-feet (MAF)
Western Rivers — Indus, Jhelum, Chenab	Pakistan's unrestricted use	~80 MAF

India's limited rights on Western Rivers: India may use water from Western Rivers for:

- Run-of-the-river hydroelectric projects** (no significant storage allowed)
- Domestic use** (drinking, sanitation)
- Limited agricultural use** (defined acreages in specified tributaries)
- Non-consumptive uses** (navigation, flood control)

India **cannot** build large storage dams, divert large quantities, or significantly alter the flow of Western Rivers to Pakistan.

THE SAWALKOT PROJECT — KEY DATA

Parameter	Detail
River	Chenab (Western River under IWT)
Location	Ramban district , Jammu & Kashmir
Capacity	1,856 MW run-of-the-river scheme
Dam type	Concrete gravity dam with reservoir
Annual generation	Over 7,000 million units
Project initiation	1984
Status	Declared “Project of National Importance”
Implementing agency	NHPC (National Hydroelectric Power Corporation)
Tender value	₹5,129 crore (floated February 2026)
Bid submission	March 12–20, 2026; valid for 180 days
Construction timeline	3,285 days (multi-year build)
Districts benefiting	Ramban, Reasi, Udhampur (J&K)
Environmental clearance	Secured; expert committee recommendations obtained

Other major Chenab projects (context):

Baglihar Dam (890 MW, Ramban) — Completed; subject to Neutral Expert arbitration in 2007 (India won)

Dulhasti (390 MW, Kishtwar) — Operational

Salal Dam (690 MW, Reasi) — Operational

Ratle Dam (850 MW, Kishtwar) — Under construction; Court of Arbitration case pending at Hague

INDIA’S SUSPENSION OF THE IWT — AND WHAT IT ENABLES

Following the **Pahalgam terror attack** (April 2025) attributed to Pakistan-linked groups, India officially **suspended** the Indus Waters Treaty — giving India “greater flexibility to design and execute projects on western rivers such as the Chenab, Jhelum and Indus,” previously constrained by treaty provisions limiting India to non-consumptive uses like run-of-river hydropower.

India's fast-tracking of Sawalkot is the most concrete manifestation of this suspension: by accelerating the ₹5,129 crore NHPC tender, India is asserting that IWT constraints no longer apply while the treaty is suspended, enabling it to proceed without the usual notification-and-consultation obligations to Pakistan.

What suspension means legally:

The IWT has **no exit clause** and no suspension clause. A party cannot unilaterally terminate or suspend it under the treaty's own terms.

India's legal position: Pakistan's support for cross-border terrorism creates exceptional circumstances constituting a fundamental change of circumstances (Article 62 of the Vienna Convention on the Law of Treaties – VCLT).

Pakistan's counter: No political events can alter treaty obligations; IWT is governed by international law and the World Bank remains its guardian; VCLT Article 62 has an extremely high threshold and has never successfully terminated a treaty in international jurisprudence.

Legal consensus: Most international water law scholars hold that the IWT remains in force regardless of India's suspension declaration; India can only formally exit through mutual agreement (Article XII).

Strategic impact of fast-tracking Sawalkot: The suspension of IWT — combined with immediately advancing the Sawalkot project — signals that India is using water infrastructure as a **strategic instrument** against Pakistan. Sawalkot's 1,856 MW capacity provides both electricity for northern India and demonstrates India's sovereign control over Chenab waters.

Pakistan's counter-move: By formally invoking IWT consultation procedures for Sawalkot, Pakistan is asserting the treaty remains operative and forcing India to respond through the treaty mechanism — or explicitly refuse, which would strengthen Pakistan's international legal case against India at the Court of Arbitration.

DISPUTE RESOLUTION MECHANISM UNDER IWT

The IWT has a **three-tier dispute resolution** system:

Tier 1 — Permanent Indus Commission (PIC):

A permanent bilateral body with one Commissioner from each side

Meets at least once a year; conducts site visits; resolves technical questions

Pakistan's current request operates at this tier — seeking information and consultation

Tier 2 — Neutral Expert:

Appointed by the World Bank if PIC fails to resolve a disagreement

Decides "questions" (technical/engineering disputes)

Precedent: 2007 Baglihar Dam case — Neutral Expert Raymond Lafitte largely ruled in India’s favour (found Baglihar’s design modifications acceptable; ordered minor adjustments)

Tier 3 — Court of Arbitration at the Hague:

For “differences” (legal/interpretive disputes) that cannot be resolved at Tier 2

Precedent: Ratle/Kishanganga cases — Pakistan brought both to the Court of Arbitration; India challenged jurisdiction, arguing Neutral Expert (not Court of Arbitration) was the appropriate forum; complex procedural dispute ongoing

THE KISHANGANGA PRECEDENT (RIVER JHELUM)

The **Kishanganga Hydroelectric Project** (330 MW, on Kishanganga river — tributary of Jhelum, J&K) was taken to the Permanent Court of Arbitration (PCA) at The Hague by Pakistan. The 2013 PCA Award allowed India to build and operate the project but imposed conditions on minimum flow releases to Pakistan. This shows:

- India CAN build run-of-the-river projects on Western Rivers
- PCA can impose operational conditions
- Long arbitration timelines (5–10 years) during which projects face uncertainty

UPSC RELEVANCE

Indus Waters Treaty 1960 (signed September 19, 1960), World Bank brokered, Eastern Rivers (Sutlej/Beas/Ravi — India), Western Rivers (Indus/Jhelum/Chenab — Pakistan), Permanent Indus Commission (PIC), Neutral Expert (Baglihar 2007), Court of Arbitration (Hague), Sawalkot 1856 MW (Chenab, Ramban), Baglihar 890 MW, Kishanganga 330 MW (Jhelum tributary), Ratle 850 MW, Vienna Convention on Law of Treaties (Article 62 — fundamental change of circumstances).

India-Pakistan relations; International Water Treaties; Dispute resolution mechanisms under IWT; India’s rights on Western Rivers; Implications of abeyance for India-Pakistan diplomatic relations; Water security in the Indus Basin.

★ FACTS CORNER — KNOWLEDGEPEDIA

INDUS WATERS TREATY — CORE DATA:

Signed: **September 19, 1960**

Signatories: PM **Jawaharlal Nehru** (India) + President **Ayub Khan** (Pakistan); brokered by **World Bank**

Survived: Three India-Pakistan wars (1965, 1971, 1999 Kargil)

No exit clause — treaty cannot be unilaterally terminated

RIVER DIVISION:

Eastern Rivers (India): Sutlej, Beas, Ravi → ~33 MAF

Western Rivers (Pakistan): Indus, Jhelum, Chenab → ~80 MAF

India's allowed uses on Western: Run-of-river hydro, domestic, limited agricultural, navigation

SAWALKOT PROJECT:

River: **Chenab** (Western River)

Location: **Ramban district**, J&K

Capacity: **1,856 MW** | Annual generation: >7,000 million units

Initiated: **1984**; declared "Project of National Importance"

Implementing agency: **NHPC** (National Hydroelectric Power Corporation)

Tender value: **₹5,129 crore** (floated February 2026); bids: March 12–20, 2026

Construction timeline: **3,285 days**

Districts benefiting: **Ramban, Reasi, Udhampur** (J&K)

Environmental clearance: **Secured**; expert committee recommendations obtained

IWT context: India suspended IWT (April 2025, post-Pahalgam) → fast-tracking enabled

OTHER CHENAB PROJECTS:

Baglihar: **890 MW**, Ramban | Neutral Expert ruling 2007 (India won)

Dulhasti: **390 MW**, Kishtwar

Salal: **690 MW**, Reasi

Ratle: **850 MW**, Kishtwar (under construction)

DISPUTE RESOLUTION TIERS:

Tier 1: Permanent Indus Commission (PIC) — bilateral, annual meetings

Tier 2: Neutral Expert (World Bank-appointed) — technical disputes ("questions")

Tier 3: Court of Arbitration at the Hague — legal disputes ("differences")

KEY PRECEDENTS:

Baglihar (2007): Neutral Expert Raymond Lafitte — largely ruled in India's favour; minor modifications required

Kishanganga (2013): PCA Award — India can build 330 MW project; minimum flow release conditions imposed

Ratle + Kishanganga Arbitration: Pakistan filed at Court of Arbitration; jurisdiction dispute ongoing

OTHER RELEVANT FACTS:

Vienna Convention on the Law of Treaties **Article 62:** Fundamental Change of Circumstances doctrine — rarely successful as grounds to exit a treaty

India's Indus Commissioner meets Pakistan's Commissioner annually under PIC

Pakistan filed first-ever Court of Arbitration case against India on IWT in 2016 (over Ratle and Kishanganga)

Sources: Drishti IAS, AffairsCloud

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