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EDITORIAL ANALYSIS

Water in Abeyance: India's Plans on the Western Rivers and Pakistan's Protest at the United Nations

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IR**GEOGRAPHY****GS2****GS3**

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Water in Abeyance: India's Plans on the Western Rivers and Pakistan's Protest at the United Nations

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GS2

GS3



INTERVIEW ANGLE

"If a treaty survived three wars, does suspending it now strengthen India's leverage over Pakistan, or does it mainly cost India its reputation as a state that honours its water commitments?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

The Indus Waters Treaty survived the wars of 1965, 1971 and 1999, which is why India's decision to hold it in abeyance is a signal rather than a plumbing decision. New Delhi's position is that a treaty premised on goodwill cannot operate while one party uses cross-border terrorism as an instrument of state policy. Pakistan's position is that the Treaty contains no abeyance clause and therefore remains binding in full. The dispute lives in the gap between engineering reality and legal argument: India's leverage is real but slow, and Pakistan's law is textual but unenforceable.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

This is one of the cleanest GS2 and GS3 crossovers available, joining treaty law, neighbourhood diplomacy, terrorism and river geography in a single case study that examiners can approach from four directions.

GS Paper 2: India and its neighbourhood relations; bilateral agreements involving India and affecting India's interests; important international institutions, agencies and fora, including the **United Nations Security Council (UNSC)**, the **World Bank** and the **Permanent Court of Arbitration (PCA)**; the effect of cross-border terrorism on diplomatic cooperation.

GS Paper 3: water resources and inter-basin transfers; infrastructure and energy, specifically run-of-the-river hydroelectric development; internal security and the linkages of externally aided terrorism; disaster and flood management on transboundary rivers.

For **Prelims**, fix the geography first. The Indus rises in the Tibetan plateau near Lake Mansarovar and enters India through **Ladakh**; the **Jhelum** rises at Verinag in the Kashmir Valley and drains into Wular Lake; the **Chenab** forms at Tandi in Himachal Pradesh from the **confluence** of the Chandra and Bhaga streams; the **Ravi, Beas** and **Sutlej** are the eastern rivers, the Sutlej rising in Tibet. Aspirants should also be able to name the **Permanent Indus Commission (PIC)** and reproduce the three-tier dispute mechanism in order.

BACKGROUND AND CONTEXT

PARAMETER	DETAIL
Signed	19 September 1960 at Karachi
Signatories	Prime Minister Jawaharlal Nehru and President Mohammad Ayub Khan ; the World Bank (International Bank for Reconstruction and Development, IBRD) as broker and as signatory for specified purposes
Negotiation	Nine years of World Bank mediation from 1951, one of the longest water negotiations of the twentieth century
Eastern rivers to India	Ravi, Beas, Sutlej , with unrestricted use for irrigation, power and storage
Western rivers to Pakistan	Indus, Jhelum, Chenab , carrying the bulk of the basin's flow
India's western-river rights	Non-consumptive uses, limited agricultural use, and run-of-the-river hydroelectric generation ; permissible storage of about 3.6 million acre feet (MAF)
Breakdown of the 3.6 MAF	1.25 MAF for irrigation and domestic use, 1.60 MAF as hydropower pondage, 0.75 MAF for flood moderation
Storage actually built	Barely about 0.2 MAF in six decades, almost all of it the modest pondage at Baglihar on the Chenab
Standing institution	Permanent Indus Commission , one Commissioner from each country, meeting at least once a year, exchanging hydrological data and undertaking inspections
Duration clause	Article XII(4) : the Treaty continues in force until terminated by a duly ratified treaty between the two Governments
Modification clause	Article XII(3) : the Treaty may be modified by a duly ratified treaty concluded for that purpose

The dispute-resolution architecture, in order

The Treaty's genius, and now its **vulnerability**, is that it built a graded ladder under **Article IX** so that engineering disagreements would never have to become political crises. Each rung has a different trigger, a different forum and a different standard.

RUNG	TRIGGER	FORUM	WHO CONSTITUTES IT
1. Question	Any matter arising on the interpretation or application of the Treaty	Permanent Indus Commission	The two Commissioners, resolving by agreement
2. Difference	A question the Commission cannot resolve, and which falls within the technical categories the Treaty specifies	Neutral Expert	Appointed by the World Bank if the parties cannot agree
3. Dispute	A difference the Neutral Expert holds to be outside the Neutral Expert's competence, or which the parties do not settle	Court of Arbitration	Constituted with World Bank involvement in appointing umpires

The ladder was designed to be **sequential**: a matter should climb one rung at a time, and only one forum should be seized of it at any moment. That design is the heart of India's procedural objection today.

Kishanganga and Ratle

Two engineering projects turned the ladder into a battlefield.

The **Kishanganga Hydroelectric Project (330 MW)** sits on the Kishanganga, called the Neelum in Pakistan, a tributary of the Jhelum. Pakistan objected that the diversion of water from the Kishanganga to the Bonar Madmati Nallah for power generation would reduce flows to its own downstream Neelum-Jhelum project, and challenged the design under the run-of-the-river conditions the Treaty imposes.

The **Ratle Hydroelectric Project (850 MW)** sits on the Chenab in Kishtwar district. Pakistan's objections concentrate on three technical parameters that recur across every western-river dispute: **maximum pondage**, meaning the live storage a plant may hold behind its gates for daily load balancing; **spillway design and gate elevation**, because low-level outlets increase the operator's ability to draw a reservoir down; and **drawdown flushing**, the practice of opening low-level gates to sluice out accumulated silt, which Pakistan argues gives India a capacity to time releases that goes beyond non-consumptive use.

India sought a **Neutral Expert**, consistent with the sequential ladder and with the technical character of the objections. Pakistan sought a **Court of Arbitration**, which decides questions of general interpretation rather than engineering parameters. In **2022** the World Bank allowed both processes to proceed in parallel, an outcome India considers procedurally incoherent because it puts two fora on the same subject matter at the same time and invites contradictory findings.

From Pahalgam to abeyance

On **22 April 2025**, terrorists attacked tourists at Baisaran meadow near Pahalgam in Jammu and Kashmir, killing **26 civilians** in the deadliest attack on civilians in India since 2008. Indian investigation attributed the attack to operatives of the Pakistan-based **Lashkar-e-Taiba (LeT)** and its proxy, **The Resistance Front (TRF)**. On **23 April 2025** the **Cabinet Committee on Security (CCS)** decided, among a package of measures, to hold the Indus Waters Treaty in abeyance until Pakistan credibly and irrevocably ends its support for cross-border terrorism.

The decision did not come from nowhere. India had already served notice in **January 2023** seeking modification of the Treaty, and a further notice in **September 2024** seeking a review under **Article XII(3)**, citing changed population and agricultural demand, the imperatives of clean energy development, and the persistence of cross-border terrorism as circumstances the 1960 drafters could not have anticipated.

THE CORE ARGUMENT / ISSUE

India's plans on the western rivers

India's response has been to move from **entitlement** on paper to utilisation on the ground, which is the significant strategic shift underneath the legal quarrel. Reported measures fall into four groups.

Inter-basin transfer. A feasibility study is under way for a canal of roughly **113 km** linking the Chenab to the Ravi, Beas and Sutlej system, so that water from Jammu and Kashmir can be carried east to serve Punjab, Haryana and Rajasthan. This is the most consequential and the most difficult of the proposals.

Canal capacity. The historic **Ranbir Canal** on the Chenab is proposed to be doubled from about **60 km to 120 km**, which would raise diversion capacity from about **40 cubic metres per second to about 150**. Alongside it, desilting of the Ranbir, New Pratap, Ranjan, Tawi Lift, Paragwal and Kathua canals is intended to restore carrying capacity lost over decades.

Stalled projects revived. The **Tulbul Navigation Project** on the Jhelum at the outflow of Wular Lake, shelved for decades under Pakistani objection, is being revived with a detailed project report under preparation. The long-pending **Ujh multipurpose project** in Kathua district is also being taken up.

Generation. Work has been accelerated on the Chenab **cascade: Pakal Dul (1,000 MW)** on the Marusadar tributary, **Ratle (850 MW)**, **Kiru (624 MW)** and **Kwar (540 MW)**.

The honest qualification, which a good answer must state before it is stated against you, is that almost none of this changes flows quickly. Storage, canals and inter-basin links are decade-scale projects in seismically active, high-altitude terrain with severe construction seasons, land acquisition burdens and ecological clearances. What abeyance changes immediately is not water volume but **information and constraint**: India is no longer bound to share flow data, to notify project designs in advance, to accept Treaty-specified restrictions on the timing of reservoir filling and drawdown flushing, or to entertain Pakistani objections through the Permanent Indus Commission.

Pakistan's protest and its legal case

At the UNSC High-Level Open Debate on “Natural Resource Governance: The Foundation of Peace, Security and Prosperity” on **22 July 2026**, India’s Permanent Representative to the United Nations, **Parvathaneni Harish**, told the Council that cooperation on the basis of mutual trust and goodwill cannot be expected when cross-border terrorism is regularly deployed as an instrument of state policy, that the Treaty accordingly remains in abeyance, and that **Jammu and Kashmir has always been, is, and will remain an integral part of India**.

Pakistan’s rejoinder, delivered on **23 July 2026** and carried widely on **24 July 2026**, called the abeyance illegal and warned the international community against what it termed the weaponisation of water. Pakistan’s Permanent Representative, **Asim Iftikhar Ahmad**, argued that the Treaty remains valid, binding and fully in force. Pakistan’s First Secretary, **Ansar Shah**, put the textual case at its sharpest: “The treaty contains no provision whatsoever permitting its so-called abeyance.”

Pakistan’s second pillar is the arbitral record. The **Court of Arbitration**, whose jurisdiction India does not accept and in whose proceedings India does not participate, has issued a **Supplemental Award of 27 June 2025** confirming its continuing competence notwithstanding the abeyance, an **Award on Issues of General Interpretation of 8 August 2025**, and a further **Supplemental Award on maximum pondage of 15 May 2026**.

Where the law actually stands

QUESTION	PAKISTAN’S POSITION	INDIA’S POSITION
Is abeyance permitted?	No; Article XII(4) allows termination only by a duly ratified treaty, and the text contains no suspension clause	Sustained state-sponsored terrorism is a fundamental change of circumstances that has destroyed the Treaty’s premise of goodwill
Applicable law	The Vienna Convention on the Law of Treaties (VCLT), 1969, whose suspension provisions reflect customary international law	Neither India nor Pakistan is a party to the VCLT; India invokes the customary principle of <i>rebus sic stantibus</i> and the Article XII(3) route to modification
Is terrorism relevant to a water treaty?	No; it is collateral to the subject matter, and VCLT Article 27 bars invoking other grievances to justify non-performance	A regime of annual meetings, data exchange and design consultation cannot operate between parties one of which is exporting violence to the other
Forum	Court of Arbitration under Article IX	The ladder is sequential; parallel Neutral Expert and Court of Arbitration proceedings are procedurally invalid
Enforcement	Awards are binding on both parties	No mechanism exists to enforce an award against a state that does not participate and does not recognise the forum

The strongest counter-argument deserves to be stated plainly rather than caricatured. Critics hold that terrorism is collateral to the Treaty's subject matter; that *rebus sic stantibus* under VCLT Article 62 is a deliberately narrow doctrine which tribunals have almost never accepted; that the Treaty's own drafters anticipated hostility, which is why it survived 1965, 1971 and 1999; and that a state which prides itself on treaty compliance, and which asks others to honour commitments in fora from the WTO to climate negotiations, pays a reputational cost when it suspends an agreement of this standing. India's reply is not that law is irrelevant but that a cooperative regime built on continuous good-faith interaction cannot be sustained unilaterally, and that Article XII(3) provides the legitimate route to a renegotiated instrument rather than an indefinite freeze.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Apply the **Three-Gap Test** to any transboundary water dispute.

- ① **The legal gap.** What does the text permit, and what does it omit? Here the Treaty omits suspension entirely, which is Pakistan's strongest card and India's weakest. Identify the omission before you argue around it.
- ② **The engineering gap.** What can actually be done, and in how many years? India's storage and diversion ambitions are real but slow, which means abeyance is **leverage** accumulating over a decade, not a tap that can be turned today. Confusing the two produces answers that overclaim.
- ③ **The leverage gap.** What changes for the other party immediately? Uncertainty: the loss of flow data before the monsoon, the loss of advance notice on reservoir operations, and the loss of a forum in which to lodge objections, all of which raise Pakistan's planning risk in a basin on which its agriculture overwhelmingly depends.

An answer that walks all three gaps, and then asks which of them India can close fastest, will outscore one that argues only from legality or only from grievance.

THE DIAGRAM IN WORDS

Draw the basin as a fan opening from the northeast to the southwest. At the top right the Indus enters India through Ladakh from the Tibetan plateau; below it the Jhelum rises at Verinag and loops through the Kashmir Valley into Wular Lake, at whose outflow the Tulbul barrage would sit; further south the Chenab gathers from the Chandra and Bhaga at Tandi and cuts through a deep gorge, where Pakal Dul, Kiru, Kwar, Ratle and Baglihar stand in a descending staircase, each a run-of-the-river plant with a small pond behind it rather than a great reservoir. These three western rivers swing left across the Line of Control and fan out into the Pakistani Punjab plains that Pakistani agriculture depends on. To the southeast run the three eastern rivers, Ravi, Beas and Sutlej, already fully harnessed by India through Bhakra, Pong and Thein. The new Indian proposals are

horizontal arrows drawn against the grain of the fan: a canal reaching east from the Chenab into the eastern-river system, and an extended Ranbir Canal drawing more from the Chenab before it leaves Indian territory. Every one of those horizontal arrows is short on the map and long in years.

WAY FORWARD

- ❶ **Keep the position legal, not rhetorical.** India should continue to anchor abeyance in Article XII(3) review and in the doctrine of fundamentally changed circumstances, and avoid any framing that suggests water is being used to harm civilian populations, because that framing is precisely what Pakistan is seeking to internationalise at the Security Council.
- ❷ **Build what the Treaty already allowed.** The most defensible response is to complete the storage, pondage and irrigation entitlements India held for six decades and never used, since utilising a permitted entitlement is far harder to attack than exceeding one, and the gap between 3.6 MAF permitted and roughly 0.2 MAF built is itself the answer to the charge of **overreach**.
- ❸ **Sequence the projects honestly.** Prioritise Tulbul, Ujh and canal desilting, which are near-term, lower-cost and lower-controversy, ahead of the 113 km inter-basin link, which needs full seismic, ecological, hydrological and displacement assessment in a fragile Himalayan zone.
- ❹ **Protect the flood-warning channel.** Even in abeyance, India should consider a humanitarian mechanism for extreme-flood warning, which costs nothing strategically and forecloses the charge that lives downstream are being placed at risk.
- ❺ **Prepare for renegotiation, not just suspension.** The endgame India has articulated is a modified treaty reflecting climate change, glacial retreat, clean-energy needs and **demographic** change, so the technical, hydrological and legal groundwork for a renegotiated instrument should proceed in parallel with the works.
- ❻ **Invest in basin data of its own.** Strengthen glaciological, snowmelt, sediment and gauge networks in the upper Indus, so that Indian planning does not depend on data-sharing that has now stopped flowing in both directions.

PYQ LINKAGE AND PRACTICE

UPSC has asked directly about the Indus Waters Treaty's provisions and its role in India-Pakistan relations, about transboundary river disputes and cooperation in South Asia, and about the effect of cross-border terrorism on bilateral engagement. The Treaty also appears in Prelims through river geography, through the World Bank's institutional role, and through the distinction between run-of-the-river and storage projects. The examinable skill here is to hold treaty text, river geography and security policy in the same answer without letting one crowd out the others.

Practice question: “The Indus Waters Treaty was designed to survive hostility, not to reward it.” Examine India’s decision to hold the Treaty in abeyance in the light of its obligations under international law and its security imperatives, and assess whether the decision advances India’s interests. (250 words, 15 marks)

Interview angle: If a treaty survived three wars, does suspending it now strengthen India’s leverage over Pakistan, or does it mainly cost India its reputation as a state that honours its water commitments?

Sources: The Indian Express, Ministry of External Affairs, Ministry of Jal Shakti, World Bank, Permanent Court of Arbitration

Source: Water in Abeyance: India's Plans on the Western Rivers and Pakistan's Protest at the United Nations —
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