

Explainer

Indus Waters Treaty After Pahalgam

Why Terror and Water Cannot Coexist

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Highlights

1. The Baisaran/Pahalgam attack of 22 April 2025 was not an ordinary security incident. It was record of Pakistan-sponsored cross-border terrorism.
2. India's decision to hold the Indus Waters Treaty, 1960 in abeyance was following years of Pakistani obstruction, disregard of Indian notices, and continued sponsorship of terrorism.
3. The core Indian principle is clear: blood and water cannot flow together. Treaty normalcy cannot survive while Pakistan enables attacks on Indian civilians anywhere.
4. India's response was sequenced: diplomatic downgrading, visa restrictions, closure of access points, suspension of IWT normality, and then calibrated military action through Operation Sindoor.
5. Operation Sindoor was framed by India as self-defence, not territorial conquest. The initial targets were terrorist infrastructure in Pakistan and Pakistan-occupied Jammu and Kashmir.
6. Pakistan escalated militarily through LoC firing, drones, missiles and long-range attacks. India responded against military objectives after Pakistan widened the conflict.
7. Pakistan then sought cessation through DGMO channels. India accepted, but made clear that Operation Sindoor was paused, not abandoned.
8. PM Modi's doctrine after Operation Sindoor hardened India's red lines: decisive retaliation, no nuclear blackmail, and no distinction between terrorists and their state sponsors.
9. Pakistan's resort to the UN Security Council and claims of "water weaponisation" avoid the central legal and moral issue: a state cannot sponsor terrorism and demand uninterrupted strategic benefits.
10. India's legal position is stronger and centred around good faith, national security, material breach, countermeasures, self-defence and Pakistan's sustained failure to abjure cross-border terrorism.

I. Executive Summary

India's post-Pahalgam position on the Indus Waters Treaty is not a water dispute. It is a sovereign response to Pakistan's sustained use of cross-border terrorism while continuing to demand the full benefits of a cooperative treaty. The Treaty was premised on goodwill, peaceful conduct and reciprocal confidence. Pakistan's conduct, culminating in the Baisaran, Pahalgam terrorist attack of 22 April 2025, shattered that premise. India's decision to hold the Treaty in abeyance was therefore not an abandonment of legality, but a principled assertion that treaty cooperation cannot be insulated from state-sponsored terrorism.

India's response was deliberately cross-sectoral. It combined diplomatic downgrading, border and visa restrictions, suspension of treaty normalcy, and later, precise military action through Operation Sindoor against terrorist infrastructure. This sequencing matters. India did not begin with indiscriminate escalation. It first imposed sovereign, administrative and diplomatic costs, and only after Pakistan-backed terrorism crossed a grave threshold did it move to targeted counter-terror action.

Prime Minister Narendra Modi's formulation, that “water and blood cannot flow together”, captures the Indian sentiment: Pakistan must choose between normal interstate cooperation and the continued use of terror as an instrument of state policy.

Pakistan's response has followed a familiar pattern: denial of culpability, reciprocal escalation, threats over water, and internationalisation through the United Nations and treaty forums. Yet none of this answers the central question. If Pakistan seeks the benefits of the Indus Waters Treaty, it must first restore the minimum conditions that make such a treaty workable. India's stand is therefore principled, conditional and proportionate: the path back to treaty normalcy remains open, but only after Pakistan credibly, irrevocably and verifiably abandons support for cross-border terrorism.



Indus Waters treaty signing
From left to right: Jawaharlal Nehru, Prime Minister of India; Mohammed Ayub Khan, President of Pakistan; and William Illiff, World Bank vice president (30263783; Credit: The World Bank).

II. History of the Indus Waters Treaty

Indus Waters Treaty was signed in 1960 by India, Pakistan and the World Bank after years of negotiation. It allocated the three Eastern Rivers, Ravi, Beas and Sutlej, primarily to India, and the three Western Rivers, Indus, Jhelum and Chenab, primarily to Pakistan, while preserving defined Indian uses on the Western Rivers, including non-consumptive and hydroelectric uses. The Treaty created a Permanent Indus Commission under Article VIII and a graded dispute-settlement structure under Article IX. Article XII provides that the Treaty may be modified by a duly ratified treaty between the two governments.

For decades, India observed the Treaty even during war and crisis. That restraint, however, became increasingly asymmetrical. Pakistan repeatedly used treaty mechanisms to delay Indian projects, resisted Indian notices for review or modification, and simultaneously allowed anti-India terrorism to remain embedded in its strategic toolkit. India's present position is therefore not a rejection of law; it is a rejection of Pakistan's abuse of legal normalcy while sustaining hostile conduct.

III. Post-Baisaran Terrorist Attack 2025

22 April 2025 attack at Baisaran, Pahalgam, killed civilians and triggered a decisive shift in Indian policy. India's CCS response of 23 April 2025 placed the IWT in abeyance until Pakistan credibly and irrevocably abjured cross-border terrorism. This formulation matters. India did not say the Treaty was casually terminated. It tied abeyance to a curable condition: Pakistan must end support for terrorism.

On 7 May 2025, India launched Operation Sindoor. India's Ministry of Defence confirmed that nine terrorist infrastructure sites in Pakistan and Pakistan-occupied Jammu and Kashmir were struck, that the action was focused and measured, and that no Pakistani military facilities were targeted in the initial phase. This is the legal distinction India must keep foregrounding: *India struck terror infrastructure after a mass-casualty terrorist attack, whereas Pakistan escalated against Indian military and civilian-linked targets.*

Home Minister Shah, pay tribute to Pahalgam terror attack victims in Srinagar
Credit: DD News



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IV. Cross-Sectoral Actions

India's response after the Baisaran, Pahalgam terrorist attack was not an isolated water measure. It formed part of a calibrated cross-sectoral response across diplomacy, treaty practice, border management, counter-terror doctrine and strategic signalling.

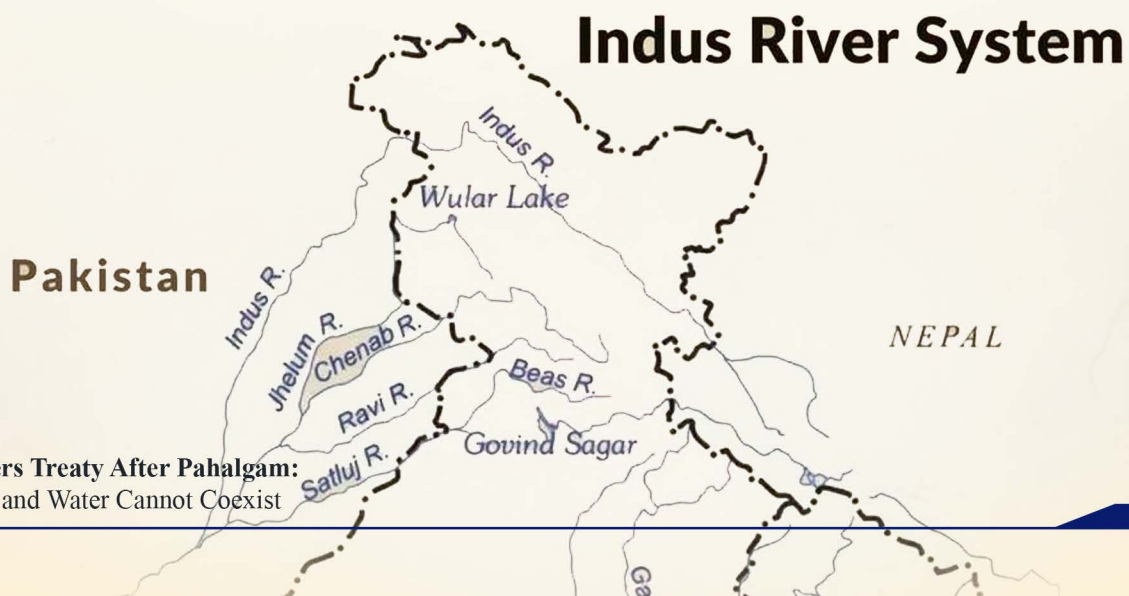
The Indus Waters Treaty was placed in abeyance not as a casual repudiation of a treaty, but as a principled response to Pakistan's sustained bad faith: first, by sponsoring or enabling cross-border terrorism; second, by obstructing India's repeated attempts to modernise the Treaty; and third, by invoking treaty sanctity while disregarding the foundational condition of goodwill, friendship and cooperation on which the Treaty rests.

S.No.	Date	Pakistan Action	Indian Response	Legal Provisions Evoked
1	23 April 2026	Pakistan renewed its internationalisation strategy by approaching the UN Security Council and asking it to press India to restore full implementation of the Indus Waters Treaty. Pakistan's UN representation described India's abeyance decision as illegal and claimed grave peace, security and humanitarian consequences.	India's position remained unchanged: the Treaty will stay in abeyance until Pakistan credibly, irrevocably and verifiably ends support for terrorism. India's UN representative had already made clear in March 2026 that Pakistan must first abjure terrorism as an instrument of state policy before invoking treaty sanctity.	IWT Preamble: goodwill, friendship and cooperation; Article XII(3): modification through a duly ratified treaty; Vienna Convention logic of material breach and fundamental change of circumstances, applied as India's legal-policy justification.
2	23 April 2026	Pakistan's Ministry of Foreign Affairs issued Statement No 105/2026 rejecting India's attribution of the Pahalgam attack to Pakistan, calling India's position propaganda, and alleging that India was illegally holding the IWT in abeyance.	India treated Pakistan's denial as consistent with its long-standing pattern: deny terrorism, internationalise the dispute, and avoid verifiable action against terror infrastructure. India continued to link any restoration of treaty cooperation to Pakistan's credible and irreversible abandonment of terrorism.	UN Charter Article 2(4) and customary international law on non-use of force, read with India's inherent right to protect its citizens from cross-border terrorism; IWT Preamble and Article VIII cooperation obligations.
3	20 March 2026	Pakistan used a UN water platform to challenge India's IWT position and frame the issue as water coercion.	India responded that the Treaty had been signed in good faith, but Pakistan had undermined that foundation through wars and continued support for terrorism. India stated that the Treaty would remain in abeyance until Pakistan, described by India as the "global epicentre of terror", credibly and irrevocably ended support for all forms of terrorism.	IWT Preamble; Article VIII; Article XII(3); principle of good faith in treaty performance; doctrine that treaty rights cannot be separated from reciprocal obligations.
4	June 2025	Pakistan continued to pursue proceedings concerning Indian hydropower projects despite India's objection to parallel dispute-resolution tracks.	India rejected the Court of Arbitration route as illegally constituted in the circumstances and maintained that Pakistan had repeatedly frustrated normal treaty mechanisms while refusing India's calls for modification.	IWT Article IX: graded dispute-resolution mechanism; India's objection to parallel proceedings and insistence on treaty-consistent sequencing.
5	12 May 2025	Pakistan attempted to shift the international narrative after Operation Sindoor by presenting itself as the aggrieved party.	Prime Minister Narendra Modi framed India's new doctrine clearly: terror and talks cannot go together; water and blood cannot flow together. He described the Pahalgam killings as a barbaric terrorist attack on innocent civilians and linked India's response to justice, deterrence and national resolve.	India's inherent right of self-defence under Article 51 of the UN Charter; counter-terror obligations under customary international law; sovereign right to suspend normal cooperation when the other party enables armed violence.
6	10 May 2025	Pakistan sought de-escalation after the military exchange, while continuing to deny responsibility for the terrorist ecosystem that triggered the crisis.	India agreed to an unconditional cessation of military action, but did not reverse the IWT abeyance. This demonstrated that the water-treaty decision was not a bargaining chip in a ceasefire, but a separate principled position linked to terrorism.	UN Charter Article 51; IWT Preamble; separation of ceasefire management from treaty cooperation where foundational trust has collapsed.

7	7–10 May 2025	Pakistan escalated militarily after India's counter-terror strikes, including drone and shelling attempts according to Indian accounts.	India launched Operation Sindoor against terrorist infrastructure, describing the action as focused, measured, non-escalatory and directed at terror targets rather than civilians or Pakistani military facilities. MEA briefings stressed that India was responding to the original escalation by Pakistan-backed terror.	Article 51, UN Charter; necessity and proportionality in self-defence; international counter-terror norms; distinction between terror infrastructure and civilian targets.
8	24–25 April 2025	Pakistan rejected India's abeyance decision, called the IWT a binding agreement, warned that any attempt to stop or divert waters would be treated as an "Act of War", and announced reciprocal measures including holding bilateral arrangements such as the Simla Agreement in abeyance.	India did not withdraw its decision. It treated Pakistan's "Act of War" language as escalation and held the line that the Treaty could not operate normally while Pakistan continued cross-border terrorism.	IWT Articles II and III on river allocation; Article VIII on Permanent Indus Commission cooperation; Article XII on duration and modification; UN Charter Article 2(4), since threats of force are legally relevant.
9	23 April 2025	Pakistan denied responsibility for the Baisaran, Pahalgam terrorist attack and attempted to deflect attribution.	India's Cabinet Committee on Security decided that the Indus Waters Treaty of 1960 would be held in abeyance with immediate effect until Pakistan credibly and irrevocably abjured support for cross-border terrorism. India also closed the Attari Integrated Check Post, curtailed Pakistani visas, and downgraded diplomatic engagement.	IWT Preamble; Article XII(3); sovereign countermeasures; principle of good faith; India's right to protect national security against cross-border terrorism.
10	22 April 2025	Terrorists attacked civilians at Baisaran, Pahalgam, killing 26 people. India attributed the attack to Pakistan-backed terror networks.	India moved from routine diplomatic protest to a structured national-security response. The attack became the trigger for suspending treaty normalcy, exposing Pakistan's attempt to enjoy treaty benefits while sustaining a hostile terror ecosystem.	UN Charter Article 51; international law obligations to prevent terrorism; state responsibility principles where territory, proxies or support structures are used for attacks against another state.
11	January 2023 and September 2024	Pakistan had earlier ignored or rejected India's notices seeking modification and review of the Treaty, despite India citing demographic change, clean-energy requirements, technological advances and repeated obstruction of Indian hydropower projects.	India repeatedly sought a treaty-compliant update through formal notice. Pakistan's refusal strengthened India's position that it had exhausted cooperative channels before moving to abeyance after Pahalgam.	IWT Article XII(3): modification by duly ratified treaty; good-faith negotiation; Article IX dispute mechanisms; changed circumstances as legal-policy basis for review.

The table shows that India's conduct followed a consistent sequence: notice, demand for modification, attribution of Pakistani bad faith, abeyance after a mass-casualty terrorist attack, and maintenance of that position until Pakistan ends support for terrorism. Pakistan's pattern is equally clear: denial, reciprocal escalation, legal maximalism, and internationalisation. India's legal argument is therefore not that treaty law is irrelevant; it is that treaty law cannot be severed from good faith, security, reciprocity and the basic obligation not to sponsor or enable violence against the other treaty party.

India's position is therefore best understood as a doctrine of conditional treaty normalcy: cooperation remains possible, but not while Pakistan seeks the benefits of peace and the instruments of proxy war through terrorism at the same time.



V. Observations



India's position is legally grounded and principally elevated.

First, the IWT is not a suicide pact. Treaty obligations are performed in good faith. A state that sponsors or shelters terrorism against the other party cannot insist that all cooperative benefits continue unchanged.

Second, India's abeyance position is more measured than termination. It creates a pathway back: Pakistan must credibly and irrevocably abjure cross-border terrorism.

Third, Operation Sindoor is best understood as self-defence under Article 51 of the UN Charter. India's initial targeting of terrorist infrastructure, and its later response to Pakistani military escalation, supports the case for necessity and proportionality.

Fourth, Pakistan's UNSC April 2026 approach does not erase its antecedent conduct. The Council may discuss peace and security, but that does not transform Pakistan's sponsorship of terrorism into a lawful entitlement to treaty normalcy.

Fifth, Pakistan cannot claim the sanctity of the Indus Waters Treaty while violating the sanctity of Indian lives. That is the core legal, moral and strategic position.

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