



# Headlines

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**Life begins at the end  
of your comfort zone.**

Neale Donald Walsch

# Israel Cabinet approves plan for Gaza ‘conquest’ with expansion of military

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**Agence France-Presse**

JERUSALEM

Israel's security Cabinet approved the expansion of military operations in Gaza, including the “conquest” of the Palestinian territory, an official said on Monday, after the Army called up tens of thousands of reservists for the offensive.

It comes as the UN and aid organisations have repeatedly warned of the humanitarian catastrophe on the ground, with famine again looming after more than two months of a total Israeli blockade.

The plan, approved by the Cabinet overnight, includes the holding of territories in the besieged Gaza Strip, the official said, and



Children queue for food at a refugee camp in Gaza Strip on Monday. Israel's plan comes amid its push for Gazans to leave the region. AFP

comes amid a push by Israel for Gaza's people to leave the territory.

Israel resumed major operations across Gaza on March 18 amid deadlock over how to proceed with a two-month ceasefire that had largely halted the war with Hamas, which was

sparked by the militants' October 2023 attack.

The Israeli official said the plan for expanded operations “will include, among other things, the conquest of the Gaza Strip and the holding of the territories, moving the Gaza population south for their

protection”. The Cabinet, which includes Prime Minister Benjamin Netanyahu and several Ministers, “unanimously approved” the plan aimed at defeating Gaza’s rulers Hamas and securing the return of hostages held in the territory.

## ‘Powerful strikes’

The official source said the plan included “powerful strikes against Hamas”, without specifying their nature. Israeli media reported that the plan would not be implemented before U.S. President Donald Trump’s visit to the region next week.

The Health Ministry in Gaza on Sunday put the overall death toll from the war at 52,535, most of them women and children.

## Content.

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# ISRAEL-PALESTINE CONFLICT

The Israel-Palestine conflict is a long-standing geopolitical dispute over territory and self-determination in the Middle East.

## BEGINNING

- ⌚ UN adopted **Resolution 181** - the Partition Plan in 1947
- ⌚ State of Israel created in 1948, sparking the **first Arab-Israeli War** (Israel won)
  - ▷ Palestinians displaced
  - ▷ Division of territory into - State of Israel, West Bank and Gaza Strip

## INITIAL TENSIONS AND CONFLICTS (1956-1979)

- ⌚ **Suez Crisis** and Israeli **invasion of Sinai Peninsula** in 1956
- ⌚ **Six-Day War (1967)** - Israel gained control over Sinai Peninsula, Gaza Strip, West Bank, East Jerusalem and Golan Heights

### *Controversy over Jerusalem as Capital*

- **Israel view:** Complete and united Jerusalem
- **Palestinians view:** East Jerusalem future capital

- ⌚ **Yom Kippur War (1973)** - Surprise attack by Egypt and Syria
- ⌚ **Camp David Accords (1979)** b/w Egypt and Israel

### *Intifada (Arabic for 'shake off')*

- **First Intifada** - 1987 to 1993

▲ Led to the foundation of Hamas (1987) ...

## OSLO ACCORDS (MEDIATED BY US)

- ⌚ **First (1993)**
  - ▷ Estd framework for **Palestinian self-governance** in West Bank and Gaza
  - ▷ Enabled mutual recognition between Israel and Palestine

## Second (1995)

- ▷ Expanded on Oslo I Accords
- ▷ Mandated **complete Israeli withdrawal** from several cities and towns in **West Bank**

## POST 2000 CONFLICT AND RESPONSES

- ⌚ **2013** - US-led peace process began
- ⌚ **2014-18** - Gaza Conflict (2014)
  - ▷ Palestine announced break from territorial divisions under Oslo Accords (2015)
- ⌚ **2018-20** - US Cancelled funding for Palestinian refugees under UN Relief and Works Agency (UNRWA)
  - ▷ US proposed "**Peace to Prosperity**" plan
- ⌚ **2020 - Abraham Accords**
- ⌚ **2022-2023:**
  - ▷ Israel raids on **Jenin refugee camp**
  - ▷ Hamas launched "**Operation Al-Aqsa Flood**" and Israel launched "Operation Iron Swords" (both in 2023)
    - ◆ Israel declared a **State of War**
  - ▷ **India's Stand:**
    - ◆ Supports a **Two State solution** for Israel and Palestine
    - ◆ **Condemned the recent attack** by Hamas on Israel

# 1917

Palestine before the creation of Israel



# 1947

Proposed borders under the U.N. Partition Plan

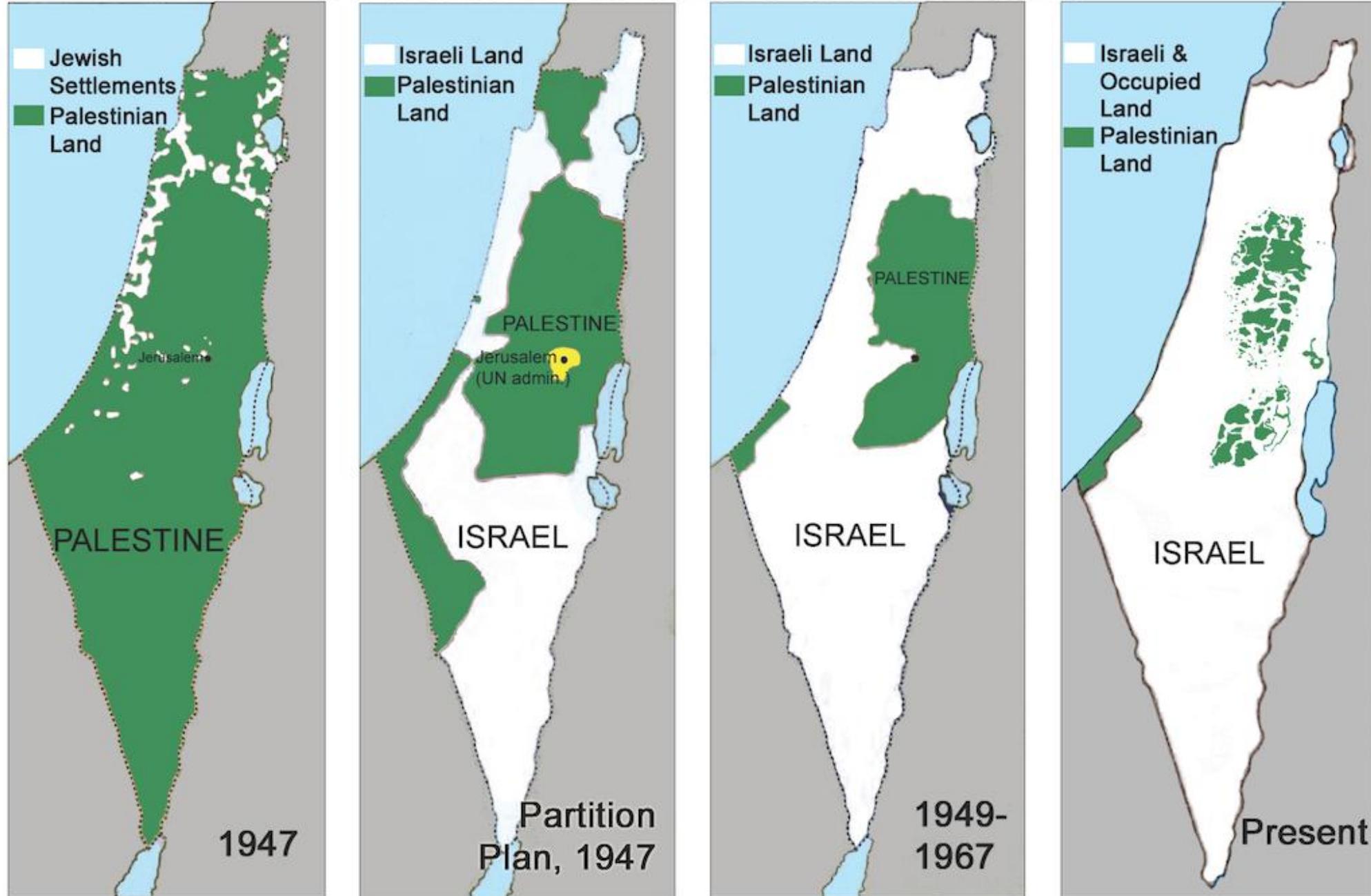


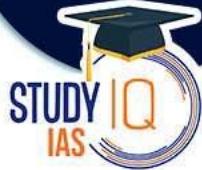
# 1948

Israel is formed



# Palestinian Loss of Land 1947 to Present





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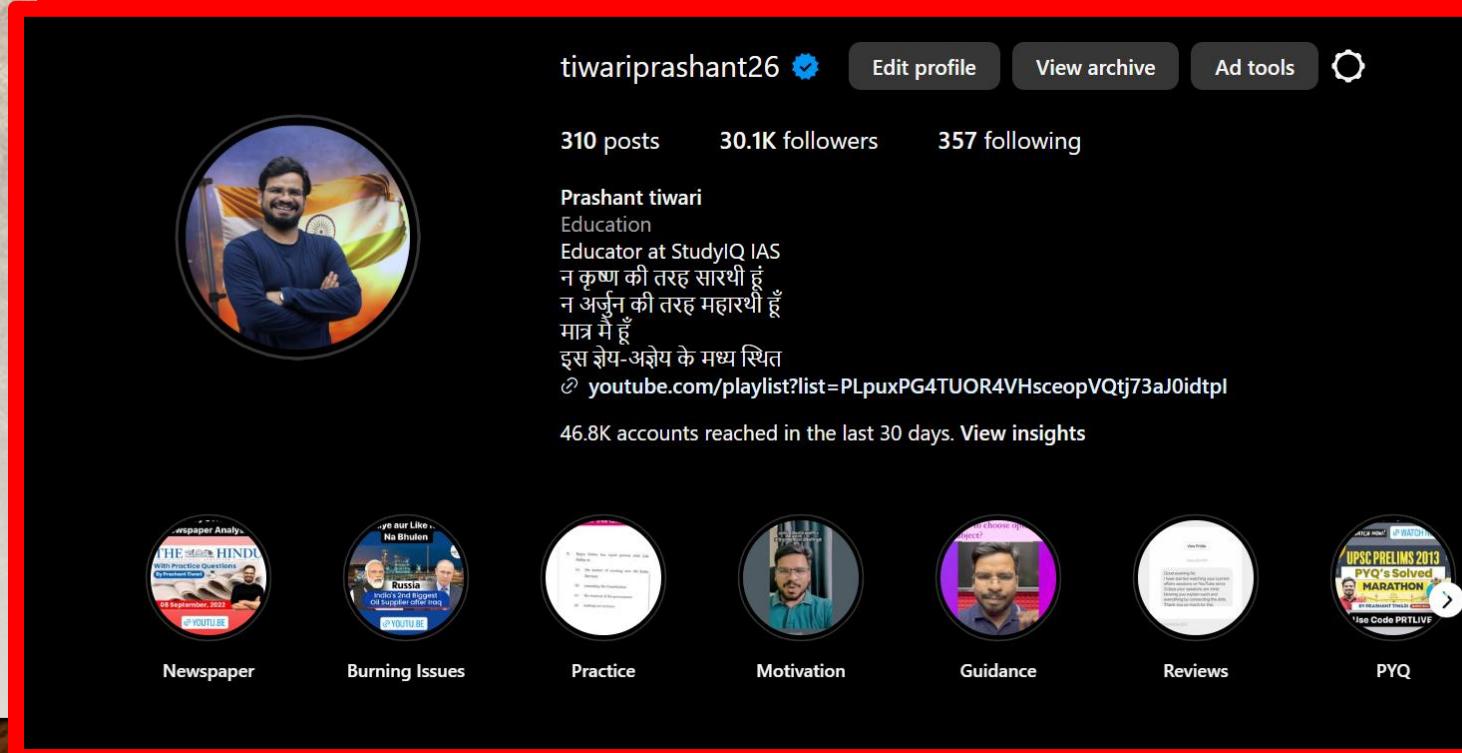
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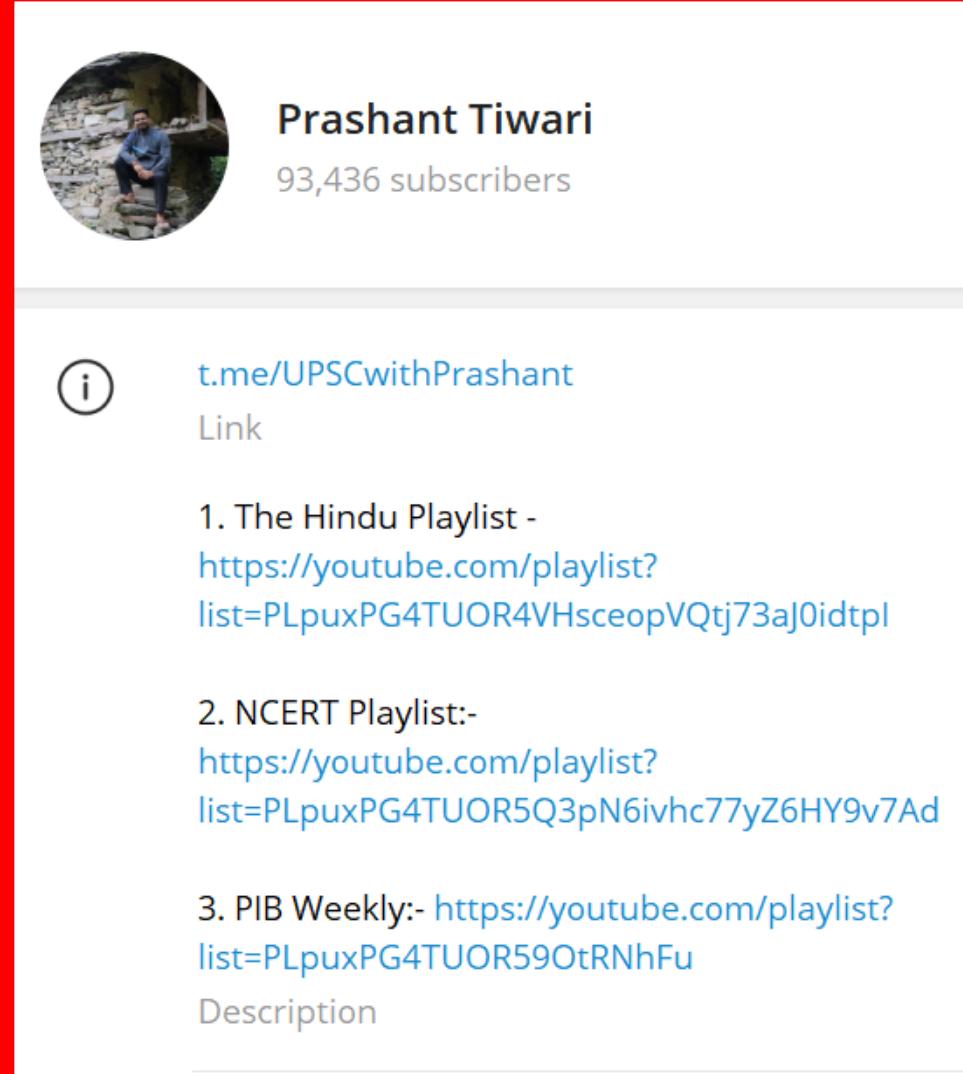
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Prashant tiwari  
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न अर्जुन की तरह महारथी हूँ  
मात्र मैं हूँ  
इस जेय-अज्ञेय के मध्य स्थित  
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3. PIB Weekly:- [https://youtube.com/playlist?  
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Description

# India-Pakistan tension at its ‘boiling point’, says UN chief

**Suhasini Haidar**

NEW DELHI

A military solution is “no solution” to the India-Pakistan conflict, United Nations Secretary-General Antonio Guterres said on Monday, calling for “maximum restraint” and offering to help in any way to bring down tensions between the two countries.

In one of his strongest such statements thus far, Mr. Guterres cautioned that both countries must avoid a military confrontation that he said could easily “spin out of control”, describing the tensions since the Pahalgam attack as the “highest in years”, and reaching a “boiling point”.

“Now is the time for maximum restraint and stepping back from the brink,” Mr. Guterres said in a statement at the UN.

**Page No. 1, GS 2**

## Content.

- A military solution is “no solution” to the India-Pakistan conflict, United Nations Secretary-General Antonio Guterres said on Monday, calling for “maximum restraint” and offering to help in any way to bring down tensions between the two countries.
- In one of his strongest such statements thus far, Mr. Guterres cautioned that both countries must avoid a military confrontation that he said could easily “spin out of control”, describing the tensions since the Pahalgam attack as the “highest in years”, and reaching a “boiling point”.
- The Union Home Ministry on Monday asked the States to conduct drills up to the village level in 244 categorised districts by operationalising air-raid warning signs, crash blackout measures, evacuation plans, camouflaging vital installations, establishing hotline with the Indian Air Force, and training civilians on various aspects of civil defence measures in the event of a “hostile attack.”

## Fact

- The Directorate General of Civil Defence under the Ministry wrote to the Chief Secretaries of all States on Monday to organise a civil defence exercise and rehearsals.
- The letter said “civil defence is considered integral component of nation’s passive defence strategy” and it would be prudent if optimum preparedness is maintained in the “current geo-political scenario” where “new and complex threats have emerged”.
- The States have been asked to activate control rooms, firefighting and warden services, and undertake cleaning of bunkers and trenches among others. Bunkers are present in border villages mostly in Jammu and Kashmir to shield civilians from cross-border firing.
- Russian President Vladimir Putin on Monday held a telephone conversation with Prime Minister Narendra Modi and expressed “full support” to India in the fight against terrorism.

# CBI Director Praveen Sood likely to get one-year extension

He is set to get the extension as the high-level committee, led by PM, fails to reach a consensus; the panel's discussions on selection inconclusive

**The Hindu Bureau**

NEW DELHI

**C**entral Bureau of Investigation (CBI) Director Praveen Sood is all set to get a one-year extension as the high-level committee to pick a new Director, headed by Prime Minister Narendra Modi, could not arrive at a consensus on the shortlisted names.

The committee, which has Chief Justice of India Sanjiv Khanna and Leader of the Opposition (LoP) in the Lok Sabha Rahul Gandhi as members, met on Monday evening at the Prime Minister's Office.

An official notification regarding the extension will be issued by the Department of Personnel and Training (DOPT), which is the nodal Ministry for the premier investigation agency.

Though there is no official word on what transpired at the meeting, sources indicated that the discussion remained inconclusive as the members



The headquarters of the CBI in New Delhi. A notification regarding the extension of the CBI Director's term is expected soon. PTI

of the selection panel could not arrive at a consensus on the shortlisted names.

As per law, an incumbent can get an extension of up to one year. Sources told *The Hindu* that the DOPT had sent a long list of officers as possible contenders for the CBI top post.

The meeting came days before the two-year term of the incumbent CBI Director ends on May 25. Mr. Sood, a 1986-batch IPS officer of the Karnataka cadre, was the Director-General of Police of the

State before he was appointed to head the premier investigation agency. He took over as the CBI Director on May 25, 2023.

For Mr. Gandhi, this is the first time attending the meeting to select a new CBI Director since his appointment as the LoP.

The timing of the meeting is significant as it comes against the backdrop of the Pahalgam terror attack. It is also the first time the Prime Minister has had a closed-door meeting with the LoP and the CJI.

**Page No. 14, GS 2**

## Content.

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- **An official notification regarding the extension will be issued by the Department of Personnel and Training (DOPT), which is the nodal Ministry for the premier investigation agency.**

## Fact

- The CBI director is appointed according to provisions under the Delhi Special Police Establishment Act (1946) and amendments therein brought by the Lokpal and Lokayuktas Act, 2013.
- The appointment is made by the Centre on recommendation by a three-member Appointment Committee.
- The appointment committee comprises the Prime Minister as the chairperson, the leader of the opposition (LoP) in the Lok Sabha and the Chief Justice of India, or a Supreme Court judge nominated by him.
- If there is no recognised LoP, then the leader of the single largest party is included in the committee.
- The Central Vigilance Commission Act 2003 fixed the tenure of the CBI director at 2 years.

## **Central Bureau of Investigation (CBI):**

- It is the premier investigative agency of India.
- The agency was established in 1963 by the Indian government as a result of the recommendation of the Santhanam Committee.
- CBI is not a statutory body. It derives its power to investigate from the Delhi Special Police Establishment Act 1946.
- Control:
- It operates under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions.
- However, for investigation of offences under the Prevention of Corruption Act, the CBI vests superintendence to the Central Vigilance Commission.
- Functions
- Initially, it was set up to investigate corruption in government departments and public sector undertakings.
- However, over the years, its jurisdiction has expanded to cover a wide range of cases, including economic offences, cyber crimes, organized crimes, and special crimes.

## Cast of characters

Caste census presents both challenges  
and opportunities

For the first time since 1931, Census forms will record the caste of Indians, but questions remain on the extent of the impact that the data would have on India's affirmative action programmes. Decadal censuses, until now, have categorised citizens as SCs, STs and as per religion. In decades of reservation for SCs, STs, and OBCs, there have been concerns about which communities or individuals within these groups are able to access the benefits. The demands for a creamy layer to eliminate the economically better-off sections from reservation quotas, and for sub-categorisation to ensure smaller or relatively more backward communities are not crowded out, have gained moral and political legitimacy. The Supreme Court of India, last August, cleared the way for sub-categorisation within SCs and STs and the Justice G. Rohini Commission in 2023 finished a study to examine sub-categorisation within OBCs. The Court's judgment was quick to draw a sharp fault line within SC and ST communities on the issue of sub-categorisation and the potential for upset in the Commission's report has forced the government to keep its findings closely guarded. Caste groupings continue to be a determinant of political and social life and empirical data on these are essential for more effective development planning. However, the search for increased representativeness through slicing and relabelling of social groups could be an infinite process, leaving some group or the other always dissatisfied.

The other challenge is the logistics of how caste enumeration should be conducted in a country where community-based claims are numerous. The understanding of what caste is, the difference between a sub-caste and a caste group, and the reconciliation of the understanding of caste names with their morphing according to linguistic and regional variations are issues. This gap in understanding caste was reflected in the SECC 2011 dataset as well, which yielded more than 46 lakh different "castes". Apart from the fact that there is no repository of all castes except for the lists of SCs, STs, and OBCs, the question of how to classify communities as castes, tribes, or socially and educationally backward classes continues to be litigated in High Courts and the Court in the form of countless petitions for inclusion or exclusion. The decision to enumerate caste can also be an opportunity to arrive at a consensus on these questions. The political divide that accompanied caste enumeration exercises in Bihar, Karnataka, and Telangana shows that this could be volatile. The Centre should build consensus on the details, now that all parties are in agreement with caste enumeration in principle. That will keep the integrity of its finding intact and beyond reproach.

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# Redrawing the not-so-pretty energy footprint of AI

**Page No. 10, GS 3**

**G**enerative Artificial Intelligence (AI) has undoubtedly eased access to art and reduced the time and the effort required to complete certain tasks. For example, ChatGPT-4o can generate a Studio Ghibli-inspired portrait in seconds with just a prompt. But this ease comes at a significant energy cost that is often overlooked – one that has even led to Graphic Processing Units (GPUs) melting. As AI tools advance, this environmental impact will continue to become more detrimental, making this an unsustainable technology. How can AI be developed sustainably? And can leveraging nuclear energy, specifically Small Modular Reactors (SMR), be a possible alternative?

AI is not free. Every time one uses ChatGPT or any other AI tool, somewhere in the world, there is a data centre chugging electricity, much of which is generated from fossil fuels. “It’s super fun seeing people love images in ChatGPT, but our GPUs are melting,” tweeted Sam Altman, CEO of OpenAI. Projections indicate that these data centres could account for 10% of the world’s total electricity usage by 2030. Though these estimates mirror worldwide energy trends, it is necessary to highlight that India currently has sufficient capacity to generate electricity for its own domestic AI needs. Yet, with increasing adoption and ambitions, proactive planning is imperative.

Training an AI model, whether it is a conversational tool such as ChatGPT or an image-generator tool such as Midjourney, can generate the same amount of CO<sub>2</sub> as five cars running continuously across their life. Once deployed, AI tools continue to draw immense power from data centres as they serve countless users around the globe. This resource consumption is staggering, and it is becoming more unsustainable as AI adoption grows.

To start with, AI companies need to be transparent about their energy consumption. Just



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**Sourav  
Mannaraprayil**

is with The  
Takshashila  
Institution

Small modular nuclear reactors could be the energy answer to support booming AI and data infrastructure

as some regulations mandate the disclosure of privacy practices surrounding data usage, companies must also be mandated to disclose their environmental impact – first, how much energy is being consumed? Second, where is it coming from? Third, what steps are being taken to minimise energy consumption? Such data would provide further insights on where energy is being used the most and encourage research and development to create a more sustainable model of AI development.

## Advantages of SMRs

Another, perhaps controversial, solution would be to address the energy source behind all of this technological growth. It is time nuclear energy, particularly SMRs, is discussed seriously. While this is often a subject of heated debate, it is also a powerful potential solution to the energy demands created by AI and other emerging technologies. The AI boom is happening fast, and the current energy infrastructure will just not be able to keep up.

SMRs present a transformative opportunity for the global energy landscape to support booming AI and data infrastructure. Unlike traditional large-scale nuclear power plants that demand extensive land, water, and infrastructure, SMRs are designed to be compact and scalable. This flexibility allows them to be deployed closer to high-energy-demand facilities, such as data centres, which require consistent and reliable power to manage vast amounts of computational workloads. Their ability to provide 24X7, zero-carbon, baseload electricity makes them an ideal alternative to renewable sources such as solar and wind by ensuring a stable energy supply regardless of weather conditions.

The benefits of SMRs extend beyond just energy reliability. Their modular construction reduces construction time and costs when

compared to conventional nuclear plants, enabling faster deployment to meet the rapidly growing demands of AI and data-driven industries. Additionally, SMRs offer enhanced safety features, with passive safety systems that rely on natural phenomena to cool the reactor core and safely shut down, reducing the risk of accidents. This makes them more acceptable and easier to integrate into regions where large-scale nuclear facilities would face opposition. The ability of SMR to operate in diverse environments, from urban areas to remote locations, also supports the decentralisation of energy production, reducing transmission losses and enhancing grid resilience.

## Some of the challenges

However, the adoption of SMRs is not without challenges. Significant policy shifts will be required to create a robust regulatory framework that addresses safety, waste management and public perception. There is also the matter of substantial upfront investment, as the technology is still maturing and may face issues of cost competitiveness when compared to established energy sources. Additionally, coordinating SMR deployment with existing renewable energy initiatives will require careful planning to maximise synergies while minimising redundancy. In India’s case, despite these challenges, the cost of electricity from SMRs is predicted to fall from ₹10.3 to ₹5 per kWh after the reactors are functional, which is less than the average cost of electricity.

In conclusion, a public-private partnership model presents a realistic solution to the challenges of sustainable AI development. By leveraging the strengths of both sectors, this model can facilitate the efficient development of SMRs alongside other forms of renewable energy to support advancements in AI.

## Content.

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# The messaging from putting the IWT in 'abeyance'

**I**n April 24, India announced that it would hold the Indus Waters Treaty (IWT) of 1960 in abeyance until Pakistan ceases its support for cross-border terrorism. The term "abeyance," as used by the Government of India, suggests a temporary suspension, leaving open the possibility of reinstatement should Pakistan take credible steps to curb terrorism, particularly in light of the Pahalgam terror attack, on April 22.

## The meaning of 'abeyance'

The term "abeyance" finds no legal recognition under the IWT or the Vienna Convention on the Law of Treaties, 1969 (VCLT). India is not a party to the VCLT, while Pakistan has signed it, but has not ratified it. Further, unilateral suspension of treaty obligations, as implied by "abeyance," lacks legitimacy under customary international law and international water law that promotes 'water cooperation' as the peremptory norm fundamental to the international legal order. Critically, in the IWT's, Articles XIII(3) and (4) stipulate that modifications or termination require a mutually ratified treaty – a prospect that seems remote given the current status quo between India-Pakistan.

Thus, the IWT's specific provisions preclude unilateral suspension of substantive or procedural obligations. More broadly, in the VCLT, Articles 60, 61, and 62 permit suspension of a treaty only under exceptional circumstances, such as a material breach, impossibility of performance, or a fundamental change in circumstances, respectively – none of which India has formally invoked. Therefore, India's invocation of "abeyance" may be seen as a political signal rather than a legally enforceable action, potentially putting procedural cooperation on hold. In practical terms, by using abeyance, India can temporarily refuse to carry out all joint mechanisms necessary for the treaty's operation. India can choose not to share details on water resource development projects on western rivers and hydrological data crucial for flood forecasting and planning for irrigation, hydropower and drinking water that could jeopardise Pakistan's water interests, internal water planning and water security, temporarily if not permanently. Moreover, India could flush silt from its reservoirs (which also requires reservoirs to be filled) without issuing any prior warning to Pakistan.

On January 25, 2023, New Delhi issued a notice to Pakistan through the Indus Commissioners, citing a material breach of the IWT. India argued that Pakistan's unilateral decision to approach the Permanent Court of Arbitration violated the treaty's dispute resolution mechanisms outlined in Articles VIII and IX. This time, New Delhi has invoked the Treaty as a counter-terrorism deterrent, opting for the term "abeyance" rather than "suspension" or "termination".

This choice raises pertinent questions. Article 60 of the VCLT allows for the termination or suspension of a treaty in response to a material breach. Does Pakistan's alleged support for cross-border terrorism not constitute such a

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breach? Likewise, Article 62 permits treaty suspension or withdrawal in the event of a fundamental change in circumstances. Could the persistent threat to national security from cross-border terrorism not fulfil this condition? Yet, these arguments hinge on untested legal interpretations, as neither the IWT nor customary international law explicitly links terrorism to treaty obligations, risking escalation in an already volatile bilateral relationship.

## Abeyance as a two-level game

The decision to use "abeyance" likely arises from strategic and tactical considerations. First, India's Cabinet Committee on Security may have opted for abeyance as a cautious step to address public sentiment quickly and offer solace to grieving families. The limited time to fully evaluate the legal and diplomatic implications may have influenced this decision. Second, abeyance may also reflect a calculated move to relieve itself from the continuous legal objection it had witnessed vis-à-vis the construction of run-of-the-river projects planned on western rivers. India could leverage this pause to consolidate its rights to optimally use its entitled water usage allocations in western and eastern rivers, particularly through infrastructure projects that enhance its control over the Indus waters. However, this strategy risks escalating tensions, as Pakistan, heavily dependent on the Indus waters, is already viewing such actions as an 'act of war' and a direct threat to its water security.

The choice of terminology is even more critical given Pakistan's current instability. With the military losing the support of the youth since Imran Khan's imprisonment and its attempts to internationalise the Kashmir issue during the U.S. Vice-President's India visit, Pakistan's political and economic instability is even more visible. This uncertainty makes it challenging for New Delhi to navigate relations with a state in turmoil. Did India fully account for this while formulating the decision announced by the Foreign Secretary? In such a context, can the abeyance of the IWT genuinely exert meaningful pressure on Pakistan? More fundamentally, will leveraging the IWT as a tool to compel Pakistan to end its support for cross-border terrorism prove effective at all?

It is widely acknowledged that Pakistan, as a failing state, is unlikely to comply with India's demands. By invoking "abeyance," India may buy time to pursue domestic goals, particularly advancing water infrastructure projects on the western and eastern rivers. Many of these projects, including the Kishenganga, Baglihar, and Ratle hydel projects, have faced significant delays due to Pakistan's legal interventions. This move could provide India with the leverage needed to expedite such initiatives. While the Kishenganga and Baglihar were eventually resolved, projects such as Tulbul-Navigation and Ratle remain uncertain. These long-standing tensions, along with the 2021 Parliamentary Committee's emphasis on the need for infrastructure to fully utilise India's allocated waters, mark a critical inflection point. However,

questions persist about the feasibility of such projects, especially regarding environmental clearances.

In the weeks and months ahead, we could witness a complex interplay of domestic and international strategies, or a "two-level game", between India and Pakistan. Both nations must manage domestic expectations, engage diplomatically to safeguard their interests, and justify their actions as victories. For India, invoking the IWT in "abeyance" serves dual purposes: domestically, it demonstrates a firm stance against terrorism, aligning with public sentiment and reinforcing national security priorities. Internationally, it signals India's frustration with Pakistan's alleged support for terrorism. But could there be more to this strategy?

## Ramifications for India

While in India, the decision has resonated emotionally with the public and garnered widespread political support, it risks overshadowing the more profound implications of such a strategy. On the global stage, unilaterally violating the IWT could lead to India facing the Permanent Court of Arbitration or the International Court of Justice, damaging its credibility as a responsible international actor. However, domestically, the strategy raises critical questions about the balance between national security and ecological prudence. The rush to fast-track water infrastructure projects, ostensibly to strengthen India's water rights, risks bypassing essential public and environmental scrutiny. Such actions could have dire consequences in the biodiversity-rich and seismically sensitive Indus basin. Weaponising water resources as a strategic tool may provide short-term leverage but could inadvertently harm India, undermining the foundational principles of democratic governance and constitutional integrity.

At the same time, public sentiment demands a stronger stance against Pakistan, with some public intellectuals advocating escalated military actions akin to the surgical strikes of 2016 and 2019. While such actions might serve as immediate displays of strength, they do not address the root cause of cross-border terrorism. The challenge lies in navigating a path that satisfies national sentiment while ensuring long-term stability and security. New Delhi must carefully craft its narrative and future on-the-ground steps around the IWT abeyance, ensuring that India aligns with broader geopolitical goals and has a sound legal basis within the IWT framework.

Actions taken must reflect strategic foresight, aiming to pressure Pakistan into reevaluating its stance on cross-border terrorism while avoiding harm to India's own ecological and social fabric. The focus should remain on measures that strengthen India's position as a responsible global power, leveraging its democratic values and environmental stewardship. This would uphold India's international standing, ensuring that its actions do not inadvertently harm the region that it seeks to protect.

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## Content.

- On April 24, India announced that it would hold the Indus Waters Treaty (IWT) of 1960 in abeyance until Pakistan ceased its support for cross-border terrorism.
- The term “abeyance,” as used by the Government of India, suggests a temporary suspension, leaving open the possibility of reinstatement should Pakistan take credible steps to curb terrorism, particularly in light of the Pahalgam terror attack, on April 22.
- The term “abeyance” finds no legal recognition under the IWT or the Vienna Convention on the Law of Treaties, 1969 (VCLT).
- India is not a party to the VCLT, while Pakistan has signed it, but has not ratified it.
- Further, unilateral suspension of treaty obligations, as implied by “abeyance,” lacks legitimacy under customary international law and international water law that promotes ‘water cooperation’ as the peremptory norm fundamental to the international legal order.

## Fact

- Critically, in the IWT's, Articles XII(3) and (4) stipulate that modifications or termination require a mutually ratified treaty — a prospect that seems remote given the current status quo between India-Pakistan.
- Therefore, India's invocation of “abeyance” may be seen as a political signal rather than a legally enforceable action, potentially putting procedural cooperation on hold.
- In practical terms, by using abeyance, India can temporarily refuse to carry out all joint mechanisms necessary for the treaty's operation.
- India can choose not to share details on water resource development projects on western rivers and hydrological data crucial for flood forecasting and planning for irrigation, hydropower and drinking water that could jeopardise Pakistan's water interests, internal water planning and water security, temporarily if not permanently.

## Fact

- While in India, the decision has resonated emotionally with the public and garnered widespread political support, it risks overshadowing the more profound implications of such a strategy.
- On the global stage, unilaterally violating the IWT could lead to India facing the Permanent Court of Arbitration or the International Court of Justice, damaging its credibility as a responsible international actor.
- The challenge lies in navigating a path that satisfies national sentiment while ensuring long-term stability and security.

## 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).

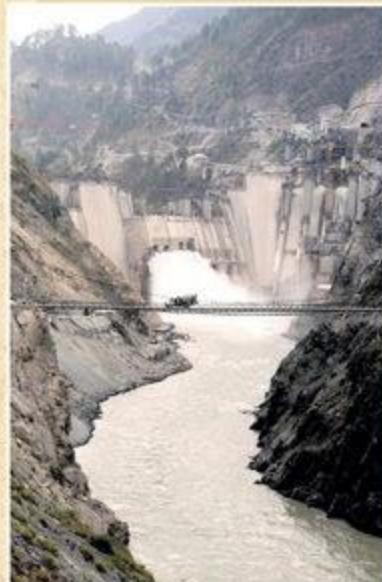
■ Was signed on Sept 19, 1960, between India, Pakistan and a representative of World Bank after eight years of negotiations.

■ 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

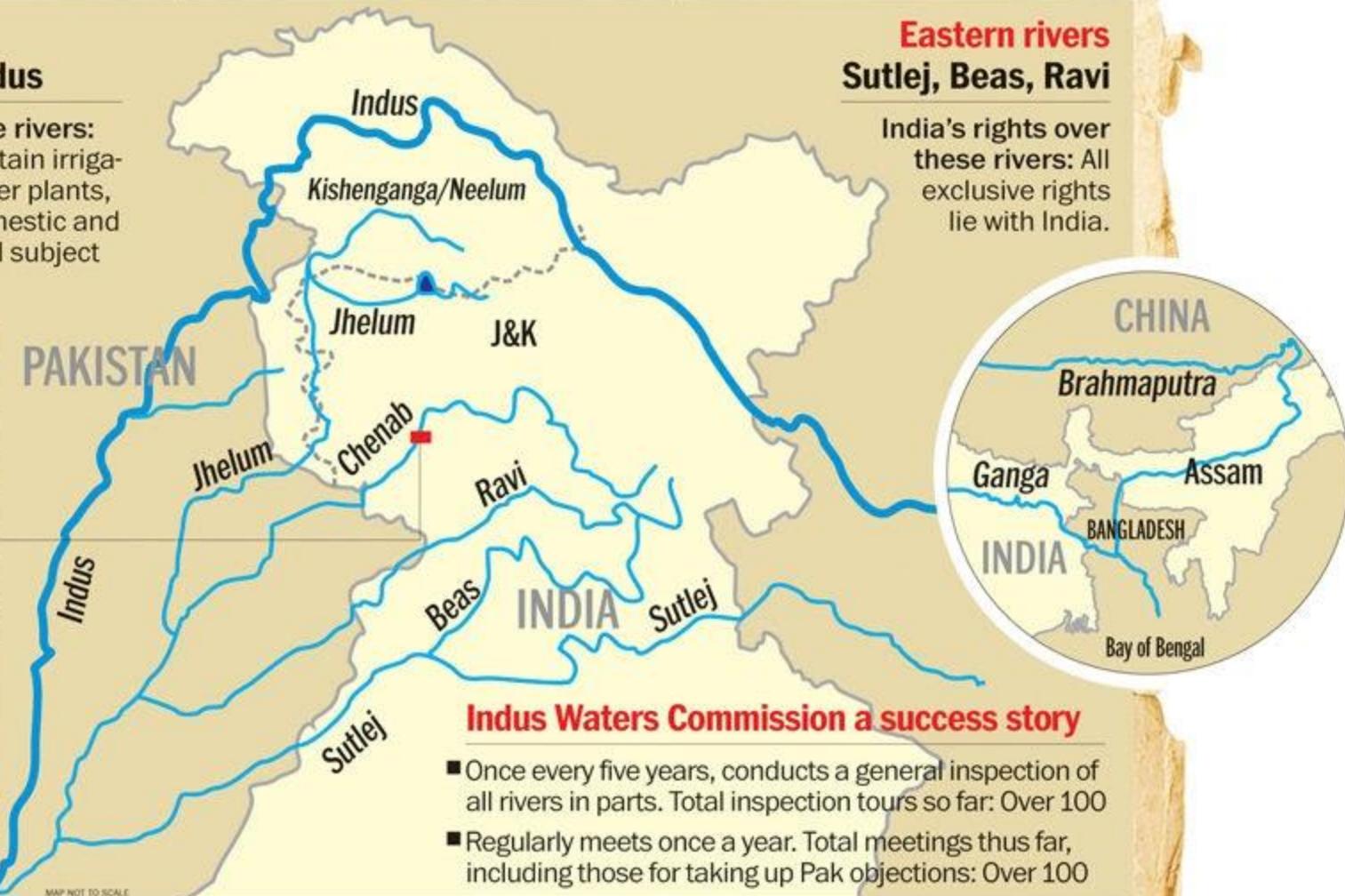


Baglihar dam on Chenab

### Eastern rivers

#### Sutlej, Beas, Ravi

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



### Indus Waters Commission a success story

- Once every five years, conducts a general inspection of all rivers in parts. Total inspection tours so far: Over 100
- Regularly meets once a year. Total meetings thus far, including those for taking up Pak objections: Over 100

# Detaining non-citizens and the rule of law

In India, people who are deemed non-citizens can be detained under the National Security Act, 1980, and the Foreigners Act, 1946. Detained non-citizens can spend years in detention camps, enduring uncertainty and harsh conditions.

## The Assam experience

In Assam, 19 lakh people have been stripped of their citizenship in the compilation of the National Register of Citizens (NRC). Many people stripped of their citizenship through this process have been detained. Most of these 'non-citizens' cannot be removed from India - because they have lived their entire lives in India, with no meaningful or continuing ties to any other nation. They were stripped of their citizenship through unfair procedures. They were required to prove their citizenship through documentary proof of their family's residence in India before 1971, even though these documents are inaccessible to many and may be lost or destroyed in flood-prone Assam. Many of their documents were rejected because of misspellings or different versions of names, even though variations like this are common throughout India.

The arbitrary and indefinite detention of non-citizens in India, including those who have been stripped of citizenship by the NRC, was challenged in the Supreme Court in *Rajubala Das v Union of India* (2020). Similar proceedings in Australia in *NZYO v Minister for Immigration, Citizenship and Multicultural Affairs* (2023) led the High Court to prohibit the indefinite detention of non-citizens where there is no realistic prospect of their removal from Australia, upholding important constitutional limits on the deprivation of liberty. Whether there are similar limits on India's ability to detain non-citizens has important implications for the rule of law and the judiciary's independence.

In Indian law, the principal basis for depriving a person of



**Douglas  
McDonald-Norman**

PhD candidate at the University of New South Wales

their liberty – even if it is not the only basis – is where that person has been found guilty of a criminal offence and sentenced by a court, or where they have been detained pending trial and sentence. That is, they have been detained by, or in connection with, the exercise of judicial power.

Being deprived of liberty is hence ordinarily a form of punishment. There are some reasons why a person may be detained other than as punishment; the most obvious example is preventive detention under Article 22 of the Constitution. But it is an important part of India's common law heritage, as in Australia, that these purposes are limited and constrained, including under Article 22 itself. A person cannot be detained for any reason whatsoever. There are also some circumstances in Indian law where judicial power may be exercised by a body other than the courts, such as by tribunals. But the power to detain is under the control and supervision of the nation's courts.

## A violation of principles

Non-citizen detention in its current form in Assam violates these principles. Those detained have not been convicted of or charged with any crime or sentenced to any term of imprisonment. It cannot seriously be claimed that they are being detained for the purpose of removing them from India. In response to questions asked in the Assam Legislative Assembly, it was acknowledged that only 26 declared foreigners have been deported since 2017 – despite the fact that, as of December 31, 2023, over 1,59,353 people had been declared foreigners by the State's Foreigners Tribunals. More recently, the Centre has informed the Supreme Court that 13 more Bangladeshi nationals have been deported. But only a tiny fraction of those detained, much less those stripped of citizenship, has been removed from India. Most

non-citizens detained cannot be removed because they are citizens of no other country, and no other country will accept them.

## No legitimate reason

In recent orders in *Rajubala Das*, the Supreme Court has ordered that deportation be commenced even without verifying detainees' addresses in the country to which they are being deported. This is no answer to this dilemma. In order to remove a detainee, their nationality will have to be verified and the country to which they are deported must be willing to accept them. The detainees will have to be provided travel documents which will allow them to enter that country. But none of this can happen for detainees who have no other country to call home. In Australia, people in a similar position – that is, people who have no realistic possibility of being removed from Australia – cannot be detained, because their detention would not serve any legitimate purpose.

Non-citizens are hence not detained as punishment, or pending trial, or for removal from India, or for any other recognised 'preventive' purpose – or in accordance with any safeguard on preventive detention under Article 22 of the Constitution. They are merely detained for the purpose of being detained. That is not a recognised or legitimate reason for depriving a person of their liberty under Article 21, regardless of whether that person is a citizen or a non-citizen.

Assam's immigration detention regime is hence not just a threat to the liberty and well-being of those caught up within it; it raises important questions of constitutional principle. The deprivation of liberty has traditionally been recognised as a power to be exercised and controlled by the courts.

If the executive and the legislature encroach upon the traditional role of the courts, this poses a real threat to the rule of law.

**Page No. 11, GS 2**

## Content.

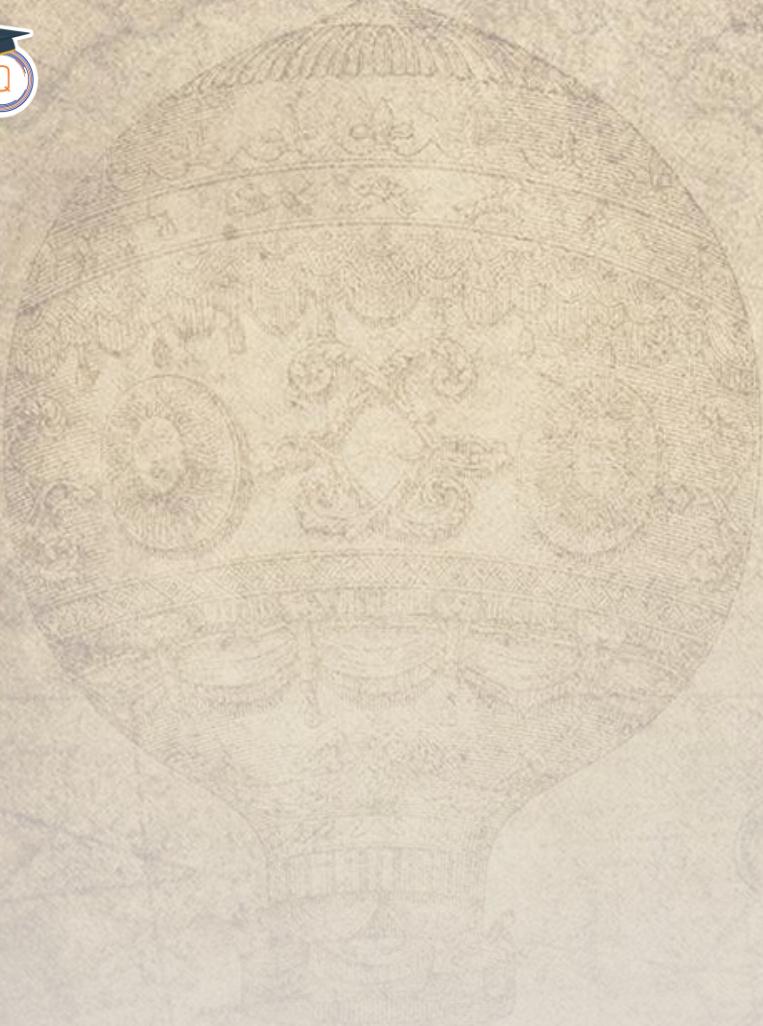
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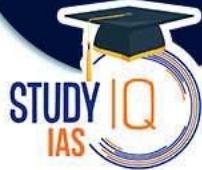
## Fact

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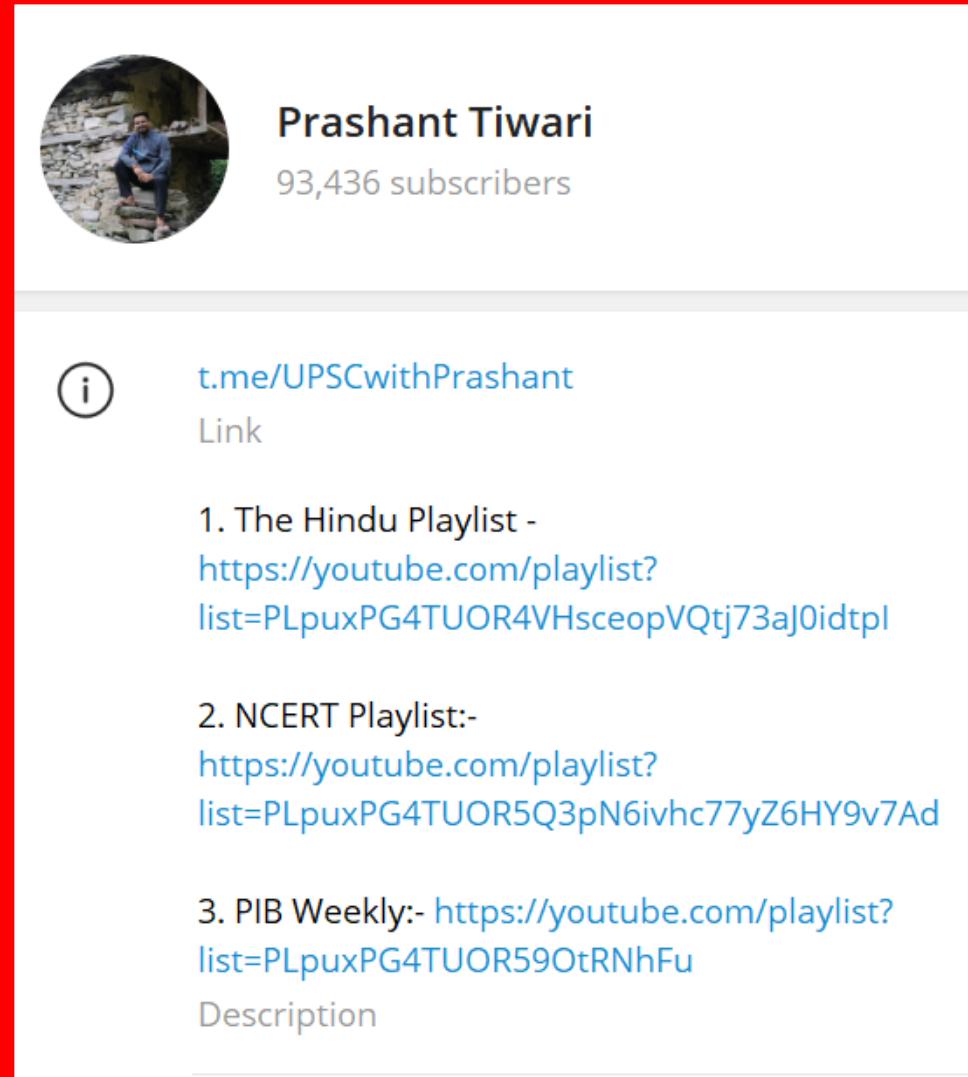
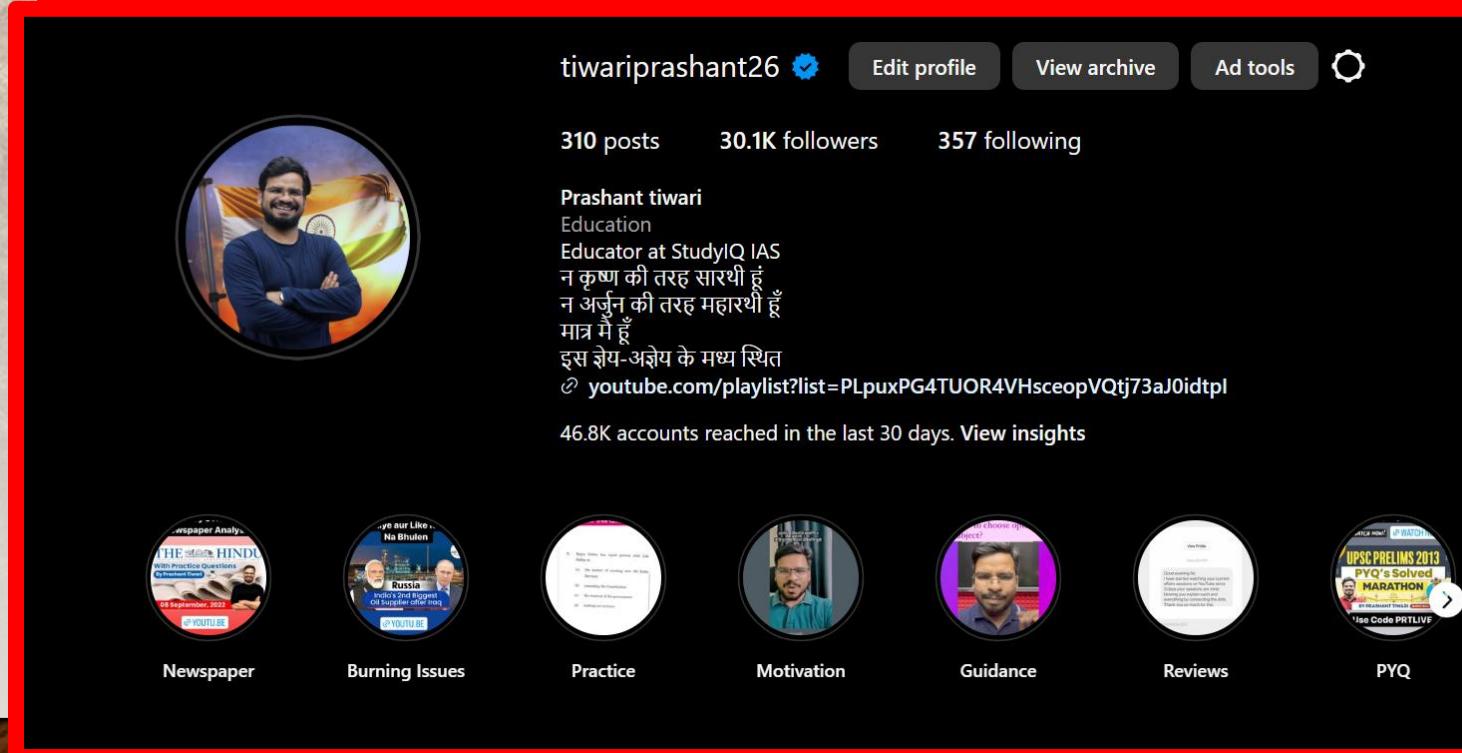
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— Thank You! —