



Shri V.L Kantha Rao  
Secretary, Department of Water Resources  
River Development and Ganga Rejuvenation  
Ministry of Jal Shakti  
Government of India

[REDACTED]

BY E-MAIL: [REDACTED]

Mr. Mansoor Usman Awan  
Designated Representative  
Attorney General  
Office of the Attorney-General

[REDACTED]

BY E-MAIL: [REDACTED]

Mr. Raja Naeem Akbar  
Deputy Designated Representative  
Secretary, Ministry of Law and Justice

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AG 565025

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10 April 2026

RE: PCA CASE NO. 2023-14 – INDUS WATERS TREATY NEUTRAL EXPERT PROCEEDINGS (INDIA V. PAKISTAN)

Dear Shri Rao,  
Dear Mr. Awan,  
Dear Mr. Akbar,

I write on behalf of the Neutral Expert in the above-referenced matter.

The Neutral Expert refers to Pakistan's letter dated 31 March 2026, in which Pakistan applies under Paragraph 14.3 of the Supplemental Rules of Procedure (the "**Supplemental Rules**") "for permission to disclose specified documents on the docket of the Neutral Expert proceedings into the . . . proceedings [of the Court of Arbitration in the *Indus Waters Western Rivers Arbitration (Pakistan v. India)* (the "**Court of Arbitration**" or "**Court**")] subject to an appropriate caveat of confidentiality" (the "**Disclosure Application**"). Pakistan seeks the disclosure of 25 documents or parts of documents identified at paragraph 28 of its letter and referred to as the "Revised Specified Documents".

In support of its application, Pakistan states, *inter alia*, as follows:

29. Having regard to the Court's appreciation that the Revised Specified Documents appear relevant and material to the matters now before the Court, as well as to the principle articulated by the Court in [Procedural Order No. 19], which remains relevant to the present Disclosure Application, that it would be inconsistent with the Treaty for confidentiality rules in the Neutral Expert proceedings to be relied upon to impede the operation of the Treaty's provisions, including those relating to other dispute settlement procedures, Pakistan hereby applies formally to the Neutral Expert for directions permitting the disclosure into the Court proceedings of the Revised Specified Documents subject to the confidentiality regime to be applicable to these documents indicated in ¶¶ 66–67 of [the Court's Procedural Order No. 22].

30. In making this Disclosure Application, Pakistan, as it did in its First Application [of 11 February 2026], notes that the formulation of ¶ 14.3 of the NE Supplemental Rules—“[u]nless the Neutral Expert directs otherwise”—expressly contemplates the possibility of Neutral Expert directions regarding the disclosure of documents out of the Neutral Expert proceedings, an appreciation expressly acknowledged by the Neutral Expert at the time of the adoption of his Supplemental Rules.

31. Pakistan also recalls ¶ 13.2 of the NE Supplemental Rules, which, reflecting Paragraph 6(b) of Annexure F of the Treaty, underlines that “[t]he Neutral Expert’s decisions shall be governed by the provisions of the Treaty”. Pakistan notes further that principles of due process and good faith in the application of the Treaty engage the general duty of mutual respect and comity addressed by the Court in its Procedural Order No. 6 that applies to the Neutral Expert and the Court with regard to the organisation of their respective proceedings vis-à-vis each other, including as regards the disclosure of information from one proceeding into the other. [emphasis removed]

On 2 April 2026, the Neutral Expert invited India to submit its comments in response to Pakistan’s Disclosure Application by 6 April 2026. No reply was received from India by the set deadline or otherwise.

Nevertheless, the Neutral Expert recalls India’s position in various past correspondence objecting to disclosure of documents from these proceedings to the Court of Arbitration and more broadly to coordination between these proceedings and the proceedings before the Court. Those communications include India’s letter of 31 May 2023, in which India requested the Neutral Expert “to ensure that any materials related to [his] proceedings [were] not disclosed to any third party, including the illegally-constituted [Court of Arbitration].” Other relevant communications include India’s letters of 23 June 2023, 31 July 2023, 9 August 2023, 27 September 2023, 30 October 2023, 30 November 2023 and 3 July 2024. India’s position in this regard was also reiterated at the First, Second and Third Meetings of the Neutral Expert with the Parties.

The Neutral Expert also recalls his past decisions regarding the disclosure of documents and the interpretation and application of Paragraph 14.3 of the Supplemental Rules of Procedure, including his letters of 11 October 2023, 1 December 2023, 19 January 2026 and 3 March 2026.

Having carefully considered Pakistan’s Application for Disclosure in its entirety, India’s past objections regarding the disclosure of documents including to the Court of Arbitration, his own past decisions regarding disclosure of documents, and having regard to Paragraph 14.3 of the Supplemental Rules of Procedure, the Neutral Expert determines as follows regarding each of Pakistan’s requests:

<b>Pakistan’s Appendix Doc. No.</b>	<b>Docket tab no. and description<sup>1</sup></b>	<b>Disclosure content requested by Pakistan</b>	<b>Decision of the Neutral Expert</b>
1.	5.113: Letter dated 5 May 2023 from the Government of Pakistan to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration

<sup>1</sup> References to tab numbers are to the tab numbers assigned to these documents in the electronic bundle prepared by the Registry for the Fourth Meeting with the Neutral Expert in November 2025.

			For completeness, Pakistan is requested to include in its disclosure Tab 5.113.1: Enclosure: Correspondence concerning RHEP Modifications (January - March 2023), subject to the same caveat of confidentiality.
2.	5.114: Letter dated 11 May 2023 from the Neutral Expert to the Parties	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
3.	5.124: Letter dated 5 June 2023 from India to the Neutral Expert	pp. 1 – 2	Decision reserved.  The Neutral Expert notes that tab 5.124 in the electronic bundle is a letter dated 5 June 2023 from the Neutral Expert to the Parties, not a letter from India to the Neutral Expert of the same date as indicated in the Appendix to Pakistan’s Disclosure Request. Pakistan is invited to clarify its request.
4.	6.2.2: India Memorial Volume 2 - Annexures	Pdf pp. 1, 83 – 87	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
15.	5.303.1: Letter dated 2 July 2024 from Pakistan to the Neutral Expert	pp. 1 and 6	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the

			proceedings of the Court of Arbitration
17.	5.321.1: Letter dated 31 July 2024 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
18.	5.321.2: Appendix to Letter dated 31 July 2024 from India to the Neutral Expert	pp. 1 and 4 (entries 27 and 28)	Leave to disclose entries 27 and 28 granted. All other entries on pages 1 and 4 are to be redacted. Disclosure is subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration.
25.	5.360.1: Letter dated 11 December 2024 from Pakistan to the PCA	Full document extracts relevant to RHEP Construction Schedule — content on pp. 1 – 2 on non-RHEP Construction Schedule to be redacted	Leave to disclose granted subject to redaction of paragraphs 1-5 and subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
26.	5.363.1: Letter dated 18 December 2024 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
29.	5.378: Letter dated 27 January 2025 from the PCA to the Parties	pp. 1 – 2	Leave to disclose granted subject to redaction of items 1 and 3-6 and subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should

			be maintained in the proceedings of the Court of Arbitration
30.	5.379: E-Mail dated 31 January 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
31.	5.381.1: Letter dated 3 February 2025 from India to the Neutral Expert	Full document, including Enclosure	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
32.	5.381.2: Enclosure to letter dated 3 February 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
35.	5.385.1: Letter dated 13 February 2025 from Pakistan to the PCA	Full document, including annexes	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
36.	5.385.2: Enclosure to letter dated 13 February 2025 from Pakistan to the PCA. ANNEX I India's App. II RHEP notification of 16 August 2012	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration

37.	5.385.3: Enclosure to letter dated 13 February 2025 from Pakistan to the PCA. ANNEX II RHEP -- Salient Features	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
38.	5.390.1: Letter dated 19 February 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
39.	5.405.1: Letter dated 26 May 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
40.	5.406.1: Letter dated 27 May 2025 from Pakistan to the PCA	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
41.	5.408.1: Letter dated 5 June 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
42.	5.411.1: Letter dated 26 June 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this

			document, which should be maintained in the proceedings of the Court of Arbitration
43.	5.414.1: Letter dated 21 July 2025 from Pakistan to the PCA	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
44.	5.415.1: Letter dated 28 July 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
45.	5.416.1: Letter dated 28 July 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration
46.	5.419.1: Letter dated 13 August 2025 from India to the Neutral Expert	Full document	Leave to disclose granted subject to drawing the attention of the Court of Arbitration to the confidentiality of this document, which should be maintained in the proceedings of the Court of Arbitration

In accordance with Paragraph 14.2 of the Supplemental Rules, the Neutral Expert has instructed the Registry to publish the present letter on its website on Wednesday, 15 April 2026, in an appropriately redacted form.

\* \* \*

Please do not hesitate to contact me or my colleague Ms. Balla Galma Godana (+230 5252 0893; bgodana@pca-cpa.org) should you have any question regarding this letter.

Yours sincerely,



Evgeniya Goriatcheva  
Senior Legal Counsel

cc: *For India:*

Mr. M. Anand Prakash, Joint Secretary (Pakistan, Afghanistan and Iran Division), Ministry of External Affairs (by e-mail: [REDACTED])  
Darpan Talwar, Commissioner (Indus), Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti (by e-mail: [REDACTED])  
Mr. Harish Salve, KC and Senior Advocate (by e-mail: [REDACTED])

*For Pakistan:*

Mr. Syed Ali Murtaza, Federal Secretary to the Government of Pakistan, Ministry of Water Resources (by e-mail: [REDACTED])  
Mr. Syed Muhammad Mehar Ali Shah, Pakistan Commissioner for Indus Waters, Ministry of Water Resources (by e-mail: [REDACTED])  
Ms. Fatima A. Malik, Office of the Attorney General for Pakistan (by e-mail: [REDACTED])  
Mr. Syed Shahroz Bakhtyar, Office of the Minister of Law and Justice, Pakistan (by e-mail: [REDACTED])  
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