

TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT
OF THE PEOPLE'S OF BANGLADESH OF SHARING ON THE GANGA/GANGA'S WATER AT
FARAKKA.

THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BANGLADESH.

DETERMINED to promote and strengthen their relations of friendship and good neighbours liness.

INSPIRED by the common desire of promoting the wall-being of their peoples.

BEING derirous of sharing by mutual agreement the waters of the international rivers flowing through the territories of the two countries and of making the optimum utilisation of the water respurces of their region in the fields of flood managment, irrigation, river basin development and generation of power for the mutual benefit of the peoples of the two countries.

RECOGNISING that the need for an arrangement for sharing of the Ganga/Ganga's water at Farakka in a spitit of mutual accommodation and the need for a solution to the long-term problem of augmenting the flows of the Ganga/Ganga's are in the mutual interests of the peoples of the two countries.

BEING desirous of finding a fair and just solution without sffecting the fights and entitlement of either country other than those covered by the Treaty, or establishing any general principles of law or precent.

ARTICLE - I

The quantum of waters agreed to be rejected by India to Bangladesh will be at Farakka.

ARTICLE - II

- (i) The sharing between India and Bangladesh of the Ganga/Ganga's water at Farakka by ten day periods from the 1st January to the 31st May every year will be with reference to the formula at Annexure-I and an indicative schedule giving the implication of the sharing arrangement under Annexure-I is at Annexure-II.
- (ii) The indicative schedule at Annexure-II, as referred to in sub para (I) above, is based on 40 years (1942-1988) 10-day period average availablity of water at Farakka. Every affort would be made by the upper riparian to protect flows of water at Farakka as in the 40-years average availability as mentioned above.
- (iii) In the event flow at Farakka falls below 30,000 cusecs. in any 10-day period, the two governments will enter into immediate consultations to make adjustments on an emergency basis, in accordance with the principles of equity, fair play and no harm to either party.

ARTICLE - III

The waters released to Bangladeshs at Farakka under Article-I shall not be reduced below Farakka except

for reasonable share of waters, not exceeding 200 cusecs by India between Farakka and the point on the Ganga/ Ganga's where both its banks are in Bangladesh.

ARTICLE - IV

A committee consisting of representatives nominated by the two Governments in equal numbers (hereinafter called the joint Committee) shall be constituted following the signing of this Treaty. The Joint Committee shall set up suitable teams at Farakka and Hardinge Bridge to observe and record at Farakka the daily flows below Farakka Barrage. In the Feeder Canal, and at the Navigation Look, as well as at the Hardinge Bridge.

ARTICLE - V

The Joint Committee shall decide its own procedure and method of functioning.

ARTICLE - VI

The Joint Committee shall submit to the two Governments all data collected by it and shall also submit a yearly report to both the Governments. Following submission of the reports the two Governments will meet at appropriate levels to decide upon such further actions as may be needed.

ARTICLE - VII

The Joint Committee shall be responsible for implementing the arrangements contained in this Treaty and examining any difficulty arising out of the implementation of the above arrangements and of the operation of Farakka Barrage. Any difference of dispute arising in this regard, if not resolved by the Joint Committee, shall be referred to the Indo-Bangladesh Joint Rivers Commission. If the difference or dispute still remains unresolved, it shall be referred to the two Governments which shall meet urgently at the appropriate level to resolve it by mutual discussion.

ARTICLE - VIII

The two Governments recognise the need to cooperate with each other in finding a solution to the long-term problem of augmenting the flows of the Ganga/Gangas during the dry season.

ARTICLE - IX

Guided by the principles of equity, fairness and no harm to either party, both the Governments agree to conclude water sharing Treaties/Agreements with regard to other common rivers.

ARTICLE - X

The sharing arrangement under this Treaty shall be reviewed by the two Governments at five years' interval or earlier, as required by either party and needed adjustments, based on principles of equity, fairness, and no harm to either party made thereto, if necessary. It would be open to either party to seek the first review after two years to assess the impact and working of the sharing arrangement as contained in this Treaty.

ARTICLE - XI

For the period of this Treaty, in the absence of mutual agreement on adjustments following reviews as mentioned in Article-X, India shall release downstream of Farakka Barrage, water at a rate not less than 90% (ninety per cent) of Bangladesh's share according to the formula referred to in Article-II, until such time as mutually agreed flows are decided upon.

ARTICLE - XII

This Treaty shall enter into force upon signature and shall remain in force for a period of thirty years and it shall be renewable on the basis of mutual consent.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by the respective Governments, have signed this Treaty.

DONE at New Delhi **12th December, 1996** in Hindi, Bangla and English languages. In the event of any conflict between the texts, the English text shall prevail.

(H.D. DEVE GOWDA)
PRIME MINISTER
REPUBLIC OF INDIA

(SHEIKH HASINA)
PRIME MINISTER
PEOPLE'S REPUBLIC OF BANGLADESH

ANNEXURE - I
(Vide 1996 Agreement)

Availability of Farakka	Share of India	Share of Bangladesh
70,000 cusecs or less	50%	50%
70,000 - 75,000 cusecs	Balance of flow	35,000 cusecs
75,000 cusecs or more	40,000 cusecs	Balance of flow

Subject to the condition that India and Bangladesh each shall receive guaranteed 35,000 cusecs of water in alternate three 10-day periods during the period March 01 to May 10.

ANNEXURE - II

Schedule (Vide 1996 Agreement)

(Sharing of waters at Farakka between January 01 and May 31 every year)

If actual availability corresponds to average flows of the period 1949 to 1988, the implication of the formula in Annexure-I for the share of each side is :

Period	Average of total flow 1949-88 (cusecs)	India's share (cusecs)	Bangladesh's shares (cusecs)
Jan			
1-10	107,518	40,000	67,516
11-20	97,673	40,000	57,673
21-31	90,154	40,000	50,154
Feb			
1-10	86,323	40,000	46,323
11-20	82,859	40,000	42,859
21-28	79,106	40,000	39,106
March			
1-10	74,419	39,419	35,000
11-20	68,931	33,931	35,000 *
21-31	64,688	35,000 *	29,688
April			
1-10	63,180	28,180	35,000 *
11-20	62,533	35,000 *	27,633
21-30	60,992	25,992	35,000 *
May			
1-10	67,351	35,000 *	32,351
11-20	73,560	38,590	35,000
21-31	81,854	40,000	41,654

(*Three ten day periods during wich 35,000 cusecs shall be provided).

*SUO MOTU STATEMENT BY PRIME MINISTER
IN LOK SABHA ON DECEMBER 12, 1996 ON THE
VISIT OF PRIME MINISTER OF THE PEOPLE'S REPUBLIC
OF BANGLADESH TO INDIA AND THE SIGNING OF A TREATY
ON THE SHARING OF GANGA WATERS AT FARAKKA.*

Her Excellency Sheikh Hasina, Prime Minister of the People's Republic of Bangladesh paid an official visit to India from December 10 to 12, 1996 at my invitation. Prime Minister Sheikh Hasina had meeting with our President, Vice President, Speaker of the Lok Sabha, Deputy Chairman of the Rajya Sabha, Leader of the Opposition in Parliament. She held detailed talks with me. She also met leaders of political parties. These talks were held in a most warm and friendly atmosphere. The Bangladesh Prime Minister also paid a visit to Ajmer and Jaipur during her stay in India.

1. This was the first visit of the Bangladesh Prime Minister to India since she assumed office in June this year. The visit however comes as the culmination of series of exchanges initiated shortly after our government took office. Earlier the External Affairs Minister had visited Dhaka in September and we had received the Bangladesh Foreign Minister in November. This period of intense interaction has placed our relations on an entirely new footing. Progress is being made on all issues in our bilateral relations. The prominent issue in our bilateral ties, over the last two decades has been the issue of sharing of Ganga waters at Farakka. I am honoured to state that I and the Bangladesh Prime Minister have today signed a new Treaty on the sharing of the Ganga water. We are confident this Treaty would be a landmark in our bilateral relations. The Treaty protects the interests of India and at the same time helps Bangladesh by providing an adequate share of the Ganga waters to that country.

3. I shall lay a copy of the text of the Treaty with its Annexure on the table of the House. According to the Treaty, the sharing of Ganga waters at Farakka between India and Bangladesh will be on the basis of a formula which is at Annexure-I. The key merit of this formula is that it shares available waters on a basis which is fair and equitable. The formula also takes into account the basic requirements and minimum needs of both sides. Therefore, during the critical period within the lean season i.e. from March 1 to May 10, India and Bangladesh each shall receive a guaranteed flow of 35,000 cusecs of water in an alternating sequence of three 10-day periods each. This is aimed at meeting the fundamental requirements of both our countries through a just and reasonable sharing of the burden of shortage. The Treaty also has the merit of being a long term arrangement combined with scope for reviews at shorter intervals to study the impact of the sharing formula and to make needed adjustments. While the Treaty will be valid for 30 years and renewable on mutual consent, there is a provision of mandatory reviews at the end of 5 years and even earlier after 2 years with provisions for adjustments as required. Pending a fresh understanding after

the review stage, Bangladesh would continue to receive 90% of its share in accordance with the new formula. We would thus avoid a situation where there is no agreement on the sharing of the Ganga waters between India and Bangladesh.

4. The signing of the Treaty between India and Bangladesh is a befitting tribute to the special quality of our relations. Indo-Bangladesh cooperation is based on a history of shared sacrifices, sanctified with the blood of the martyrs who laid down their lives in 1971. It is entirely appropriate that this Treaty comes on the eve of the 25th anniversary of the liberation of Bangladesh which was a momentous landmark in the history of our continent. With the signing of this treaty, we expect to usher in a new era in Indo-Bangladesh relations. This new relationship should be of immense benefit to both countries in the long term in all areas of bilateral relations including security, trade and other area. With the removal of what has been a constant irritant in bilateral ties, we can look forward to an entirely new phase of cooperation. As the House would recall, we have already taken initiatives in the commercial sphere by extending tariff concessions to Bangladesh on a range of products of export interest to them. We propose to extend commercial credits of Rs. 100 crores to enhance trade relations further. We are working together with Bangladesh to ensure appropriate development and security in our entire eastern region.

5. It would be appropriate for me also at this stage to place on record our appreciation of the very constructive role played by the Chief Minister of West Bengal and his cabinet colleagues in bringing about improved atmosphere in which the treaty between India and Bangladesh has become possible. My thanks are also due to my colleagues in the Minister of External Affairs, Water Resources and Surface Transport for their invaluable support in this endeavour. We also acknowledge on this occasion that in the past also it has been the endeavour of successive governments to strengthen our relations with Bangladesh.

6. Both India and Bangladesh cooperate very extensively in regional fora such a SAARC and it shall be our endeavour to take this cooperation forward so that a new and a more constructive framework of relationship can be built up in our sub-continent to the mutual benefit of the people of all countries.

7. The visit of the Bangladesh Prime Minister is an event of historic significance. She herself has reaffirmed the spirit of 1971 in her speech at the banquet in her honour last night. We also recall those times when we eorked shoulder to shoulder and we are resolved that in the future the same spirit of brotherhood will guide us to a new era. I am sure the House would share these sentiments and would support our resolve to advance in this direction.