

TREATY BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH ON SHARING OF THE GANGA/GANGES WATERS AT FARAKKA (December 12, 1996)

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 neighbourliness,
Inspired by the common desire of promoting the well-being of their peoples,

Being desirous 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 resources of their region in the fields of flood management, irrigation, river basin development and generation of hydro-power for the mutual benefit of the peoples of the two countries,

Recognising that the need for making an arrangement for sharing of the Ganga/Ganges waters at Farakka in a spirit of mutual accommodation and the need for a solution to the long-term problem of augmenting the flows of the Ganga/Ganges are in the mutual interests of the peoples of the two countries,

Being desirous of finding a fair and just solution without affecting the rights and entitlements of either country other than those covered by this Treaty, or establishing any general principles of law or precedent, have agreed as follows :

ARTICLE-I

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

ARTICLE-II

- (i) The sharing between India and Bangladesh of the Ganga/Ganges waters 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 implications 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 (1949-1988) 10-day period average availability of water at Farakka. Every effort 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 50,000 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 Bangladesh at Farakka under Article I shall not be reduced below Farakka except for reasonable uses of waters, not exceeding 200 cusecs, by India between Farakka and the point on the Ganga/Ganges 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 Lock, 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 or 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/Ganges 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.

Sd/-

(H. D. DEVE GOWDA)

Prime Minister
Republic of India

Sd/-

(SHEIKH HASINA)

Prime Minister
People's Republic of Bangladesh

ANNEXURE-I

Availability at 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 1 to May 10.

ANNEXURE-II

(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 share (cusecs)
January 1-10	107,516	40,000	67,516
11-20	97,673	40,000	57,673
21-31	90,154	40,000	50,154
February 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	62,633	35,000*	27,633
21-30	60,992	25,992	35,000*
May 1-10	67,351	35,000*	32,351
11-20	73,590	38,590	35,000
21-31	81,854	40,000	41,854

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