

**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.**

THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE
PEOPLES 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
utilization of the water resources of their region in the fields of flood management,
irrigation, riverbasin development and generation of hydropower for the mutual benefit
of the peoples of the two countries.

RECOGNISING that the need for making an arrangement for sharing of the
Ganaga/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 of 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 Annwxure I is at Annexure II.

(ii) The indicative schedule at Annexcre II, as referred to in sub para [1] 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 avaiiability as mentioned above.

(iii) In the event flow at Farakka falls below 50,000 causes 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 water, 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 representative nominated by the two Government in equal numbers (hereinafter called the Joint Committee) shall be constituted following the signing of this Treaty. The Joint Committee shall setup 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 Hardinage 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 Joint Committee, shall be referred to the Indo-Bangladesh Joint River 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/Agreement 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 the 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 percent) of Bangladesh's share according to the formula referred to in Article II, until such time as mutually agreed flows are decided. This Treaty shall entered into force upon signature and shall remain in force for a period of thirty years and it shall be renewable on the basis os mutual

consent.

ARTICLE-XII

This Treaty shall enter into force upon signature and shall remain in force per 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. DEVA GOWDA)	Sd. (SUEIKH HASINA)
PRIME MINISTER REPLUBLIC OF INDIA	PRIME MINISTER PEOPLE'S REPUBLIC OF BANGLADESH

ANNEXURE-I

Availiability at Farakka	Share of India	Share of Bangladesh
70,000 cusecs of 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

ANNEXURE II

Schedule (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 Annex-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	57,673
21-31	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	82,859	35,000*	29,688
April			
1-10	64,688	28,180	35,000*
11-20	63,180	35,000*	27,633
21-30	62,633	25,992	35,000*
May			
1-10	60,992	35,000*	32,351
11-20	67,351	38,590	35,000
21-31	73,590	40,000	41,854