

RECORD OF DISCUSSIONS OF THE THIRTY-SIXTH MEETING OF THE INDO-BANGLADESH JOINT RIVERS COMMISSION HELD AT DHAKA FROM 19TH TO 21ST SEPTEMBER, 2005

1. The Thirty Sixth meeting of the Indo-Bangladesh Joint Rivers Commission was held at Dhaka from 19th to 21st September, 2005 in a friendly and cordial atmosphere. H. E. Mr. Hafiz Uddin Ahmad, BB, Minister of Water Resources, Government of the People's Republic of Bangladesh and Chairman of Indo-Bangladesh Joint Rivers Commission presided over the meeting and led the Bangladesh delegation.
2. The Indian delegation was led by H. E. Mr. Priya Ranjan Dasmunsi, Minister of Water Resources, Government of the Republic of India and Co-chairman of the Indo-Bangladesh Joint Rivers Commission. The list of the delegations of India and Bangladesh is given at ANNEXURE -1.
3. H. E. Mr. Hafiz Uddin Ahmad, BB, welcomed H. E. Mr. Priya Ranjan Dasmunsi and the Indian delegation and made a statement at the beginning of the meeting. His Excellency Mr. Priya Ranjan Dasmunsi thanked H. E. Mr. Hafiz Uddin Ahmad, BB and the Government of Bangladesh for the hospitality extended to him and his delegation and made a statement. The statements of the two Ministers are attached as ANNEXURE 2 and 3 respectively.
4. The Commission adopted the following agenda for the meeting.
 - 4.1 Review of Implementation of the 1996 Treaty on sharing of the Ganga/ Ganges waters at Farakka during the year, 2005
 - 4.2 Review of the activities of the Standing Committee of Indo-Bangladesh JRC
 - a. Bank protection and embankment repair works along the Muhuri, Feni, Mahananda, Atrai, Nagar, Punarhaba, Karatoya and other rivers.
 - b. Minor Lift Irrigation and Drinking Water Supply schemes on Feni and Muhuri rivers.
 - 4.3 Co-operation in Flood Forecasting and Warning Arrangements

- 4.4 Cooperation in Arsenic Mitigation.
- 4.5 Long term/permanent sharing of the flows of Teesta and other common rivers namely Dharla, Dudhkumar, Manu, Khowai, Gumti and Muhuri between India and Bangladesh.
- 4.6 Review of the activities of Indo-Bangladesh Task Force for formulation of a Joint Action Plan on Flood Management in South West Bangladesh and adjacent areas of West Bengal including dredging of Ichhamati river in the common border reach.
- 4.7 India's proposed Tipaimukh Dam Project
- 4.8 Miscellaneous : India's Proposed River Inter Linking Project
5. Review of Implementation of the 1996 Treaty on sharing of the Ganga/Ganges waters at Farakka during the year 2005.
 - 5.1 The Commission reviewed the progress of implementation of the sharing arrangements under the 1996 Indo-Bangladesh Treaty on sharing of Ganga/Ganges waters at Farakka. The Bangladesh side stated that during the dry season of 2005 it received lesser quantity of Ganges waters as its share compared to the quanta shown in the indicative schedule of the Treaty in different ten 10-day periods. The Bangladesh side referred to provisions of Article-II(ii) of the 1996 Ganges Waters Treaty and requested the Indian side to do the needful to ensure the due shares of both countries. The Bangladesh side considered that a sustainable solution to the problem can be found only through augmenting the dry season Ganges flows at Farakka. According to Article-VIII of the 1996 Treaty, the two Governments have already recognized this as well as 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. The Bangladesh side stated that India and Nepal were undertaking steps bilaterally to implement storage reservoirs on Mahakali and Saptkosi which Bangladesh had originally proposed in 1985. As a co-riparian country of the river Ganges, Bangladesh requested to be informed and consulted in case of projects involving harnessing the water resources of the Mahakali, Sapt-kosi, Sun-kosi etc. to benefit all concerned co-riparian countries.

The Indian side pointed out that Article-II(i) of the Treaty specifies that sharing of water in any given year will be with reference to the formula as set out in Annexure-I of the Treaty and this has indeed been done. Article-II(ii) requires that "every effort" will be made by the upper riparian to protect flows as set out in Annexure-II. The Indian side stated that the average receipts in the past nine years by Bangladesh for each of the specified 10-day periods equalled or exceeded the flows indicated in Annexure-II except for one 10-day period of March. On the other hand the receipts by India have been less than the indicative flow for the entire period of February and March and two 10-day periods of May. It was stated by the Indian side that This clearly established that India had made "every effort" as enjoined in Article-II(ii). In response to the Indian contention in this regards, Bangladesh side reiterated its position on the subject. The Indian side pointed out that if they so desire, Bangladesh could seek a review of the sharing arrangements as provided for in Article-X.

- 5.2 Referring to the remarks of the Bangladesh side wherein the cooperation between India and Nepal on harnessing of water resources was raised, the Indian side emphasized that the JRC is a bilateral forum between India and Bangladesh and this forum cannot be diluted by raising issues pertaining to any other country.

6. Review of activities of the Standing Committee of Indo-Bangladesh JRC

- a. Bank protection and repair of embankment works along the Muhuri, Feni, Mahananda, Atrai, Nagar, Punarhaba, Karatoya and other rivers, and
- b. Minor Lift Irrigation and Drinking Water Supply schemes on Feni and Muhuri rivers

- 6.1 After in-depth discussions on the above issues during the meeting, in view of their urgent nature, the two Ministers (Chairman and Co-Chairman of JRC) decided to personally undertake visits to all the concerned sites of river bank protection and Minor Lift Irrigation and Drinking Water Supply schemes along the concerned common/border rivers by mid-November, 2005 to asses situation on the ground in order to give relevant decision on the future course of action to be undertaken by

the two countries on their specific concerns. The decisions in this regard will be given after the two Ministers have completed their visits to all the agreed sites.

6.2 In this regard it was agreed that a list of such works proposed by either side setting out relevant details would be exchanged by 30th September 2005. The Chairmen of the Joint Committee of Experts (JCE) would work out a suitable programme for the visit in the month of November for the two Chairmen of JRC to cover these sites. This joint inspection would cover river bank protection works and embankment repair works and Minor Lift Irrigation and Drinking Water Supply schemes. It was agreed further that both sides would, while exchanging list of works, specify the exact works proposed for inspection.

7. Cooperation in Flood Forecasting and Warning arrangements.

7.1 The Bangladesh side requested supply of more upstream data along the rivers Ganga/Ganges and Brahmaputra.

7.2 The Indian side offered to provide the level, flow and forecast of the river Brahmaputra at Guwahati, which would increase the lead time for advance flood forecasting from 42 hrs to 66 hrs. Similarly the Indian side will provide an advisory forecast of Farakka along river Ganga to enable the advance warning to increase from 41 hrs. to 67 hrs.. The Indian side also proposed that, to enable faster communication, the two sides may exchange data by e-mail after notifying each other the appropriate e-mail addresses.

8. Cooperation in Arsenic Mitigation.

8.1 In response the India's offer for providing 300 Arsenic Kits and 50 Arsenic Removal Plants to Bangladesh, the Bangladesh side confirmed that it would soon send two Bangladeshi Experts to Kolkata for inspection of the above materials.

9. Long term/permanent sharing of the flows of Teesta and other common rivers namely Dharla, Dudhkumar, Manu, Khowai, Gumti and Muhuri between India and Bangladesh.
- 9.1 The JRC recognized that the long term sharing of waters of river Feni should also be examined along with Teesta and other six rivers already agreed to. It further reiterated that priority should be given to the sharing of waters of Teesta.
- 9.2 The JRC recognized that the lean season flows in Teesta will not meet the needs of both the countries and hence any sharing formula of the lean season flows should be based on shared sacrifices. In this spirit the JRC proposed that the JCE would meet as soon as possible to jointly determine the modalities and dependable flows for sharing during the period October to April on the basis of existing data and to report the same to the JRC for evolving a suitable sharing arrangement/agreement.
- 9.3 The Indian side suggested that Phase-II of the project in India and in Bangladesh should not be taken up till the whole mechanism of sharing waters is worked out. The Bangladesh side informed that works on phase-II of the Bangladesh Teesta Barrage Project have already started a year back.
10. **Review of the activities of Indo-Bangladesh Task Force for formulation of a Joint Action Plan on Flood Management in South West Bangladesh and adjacent areas of West Bengal including Dredging of Ichamati river in the common border stretch.**
- 10.1 The JRC noted the progress of the Task Force constituted for formulation of a Joint Action Plan on Flood management in South West Bangladesh and adjacent areas of West Bengal. The JRC observed that the Action Plan evolved by the Task Force will be first examined by the Standing Committee and reported to the JRC as soon as an agreed position is arrived at. The JRC, however, recognized that the issue of dredging/desilting of river Ichhamati is an urgent requirement. The Bangladesh side, however, suggested that this was an important issue and the entire length of the

river must be surveyed, so that desilting/dredging could be taken up in a holistic manner.

10.2 The Indian side pointed out that such a survey was desirable but a critical stretch between Angrail and Kalanchi has already been jointly surveyed and a scheme for excavation of a pilot channel along the centre of the river had been formulated by the Indian side. The Indian side emphasized that this work should be taken up immediately as the first phase of the overall Ichhamati River Action Plan. Simultaneously, surveys could be conducted along the length of the river to identify other stretches where works may be required to be taken up. The Bangladesh side opined that any work along the common stretch of Ichhamati river must be carried out jointly in a technically sound manner.

10.3 After thorough discussions the JRC decided that the two Chairmen would inspect the sites identified by both the Indian and Bangladesh sides in mid-November, 2005 along with the inspections mentioned at para 6 to consider commencing work in a jointly agreed manner so as to complete the works within the time frames to the satisfaction of the concerned countries.

11. India's proposed Tipaimukh Dam Project.

11.1 The Bangladesh side expressed the apprehension that the implementation of India's Tipaimukh Dam Project at the head reach of Barak river might adversely affect the hydrological regime and the agro-socio-economic condition in the Surma-Kushiyara/Meghna dependent areas of Bangladesh. The Indian side stated that as already assured in the 35th meeting of the JRC, the Tipaimukh Project had no component for irrigation and was meant for power generation and flood moderation only. The project would not only mitigate the flood problem in the Barak Basin but would also enable regulated releases of water in lean season to the benefit of both the sides.

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11.2 The Bangladesh side wanted to be assured that there would not be any diversion of waters from Fulertal or elsewhere on the Barak river. The Indian side conveyed an assurance that they did not intend to construct any diversion structure at Fulertal. Further with regard to diversion structure on Barak river elsewhere, the Indian side agreed to revert to the JRC in its next meeting.

12. Miscellaneous : India's proposed River-linking Project.

12.1 During discussions on this issue, the Bangladesh side mentioned that it had welcomed the statement of H. E. Mr. Natwar Singh, Minister of External Affairs, Government of India at Dhaka in August, 2005 that India would not take any unilateral decision on India's proposed Interlinking Project that might affect Bangladesh. However, the news of the recent signing of an MOU between Uttar Pradesh and Madhya Pradesh of India for diverting the waters from Ken to Betwa under India's river interlinking project raised concern in Bangladesh.

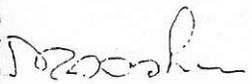
12.2 The Indian side pointed out that very often parts of India were suffering from severe drought when other parts of the country were experiencing heavy floods. In this background, Government of India had conceptually examined the possibility of transferring waters which might be surplus in any given region at any given time to areas of the country which were not so well endowed. It was pointed out that this was particularly important for India where the per capita availability of water and irrigated land was amongst the lowest in the world. 30 links were identified where some surplus water could be diverted in certain regions to other water-stressed areas. Of these, 14 links involved, the Himalayan region where rivers are international in nature. The Indian side emphasized that none of the links of Himalayan region would be attempted until the concerns of the neighbouring countries were examined and addressed in an open and transparent manner. Indian side pointed out that the other 16 links, where a prima facie feasibility had been established, did not relate to any rivers emerging from the Himalayas, and therefore, the Government and the people of Bangladesh need not have any anxiety on this score.

12.3 It was further pointed out that the first such link in the peninsular region, the Ken-Betwa Link, had recently been taken up for a detailed examination and that these two rivers are in no way related to the Himalayan component. It was stated that one of the governing principles of the river-linking programme was that down stream rights should not be affected in any manner adversely. It was stated that in India the management and distribution of water is a State subject, and consequently, if there is any decrease in the receipt by a down stream state as a result of linkages, it would not be agreed to by the downstream States, even within the country. It was further pointed out that interlinking of rivers, as a concept, had been premised on the basis that there should be no adverse environmental impact, minimum displacement; there should be full transparent discussion with affected States and there should be no negative effects for down-stream users.

12.4 The Bangladesh side thanked the Co-Chairman of JRC for his detailed presentation on this subject and once again urged that no plan be undertaken to transfer water from the Ganges and the Brahmaputra as part of the River Inter-Linking Project as this would have disastrous effects on Bangladesh where water of these two rivers act as the life-line to the millions of peoples of Bangladesh. The Bangladesh side stated that so far they had not been made aware of the dimension of this project concept and they expressed that they were reassured by the above statement of the Indian side. The Indian side assured that India would not take any unilateral action that would harm Bangladesh.

The Commission agreed to hold its next meeting at New Delhi at a mutually convenient date.

Dhaka
21 September, 2005


(P. R. DASMUNSI)
Co-Chairman


(HAFIZ UDDIN AHMAD, BB)
Chairman

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