

RECORD OF DISCUSSIONS OF THE THIRTY-SEVENTH MEETING OF THE INDIA-
BANGLADESH JOINT RIVERS COMMISSION HELD IN NEW DELHI FROM
17 MARCH TO 20 MARCH, 2010

1. The Thirty Seventh meeting of the India-Bangladesh Joint Rivers Commission was held in New Delhi from 17 March to 20 March, 2010 in a friendly and cordial atmosphere. H. E. Mr. Pawan Kumar Bansal, Minister of Water Resources, Government of the Republic of India and Chairman of India-Bangladesh Joint Rivers Commission presided over the meeting and led the Indian delegation.
2. The Bangladesh delegation was led by H. E. Mr. Ramesh Chandra Sen, Minister of Water Resources, Government of the People's Republic of Bangladesh and Co-chairman of the Indo-Bangladesh Joint Rivers Commission. The list of the delegations of Bangladesh and India is given at **Annexure-1**.
3. H. E. Mr. Pawan Kumar Bansal welcomed H. E. Mr. Ramesh Chandra Sen and the Bangladesh delegation and made a statement at the beginning of the meeting. H. E. Mr. Ramesh Chandra Sen thanked H. E. Mr. Pawan Kumar Bansal and the Government of India for the gracious hospitality extended to him and his delegation and also made a statement. The statements of the two Ministers are attached as **Annexure -2 and -3** respectively.
4. The Commission after a threadbare discussion adopted the following agenda for the meeting:
 - 4.1 Agreement for sharing of the Teesta waters;
 - 4.2 Sharing of waters of other common rivers namely Dharla, Dudhkumar, Manu, Khowai, Gumti, Muhuri & Feni;
 - 4.3 Drinking Water Supply, Minor Lift Irrigation Schemes along the river Feni;
 - 4.4 Implementation of the 1996 Treaty on sharing of the Ganga/Ganges waters at Farakka;
 - 4.5 River Bank Protection Works and construction of Embankments along the common/border river;
 - 4.6 Review of the activities of India-Bangladesh Task Force for formation 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 reach between Angraal and Kalanchi Bridges;
 - 4.7 Cooperation in Flood Forecasting and Warning arrangements between Bangladesh and India;
 - 4.8 India's proposed Tipaimukh Dam Project on the Barak/Meghna river;
 - 4.9 India's proposed River-Interlinking Project;
5. The Commission expressed satisfaction that it is meeting after a long gap of about five years and will take up all issues of mutual interest in the spirit of mutual

Signature

understanding and cooperation emanating from the historic visit of the Bangladesh Prime Minister to India in January 2010. This was an expression of the two countries to take the relations to a newer height for the betterment of the lives of their peoples.

6. **Agreement for sharing of the Teesta waters**

6.1 The Commission recalled the directive of the Hon'ble Prime Ministers of Bangladesh and India reflected in the Joint Communiqué on the occasion of the visit of the Prime Minister of Bangladesh to India from 10-13 January, 2010 which states "Recognizing the sufferings of the people of both sides in the face of scarcity of lean season flows of the Teesta River, the Prime Ministers expressed that the discussions on the sharing of the Teesta waters between India and Bangladesh should be concluded expeditiously".

6.2 Attaching highest importance to the sentiments of the Honorable Prime Ministers of the two countries and in order to mitigate the sufferings of the people of both sides in the face of scarcity of lean season flows of the Teesta River, the Bangladesh side submitted a draft of an Interim Agreement for sharing of the Teesta waters in the meeting based on the principles of equity, fairness and no harm to either party for a period of 15 years (**Annexure-4**). On the other hand, the Indian side presented a paper on the 'Statement of Principles of the Sharing of the Teesta Waters during dry season (October-April)' based on joint hydrological observations (**Annexure-5**). The Commission directed the Secretaries of Water Resources of both the countries to examine the documents towards an expeditious conclusion of an interim agreement in the spirit reflected in the Joint Communiqué issued during Bangladesh Prime Minister's visit to India.

7. **Sharing of waters of other common rivers namely Dharla, Dudhkumar, Manu, Khowai, Gumti, Muhuri & Feni**

7.1 The meeting noted that during the Secretary Level meeting held in January, 2010 the Bangladesh side handed over two Work Plans (one for Feni and other for Dharla, Dudhkumar, Manu, Khowai, Gumti and Muhuri) to the Indian side for examination towards working out sharing arrangements.

7.2 The Indian side suggested that joint hydrological observations be commenced on all these rivers from next season, to work out reliable data series on availability of water. The sharing arrangements may be decided based on the jointly observed hydrological data for at least 15 years.

7.3 The JRC after detailed discussion directed the Secretaries of Water Resources of both the countries to finalize the Work Plan and initiate the formulation of sharing arrangements of those rivers expeditiously.

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8. **Drinking Water Supply, Minor Lift Irrigation Schemes along the river Feni**

8.1 The JRC noted with satisfaction that the Secretary Level meeting held in January, 2010 agreed that 1.82 cusec of water may be withdrawn by India from Feni river for drinking water supply schemes.

8.2 The JRC also discussed the water requirements of the minor lift irrigation schemes along the Feni River by both the countries and agreed to continue the discussion.

9. **Implementation of the 1996 Treaty on sharing of the Ganga/Ganges waters at Farakka and Augmenting the dry season flows of the Ganges at Farakka**

9.1 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 period of 1997 to the 10th March, 2010, it has received lesser quantity of waters at Farakka than its share given in the indicative schedule of the Treaty in 90 (ninety) 10-day periods out of 202. The Bangladesh side referred to provisions of Article-II (ii) which states that every effort would be made by the upper riparian (i.e. India) to protect flows of water at Farakka as in the 40 years average availability as mentioned above. The Bangladesh side, therefore, requested the Indian side to do the needful so that Bangladesh receives its due share as per indicative schedule in future. The Bangladesh side referred to Article- VIII of the Ganges Waters Treaty which states quote "The two Governments recognize 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" unquote. The Bangladesh side therefore, requested the Indian side to address the issue of augmenting the Ganges flows to avoid the occurrences of less availability at Farakka and also meet the full requirement of both the countries. In this regard, Bangladesh side proposed that Bangladesh, India and Nepal may jointly build reservoir at suitable locations in Nepal to benefit all the three countries. It further proposed to consider the Saptakosi dam in the first instance.

9.2 The Indian side informed JRC that the river inflows of Farakka during lean period are being shared successfully based on the provisions contained in the Article-1 of the Treaty and the both sides are getting their fair share as per the Treaty. The Indian side clarified that the flows in a particular year should not be compared with the long term average flows of 40 years as the actual flows during a year depends on hydro-meteorological conditions in that particular year. Provisions of the Treaty of 1996 have been honoured by India in letter and spirit.

9.3 The Indian side also clarified that the schedule given at Annexure-II of the Treaty is only indicative. Thus it would match only in a year when the actual availability of water at the Farakka corresponds to the long term average flows of 40 years. Further, a close look of jointly observed flows of last 13 years shows that Bangladesh side has got, in fact, more water (16.34 bcm) than its share (15.03 bcm) as per the indicative schedule of the Treaty.

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- 9.4 In response to Bangladesh proposal to convene a separate trilateral meeting with Nepal to discuss augmentation of the Ganges flow at Farakka, the Indian side emphasized that the JRC is a bilateral forum between India and Bangladesh and requested that third countries should not be involved in what is essentially a bilateral matter between India and Bangladesh. However, this may be discussed separately outside the JRC, if necessary. Further, the Indian side mentioned that it was taking adequate steps to augment water of Ganga.

10. **River Bank Protection Works and construction of Embankments along the common/border river**

The Commission noted with satisfaction that the Secretary Level meeting held in January, 2010 agreed to implement the long pending river bank protection works and construction of embankments along the common/ border rivers. The JRC noted with satisfaction that both the sides have finalized the construction details of 12 new Indian sites and 22 new Bangladesh sites in addition to the previously agreed sites.

11. **Review of the activities of Indo-Bangladesh Task Force for formation 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 reach between Angraill and Kalanchi Bridges**

- 11.1 The Commission noted with satisfaction that the Secretary Level meeting held in January, 2010 agreed for dredging of Ichamati river along the common reach between Angraill and Kalanchi Bridges..

- 11.2 The JRC decided that no further study is required by the Task Force as the dredging of Ichchmati has already been undertaken. It was agreed that the Task Force may be wound up.

12. **Cooperation in Flood Forecasting and Warning arrangements between Bangladesh and India**

- 12.1 The Bangladesh side expressed that it is indeed grateful to India for transmitting flood related data from number of stations in India which helped provide flood forecasts towards minimizing loss of lives and properties in Bangladesh. Bangladesh would be able to increase time of flood forecasts and consequently further reduce loss of lives and properties, should India provide flood related data from more upstream stations. The Bangladesh side therefore, requested India to consider transmitting more flood related data from further upstream stations in India. The Bangladesh side also requested to transmit flood related data on a continuous basis during the entire monsoon period in order to facilitate forecast.

- 12.2 The Indian side informed that since 2008, the flood data of Farakka site on Ganga/Ganges is being sent to Bangladesh by e-mail. The Bangladesh side requested of supply of more flood data along the river Ganga/Ganges. As a goodwill gesture, Indian side agreed to provide flood data of 'Sahibganj site' on a continuous basis during the flood season on river Ganga/ Ganges which is

situated 78 km upstream of Farakka barrage. This will enable Bangladesh side to enhance the advance warning and forecast time by 16 hrs further. The Bangladesh side thanked India for this gesture.

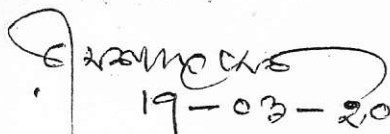
13. India's proposed Tipaimukh Dam Project on the Barak/ Meghna river

- 13.1 The meeting recalled the desire of the Hon'ble Prime Ministers of Bangladesh and India reflected in the joint communiqué issued on the occasion of the visit of the Hon'ble Prime Minister of Bangladesh to India in January, 2010 which states "The Hon'ble Prime Minister of India reiterated the assurance that India would not take steps on the Tipaimukh project that would adversely impact Bangladesh."
- 13.2 The Indian side stated that in the spirit of transparency, Bangladesh was invited to visit the Tipaimukh dam site and detailed presentations were made to them. Indian side again reiterated that there is no diversion of waters proposed and the proposed dam was meant only for power generation and flood control, and that the project would be beneficial for Bangladesh also since it will mitigate floods and augment water during the lean season. India re-assured Bangladesh side that it would not take steps on Tipaimukh Project that would adversely impact on Bangladesh.

14. India's proposed River-Interlinking Project

- 14.1 The Bangladesh side conveyed its concern regarding India's proposed River-Interlinking Project.
- 14.2 The Indian side reiterated their earlier stand that India would not take any unilateral decisions on the Himalayan component of their proposed River Interlinking Project which may affect Bangladesh.
15. The Commission agreed to hold its next meeting in Dhaka at mutually convenient dates.

Signed in New Delhi on 19th March 2010.


19-03-2010

(RAMESH CHANDRA SEN)
Co-Chairman

 19.3.2010

(PAWAN KUMAR BANSAL)
Chairman

Annexure - I

List of delegations of India and Bangladesh

BANGLADESH DELEGATION		INDIAN DELEGATION	
1.	H. E. Mr. Ramesh Chandra Sen Hon'ble Minister Ministry of Water Resources	1.	H. E. Shri Pawan Kumar Bansal Hon'ble Minister Ministry of Water Resources
2.	H.E. Dr. Mashiur Rahman Adviser to the Hon'ble Prime Minister	2.	H. E. Shri Vincent H Pala Minister of State Ministry of Water Resources
3.	H. E. Mr. Tariq A. Karim High Commissioner of Bangladesh in India	3.	H. E. Shri Subhas Naskar Hon'ble Minister (I & WD) Government of West Bengal
4..	Mr. Mostafa Faruque Mohammed, M.P and Member Indo-Bangladesh JRC	4..	Shri U. N. Panjiar Secretary Ministry of Water Resources
5.	Mr. Shaikh Md. Wahid-uz-Zaman Secretary Ministry of Water Resources	5.	Shri S. Manoharan Special Secretary Ministry of Water Resources
6.	Mr. Md. Habibur Rahman Director General Bangladesh Water Development Board	6.	Shri A. K. Bajaj Chairman Central Water Commission
7..	Dr. Md. Monowar Hossain Professor Department of Water Resources Engineering and Dean, Faculty of Civil Engineering, BUET	7.	Shri R. C. Jha Member(RM) Central Water Commission & Chairman GFCC
8.	Mr. Mir Sajjad Hossain Member, Joint Rivers Commission, Bangladesh	8.	Shri A. D. Bhardwaj Director General, NWDA
9.	Mr. Muhammad Imran Director General (South Asia) Ministry of Foreign Affairs	9.	Shri M. K. Samanta Secretary (I & WD) Government of West Bengal
10..	Ms. Mashfee Binte Shams Deputy High Commissioner of Bangladesh	10.	Shri S. P. Kakran Commissioner (Ganga) Ministry of Water Resources
11.	Mr. Md. Aminul Haque Chief Engineer, Northern Zone Bangladesh Water Development Board	11..	Shri T. S. Tirumurti Joint Secretary (BSM), MEA
12.	Mr. Md. Shahidur Rahman Chief Engineer, South-Western Zone Bangladesh Water Development Board	12.	Smt. Ananya Ray JS & FA Ministry of Water Resources
13.	Mr. Giasuddin Ahmed Choudhury Executive Director, CEGIS	13.	Mr. Sada Kant Joint Secretary(BM) MHA, New Delhi
14.	Mr. Md. Ahasan Ullah Director, Joint Rivers Commission, Bangladesh	14.	Shri S.K. Reddy Joint Secretary (BSM-II), Ministry of External Affairs
15.	Mr. Md. Rakib Hossain Deputy Secretary Ministry of Water Resources	15.	Shri S.M. Hussain Member (Planning), Ganga Flood Control Commission

BANGLADESH DELEGATION		INDIAN DELEGATION	
16.	Mr. Mahbub Hassan Saleh Counsellor of Bangladesh High Commission	16.	Shri M. Subbarayudu, Counsellor (Pol.) High Commission of India
17.	Mr. Muhammad Ruhul Quddus P.S to Minister of Water Resources	17.	Shri Rahul Bhandari, PS to Minister (WR)
18.	Mr. Md. Mofazzal Hossain Executive Engineer Joint Rivers Commission, Bangladesh	18.	Shri Tapan Lodh Chief Engineer (PWD) – WR Government of Tripura.
		19.	Shri G.S. Sharma Chief Engineer (I&FC), Sikkim
		20.	Mr. T. S. Mehra Sr. Joint Commissioner Ministry of Water Resources
		21.	Mr. Ravi Shanker Director (M & A) Central Water Commission, Guwahati
		22.	Mr. Praveen Kumar Deputy Commissioner(Ganga) Ministry of Water Resources

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Annexure-II

**Opening Statement by Hon'ble Minister for Water
Resources and Parliamentary Affairs, at the 37th JRC
Meeting of India and Bangladesh held at New Delhi, 18-19
March 2010**

Excellency, distinguished members of the Bangladesh delegation, it is with great pleasure that I would like to extend a warm welcome to you and your delegation. The meeting of the JRC taking place today is important as it is taking place following the decisions arrived at during the recent State visit of Prime Minister HE Sheikh Hasina to India in January. The historic visit of the Bangladesh Prime Minister had laid down the road map elevating the level of our relations. We have been given the mandate of finding solutions to issues of common concern in a spirit of good will and friendship and mutual accommodation of each others concerns. In the same spirit, I am looking forward to holding fruitful discussions with you today and tomorrow.

Excellency, our ties are historical, time tested and enduring. There are perhaps few countries in the world that have so much in common as India and Bangladesh. We attach the highest importance to our relations with Bangladesh and India has time and again shown that it is ever ready to support Bangladesh. I am confident that our discussions would be fruitful and believe that we would be able to address all issues in a spirit of cooperation, partnership and understanding that characterizes our relations.

Excellency, the JRC has been a not only a useful forum but has been importantly an effective forum as well in addressing issues that affect the people of our two countries. We have been successful in various areas – signing of the Ganges water sharing Treaty, cooperation in flood control, protection of property and lives through bank protection/embankment works, dredging of rivers etc.



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I am happy to note that considerable progress has been made on many of the issues since the 36th meeting of the JRC viz., the visit of a high level delegation in connection with the Tipaimukh Hydropower Project, Submission of the report by the Joint Task Force tasked with preparation of Joint Action Plan on Flood Management in South West Bangladesh and adjacent areas of West Bengal, dredging activity in river Ichhamati, Drinking water scheme in River Feni for the Sabroom Town, exchange of data on river protection/embankment works etc.

Excellency, I am sure you would like to join me in complimenting the good work done by the members of the JRC under the able guidance of our two Secretaries.

Excellency, sharing of waters of a common river is always a difficult and long drawn process, but not an impossible one. Solutions can always be found in a spirit of cooperation, mutual accommodation and based on the principle of shared sacrifice. I am sure we would be able to arrive at solutions to the remaining issues in the agenda as well or at the least do the ground work to arrive at the solutions. We have made considerable progress on sharing of waters of the common rivers and we should keep the momentum going.

Excellency, before I conclude, I would like to suggest that we should direct the members JRC to resolve problems that may arise periodically and are local in nature and refer only complex issues to the JRC. This would enable resolution of various local problems that need not be kept pending for the meeting of the JRC or even the meeting of the Secretaries.

Excellency, I would now request the members of my delegation to introduce themselves....

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OPENING STATEMENT BY MR. RAMESH CHANDRA SEN, HONOURABLE MINISTER, MINISTRY OF WATER RESOURCES, GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH AT THE THIRTY SEVENTH MEETING OF THE JOINT RIVERS COMMISSION HELD IN NEW DELHI FROM 17 TO 20 MARCH, 2010

Excellency,

Distinguished members of the Indian delegation,

Let me at the outset, on behalf of the Government and people of Bangladesh, on behalf of Sheikh Hasina, Honourable Prime Minister of Bangladesh and on my own behalf, extend our greetings and best wishes to the Government and people of India. I would also like to express our heartiest thanks and gratitude for the warm reception and gracious hospitality accorded us.

Excellency,

I am indeed very happy to be here in response to your kind invitation. As a follow up to the directives of the Hon'ble Prime Ministers of Bangladesh and India during the recent visit of Hon'ble Prime Minister of Bangladesh to India, we are meeting here for the thirty seventh session of the Joint rivers Commission. This is the first meeting of JRC since the present Government of Bangladesh has been voted to power with overwhelming majority.

Excellency,

There exists a firm political will among the present leadership in both Bangladesh and India to further strengthen the existing bonds of friendship and cooperation between our two neighboring countries. We recall with deep gratitude the extraordinary support and assistance received from the people and the government of India during our great war of liberation. The gallant soldiers of both the countries had shed bloods in this war.

Excellency,

The two countries share history, culture and heritage and also share 54 common rivers. The life and livelihood of the people of this region depend on these rivers. We are very keen to work with you in managing vital water resources of our region. It is my firm conviction that with goodwill and understanding and the prevailing conducive environment, we together would be able to address all the pending issues in this meeting.

Excellency,

We are happy to note that the Secretaries' level meeting held in January, 2010 has resolved a number of long pending issues like river bank protection works along the common/border Rivers, Drinking water supply scheme along the Feni River and Dredging of Ichamati River along the

one for Feni and other for Manu, Muhuri, Khowai, Gumti, Dharla, and Dudhkumar for examination of the Indian side. I would like to propose Excellency, that the work plan may be finalized in this meeting towards concluding sharing agreement of these rivers allocating a definite time frame.

Excellency,

You are aware that the Government of Bangladesh and the Government of India have signed the historic Treaty for sharing the Ganges waters at Farakka in December, 1996 for a period of thirty years. The two countries have been sharing the Ganges waters at Farakka since 1 January, 1997. May I draw your kind attention Excellency, to the fact that out of total 202 ten-day periods so far shared between the two countries, Bangladesh has received less quanta of waters than its share given at Annexure- II of the Treaty on 90 occasions. During these periods the total flows at Farakka were also less than the 40 (1949- 88) years average flows. As a consequence Bangladesh received less quanta of water than its due share. The Treaty provides Excellency that, quote "Every effort would be made by the upper riparian to protect flows of water at Farakka as in the 40-years average availability" unquote. I would therefore, urge upon India to protect the 40-years average availability at Farakka so that Bangladesh may receive its due share in future.

Excellency,

You may kindly recall Article- VIII of the Ganges Waters Treaty which states quote "The two Governments recognize 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" unquote.

We should therefore, Excellency; address the issue of augmenting the Ganges flows with right earnest to avoid the occurrences of less availability at Farakka and also meet the full requirement of both the countries. In this regard, I would like to propose that Bangladesh, India and Nepal may jointly build reservoir at suitable locations in Nepal. We may consider Excellency, the Sapt-Kosi dam in the first instance.

Excellency,

We are indeed grateful to India for transmitting flood related data from number of stations in India which helped provide flood forecasts towards minimizing loss of lives and properties in Bangladesh. Bangladesh would be able to increase time of flood forecasts and consequently further reduce loss of lives and properties, should India provide flood related data from more upstream stations. I would therefore, request you Excellency, to consider transmitting more flood related data from further upstream stations in India.

Excellency,

The peoples of West Bengal of India and South west region of Bangladesh suffered from the ravage of an unprecedented flood in September- October, 2000. A Bangladesh-India Task Force was accordingly constituted headed by concerned Chief Engineers to formulate an Action Plan for jointly tackling such eventuality in future. The Task Force has so far jointly surveyed a common reach of Ichamati River for about twenty kilometers and dredging works is in progress to ease drainage congestion in the reach. The Task Force is yet to submit its report. We may Excellency; direct the Task Force to submit its report by June, 2011 so that the Commission may take up further course of action.

Excellency,

You are aware that with regard to the flood problem of Sylhet-Cachar and adjoining areas, the JRC in its fourteenth meeting in January, 1978 decided that the concerned Superintending Engineers of both the countries should jointly examine the scope of the Indian scheme of storage dam on Barak river at Tipaimukh and study expeditiously the potential flood control and other benefits in Bangladesh and report the progress to the Commission at its next meeting. We may Excellency; consider undertaking the study incorporating adjoining areas in Bangladesh. The study report may be submitted to JRC for consideration.

Excellency,

You may be aware that the Indian planned River Interlinking project has raised concern in Bangladesh. It would be deeply appreciated Excellency; if the Government of India consider not to undertake any such project which may adversely affect Bangladesh.

Excellency,

The relations between our two friendly countries are at their best now. The prevailing climate is very warm and most conducive. The commitments of our two leaders are firm and unequivocal. Let us Excellency; start our journey with fresh zeal and renewed sense of urgency towards achieving our long cherished goals for the betterment of the people of our two countries.

Excellency,

I look forward to very fruitful and constructive deliberations during this meeting. I once again would like to thank you and the Government of India for the warm and gracious hospitality accorded to us.

Thank you

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Annexure-4

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**INTERIM AGREEMENT BETWEEN THE GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF BANGLADESH AND THE GOVERNMENT OF THE REPUBLIC
OF INDIA ON SHARING OF THE TEESTA WATERS AT GAZALDOBA, INDIA**

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

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
Teesta waters at Gazaldoba in a spirit of mutual accommodation and the need
for a solution to the long-term problem of augmenting the flows of the Teesta 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 Interim
Agreement, or establishing any general principles of law or precedent,

HAVE AGREED AS FOLLOWS:

ARTICLE - I

The point of release of waters of the Teesta for the purpose of sharing between
India and Bangladesh shall be at the Teesta Barrage site at Gazaldoba in India.
The Indian share of the Teesta waters will be made available at Gazaldoba while
the share of Bangladesh shall be made available at its Teesta Barrage site at
Doani/Dalia.

ARTICLE -- II

- i) The sharing between India and Bangladesh of the Teesta waters at
Gazaldoba by ten day periods from the 1st October to the 30th April of the
following year will be with reference to the Formula given at Annexure-1

and an Indicative Schedule giving the implications of the sharing arrangement under Annexure-I is provided at Annexure-II.

- ii) The Indicative Schedule at Annexure-II as referred to in sub para (i) above, is based on 13 years (1973-1985) ten-day periods availability (75 percent dependable flows) of waters at Gazaldoba computed on the basis of 75 percent dependable flows at Domohani in India and Dalia in Bangladesh using extrapolation method.

Provided that if during a particular ten-day period, the Teesta flows at Gazaldoba come down to such a level that the share of Bangladesh is lower than 80 percent of the value shown in column 5 of Annexure-II, the release of waters to Bangladesh during that ten-day period shall not fall below 80 percent of the value shown in column 5 of Annexure-II.

- iii) 20 (Twenty) percent of the total quantum of the Teesta waters available during any ten-day period at Gazaldoba herein after called the "Share of River" shall be released downstream of the Teesta Barrage at Gazaldoba to maintain ecological requirements and the river regime of the Teesta during the dry season (1st October to 30th April of the following year). The share of the river shall not be utilized either by India or by Bangladesh throughout the length of the Teesta river.
- iv) The two sides shall take all necessary measures jointly and separately to ensure compliance with the jointly agreed quality and standards of the waters as set out in the Schedule at Annexure-III.

ARTICLE - III

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 Interim Agreement. The Joint Committee shall set up suitable teams at Gazaldoba and Dalia/Doani to observe and record at Gazaldoba the daily flows below Indian Teesta Barrage at Gazaldoba; in the Left and Right Bank diversion Canals and the daily flows below/above Bangladesh Teesta Barrage at Dalia/Doani as well as below the Head Regulator in the diversion canal of the Bangladesh Teesta Barrage.

ARTICLE - IV

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

ARTICLE - V

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 - VI

The Joint Committee shall be responsible for implementing the arrangements contained in this Interim Agreement and examining any difficulty arising out of the implementation of the above arrangements and of the operation of Indian Barrage at Gazaldoba and Bangladesh Barrage at Doani/Dalia. 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 - VII

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

ARTICLE - VIII

The sharing arrangement under this Interim Agreement 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 Interim Agreement.

ARTICLE - IX

For the period of this Interim Agreement, in the absence of mutual agreement on adjustments following reviews as mentioned in Article VIII, India shall release downstream of Indian Teesta Barrage at Gazaldoba, water at a rate not less than 90 percent (Ninety percent) of Bangladesh's share and 100 percent of river share according to formula given at Annexure-I.

ARTICLE - X

- i) In the event of a dispute between two parties concerning the interpretation or application of the Interim Agreement, the parties concerned shall, in the absence of an applicable agreement between them, seek a settlement of the dispute by peaceful means in accordance with the following provisions.
- ii) If the parties concerned cannot reach agreement by negotiation requested by one of them, they may jointly seek the good offices of, or request mediation or conciliation by, a third party, or agree to submit the dispute to arbitration or to the International Court of Justice.
- iii) If after six months from the time of the request for negotiations referred to in sub para (ii), the parties concerned have not been able to settle their dispute through negotiation or any other means referred to in sub para (ii), the dispute shall be submitted, at the request of any of the parties to the dispute, to impartial fact-finding in accordance with sub para (iv) to sub para (x), unless the parties otherwise agree.
- iv) A Fact-finding Commission shall be established, composed of one member nominated by each party concerned and in addition a member not having the nationality of any of the parties concerned chosen by the nominated members who shall serve as Chairman.
- v) If the members nominated by the parties are unable to agree on a Chairman within three months of the request for the establishment of the Commission, any party concerned may request the Secretary-General of the United Nations to appoint the Chairman who shall not have the nationality of any of the parties to the dispute. If one of the parties fails to nominate a member within three months of the initial request pursuant to sub para (iii), any other party concerned may request the Secretary-General of the United Nations to appoint a person who shall not have the nationality of any of the parties to the dispute. The person so appointed shall constitute a single-member Commission.
- vi) The Commission shall determine its own procedure.
- vii) The parties concerned have the obligation to provide the Commission with such information as it may require and, on request, to permit the Commission to have access to their respective territory and to inspect any facilities, plant, equipment, construction or natural feature relevant for the purpose of its inquiry.
- viii) The Commission shall adopt its report by a majority vote, unless it is a single-member Commission, and shall submit that report to the parties concerned setting forth its findings and the reasons therefor and such recommendations as it deems appropriate for an equitable solution of the dispute, which the parties

concerned shall consider in good faith/shall accept the decision as final, definitive and binding.

- ix) The venue of arbitration shall be finalized at mutually convenient place.
- x) The expenses of the Commission shall be borne equally by the parties concerned.

ARTICLE - XI

This Interim Agreement shall enter into force upon signature and shall remain in force for a period of 15 years and shall be automatically renewed until a long-term/permanent Treaty/Agreement is concluded and put into operation.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by the respective Governments, have signed this Interim Agreement.

DONE in New Delhi/Dhaka on , 2010 in Hindi, Bangla and English languages. In the event of any conflict between the texts, the English text shall prevail.

Signed

ON BEHALF OF THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BANGLADESH

Signed

ON BEHALF OF THE GOVERNMENT
OF THE REPUBLIC OF INDIA

7

ANNEXURE - I

- I. Share of River - 20 Percent of actual flow available at Gazaldoba
- II. Share of India - 40 Percent of actual flow available at Gazaldoba
- III. Share of Bangladesh - 40 Percent of actual flow available at Gazaldoba

7

ANNEXURE - II

Schedule

Sharing of waters of the Teesta at Gazaldoba between October 01 and April 30, the following year

If actual availability corresponds to 75 percent dependable flows of the period 1973 to 1985, the implication of the Formula in Annexure-I for the share of each side is:

Period	75% Dependable flows at Gazaldoba (1973-85) Extrapolated (Cusecs)	Share of River (Cusecs)	India's share (Cusecs)	Bangladesh's share (Cusecs)
Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
October 1 - 10	25425	5085	10170	10170
11 - 20	18991	3799	7596	7596
21 - 31	17825	3565	7130	7130
November 1 - 10	10483	2097	4193	4193
11 - 20	9314	1862	3726	3726
21 - 30	7806	1562	3122	3122
December 1 - 10	7220	1444	2888	2888
11 - 20	7224	1444	2890	2890
21 - 31	5823	1165	2329	2329
January 1 - 10	5289	1057	2116	2116
11 - 20	4902	980	1961	1961
21 - 31	4478	896	1791	1791
February 1 - 10	4049	809	1620	1620
11 - 20	4695	939	1878	1878
21 - 28/29	4297	859	1719	1719
March 1 - 10	4782	956	1913	1913
11 - 20	4374	874	1750	1750
21 - 31	4359	871	1744	1744
April 1 - 10	6616	1322	2647	2647
11 - 20	6415	1283	2566	2566
21 - 30	8305	1661	3322	3322

ANNEXURE – III

Quality and Standards of the Waters of the Teesta River

Temperature	* (°C)
PH	*
Total Solids (TS)	* mg/l
Suspended Solids (SS)	* mg/l
Total Suspended Solids (TDS)	* mg/l
Turbidity	* NTU
Dissolve Oxygen (DO)	* mg/l
Bio-chemical Oxygen Demand (BOD)	* mg/l
Nitrate (NO ₃)	* mg/l
Phosphate (PO ₄)	* mg/l
Faecal Coliform/100 ml	* mg/l

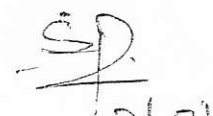
* Value to be jointly agreed.

4.

**STATEMENT OF PRINCIPLES OF SHARING OF TEESTA
WATERS DURING DRY SEASON (OCTOBER-APRIL)
BETWEEN GOVERNMENT OF REPUBLIC OF INDIA AND
GOVERNMENT OF PEOPLES REPUBLIC OF INDIA**

RECOGNISING the sufferings of the people of both sides in the face of scarcity of lean season flows in the Teesta basin, both sides agreed to the following Principles of sharing of Teesta waters during dry season (October-April) as follows:

1. The total water available in the river basin would be assessed and taken into account during dry season to decide the share of each party.
2. Based on reliable and jointly observed hydrological data series, 90% dependable flows would be worked out at Gazaldoba, Dalia, Kaunia and Teestamukh (outfall point) observation sites; which would make the basis for long term sharing agreement/ Treaty of the Teesta Waters during dry season (October- April).
3. For expeditiously concluding an interim agreement, until the reliable data series based upon joint observations are collected over a period of 15 years, sharing of dry season flows could be considered on the basis of actual flows/quantum of water jointly observed as available in the river basin up to Teestamukh, on an annual basis. The first set of jointly observed annual data will be available at the end of dry season period in 2011.
4. The Joint Hydrological Observations on the above referred stations would be started from 1st October,



2010 to arrive at a reliable data series for a period of minimum 15 years.

5. The share of Indian side would be ensured at Gazaldoba barrage. The Bangladesh share would be released from Indian barrage taking into account the available water at Gazaldoba and downstream catchment contribution below Gazaldoba barrage so as the total water available to Bangladesh at Deoni/ Dalia barrage including regeneration flows in the downstream up to the outfall point (Teestamukh) does not fall short of the agreed share.
6. A Committee consisting of representatives nominated by the two Governments in equal numbers (hereinafter called the Joint Committee on Hydrological observation at Teesta) shall be set up which would place suitable teams for Joint Hydrological Observations at Indian barrage at Gazaldoba, Bangladesh barrage at Deoni/ Dalia and the railway bridge at Kaunia to assess the total quantum of water available in the river basin up to the outfall of river Teesta into river Brahmaputra.
7. While making long term sharing arrangements between the two parties, a minimum flow of 200 cusecs would be ensured along the river for river eco-system. If there is no regeneration in any particular reach of the river, the minimum flows downstream of the respective barrage(s) would be released by the concerned project authority.
8. The Indian side would not construct any major structure for diversion of water for consumptive uses in the upstream of Gazaldoba barrage except minor irrigation schemes, drinking water supply schemes and Industrial use.

SP.

19/3/10