

INDO-BANGLADESH MEMORANDUM OF UNDERSTANDING

NEW DELHI, October 7, 1982.

During the visit of His Excellency Lieutenant General H. M. Ershad, ndc. psc, President of the Council of Ministers, Government of the People's Republic of Bangladesh and his meetings with Her Excellency Mrs. Indira Gandhi, Prime Minister of the Republic of India, the two Leaders discussed the actual experience by the two sides of the working of the 1977 Farakka Agreement, which would be coming to its end on the 4th November, 1982. They agreed that it had not proved suitable for finding a satisfactory and durable solution and that with its termination fresh efforts were necessary to arrive at such a solution.

The two Leaders recognised that the basic problem of inadequate flow of waters in the Ganga/Ganges available at Farakka imposed sacrifices on both countries and that it was necessary to arrive at an equitable sharing of the waters available at Farakka. They further agreed that the long term solution lay in augmenting the flow available at Farakka and to this end directed their experts concerned to expedite studies of the economic and technical feasibility of the schemes which had been proposed by either side in order to settle upon the optimum solution for urgent implementation. It was decided that the Joint Rivers Commission would complete the pre-feasibility study and decide upon the optimum solution within 18 months of the signing of this Memorandum, at the end of which the two Governments would immediately implement the augmentation proposal agreed upon by the Joint Rivers Commission. Meanwhile, the two Leaders agreed that the releases for sharing the flow available at Farakka for the next two dry seasons, and the joint inspection and monitoring arrangements for this purpose would be as in Annexure 'A'. It was further agreed that in the case of exceptionally low flows during either of the next two dry seasons, the two Governments would hold immediate consultations and decide how to minimise the burden to either country.

It was also agreed that a further and final sharing agreement would be reached immediately after the completion of the pre-feasibility study of augmentation; in the light of the decision on the optimum solution for augmentation that would be implemented following the pre-feasibility study.

Signed at New Delhi on the Seventh day of October, Nineteen hundred and eighty-two in two originals, in English, each of which is equally authentic.

For and on behalf
of the Government of
the Republic of India.

Sd/-

P. V. NARASIMHA RAO
Minister of External Affairs.

For and on behalf of the
Government of the People's
Republic of Bangladesh.

Sd/-

A. R. SHAMS-UD DOHA
Minister for Foreign Affairs.

ANNEXURE A

Sharing of waters at Farakka between the 1st January and the 31st May.

Period	Flows reaching Farakka (based on 75% availability from observed data (1948-73))	Withdrawal by India at Farakka.	Release to Bangladesh.	
	cusecs	cusecs	cusecs	
January	1-10	98,500	40,000	58,500
	11-20	89,750	38,000	51,750
	21-31	82,500	35,500	47,000
February	1-10	79,250	33,000	46,250
	11-20	74,000	31,250	42,750
	21-28/29	70,000	31,000	39,000
March	1-10	65,250	26,500	38,750
	11-20	63,500	25,500	38,000
	21-31	61,000	25,250	35,750
April	1-10	59,000	24,000	35,000
	11-20	55,500	20,750	34,750
	21-30	55,000	20,500	34,500
May	1-10	56,500	21,500	35,000
	11-20	59,250	24,250	35,000
	21-31	65,500	26,500	39,000

1. If the actual availability of waters at Farakka during a 10-day period is higher or lower than the quantum shown in column 2 of the schedule it shall be shared in the proportion applicable to that period.
2. The Joint Inspection and Monitoring of the above sharing arrangement shall be the responsibility of a Joint Committee consisting of an equal number of representatives of each side. The Joint Committee shall be constituted immediately and shall establish teams to be stationed at Farakka and Hardinge Bridge. These teams shall record at Farakka the daily flows below Farakka Barrage and in the feeder canal and the flows passing daily at Hardinge Bridge. The Joint Committee which shall decide its own procedures and method of functioning shall submit the data collected by it and its teams and a yearly report to both Governments.
3. The Joint Committee shall be responsible for implementing the sharing arrangement. Any difficulty arising out of the implementation of the above sharing arrangements and of the operation of the Farakka Barrage shall be examined urgently by this Joint Committee and any differences or disputes, if not resolved by the Committee, shall be considered by a Panel of an equal number of representatives of the two Governments to whom the Joint Committee shall refer the difference or dispute. If the difference or dispute remains unresolved by the Panel, it shall be referred to the two Governments for urgent discussion.

AGREEMENT ON SHARING OF EXCEPTIONALLY LOW FLOWS AT FARAKKA FOR 1983—1984.

As per Indo-Bangladesh Memorandum of Understanding of 7th October, 1982, it was agreed that in case of exceptionally low flows during either of the subsequent two dry seasons the two Governments would hold immediate consultations and decide how to minimise the burden of either country.

Since such exceptionally low flows were anticipated in the dry season of 1982-83, the Secretary, Ministry of Irrigation, Government of India and Secretary In-charge, Ministry of Irrigation, Water Development and Flood Control, Government of Bangladesh discussed this question during January and February 1983. These discussions were continued during July, 1983 also.

In case of exceptionally low flows at Farakka during 1983-84 it is now being agreed that :-

- (i) If the flow at Farakka is upto and above 75% of the standard flow for the corresponding ten-day period, the releases to Bangladesh would be pro-rata releases agreed to in the Memorandum of Understanding; (The flow reaching Farakka for the various 10-day periods which are incorporated in the Memorandum of Understanding of 7th October, 1982 will be termed as standard flow for the corresponding period);
- (ii) If the flow at Farakka is below 75% of the standard flow for the corresponding ten-day period, releases for Bangladesh would be calculated as below:-
 - (a) Calculate the pro-rata release for Bangladesh at 75% of the standard flow.
 - (b) Calculate pro-rata release for Bangladesh at the actual flow.
 - (c) '(a)' minus '(b)' would be termed as the burden.
 - (d) The burden would be shared by India and Bangladesh on 50 : 50 basis i. e. 50% of (c) would be added to (b).

Signed in two originals at Dhaka on 20th July, 1983.

Sd/-
(SYED SHAMIM AHSAN)
*Additional Secretary In-charge,
Ministry of Water Development and
Flood Control,
Government of Bangladesh.*

Sd/-
(M. G. PADHYE)
*Secretary,
Ministry of Irrigation,
Government of India.*