

The Ganges Waters Treaty: What will Happen after 2026?

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Summary

During Bangladesh's Prime Minister Sheikh Hasina's recent visit to India, Dhaka and New Delhi agreed on some crucial matters related to the transboundary river water issues. However, the real challenge is the Ganges Water Treaty of 1996, which will expire in 2026.

Bangladesh's Prime Minister Sheikh Hasina visited India from 5 to 8 September 2022. During the visit, Dhaka and New Delhi signed [seven](#) memorandums of understanding (MoUs) and agreed on certain issues of bilateral importance. One of the MoUs is on the water withdrawal by India and Bangladesh from the common border river, Kushiya, a distributary of the Barak River. The [pact](#) will benefit Sylhet in Bangladesh and facilitate water projects in South Assam in India. The Kushiya river is equally important as Karimganj in Assam and Zakiganj in Sylhet, located on its banks, are the [entry and exit points](#) of water trade cargo through [the Kolkata-Karimganj route](#).

During the visit, India requested for an early signing of the [interim water-sharing agreement](#) on the Feni River. About 116 kilometres long, the [Feni River](#) rise in India's Tripura state and flows southwest to the Chittagong Hill tracts in Bangladesh. In 2019, Bangladesh agreed to let India withdraw 1.82 cubic foot per second of water from the Feni River for drinking by the people from the Sabroom town in Tripura. In New Delhi, Hasina reiterated Dhaka's long-pending request to conclude the interim agreement on the Teesta River waters sharing. The draft interim agreement, finalised in 2011, states that India would get 42.5 per cent and Bangladesh 37.5 per cent during [the lean season](#) from December to March. The deal could not be concluded due to opposition from West Bengal's Chief Minister, Mamata Banerjee.

Since 2011, Hasina has been raising the Teesta waters issue during all her past visits to India or in meeting with the Indian leadership. Pointing at the Indian government's failure to conclude the Teesta waters deal, at a [reception](#) hosted by Bangladesh High Commission in New Delhi, Hasina [quipped](#), "You [India] aren't giving us enough water, so I can't give you Hilsa fish right now. But I promise I will be able to supply Hilsa by the upcoming Puja season [in October]". Later, after meeting Indian Prime Minister, Narendra Modi, Hasina [said](#), "I recall that the two countries have resolved many outstanding issues in the spirit of friendship and cooperation and we hope that all outstanding issues, including Teesta water-sharing treaty, would be concluded at an early date".

India and Bangladesh also appreciated the Joint Rivers Commission's [decision](#) to add a number of rivers "for prioritising the exchange of data and formulating the framework of the interim water sharing agreements". They welcomed the [formation of a Joint Technical Committee](#) "to conduct a study for optimum utilisation of water received by Bangladesh under the provisions of Ganges Water Sharing Treaty, 1996".

At the time of [Sonali Adhyay](#) (Golden Chapter) of the India-Bangladesh [diplomacy](#), it is pertinent to start discussing the future of the 1996 Ganges Water Treaty. According to Article XII, the treaty remains in force for 30 years until 2026 and may be renewed [by mutual consent](#). In the past, differences have cropped up between India and Bangladesh over it. For instance, many in Bangladesh believe that the country [does not receive](#) the amount of waters as assured under the treaty during dry season. In their paper, Kazi Saidur Rahman, Zahidul Islam, Umme Kulsum Navera and Fulco Ludwig find that between 1997 and 2016, Bangladesh received less water at the [Hardinge bridge](#) (opened in March 1915 and named after the then Indian Viceroy, Lord Hardinge) in 94 out of 300 occasions than what “presumably” was released from the Farakka barrage in India. If we take into consideration the critical dry periods, the authors [observe](#) that Bangladesh, during the same period, did not receive its guaranteed flow 39 out of 60 times. Such failures [frequently occurred](#) during the dry periods between 2008 and 2011. There is also an issue regarding [inaccurate data about water availability](#) at the Farakka barrage and Hardinge bridge.

While looking at the 1996 treaty, India and Bangladesh are likely to confront big challenges. First, the water demand-supply gap is widening in the Ganges Basin region. Several studies and assessments [show](#) that climate change, agricultural activities, industrialisation, urbanisation and increasing population have added to [water woes](#) in the [already water-stressed Ganges Basin](#). Moreover, the groundwater, which contributes about 30 per cent to the Ganges River’s volume of water in the summer season, [is declining](#). Second, the Farakka barrage – an important component of the treaty – causes concerns in both countries. The barrage is upstream of the Ganges River and is located 10 kilometres from the India-Bangladesh border. Bangladesh blames Farakka for denying the required waters and causing silt, thereby threatening the [Sundarban delta](#). In 2017, even the Chief Minister of the Indian state of Bihar, Nitish Kumar, asked for the decommissioning of the Farakka barrage. He said that the barrage has no use and causes floods in Bihar [every year](#). Third, most importantly, the political fate of the treaty highly depends on the position of the Indian states through which the Ganges River flows. Legally, under [Article 253 of the Indian Constitution](#), the “Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.”

However, in recent years, the West Bengal government’s attitude on the Teesta waters sharing issue clearly showed how helpless the Union government could be if a riparian state did not cooperate on the transboundary water pact. The Union government has agreed that it would not move on the [Teesta waters issue](#) without [consulting](#) the state government and bringing Mamata on board. Having said that, the ‘Golden Chapter’ in India-Bangladesh relations will certainly be put to the test when the two countries begin discussions on the renewal of the treaty.

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