# **ISAS Insights**

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## The Teesta Muddle:

## Can India and Bangladesh Find a Way Out?

In recent years Teesta water sharing treaty has been one of the major issues of political and economic concerns between India and Bangladesh. Bangladesh needs a larger quantity of water from the trans-boundary river Teesta for economic and political reasons, and the same factors guide the Chief Minister of the Indian state of West Bengal—Ms Mamata Banerjee—to not agree to share about fifty percent of the waters with Bangladesh.

### Amit Ranjan<sup>1</sup>

From 7 to 10 April 2017 the Bangladeshi Prime Minister– Sheikh Hasina –is going to undertake her most awaited official visit to India. During the visit, many issues of bilateral and common regional concerns are on the agenda to be discussed between the two countries. The most important one would be the developments over the implementation of new percentage of water sharing- about fifty percent (forty eight percent) - from the transboundary river Teesta, to which the two countries agreed in 2011. This issue would be significantly discussed, even if, according to a news report that appeared in *The Daily Star*, "Teesta water-sharing treaty is not on the agenda".<sup>2</sup> The Union Government of India is ready to release the agreed percentage of

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<sup>&</sup>lt;sup>2</sup> There are reports in the Bangladesh's newspapers according to which this time Teesta water-sharing treaty is not on the agenda. Instead of it, as per their report, it is expected that nearly \$200 million of the fresh line of credit from India would go to Buriganga River Restoration Project. See '9 deals on defence during PM's visit'

water to Bangladesh, but the state government of West Bengal, which shares catchment area of river Teesta with Bangladesh, is against it. To persuade the Chief Minister of West Bengal-Ms Mamata Banerjee- the Union Government of India and Bangladesh's Government are making their respective efforts since 2011.

#### **The River**

Teesta is an international river which originates in the Indian State of Sikkim. Its total length is 414 kilometres (km) out of which 151 km is in Sikkim, 142 km flow along the Sikkim-West Bengal boundary and through West Bengal, and 121 km in Bangladesh.<sup>3</sup> It is the fourth largest transboundary river between India and Bangladesh. The first three are Ganges, Brahmaputra and the Meghna (GBM) whose total catchment area is 1.75 million sq.kms of which Bangladesh accounts for 7%, Bhutan 3%, India 63%, Nepal 9% and Tibet (China) 19%.<sup>4</sup>

In Bangladesh, river Teesta flows through five northern districts of Rangpur Division: Gaibandha, Kurigram, Lalmonirhat, Nilphamari, and Rangpur, comprising a total area of 9,667 square km.<sup>5</sup> Within these five districts Teesta is a catchment area to 35 upazilas/thanas (subdistricts/police stations) and 5,427 villages with an estimated population of about 9.15 million people (according to 2011 census).<sup>6</sup> Overall it is being estimated that, more or less, 21 million people in Bangladesh are directly or indirectly dependent on the river for their livelihoods. The Teesta flood plain covers about 14 percent of the total cropped area of Bangladesh and provides livelihood opportunities directly to approximately 7.3 percent of its population.<sup>7</sup>

<sup>(2017, 21</sup> March) The Daily Star Retrieved from http://www.thedailystar.net/frontpage/9-deals-defenceduring-pms-visit-1379056 Accessed on 21 March 2017.

<sup>3</sup> Political Economy Analysis of Teesta River Basin (2013) The Asia Foundation Retrieved from https://asia foundation.org/resources/pdfs/TheAsiaFoundation.PoliticalEconomyAnalysis of the Teesta River Barrow and the test and tesin.March20131.pdf. Accessed on 3 March 2017.

Ahmad, Qazi Kholiquzzaman (2005) "India-Bangladesh Co-operation on Transboundary Rivers; Revisiting the Unrealized Opportunities and Unmitigated Challenges". In Haider, Salman India-Bangladesh: Strengthening the Relationship, Chandigarh: Centre for Research in Rural and Industrial Development.

Political Economy Analysis of Teesta River Basin (2013) The Asia Foundation Retrieved from https://asiafoundation.org/resources/pdfs/TheAsiaFoundation.PoliticalEconomyAnalysisoftheTeestaRiverBa sin.March20131.pdf. Accessed on 3 March 2017.

<sup>6</sup> Ibid 7

Ibid

#### **Disputes: History, Politics and Economics**

Historically, the root of the disputes between India and Bangladesh over sharing of waters from river Teesta can be located in the report of the Boundary Commission (BC) which was set up in 1947 under Sir Cyril Radcliffe to demarcate a boundary line between West Bengal (India) and East Bengal (Pakistan, later Bangladesh from 1971). To inform about their boundary related demands to the BC, the Hindu Mahasabha, Indian National Congress and the All India Muslim Leagues submitted their respective reports to the commission. In its report submitted to the BC, Darjeeling and Jalpaiguri districts were demanded by the All India Muslim League on the ground that they are the catchment areas of Teesta river system. It was then thought that by having the two districts, the then and future hydro projects over the river Teesta in those regions would serve the interests of the Muslim majority areas of East Bengal.<sup>8</sup> This was opposed by the members of the Indian National Congress and the Hindu Mahasabha. Both of them in their respective reports established India's claim over the two districts. In the final declaration which took into account the demographic composition of the region, administrative considerations and 'other factors' (railways, waterways and communication systems), the BC gave a major part of the Teesta's catchment area to India. The main reason to transfer major part of Darjeeling and Jalpaiguri to India was that both were non-Muslim majority areas. Darjeeling constituted 2.42 per cent of the Muslim population while Jalpaiguri had 23.02 percent of Muslims. The league's claim was *only* based on 'other factors'. <sup>9</sup>At that time Sikkim had an independent existence. It merged into India only in 1975.

During the Pakistan days, East Bengal's river disputes with India were little discussed.<sup>10</sup> After the Indus Water Treaty of 1960 was signed between India and Pakistan to share water from the Indus Rivers System, both India and Pakistan became too cautious to take any 'serious' steps to address their water related issues.<sup>11</sup> Once Bangladesh came into existence in 1971, India-Bangladesh Joint Rivers Commission (JRC) was established according to the provisions of the agreement arrived at between the then Prime Minister of India- Mrs. Indira Gandhi- and the President of Bangladesh-Sheikh Mujibur Rehman in 1972. The first meeting of JRC was held

 <sup>&</sup>lt;sup>8</sup> Partition Commission papers, Reports of the Members and Awards of the Chairman of the Boundary Commissions (1950), Alipore: Superintendent, Government Printing West Bengal Government Press. p 79
 <sup>9</sup> Ibid

<sup>&</sup>lt;sup>10</sup> See AT, B.M. Abbas (1982) *The Ganges Water Dispute*. New Delhi: Vikas Publishing House Private Ltd, 1982, New Delhi.p.10

<sup>&</sup>lt;sup>11</sup> See Salman, MA & Kishor Uprety (2002); *Conflicts and Cooperation on South Asia's International Rivers: A Legal Perspective.* Washington D.C.: The World Bank.

at New Delhi on June 25 and 26, 1972.<sup>12</sup> The meeting focused on Farakka barrage and GBM river system. River Teesta has attained main focus only after the two countries signed the 1996 Ganga water treaty, though during negotiations of Joint Consultative Committees and JRCs the disputes over water sharing from it were also discussed.

In 1983 an ad hoc arrangement over sharing of waters from river Teesta was made, according to which Bangladesh would get a share of 36 percent and India 39 percent, while the remaining 25 percent would remain unallocated.<sup>13</sup> After the signing of Ganges Water sharing treaty in 1996 between India and Bangladesh, Teesta River attained utmost importance. The JRC, as mentioned in the Article IX of the Ganges Water Sharing Treaty of 1996, set up Joint Committee of Experts (JCE) headed by the Secretaries of Water Resources of the Governments of India and Bangladesh to work out arrangements for long term/ permanent sharing of the waters of common rivers between the two countries in phases. The Commission accorded priority to the sharing of the Teesta Waters and directed the JCE to hold its First Meeting within one month. In 2000 Bangladesh presented the first draft on Teesta.<sup>14</sup> But it has taken years to reach a consensus over the quantity of water sharing between the two countries, and the final draft was agreed between India and Bangladesh in 2010.<sup>15</sup> In September 2011, then Indian Prime minister Dr. Manmohan Singh, during his visit to Dhaka, was all set to sign the treaty on new percentage to share water from river Teesta. However he could not do so because at the eleventh hour, West Bengal Chief Minister Ms Mamata Banerjee declined to accept the new percentage formula on Teesta water sharing. "The Union government officials pointed out that she had earlier agreed to a deal that would ensure Bangladesh received a 48 percent share of the Teesta waters. Banerjee subsequently changed her stand, saying she believed that Bangladesh would get 33,000 cubic feet per second (cusec) of water annually, instead of the 25,000 cusecs originally agreed upon. The UPA (United Progressive Alliance) government,

 <sup>&</sup>lt;sup>12</sup> Bhasin, Avtar Singh (2003) India-Bangladesh Relations Documents -1971-2002. Volume II. New Delhi: Geetika Publishers. p 610

<sup>&</sup>lt;sup>13</sup> Bhasin, Avtar Singh (2003) India-Bangladesh Relations Documents -1971-2002. Volume II. New Delhi : Geetika Publishers p. 682.& MA Salman & Kishore Uprety (2002) Conflicts and Cooperation on south Asia's International Rivers; A Legal Perspective . Washington D.C.: The World Bank p.163.

 <sup>&</sup>lt;sup>14</sup> Avtar Singh Bhasin (2003) India-Bangladesh Relations Documents -1971-2002. Volume II. Geetika Publishers: New Delhi. p 1222

<sup>&</sup>lt;sup>15</sup> During the 37<sup>th</sup> India-Bangladesh Joint Rivers Commission meet in March 2010, the two sides agreed to mandate respective Secretaries of Water Resources to examine the drafts presented by both sides towards an expeditious conclusion of an interim agreement on Teesta. The Water secretaries, after going through the respective drafts agreed on the arrangements over river Teesta. See http://www.mea.gov.in/pressreleases.htm?dtl/1122/IndiaBangladesh\_37th\_Joint\_Rivers\_Commission Accessed on 12 March 2017.

however, said that the government of West Bengal was briefed regarding the matter."<sup>16</sup> Reacting to that political development, Deb Mukharji, India's former High Commissioner to Bangladesh writes "Regrettably, the many positive gains from the visit were overshadowed by the last-minute deletion of the sharing of the Teesta waters from the agenda and the related absence of the Chief Minister of West Bengal from the Indian delegation".<sup>17</sup>

In India as a result of the general elections in 2014, the Narendra Modi headed and Bhartiya Janta Party (BJP) led National Democratic Alliance (NDA) came into power. Unlike the previous Congress party led United Progressive Alliance government under Dr Manmohan Singh, the Modi government does not have to depend upon allies to remain in the office. Yet the issue of water resources sharing is complicated. During Modi's visit to Dhaka in June 2015 to exchange the ratified documents of the Land Boundary Agreement (LBA) signed between India and Bangladesh in 2011, the Bangladeshi Prime Minister Hasina "requested for immediate conclusion of the Interim Agreement on Sharing of the Water of Teesta as agreed upon by both the governments in January 2011".<sup>18</sup> To it, the Indian Prime Minister "conveyed that deliberations are underway involving all stakeholders with regard to conclusion of the Interim Agreements on Sharing of Teesta and Feni as soon as possible". <sup>19</sup> At that time Ms Banerjee also joined the Indian Prime Minister at Dhaka but maintained silence over the issue of Teesta river water sharing.

One of the reasons for West Bengal's reluctance to agree on the present deal is: Water from Teesta is important for the irrigation in the five districts of north Bengal- Coochbehar, Jalpaiguri, South and North Dinajpur, Darjeeling- which constitute some of the poorest blocks in the state. With a viable irrigation system, these areas have capability to produce three crops in a season. The demand for water has further increased in Darjeeling and Jalpaiguri districts because of the proliferation of tea plantation industry. <sup>20</sup> Defending the state's position, the irrigation minister of West Bengal Rajib Banerjee said "We need to irrigate around 1.20 lakh

<sup>&</sup>lt;sup>16</sup> Bhattacharjee, Rupak (2015) 'Why the Teesta Matters' *Himal South Asia*. Retrieved from http://himalmag.com/teesta-matters/. Accessed on 14 March 2017.
<sup>17</sup>Mukharji Deb (2011, 10 September) 'Big gains in Dhaka, over to Bengal for Teesta' Retrieved from https://www.mea.gov.in/articles-in-indian-

media.htm?dtl/13640/big+gains+in+dhaka+over+to+bengal+for+teesta. Accessed on 3 March 2017.

<sup>&</sup>lt;sup>18</sup> Joint Declaration between Bangladesh and India during Visit of Prime Minister of India to Bangladesh- "Notun Projonmo – Nayi Disha" Retrieved from https://www.mea.gov.in/bilateraldocuments.htm?dtl/25346/joint+declaration+between+bangladesh+and+india+during+visit+of+prime+minis ter+of+india+to+bangladesh+quot+notun+projonmo++nayi+dishaquot

<sup>&</sup>lt;sup>19</sup> Ibid

<sup>&</sup>lt;sup>20</sup> Das, Madhuparna (June 13, 2015) 'Teesta Accord: West Bengal CM Mamata Banerjee may be eyeing bigger compensation' *The Economic Times*. Retrieved from http://economictimes.indiatimes.com/news/politics-andnation/teesta-accord-west-bengal-cm-mamata-Acessed on 20 March 2017

hectares during the lean period, between October and May. The Chief Minister wants to protect the interest of the farmers in the area".<sup>21</sup> To look into the load on river Teesta and other issues, the West Bengal government commissioned a study of the river in 2011 under the hydrologist Kalyan Rudra. He submitted his findings in the form of a preliminary report to the West Bengal government in December 2012. The detailed report is not publicly available, but Rudra's academic writings on Teesta issue are well-known. In one of his paper published in The *Ecologist Asia* in 2003, Kalyan Rudra had been critical to the on-going projects on the river Teesta like Teesta Barrage Project (TBP) in Jalpaiguri district and hydro power projects of the National Hydro Power Corporation (NHPC) (stage III and IV) in Darjeeling district of West Bengal. He writes "siltation has been a major problem, with projected capacities decreasing at alarming rates, often before the entire project is completed! Evaporation from the reservoirs and seepage of water from canals deprived the marginal land of the command area from the water that it was assured during the planning of the project. The dams that were designed to moderate floods have created floods by releasing excess water at the peak of the monsoon".<sup>22</sup> The paper supports an idea to reduce burden on river Teesta by slicing down the number of multi-purpose hydro projects on it. This would help it to provide enough waters for irrigation purposes. To meet some of the river bed related challenges of Teesta, in 2015 the West Bengal government wanted about Rupees 10,000 crore from the Union government to rejuvenate the riverine area of Teesta.<sup>23</sup>

Besides the above mentioned reasons a treaty on Teesta river is looking difficult because of political differences between the Union government and West Bengal Chief Minister.<sup>24</sup> Taking into account of such internal political matters of India, the Water Resources Minister of Bangladesh Anisul Islam Mahmud categorically, as quoted in *The Daily Star*, said: "I am not telling you [journalists] that the Teesta deal will be signed during this visit as they [India] have some internal problems. We expect the deal to be signed after their problems are resolved." <sup>25</sup>

<sup>&</sup>lt;sup>21</sup> Ibid

<sup>&</sup>lt;sup>22</sup> Rudra, Kalyan 'Taming the Teesta' *The Ecologist Asia*; Vol 11 No 1, January-March 2003 Retrieved from http://www.actsikkim.com/docs/Rudra\_Taming\_the\_Teesta.pdf. Accessed on 8 March 2017.

<sup>&</sup>lt;sup>23</sup> Das, Madhuparna (June 13, 2015) 'Teesta Accord: West Bengal CM Mamata Banerjee may be eyeing bigger compensation' *The Economic Times*. Retrieved from http://economictimes.indiatimes.com/news/politics-andnation/teesta-accord-west-bengal-cm-mamata-Acessed on 20 March 2017.

<sup>&</sup>lt;sup>24</sup> This has been briefly discussed by the author in his commentary titled "Waiting for Hasina: Gains, Bargains and Expectations" .Retrieved from https://www.isas.nus.edu.sg/ISAS%20Reports/ISAS%20Insights%20No.%20390%20-

<sup>%20</sup>Waiting%20for%20Hasina%20-%20Gains,%20Bargains%20and%20Expectations.pdf

<sup>&</sup>lt;sup>25</sup> "Teesta Water Sharing: Deal Unlikely During PM's Visit to India" Retrieved from http://www.thedailystar.net/frontpage/teesta-water-sharing-deal-unlikely-during-pms-india-visit-1379407 . Accessed on 22 March 2017.

#### **Recent Diplomatic Engagements over Teesta**

After a gap of seven years and postponing her visit many times, the Prime Minister of Bangladesh- Sheikh Hasina- is finally visiting India. Although during the almost three year's tenure of the present government, she has visited India twice: in August 2015 she was in New Delhi to attend the funeral of Surva Mukherjee, wife of Indian President Pranab Mukherjee; and in October 2016 she was in Goa to attend BRICS-BIMSTEC<sup>26</sup> Outreach Summit. On both the occasions she had a chance to interact with the Indian Prime Minister Narendra Modi.

As the general elections are due in Bangladesh in 2018, Hasina wants a much needed breakthrough on the issue of Teesta river water which is one of the major political-cumeconomic issue in Bangladesh. The deal on river Teesta would help her to consolidate herself as a 'true' leader of Bangladesh and not a 'pawn' in the hands of India which she is being always alleged to by her political opponents. The LBA had helped her to create an image of a political leader who can make a favorable deal with India. Hence, the expectations bar has risen. The water from Teesta is mainly required in the catchment areas during the leanest period from December to March when the water flow often temporarily comes down to less than 1,000 cusecs from 5,000 cusecs.<sup>27</sup> The situation in the area turns worst in March and April, according to experts in Bangladesh, when there is a decline in groundwater and people do not even get water from tube wells.<sup>28</sup>

To get a breakthrough over the Teesta and prepare a background for the Hasina's visit, Bangladeshi officials have made a lot of diplomatic efforts to engage Mamta Banerjee over the Teesta water deal. In June 2016 the Bangladesh High Commissioner to India, Syed Muazzem Ali met Ms Banerjee soon after the election results were declared in the Indian state of West Bengal in which her party-Trinamool Congress-regained the power. After coming out from the meeting, Syed Muazzem Ali said "During her last Bangladesh visit, Mamata Banerjee had told us to have confidence in her on the Teesta issue. Today, we have told her that we continue to

<sup>&</sup>lt;sup>26</sup> The acronyms stand for Brazil, Russia, India, China and South Africa (BRICS) - The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC).

<sup>&</sup>lt;sup>27</sup> Bhuiyan, Manash Pratim (2015, 14 June) 'Bangladesh Looks to Resolve Teesta Water Disputes with India' *The Quint* Retrieved from http://www.livemint.com/Politics/feg4naFtQrlaRtBRjP2jyK/Bangladesh-looks-toresolve-Teesta-dispute-with-India.html. Accessed on 2 March 2017.

<sup>&</sup>lt;sup>28</sup> Hossain, Md Akhlak (2017, 25 January) 'Teesta water pact an urgent need for Bangladesh: Experts' *Daily Sun* Retrieved from http://www.daily-sun.com/post/201022/Teesta-water-pact-an-urgent-need-for-Bangladesh:-Experts. Accessed on 5 March 2017.

have confidence in her on the issue".<sup>29</sup> He added that he was hopeful that his country's relation with Bengal would grow simultaneous with the negotiation over the Teesta and other issues.<sup>30</sup> On the issue of Teesta, External Affairs Minister of India, Sushma Swaraj had said that India was taking initiatives to conclude the deal. She had said, "There are three parties in this. India, Bangladesh and West Bengal government. Assembly elections were held in West Bengal. Now that elections are over and Mamata Banerjee is back as Chief Minister, the federal Indian government will begin talks with the Mamata government to finalise the Teesta water sharing treaty".<sup>31</sup>

Although the meetings are going on, the prime issue, as an official from West Bengal said, is "availability of water for North Bengal.....The issue at hand has always been the extent to which North Bengal is dependent on river Teesta for water. The West Bengal government wants assurance from the Union government that at no point in time will the well-being of the people of Bengal be hampered. Bangladesh is our neighbour and we have historical ties with them. But the deal should benefit everybody."<sup>32</sup>

The recent high official to meet Ms Banerjee over the issue was H.T. Imam, the political adviser to Bangladesh Prime Minister Sheikh Hasina. Imam met her in December 2016 and was hopeful that the Teesta treaty will be a reality. Side lining the stalemate over Teesta as a reason for Hasina's delay in her India visit, he maintained "the trip has been postponed to February. It is not about positive noises on Teesta. But there are lot of issues which need to be discussed and these discussions will be completed by December".<sup>33</sup>

While announcing Sheikh Hasina's visit to India from 7 to 10 April 2017, the Indian High Commissioner to Bangladesh Harsh Vardhan Shringla, after meeting Bangladesh Foreign Secretary Md Shahidul Haque in Dhaka, said they were attaching the "highest importance" to the visit. <sup>34</sup>. On the issue of a breakthrough over river Teesta, the Indian High Commissioner

<sup>&</sup>lt;sup>29</sup> Ghoshal, Annirudh (2016, 21 June) 'Teesta Water Agreement: Hasina set to visit India this year, meet Mamata Banerjee' *The Indian Express* Retrieved from http://indianexpress.com/article/india/india-news-india/teesta-water-sharing-deal-agreement-mamata-banerjee-sheikh-hasina-meet-2865445/ Accessed on 8 March 2017.

<sup>&</sup>lt;sup>30</sup> Ibid

<sup>&</sup>lt;sup>31</sup> Ibid

<sup>&</sup>lt;sup>32</sup> Ibid

<sup>&</sup>lt;sup>33</sup> 'Hopeful that Teesta treaty will be a reality: H T Imam' (2016, 19 December) *Indian Express* Retrieved from http://indianexpress.com/article/india/hopeful-that-teesta-treaty-will-be-a-reality-h-t-imam-4435873/. Accessed on 8 March 2017.

<sup>&</sup>lt;sup>34</sup> Roy, Shubojit (2017, 15 March) 'Prime Minister Sheikh Hasina to visit India on April 7, to hold talks on terror, trade' *Indian Express* Retrieved from http://indianexpress.com/article/india/bangladesh-primeminister-sheikh-hasina-to-visit-india-on-april-7-to-hold-talks-on-terror-trade-4569319/ Accessed on 15 March 2017.

said "Everything is work in progress. We'll have to see what is possible and what is not possible."<sup>35</sup>

#### Likely Solutions to the Teesta Muddle

There may yet be some likely solutions:

First, there is an utmost need to reduce the burden on river Teesta. The Kalyan Rudra report maintains that there was a shortage of water in Teesta since the Indian government had been building hydro-power projects upstream.<sup>36</sup> Due to it, the river fails to provide enough to its catchment areas for irrigation purposes.<sup>37</sup> The report has expressed concerns over the supply side of water management system which supports building of multipurpose projects to manage river waters. Giving up multipurpose projects or decline in its number would provide enough water to meet the demands of people living in Teesta's catchment areas. Opposite to the supply side is demand side management of river water which advocates for adopting measures like drip irrigation etc. to manage water.

Second, Teesta is a transboundary river. So, Bangladesh, as a lower riparian, has prescriptive rights over its water. In the past, Bangladesh has moved to the United Nations on the transboundary rivers water issue. For example, in 1976 Bangladesh went to the United Nations over the issue of Ganga Water sharing. However it was not able to muster enough support from the member countries so that a resolution could be passed on the issue. Instead, a Consensus Statement was adopted by the General Assembly on November 26 1976.<sup>38</sup> The statement recognized the water needs of Bangladesh from the Ganga, especially during the dry season. The Consensus Statement proved to be a jump starter to the Indo-Bangladesh negotiations over the river Ganges. <sup>39</sup> As a result of negotiations in 1977, the India-Bangladesh Ganga water sharing agreement was signed.

<sup>&</sup>lt;sup>35</sup> Ibid

<sup>&</sup>lt;sup>36</sup> Ghoshal, Annirudh (2016, 21 June) 'Teesta Water Agreement: Hasina set to visit India this year, meet Mamta Banerjee' *The Indian Express* Retrieved from http://indianexpress.com/article/india/india-news-india/teestawater-sharing-deal-agreement-mamata-banerjee-sheikh-hasina-meet-2865445/ Accessed on 8 March 2017

<sup>&</sup>lt;sup>37</sup> Rudra, Kalyan 'Taming the Teesta' *The Ecologist Asia*; Vol 11 No 1, January-March 2003. Retrieved from http://www.actsikkim.com/docs/Rudra\_Taming\_the\_Teesta.pdf. Accessed on 8 March 2017.

<sup>&</sup>lt;sup>38</sup> Bhasin, Avtar Singh (2003) *India-Bangladesh Relations Documents -1971-2002*. *Volume II*. New Delhi : Geetika Publishers

<sup>&</sup>lt;sup>39</sup> MA Salman & Kishore Uprety (2002) Conflicts and Cooperation on south Asia's International Rivers; A Legal Perspective. Washington D.C.: The World Bank.

Third, in case about 50 percent of water cannot be transferred because of the rise in demands of water for irrigation and livelihood reasons in upper riparian areas, arrangements can be made where water can be released on the basis of seasonal availability. An option, as the author suggests, is that upper riparian may release somewhere between 40-45 percent<sup>40</sup> of water to Bangladesh during the lean seasons (December to April), and rest of the agreed quantity of about fifty percent of water in phases. For the success of this arrangement, there is a need to build effective water management structures in Bangladesh so that extra release of water by the upper riparian during the monsoon season can be stored to be used during the lean period.

#### Conclusion

According to article 253 of the Indian constitution, the Union government has the decision making power in the matters of sharing waters from the transboundary rivers, but the emergence of powerful regional political parties and regional leaders in India has created a situation where their consent, especially over resource sharing with the neighbouring country, has become important. At present Ms Banerjee's party Trinamool Congress is also an effective opposition in the Union Parliament. Hence, the Union government of India cannot ignore the State leadership while taking such decisions which have deep social, political and economic impacts in West Bengal.

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<sup>&</sup>lt;sup>40</sup> As mentioned in this paper Ms Banerjee had agreed to release 25,000 cusecs of water but expressed her reservations when the agreed percentage turned out to be around 33,000 cusecs.