

THE MEMORANDUM OF UNDERSTANDING
ON DEVELOPMENT OF FAIRWAY FROM SIRAJGANJ TO DAIKHOWA AND
ASHUGANJ TO ZAKIGANJ ON INDO – BANGLADESH PROTOCOL ROUTE
BETWEEN
THE MINISTRY OF SHIPPING OF THE REPUBLIC OF INDIA
AND
THE MINISTRY OF SHIPPING OF THE PEOPLE’S REPUBLIC OF
BANGLADESH

The Ministry of Shipping of the Republic of India and the Ministry of Shipping of the People’s Republic of Bangladesh (hereinafter referred to as the “Parties”);

Desiring to enhance the collaboration in the shipping sector and open up newer avenues in the areas of bilateral & regional trade and connectivity by means of improving the navigability in the Indo-Bangladesh Protocol route.

Recognizing the need for the movement of transit cargo round the year navigability on Indo-Bangladesh Protocol Routes, possibilities were explored for development of entire protocol route with minimum assured Least Available Depth (LAD) for the purpose of navigation for Inland Water Transport. During 15th meeting of the Standing Committee on 5th & 6th November, 2012, a Joint Technical Committee (JTC) was formed for conducting hydrographic surveys and assessing the dredging quantity and navigation aids on the Protocol Route.

During the meeting of Shipping Secretaries of both countries held on 7th December, 2016, it was agreed to develop the fairway in the stretches from Sirajganj to Daikhowa (175 km) of Jamuna River and Ashuganj to Zakiganj (295 km) of Kusiara River based on the report of the JTC.

2v

Dv

Understanding the need for the development of the above mentioned stretches of Indo-Bangladesh Route which will enhance the trade, facilitate movement of transit cargo and will be beneficial for the economic development of both the countries:

Have reached the following understanding:

Article 1

Purpose

The MoU is to fulfill the purpose of Article 3.4 of Protocol on Inland Water Transit and Trade 1972 (PIWTT) for the movement of Indian Transit Traffic on the routes between Sirajganj & Daikhowa and Ashuganj to Zakiganj. The object of this MoU is to develop the navigable fairway round the year between the said stretches to enhance the trade and safe passage of goods between the two countries.

Article 2

Scope of Memorandum

This Memorandum establishes a framework for cooperation between the Parties and determines the conditions and modalities within which the Parties will collaborate to achieve the common objective. The Memorandum defines the areas, institutional arrangements, and general conditions that will govern the cooperation of the Parties.

The Memorandum constitutes the entire understanding of the Parties with respect to its subject matter and supersedes all oral communications and prior written documents.

hs

25

Article 3

Role of the Government of the Republic of India

As per the Standing Committee meeting under PIWTT and Secretary level meetings, the roles and responsibilities of the Government of the Republic of India under this MoU shall be:

1. Ministry of Shipping (MoS)/Inland Waterways Authority of India (IWAI) shall prepare the tender document in consultation with Bangladesh Inland Water Transport Authority (BIWTA) to engage Indian and Bangladeshi companies including Joint Ventures.
2. Govt. of India shall bear the 80% of the total cost for development of fairway over a period of 7 years.

Article 4

Role of the Government of the People's Republic of Bangladesh

As per the Standing Committee meeting under PIWTT and Secretary level meetings, the roles and responsibilities of the Govt. of the People's Republic of Bangladesh under this MoU shall be:

1. Govt. of the People's Republic of Bangladesh/BIWTA will carry out the process of tendering, award and the execution of the work will be jointly carried by BIWTA and IWAI.
2. Govt. of the People's Republic of Bangladesh shall bear 20 % of the total cost for development of fairway over the period of 7 years.
3. Collection of Waterway usage charges shall remain with Govt. of People's Republic of Bangladesh and shall be collected by BIWTA.

Article 5

Amendment of MoU

Either Party of this MoU, which desires to modify any of the provisions of this MoU or supplement it with additional provisions, may communicate the same to the other party for consultation. Modifications or supplements as agreed by the

mutual consultations shall come into effect when they are confirmed by the Exchange of Notes through diplomatic channels

Article 6

Legal and Administrative Processing

The Contractors (agencies), Manpower (workers) and Machinery (dredgers and related equipments), involved in development of fairway shall be subject to the National Laws and regulations of Bangladesh, especially the laws and regulations concerning navigation and safety as well as public order, fiscal, customs, immigration, health veterinary and sanitary controls as well as laws and regulations concerning human and drug trafficking.

Article 7

Implementation of MoU

For the purpose of this MoU, the competent authorities shall be the Ministry of Shipping/IWAI, Govt. of India and Ministry of Shipping/BIWTA, Govt. of People's Republic of Bangladesh. For day to day implementation of this memorandum, a Joint Monitoring Committee (JMC) comprising of the members of IWAI and BIWTA will be made as direct contacts between the representatives of the Parties.

Article 8

Outcome

The execution of this Memorandum of Understanding will improve the navigability in the Indo-Bangladesh Protocol Route round the year and will enhance trade and commerce between the two countries.

25

R

Article 9
Settlement of Dispute

If any dispute arises between the Parties relating to the interpretation of application of this MoU, the Parties shall endeavor to settle it by negotiations.

Article 10
Date of Commencement of MoU

This MoU shall come into effect from the date of its signing by both the Countries and shall remain in force for a period of ten (10) years or till the completion of the seven (7) years assured depth dredging contract, whichever is earlier. The MoU can be further renewed based upon mutually acceptable terms and conditions by exchange of notes through Diplomatic Channels.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Governments have signed this Memorandum of Understanding.

Signed at New Delhi on this 8th day of April 2017, in two originals, each in English language.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA**



Secretary, Ministry of Shipping

**FOR THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF
BANGLADESH**



Secretary, Ministry of Shipping