

WHERE IS GOVERNMENT?

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After Sheikh Mujeeb-ur Rehman's assassination Bangladesh increasingly turned to Islamic fundamentalism, in which hostility to India became more and more visible. This manifested itself by giving shelter to ULFA rebels, Naga insurgents and other anti Indian groups. It is to the great credit of Sheikh Hasina, the present Prime Minister of Bangladesh, that she has been able to pull that country back from a path of negativism and has stabilised Indo-Bangladesh relationships. Quite rightly the Prime Minister responded positively to these developments and planned a trip to Bangladesh which would set the relationship on a sound footing. Bangladesh wants water from the Teesta River and we were prepared to have an accord for the share of water. In return Bangladesh was prepared to allow us to use Chittagong Port for delivery of goods meant for North East and to allow us free transit through Bangladesh for carriage of these goods to North Bengal and Assam. This arrangement would be beneficial to both Bangladesh and India and would have strengthened our mutual relationship.

What happened to this excellent proposition is known to all. Kum. Mamata Banerji, Chief Minister of West Bengal, dug her heels in and said that the arrangement for water sharing of Teesta was not acceptable to her because it would give North Bengal less water than she wanted to give to the region. The Government of India failed to convince the West Bengal Chief Minister that the proposed arrangement would not in any way harm the interests of West Bengal, but the lady did not relent. The Prime Minister went to Dhaka without Mamata Banerji accompanying him and the water accord was not signed, the use of Chittagong Port and transit through Bangladesh remained in cold storage and the entire trip flopped. One is certain that the critics of Sheikh Hasina must be happy at these developments because Indo Bangladesh relations are likely to be adversely affected by these developments.

The Constitution in Entry 10 and Entry 14 of List 1 of the Seventh Schedule places foreign affairs, treaties with other countries, etc., clearly and unambiguously within the domain of Parliament and the Union Government. Any treaty with Bangladesh, therefore, would be the responsibility of the Central Government. To the extent that this may affect any State, normally the Central Government should consult the State Government concerned and, if possible, have it on board with the provisions of the proposed treaty. However, this is not specifically mandated by the Constitution. Jawaharlal Nehru did not consult the Punjab Government when the Indus Waters Treaty was entered into with Pakistan. Lal Bahadur Shastri did not take permission from the Jammu & Kashmir Government before signing the Tashkent Agreement and returning parts of Pakistan occupied Kashmir, such as Haji Pir Pass, which had been captured in the 1965 war with Pakistan. Indira Gandhi did not consult the Government of West Bengal when returning the prisoners of war captured during the Bangladesh War to Pakistan. There was consultation before the Farakka Agreement was signed with Bangladesh but it is what the Central Government proposed that became part of the treaty. In the larger interest of the country and its relationship with other countries sometimes a local interest has to be surrendered or modified in order to achieve the larger national objective. In other words, a treaty on the sharing of Teesta River waters was more important in the larger interest of the country than protecting the narrower interests of a few districts in West Bengal. As it is, the upper riparian cannot monopolise the water of an entire river basin to the detriment of the lower riparian. The proposed Teesta Treaty did not extinguish our upper riparian rights. If some magnanimity had to be shown in order to bring Bangladesh on our side that should have been done regardless of what the Chief Minister of West Bengal wanted.

Our bending of the knee to please Mamata Banerji has not only cost us dear, but has also raised the question of whether there is a functioning government at the Centre today. A functioning government would certainly hear what a State Chief Minister has to say and would also try and persuade the Chief Minister about the wisdom of a particular proposal. However, in the greater national interest the government would not exhibit paralysis, surrender to the whims of a Chief Minister and would have gone ahead with what is in the wider national interest. The Bangladesh fiasco would suggest that not only is there no strong government in Delhi, but it is doubtful whether there is any government at all in Delhi. Can someone enlighten me on this?
