

PROJECT ■ SYNDICATE

Narendra Modi's new-model India



SHASHI THAROOR

INDIAN Prime Minister Narendra Modi likes to practise what American generals call “shock and awe.” The last time Modi stunned the country—and was initially applauded for his decisiveness and bold vision—was when he announced, on a few hours’ notice, the demonetisation of 96 percent (in value) of India’s currency. The Indian economy is still dealing with the consequences.

On August 5, Modi shocked India with another announcement that may turn out to be the political equivalent of the demonetisation debacle. After seven decades in which both the people of Jammu and Kashmir—India’s only Muslim-majority state—and the international community had been assured that the state would maintain its special status under the Indian constitution, the government unilaterally divided it. Modi’s administration has carved out a union territory in the high plateaux and hills of Ladakh in the eastern half of the state, and reduced the status of the remainder—still named Jammu and Kashmir—from that of a state to a union territory (a union territory is directly administered by the federal government, though it may have an elected legislature and cabinet, with limited powers).

Many in India worry that, as with demonetisation, the short- and medium-term damage caused by Modi’s decision will greatly outweigh the theoretical long-term benefits. First and foremost is the breathtaking betrayal of Indian democracy: the government has changed the constitutional relationship of the people of Jammu and Kashmir to the Republic of India without consulting them or

their elected representatives.

The government claimed that the concurrence of the state of Jammu and Kashmir was obtained (as the Indian constitution requires). But this was based on shameless legal legerdemain. Jammu and Kashmir is under direct federal rule, so “state” was translated to mean the governor appointed by New Delhi. In effect, the government received its own consent to amend the constitution!

Worse, the decision was submitted to Parliament, where the ruling Bharatiya Janata Party (BJP)’s majority guaranteed its prompt passage, without consulting the local political parties. The state’s democratically elected political leaders were placed under arrest for “preventive” purposes. Educational institutions were closed, and communications—television networks, mobile phones, landlines, and the Internet—were shut down. Even if the government can convince sceptics that it is adhering to the letter of the law, its decision betrays the spirit of Indian democracy.

The damage is already becoming apparent. Tourism, the lifeline of Kashmir, has been devastated; decades of effort by Indian governments to reverse foreign governments’ warnings against travel to Kashmir by portraying the region as safe have been undone. The irony is that Modi, on a visit to Kashmir in 2017, had called on the youth of the state (where unemployment is well above the Indian average) to choose between tourism and terrorism. Tourism could have absorbed many of these unemployed youth. But now foreign governments are again issuing advisories, the *shikaras* (houseboats) are out of business, and handicraft makers and carpet-weavers, the great artisans of Kashmir, are broke. The Amarnath Yatra—a revered symbol of Indian secularism—which annually takes thousands of Hindu pilgrims



An Indian security officer stops a motorist during a curfew on August 8 in Srinagar, Kashmir.

PHOTO: TAUSEEF MUSTAFA/AFP

to a shrine in the snowy north of the state, has been rudely interrupted.

Indians are proud to say Kashmiris are our fellow citizens. But their living conditions today are appalling: stores and gas stations are closed; fuel and other essential supplies are beginning to run out; no communications are available; and people cannot even watch television unless they have a satellite link, which very few do. The vast majority of our Kashmiri fellow citizens are living in a near-total blackout.

Worse, by locking up democratic leaders, the government is creating space for undemocratic forces. The government had claimed that it was winning the battle against terrorism, but now it has given a new lease on life to the terrorists. It has made the state’s

mainstream pro-India parties (whose leaders are locked up) irrelevant and powerless to stop the extremists. More misguided young Kashmiris than ever may join them and place more of India’s soldiers in harm’s way. When the US eventually withdraws from Afghanistan and the Taliban’s victory is complete, a large number of idle jihadis will be ready to reinforce Pakistan’s three-decade-long effort to send “militants” to terrorise India. Modi’s government has given them an additional *casus belli*.

The international consequences are both embarrassing and worrying. In one fell swoop, the government has not only cast aside seven decades of assurances to the international community and the United Nations, but has also angered Pakistan, a

hostile neighbour with its own claims upon Kashmir. Pakistan has already downgraded diplomatic relations with India, expelled the Indian high commissioner, stopped all bilateral trade, predictably taken the issue to the UN, and spoken to its foreign friends.

While some governments have expressed understanding for India’s action, it is too early to predict what might happen when the clampdown is eased or lifted (as it must be for the upcoming Muslim festival of Eid-ul-Azha). Internal disturbances, aided by externally supplied resources, fighters and weapons, will inevitably increase.

The Modi government has also signalled to the world its abandonment of its previous emphasis on economic growth and foreign investment. Investors, who were already trickling out of India, don’t like war zones; they may now flee in droves. Having initially won power by pledging to put development first, Modi then sought re-election by campaigning as the national security candidate and doubling down on the BJP’s traditional Hindu chauvinism. With his action in Kashmir, Modi is remaking India in the BJP’s image—a far cry from the land of Mahatma Gandhi and Jawaharlal Nehru, who had preached non-violence, religious co-existence, and the acceptance of difference.

Those of us who have long seen India’s democratic diversity as its greatest strength are now confronted by a government that is determined to erase all signs of it and shows scant respect for the constitution. It is an ominous time for India’s minorities and dissenters.

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(Exclusive to The Daily Star)

Transboundary cooperation key to enforcing rivers’ legal rights in Bangladesh



GAURI NOOLKAR-OAK

IN June 2019, the Bangladesh High Court granted its rivers the status and rights of a living entity, becoming the fourth country after New Zealand, India and Colombia to do so, and the first to extend the declaration to every river within its territory. The decision was welcomed by river rights groups, environmentalists, experts and the National River Conservation Commission of Bangladesh as an important move against the widespread encroachment and pollution, choking hundreds of rivers crisscrossing Bangladesh.

Environmentalists and river activists in India, the upstream riparian to 54 out of 57 transboundary rivers of Bangladesh, took notice. Two years ago, in 2017, the high court of Uttarakhand had declared Ganges and Yamuna rivers as living human entities and conferred upon them the same legal status and rights as people. However, the declaration was challenged by the state government of Uttarakhand and the central government of India in the Supreme Court on the grounds that it was too impractical to implement and could cause numerous legal complications. Months later, the Supreme Court of India scrapped the declaration. Today, as crisis after crisis hits India’s rivers, the need to declare them as living entities and grant them legal rights is increasingly felt, but no such move is in sight. In this context, the decision of Bangladesh, a smaller, less powerful and downstream neighbour to India, is both bold and progressive.

However, legal rights are only as impactful as their enforcement. The Bangladesh High Court has been more elaborate in its declaration, outlining specific instructions and punitive measures for dealing with river encroachment. For example, river



PHOTO: AFP

A man walks along a bank of the Ganges (Padma) River in Dohar, an area on the outskirts of Dhaka where hundreds of families lost their homes due to erosion, Aug 12, 2016.

encroachers would not be allowed to contest elections and borrow bank loans; their action against the river would be considered criminal and they would be shamed in public. Unlike the hesitant governments in India, Bangladeshi government has been largely supportive—in the past six months, it has cleared 4,000 illegal structures along riverbanks in and around Dhaka alone, recovering 77 ha of land in the process. Unlike Indians, Bangladeshis are bound together by the one Ganges-Brahmaputra-Meghna (GBM) river basin, and Bangladeshis have been acutely aware of the centrality of rivers to their economy and society for long now, hence their motivation towards restoring and protecting their rivers is also comparatively higher. All these factors indicate that Bangladesh is off to a more

promising start than India in enforcing the legal rights of its rivers.

And yet, challenges remain. While most of them are domestic—those of legal scope and legislation, political and social consensus, stakeholder involvement, economic policies, administrative reforms, and adequate funding, to begin with—the transboundary ones have not been fully considered. This is especially important because 91.4 percent of Bangladesh’s total renewable water resources originate outside its borders, mostly from India. India is not only upstream, but it is also more populated, industrialised and powerful than Bangladesh. As a result, India’s actions upstream on the GBM basin directly affect the flow, quality and overall health of rivers in Bangladesh. By extension, India’s

actions also promise to play an important role in determining how effective the recent declaration would be.

As of now, the impact of India’s actions on the declaration does not promise to be helpful. Take for instance the Ganges, the second largest river shared by India and Bangladesh. The Ganges is declared a living entity in Bangladesh, but not in India. However, almost 90 percent of Ganges’ course lies in Indian territory, effectively rendering only 10 percent of the river as “living”. Upstream in India, the Ganges endures the entry of 500 million litres of industrial waste and 1.5 billion litres of untreated sewage each day. Just before the Ganges enters Bangladesh, the Farakka Barrage diverts an average discharge of 1,046 cumecs (9 percent of the total annual average discharge) to the Hooghly river, which flushes the port of Kolkata and keeps it from silting. The annual flow of the Ganges is highly variable, and western Bangladesh feels the pinch of the diversion at Farakka particularly during the lean season when the flow diminishes by as much as 90 percent. Factor in river pollution, encroachment, high rate of abstraction and effects of climate change within Bangladesh itself, and it seems unlikely that Bangladesh would be able to enforce its declaration and uphold Ganges’ legal rights effectively. There is still a possibility that this could change; India and Bangladesh are bound by the Ganges Treaty of 1996 which is due to be revised in the year 2026, and with the requisite scientific studies, civil society pressure and political will, the treaty can be revised to create, on both sides of the border, conditions that are conducive to enforcing legal rights of not just the Bangladeshi portion, but the entire course of the Ganges river.

This would not be the case with other transboundary rivers. While they (and the Ganges) are technically under the purview of the Indo-Bangladeshi Joint Rivers Commission, experience over decades has

proven the limited functioning, impact and foresight of the institution. Ganges is the only river on which a treaty has been signed—the draft Teesta agreement has been gathering dust for almost eight years now, and there is no treaty, draft or otherwise, proposing any arrangement to share the Brahmaputra, Meghna and the rest. Thus, enforcing legal rights of the remaining 56 transboundary rivers seems even more difficult for Bangladesh.

Bangladesh will face a number of political, administrative, social, economic and environmental hurdles while implementing the decision at the domestic level as well. Despite being daunting, they are well within Bangladesh’s control. However, it can do little about the challenges posed by a stronger upper riparian like India who is not as motivated to jointly conserve and protect transboundary rivers, despite its beneficial relationship with the downstream riparian.

The only way Bangladesh can mitigate the impact on its forward-looking decision is by engaging India assertively and steadfastly in meaningful transboundary cooperation. For this, it must push for comprehensive treaties promoting joint efforts for all-round and sustainable development of the basin, stimulate and bolster multi-track diplomacy, and leverage the geopolitical realities of South Asia and beyond to strengthen its bargaining power. It is only with India on board, and a fair, efficient and sustainable framework of joint river basin governance in place, that Bangladesh has a realistic chance of effectively enforcing the legal rights it has granted to its rivers. The sooner Bangladesh acts on this reality, the more effective the implementation of its decision will be.

The Marathi version of this article was first published in Observer Research Foundation (ORF) Marathi.

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ON THIS DAY IN HISTORY



AUGUST 11, 2003

CHARLES TAYLOR, PRESIDENT OF LIBERIA, FLIES INTO EXILE AFTER CEDING POWER TO HIS VICE PRESIDENT MOSES BLAH

An indicted war crimes suspect and onetime warlord resigned as Liberia’s president and went into exile, raising hopes for an end to the West African nation’s violent rebellion

CROSSWORD BY THOMAS JOSEPH

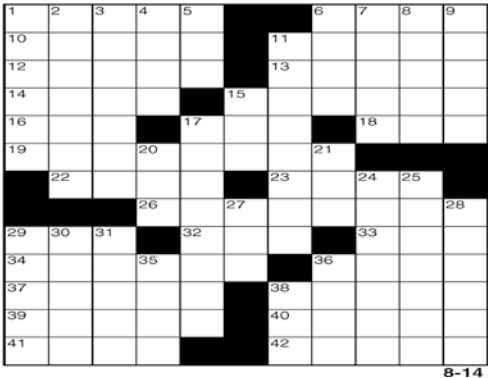
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OPEN SON
BIN SOLDIER
ACT WOORAE
RUNNING LATE
DROOP NOTED
SERVE APERY

BEETLE BAILEY

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