

Hasina's Visit to India: Few Issues Remain

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Summary

The Prime Minister of Bangladesh Sheikh Hasina had a successful visit to India; however, it seems that reassurances given by India on the question of the deportation of people excluded in the final NRC list, who would go through the subsequent legal process before being finally declared as 'illegal' immigrants, has not fully convinced the Bangladeshi side. Likewise, on India's position on the Rohingya issue, which is looked as a departure from the past, ambiguity remains. Finally, as the Teesta water agreement remains inconclusive, the two countries are focussing on six smaller rivers.

Introduction

From 3 October to 6 October 2019, the Bangladeshi Prime Minister Sheikh Hasina was in India. She addressed the World Economic Forum' India Economic Summit in New Delhi followed by a bilateral visit.¹ Bangladesh is one of the closest partners of India in South Asia. Bilateral trade between them was over US\$9 billion (S\$12.43 billion) in 2017-18. They were able to resolve their contentious maritime boundary issue in 2014 through arbitration by the Permanent Court of Arbitration. Then, to resolve their territorial boundary, in 2011 a protocol to the Land Boundary Agreement was signed which was implemented after the Indian parliament ratified it in 2015.

During Hasina's recent visit, India and Bangladesh agreed on issues such as enhancing connectivity, border security and management, defence cooperation, development cooperation and cross-border energy cooperation. On economic issues, India has agreed to extend duty free and quota free access to Bangladeshi exports to the Indian market. In 2019, for the first time, exports from Bangladesh to India has crossed the US\$1 billion (S\$1.34 billion) it due to a 52 per cent growth from the previous year.² The two countries also agreed to cooperate in commemorating the milestone events of Bangabandhu Sheikh Mujibur Rahman's birth centenary in 2020, and in 2021, to commemorate the 50th anniversary of Bangladesh's War of Liberation as well as the establishment of India-Bangladesh bilateral diplomatic ties.³ In New Delhi, the Indian Prime Minister Narendra Modi and Hasina also

¹Syed Munir Khasru "Furthering This Neighbourhood Friendship" , *The Hindu* (3 October 2019).

<https://www.thehindu.com/opinion/op-ed/furthering-this-neighbourhood-friendship/article29577509.ece?homepage=true>. Accessed on 3 October 2019.

² Ministry of External Affairs, Government of India, India-Bangladesh Joint Statement during Official Visit of Prime Minister of Bangladesh to India 5 October 2019. <https://mea.gov.in/bilateral-documents.htm?dtl/31911/IndiaBangladesh+Joint+Statement+during+Official+Visit+of+Prime+Minister+of+Bangladesh+to+India>. Accessed on 5 October 2019.

³ Ministry of External Affairs, Government of India India-Bangladesh Joint Statement during Official Visit of Prime Minister of Bangladesh to India 5 October 2019. Op cit.

inaugurated, through video-link, three bilateral development partnership projects: a) The import of Bulk Liquid Petroleum Gas from Bangladesh; b) The inauguration of the Vivekananda Bhaban (students' hostel) at the Ramakrishna Mission in Dhaka; and c) The inauguration of the Bangladesh-India Professional Skills Development Institute at the Institution of Diploma Engineers, Bangladesh in Khulna.

However, few contentious issues remain unaddressed. This paper looks at them and argues that their resolution is a must to bring the people from both countries closer.

National Register of Citizens

On 31 August 2019, the final list of the updated National Register of Citizens (NRC) for the Indian state of Assam was published. This list finds more than 1.9 million people non-eligible to be citizens of India. The entire exercise was conducted under the supervision of the Supreme Court of India with an objective to delete the names from the voters' list, detect and deport the illegal migrants living in Assam.⁴

Most of the excluded people are alleged to be 'illegal' immigrants from Bangladesh who had entered and have been living in Assam illegally since 1971.⁵ In its 2014 judgement on the issue, the Indian Supreme Court directed the Union government to "enter into necessary discussion with the Government of Bangladesh to streamline the procedure of deportation" of 'illegal immigrants'.⁶ However, the government of India has not entered into any such talks. Instead it has repeatedly assured Bangladesh that none of the excluded people will be deported to Bangladesh.

The NRC issue was discussed during the meeting between Modi and Hasina on the side-lines of the United Nations General Assembly in September 2019.⁷ During the recent visit of Hasina, the NRC issue emerged in the bilateral talks between the two prime ministers. India reassured Bangladesh that it is India's internal matter. To which, speaking to journalists,

⁴ See Amit Ranjan "India's National Register of Citizens: What's Next for the Excluded" *ISAS Briefs No. 696* 4 September 2019. <https://www.isas.nus.edu.sg/wp-content/uploads/2019/09/isas-briefs-696.pdf>.

⁵ Midnight of 24 March 1971 has been recognised as cut off year by the Indian state. However, there are groups who demand for recognising earlier dates.

⁶ Government of Assam, Office of the State Coordinator of National Registration (NRC) Assam, 'Writ Petition (Civil) NO. 562 of 2012, Writ Petition (Civil) NO. 274 of 2009 & Writ Petition NO. 876 of 2014'. Government of Assam, Office of the State Coordinator of National Registration (NRC) Assam. <http://www.nrcassam.nic.in/images/pdf/01.pdf>. Accessed on 28 May 2018

⁷ Elizabeth Roche "Bangladesh reassured on NRC, shouldn't make a crisis out of nothing" *The Mint* (6 October 2019). <https://www.livemint.com/news/india/-bangladesh-reassured-on-nrc-shouldn-t-make-a-crisis-out-of-nothing-11570329835875.html>. Accessed on 6 October 2019.

Hasina said: "I have spoken with PM Modi and I am satisfied".⁸

On the ground, the term 'Bangladeshi' is used derogatorily for immigrants in Assam, and other parts of India. After the final list was published in Assam, the other states, such as Uttar Pradesh, have also started the process to identify Bangladeshis living 'illegally' in the state and deport them after identification.⁹ There have been demands made to carry out such a process in Karnataka, Odisha, Delhi and West Bengal as well. The Union Home Minister of India Amit Shah has even announced for carrying out nationwide NRC to deport every infiltrator from India.¹⁰

All such acts and statements, despite existing bonhomie and assurances, do give reasons to many in Bangladesh to be cautiously suspicious. This is clear from the statement of Bangladesh's Foreign Secretary, Shahidul Haque, who, speaking on Hasina's visit to India, said: "Our (India-Bangladesh) relationship is currently the best of the best, and the relationship is extremely warm and friendly but at the same time, we are keeping our eyes quite open".¹¹ On being asked about the statements made by a few Indian leaders on deporting people who, finally, cannot be proven as Indian citizens, Haque said: "This (NRC) is internal matter (of India) and continue to believe in that and I think we shouldn't make a crisis out of nothing at this stage and we should be able to wait and see."¹²

Rohingya Issue

After the violence started between Rohingya Muslims and Myanmar's security officials in the Rakhine state on 25 August 2017, more Rohingyas entered Bangladesh. According to estimates there are around 11 lakhs [1.1 million] Rohingya refugees in Bangladesh.¹³

⁸ Indrani Bagchi "Modi assured NRC process won't affect Bangladesh" *The Times of India* (4 October 2019). <https://timesofindia.indiatimes.com/india/modi-assured-nrc-process-wont-affect-bangladesh-hasina/articleshow/71432172.cms>. Accessed on 5 October 2019.

⁹ Omar Rashid "Bangladeshi 'living illegally' in UP to be identified for Deportation" *The Hindu* (1 October 2019). <https://www.thehindu.com/news/national/other-states/uttar-pradesh-police-chief-orders-drive-to-identify-illegal-bangaldeshi-migrants/article29565231.ece>. Accessed on 2 October 2019.

¹⁰ "Amit Shah Pitches For Nationwide NRC, Says 'Infiltrators' in Every Inch of India Will be Deported" *News18*, (18 July 2019). <https://www.news18.com/news/india/amit-shah-pitches-for-nationwide-nrc-says-infiltrators-on-every-inch-of-india-will-be-deported-2234825.html>. Accessed on 20 September 2019

¹¹ Elizabeth Roche, "Bangladesh reassured on NRC, shouldn't make a crisis out of nothing" *The Mint* (6 October 2019). Op cit.

¹² Ibid

¹³ "Rohingya Repatriation: Hasina calls for int'l support", *The Daily Star*, (26 May 2018). <https://www.thedailystar.net/frontpage/help-repatriate-rohingyas-1581802>. Accessed on 26 May 2018.

Soon after that crisis, India's position had created some misunderstanding in Bangladesh. As pre-decided, Modi paid a visit to Myanmar from 5 to 7 September 2017. During that visit, India and Myanmar came out with a joint statement in which "India condemned the recent [24 August 2017] terrorist attacks in the northern Rakhine state, wherein several members of the Myanmar security forces lost their lives. Both sides agreed that terrorism violates human rights and there should, therefore, be no glorification of terrorists as martyrs....The two sides shared the view that the situation in Rakhine state had a developmental as well as a security dimension."¹⁴ This joint statement and the other official statements then issued by the Indian government were not welcomed by Bangladesh. After meeting with the then-Foreign Secretary of India, Dr S Jaishankar, Bangladesh's High Commissioner to India, Syed Muzeem Ali, said: "I hope that India can issue another statement updating their position on this issue."¹⁵

Since 2017, India is providing humanitarian assistance to Rohingya refugees who have taken shelter in Bangladesh. During the visit of the Indian Foreign Minister, Dr S Jaishankar to Dhaka from 19-21 August 2019, there was a marked departure in India's earlier position on the Rohingya issue. In Dhaka, Dr Jaishankar said: "We agreed that safe, speedy and sustainable return of displaced persons (Rohingyas) is in the national interest of all three countries - Bangladesh, Myanmar, and India".¹⁶ This position is reflected in the India-Bangladesh joint statement in which "Modi has appreciated Bangladesh's generosity in sheltering and providing humanitarian assistance to forcibly displaced persons from the Rakhine State of Myanmar."¹⁷

India has also committed to supply the fifth tranche of humanitarian assistance to support Bangladesh's humanitarian efforts to shelter the Rohingyas in temporary camps in Cox's Bazar.¹⁸ The joint statement says that the two "Prime Ministers agreed on the need to expedite safe, speedy and sustainable repatriation of the displaced persons to their homes in the Rakhine State of Myanmar. They agreed on the need for greater efforts to be made to facilitate their return, including by improving (the) security situation and socio-economic conditions in the Rakhine State of Myanmar".¹⁹

¹⁴ Ministry of External Affairs, Government of India "India-Myanmar Joint Statement Issued on the occasion of state visit of Prime Minister of India to Myanmar (5-7 September 2017)". http://www.mea.gov.in/bilateral-documents.htm?dtl/28924/IndiaMyanmar_Joint_Statement_issued_on_the_occasion_of_the_State_Visit_of_Prime_Minister_of_India_to_Myanmar_September_57_2017. Accessed on 10 September 2017.

¹⁵ Devirupa Mitra "Exclusive: Public Anger Brews in Bangladesh over India's Stance on Rohingya Crisis", *The Wire*, (10 September 2017). <https://thewire.in/176013/bangladesh-rohingya-crisis-myanmar-india/>. Accessed on 20 September 2017.

¹⁶ Syed Munir Khasru "Furthering This Neighbourhood Friendship", *The Hindu* (3 October 2019). Op cit.

¹⁷ Ministry of External Affairs, Government of India India-Bangladesh Joint Statement during Official Visit of Prime Minister of Bangladesh to India 5 October 2019. Op cit.

¹⁸ Ibid

¹⁹ Ibid

However, ambiguities remain. It is estimated that around 40,000 Rohingyas are living in India including 16,000 who have refugee documents.²⁰ The Union government wants to identify and deport them. To support its stand, in an affidavit submitted in 2017 to the Supreme Court of India, the government of India argued: “Some Rohingyas are indulging in illegal/anti-national activities, i.e. mobilisation of funds through hundi/hawala channels, procuring fake/fabricated Indian identity documents for other Rohingyas and also indulging in human trafficking” and “they are also using their illegal network for illegal entry of others into India”.²¹ Many of them, as the government argued, have also been able to “acquire fake/fraudulently obtained Indian identity documents i.e. PAN (Permanent Account Number) cards and voter cards”.²² It has also maintained earlier that India is not bound by the principle of ‘non-refoulement’, which bars governments from returning immigrants to countries where they face persecution.²³

Transboundary Rivers Water Sharing

India and Bangladesh share 54 rivers between them. Out of which, the 414 kilometres-long Teesta is important. In 2011, an Interim Agreement to share waters from River Teesta was signed under which India would receive 42.5 per cent and Bangladesh 37.5 per cent of water during the lean season (December to May). The Indian government accepted the Interim Agreement. However, the West Bengal government has not agreed to it because of its own water needs. During her past meetings with the West Bengal’s Chief Minister Mamata Banerjee, Hasina has unsuccessfully tried to convince her to release the agreed quantity of waters to Bangladesh.²⁴

During the visit, Hasina highlighted the issue of Teesta waters to which Modi informed her that the government “is working with all stakeholders in India for conclusion of the Agreement soonest possible”.²⁵

Instead of focussing too much on Teesta, India and Bangladesh is focussing on other rivers. The Technical Level Committee of the Joint Rivers Commission is working to update data and

²⁰ “Rohingya crisis: Deplore India’s current measures to deport refugees, says UN rights body chief”, *The Indian Express* (11 September 2017). <http://indianexpress.com/article/world/rohingya-crisismyanmar-situation-textbook-example-of-ethnic-cleansing-says-un-4838309/>. Accessed on 15 September 2017.

²¹ Ananantkrishnan G ‘Illegal Rohingyas are security threat: Govt to Supreme Court’. *The Indian Express* (19 September 2017). <https://indianexpress.com/article/india/rohingya-illegal-migrants-are-terror-threat-government-to-supreme-court-4849909/>. Accessed on 24 September 2019.

²² Ibid

²³ Ibid

²⁴ “Mamata -Hasina meet a courtesy call”, *United News of India*, (26 May 2018). <http://www.uniindia.com/mamata-hasina-meet-a-courtesy-call/states/news/1242802.html>. Accessed on 27 May 2018

²⁵ Ministry of External Affairs, Government of India India-Bangladesh Joint Statement during Official Visit of Prime Minister of Bangladesh to India 5 October 2019. Opcit..

information and prepare the draft framework of Interim Sharing Agreements for six rivers - “Manu, Muhuri, Khowai, Gumti, Dharla and Dudhkumar” and “to firm up the draft framework of interim sharing agreement of Feni River”.²⁶

Bangladesh has agreed to let India withdraw about 1.82 cusec of water from the Feni River for drinking purpose of the people of Sabroom in Tripura.²⁷ Sabroom is 130 kilometres from Agartala, capital of the Indian state of Tripura. There, the state government is setting up an agro-based Special Economic Zone (SEZ). One of the reasons for the selection of Sabroom for the SEZ is to attract investors from Bangladesh.²⁸

The Feni River water deal has turned murkier as on 7 October 2019, a second- year student, Abrar Fahad, from the Bangladesh University of Technology & Engineering was murdered by the members of the Bangladesh Chhatra League (BCL) - the student wing of Hasina’s Awami League - for his criticism about river waters-related agreements with India. Responding to the murder of Fahad, in a press conference on 9 October 2019, after her return from India, Hasina assured that the perpetrators would be severely punished.

Simultaneously, Hasina defended all her agreements with India. On River Feni, Hasina said: “The volume of water we will give to India is very insignificant and we will use most of the water of this big river. If anyone wants water for drinking purposes, and if we don’t give that, it doesn’t look good.....We always protect our interest in all fields... the stretch of the river [Feni] from where India will take water is a catchment area and it belongs to Bangladesh. That is why we signed an MoU with India.”²⁹ She also recalled the role of the people of Tripura during the Bangladesh’s Liberation War of 1971.³⁰ Targeting the Bangladesh Nationalist Party (BNP), Hasina said “How could that party [BNP] talk about the issue of Feni River when it forgot to protect the country’s interest and realise the rightful demand for water of a big river like the Ganges?”³¹

²⁶ Ibid

²⁷ Ibid

²⁸ “ Tripura gets in-principle nod from Centre to set up its first SEZ in Sabroom”. *The Indian Express* .(4 October 2019). <https://indianexpress.com/article/north-east-india/tripura/tripura-gets-in-principle-nod-from-centre-to-set-up-its-first-sez-at-sabroom-6053850/>. Accessed on 5 October 2019.

²⁹ “Search all university dorms” *The Daily Star* (10 October 2019). <https://www.thedailystar.net/frontpage/bangladesh-pm-sheikh-hasina-says-search-all-university-dorms-1811743>. Accessed on 10 October 2019.

³⁰ Ibid

³¹ Ibid

Conclusion

As discussed in this paper, confusion over the future of the people who have not found their names in the NRC list exist. The government of India says that it would deport the people excluded from the final NRC list, but no one knows where they would be deported to. The government is also constructing additional detention camps for those finally declared 'illegal' immigrants. Any attempt to push a large number of people into the Bangladeshi territory, as done on a smaller scale in the past,³² may have serious impact on India's bilateral relations with Bangladesh. Likewise, India's ambiguity on the Rohingya issue remains.

Members from opposition parties blame Hasina for the Bangladesh's failure to clinch a favourable deal on the Teesta water sharing issue. The government of India can take unilateral measures under Article 253 of the Indian constitution. However, in 2015, then External Affairs Minister of India Sushma Swaraj categorically stated that the Union will not move ahead on Teesta waters without taking on board the West Bengal government. Also, the water deal on Feni River is being criticised by a few individuals and groups despite Hasina's statement that the agreement has not harmed the country's interests.

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³² See Pisharoty, Sangeeta Barooah (2019) *Assam : The Accord, The Discord* . Gurgaon : Penguin.