

India's Neighbourhood Policy: Geopolitical Fault Line of Its Nepal Policy in the Post-2015 Constitution

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This paper would focus on the fault-line of Indian Neighbourhood Policy particularly in the context of its handling of Nepal's Constitutional Crisis Post-2015. In the light of the statement of former Indian Prime Minister Vajpayee, 'friends can change but not neighbours who have to live together,' it can be easily inferred from this statement that the neighbourhood policy is holding a very significant place in Indian foreign policy. Since independence, India has been pursuing 'Neighbourhood Policy. The incumbent government has also conceived 'Neighbourhood First' policy under the visionary and dynamic leadership of PM Modi, but the irony is that notwithstanding this policy, India has recently lost its geopolitical space in Nepal despite such policy. On the contrary, China has made its geopolitical space in Nepal.

Keywords: *India's Neighbourhood Policy, Nepal Constitutional Crisis, Indian Fault Line, China Geopolitical Space*

1. INTRODUCTION

India and Nepal had been sharing civilizational ties since the time immemorial connected by the geography, history, geo-culture, and religion etc. These multifaceted ties had been formalized by signing the Indo-Nepal Peace and Friendship Treaty of 1950. However, during the last several decades, these bilateral ties had been witnessed many ups and downs, notwithstanding Nepal being figuring prominently in India's neighbourhood policy. Nepal has been craving for democracy since the 1950s and partly remained successful in achieving this goal. Till date, it had seen seven constitutions including the latest one of 2015, promulgated on 24 September. The comity of nations has well acknowledged the constitution, but on the contrary, India had shown displeasure by just taking 'note' of it, which had created strong ripples in the bilateral ties.

The new government was formulated with an absolute majority under the stewardship of Prime Minister Narendra Modi. Clear and decisive political mandate unshackled the National Democratic Alliance-II (NDA) government from the limitations of a coalition of the United Progressive Alliance (UPA-I and II), which had posed several challenges for the Indian foreign policy maneuverings. The Bharatiya Janata Party (BJP) had set out the three priority areas of foreign policy agenda in its manifesto of General Election 2014, under the dynamic leadership of prime ministerial candidate Modi. The first priority is to spur its economic development, by improving India's international ties with key states (especially in East Asia), second, bolstering India's security, particularly from Pakistan and China and third, to increase India's global standing and influence, leveraging of the 'soft power' in the West and the developing world.¹ Though nothing much has been mentioned in its manifesto regarding

¹ Bharatiya Janata Party's Election Manifesto 2014. Accessed 6 July, 2016. http://www.bjp.org/images/pdf_2014/full_manifesto_english_07.04.2014.pdf.

the neighbouring countries, but by calling the leaders of SAARC countries for the oath-taking ceremony of the PM, the focus of new government towards the neighbouring countries was made publicized.

The neighbourhood policy had been started even before the Indian independence. During the Annual Convention of the Congress Party, Jawaharlal Nehru in his first speech on foreign policy (December 1927) said, "The people of India have no quarrel with their neighbours and desire to live at peace with them" (Appadorai, 1949: 38). The fundamental principles of Nehruvian foreign policy, focusing on the Asian solidarity, non-alignment, decolonization and pursuit of international peace. Scholars like Verma and Mishra (1969: 91–96) have argued that Nehru's policy has been considered as 'a balanced blend of idealism and enlightened self-interest. Power (1969: 21–36), has claimed that it was a combination of, 'anti-imperialism, liberal internationalism, neutralism, neo-Marxism, and Gandhism.

Neighbourhood policy has been pursued through the Nehruvian principles by the successors of Nehru, like Lal Bahadur Shastri, Indira Gandhi, Rajiv Gandhi, P.V. Narasimha Rao and Manmohan Singh. Even the non-Congress governments (1977–1980, 1989–1991, 1996–2004), have followed the Nehruvian principles uninterruptedly. Noorani (1978: 216–228) has believed that Morarji Desai had practiced genuine 'non-alignment' even warming up to the US. These values had remained the linchpin of governments under V.P. Singh, Chandrashekhar, and I.K. Gujral. The UPA-I and II have also focused on neighbouring countries. PM Manmohan Singh said, "Our priority should be to devote ourselves to building a structure of cooperative and mutually beneficial relations with our neighbours."²

Soon after taking over the control of the government, PM Modi has given priority to the neighbouring countries. He had invited all the heads of SAARC countries for his oath-taking ceremony. In the neighbourhood first policy of Modi government, Nepal has been given an important place. During the last seventeen years, no Indian PM had had visited Nepal. Within a couple of months, PM Modi had paid two visits to Nepal. However, this crescendo of cordiality had lost very soon due to the constitutional crisis of Nepal. The new constitution of 2015, became one of the major irritants in the bilateral relations of both the countries. They drifted away from each other which had provided more geopolitical space to China over India in the Himalayan state.

2. CONCEPTUAL MOORINGS OF THE NEIGHBOURHOOD POLICY

Michael (2013) has argued that Kautilya and Arthashastra have been explicitly interlinked with the Indian foreign policy. The Arthshastra is considered as a manual of statecraft, in which the incumbent or the potential king has been guided, how to rule a state or what rules are to be followed to gain geopolitical and geostrategic space in terms of power. It has remained the lighthouse of inspiration and philosophy for the thinkers and politician who built the Mauryan empire in India. Boesche (2002: 7) has quoted the German sociologist Max Weber who once said, the Arthshastra is a, "truly radical 'Machiavellianism' . . . compared to it, Machiavelli's *The Prince* is harmless." Kissinger (2014), has acknowledged it as, "a combination of Machiavelli and Clausewitz."

² PM Manmohan Singh. (2004, October 26). Speech in Combined Commanders' Conference, New Delhi. Accessed 6 July 2016. <http://archivepmo.nic.in/drmanmohansingh/speech-details.php?nodeid=32>.

In international relations, the immediate neighbours have always been perceived as an enemy. It has been argued that Indian neighbourhood policy has been derived from Arthashastra's Raja-mandala Theory. This theory had been fathered by Kautilya (371-283 BC), who was a jurist, royal advisor, teacher, philosopher and economist. According to this theory, bordering states are hostile states that are forming a circle around the country. Similarly, next circle of states forms another set of hostile states around the king. The second circle of states could be perceived as the natural allies of the king, against the first circle of hostile states, which is lying between them. Quintessentially, it can be put as, "the enemy of my enemy is my friend." Pillalamarri (2015), has argued that this logic, is the basis of India's foreign policy.

According to this theory, foreign policy is based on the principle, 'Peace is preferable to war.' The foreign policy of a country is governed by the six devices like *sandhi* (making peace), *asana* (maintaining neutrality), policy of *yaanam* (preparing for war), *samshraya* (seeking support/shelter), waging a war, and the last one is *dvaidhibhaava* (dual policy). In order to make the foreign policy very effective, the *shadgunya* (six-fold foreign policy) have been provided with the four-fold upayas (devices). These devices include Sama (conciliation), Daana (pacifying with gifts) Bheda (aggravating dissension amongst the opposite parties) and Danda (punishment). These devices have been perceived as a doctrine of sorting out the conflicting issues among the neighbouring countries. The Raja- mandala theory is very near to the realist theory. Some scholars (Boesche, 2002; Khattak, 2011; Michael, 2013; Liebig, 2014) have argued that the basis of Indian foreign policy is the Rajamandala theory.

2.1 Genesis of Indian Neighbourhood Policy

Since independence, India has been holding the pre-eminent position in the South Asian region for given of its size, population, economy and military power. India has been contributing 75 per cent to the South Asian population. It is holding 80 per cent of the total GDP of the region. Militarily, it is the major country of South Asia and spending five times more than the rest of the countries putting together on its defence. In the post-Cold War and the opening of the economy, India has emerged as a global player in the international politics. A practitioner of the Indian foreign policy, the former Indian foreign secretary Nirupama Rao (2009-2011), has argued and accepted that a 'peaceful neighbourhood is mandatory for the realization of India's vision of economic growth.'³ Realizing the geopolitical and geostrategic imperatives, India has invoked all the neighbouring countries to be partners and contribute to the regional growth and prosperity (MEA, Annual Report 2005: 1). But on the other hand, the neighbouring countries have been perceiving India as interfering, non-accommodative, selfish and overbearing. Due to this, bilateral or multilateral relations have been marred on account of recurring tensions.

The neighbouring countries had tried to check and restrict India geopolitically and economically through the overt or covert strategic relationships with the extra-regional powers. Nanda (2003: 201) has argued that India's bilateral relations with all its neighbours had been remained off the keel in one way or the others. Kashmir issue has become one of the critical reasons for three wars between Indian and Pakistan. Cross-border terrorism

³ Rao, Nirupama (2010). Speech at Harvard on 'India's Global Role.' September 20. Accessed 6 July 2016. <http://www.mea.gov.in/Speeches-Statements.htm?dtl/741/>.

further heightened the drift between both the countries. Ethnic conflict and maritime boundary dispute are the major irritants between Sri Lanka and India. India-Bangladesh ties have been plagued by the controversial issues such as border issue, Ganga water sharing, and Moore Island issues. In this background, the neighbours remained suspicious that India has been taking undue advantage of the weak bargaining capacity of each state in a bilateral dialogue. They view Indian bilateralism as an instrument of coercive diplomacy and Indian hegemony (Bhashin, 2008).

Nehru had followed the neighbourhood first policy since independence towards the Himalayan kingdoms of Nepal and Bhutan (Yasin, 1994: 68–117). He unfolded his Nepal policy, ‘Much as we stand for independence of Nepal, we cannot allow anything to go wrong in Nepal or permit that barrier to be crossed or weakened because that would be a risk to our security (Nehru, 1971: 436). Subrahmanyam (1968: 28), held the view that Indo-Nepal Peace and Friendship Treaty 1950, ‘as a unilateral guarantee offered by India against any external attack on Nepal.’ Indo-China war took place in 1962, which has increased the geostrategic salience of the Himalayan kingdom in Nehru’s geostrategic calculus as argued by Nanda (2003b: 203).

Pakistan has remained one of the most crucial neighbours to deal with. Nehru’s approach towards Pakistan has been shaped by his experience of the Congress and the Muslim League interactions and the communal polarization in the subcontinent during the national movement. Notwithstanding of the internationalization of Kashmir conflict, Nehru referred this problem as ‘not too serious’, a ‘family issue’ and even went on to dismiss it as a ‘domestic quarrel.’⁴ PM believed that handing over Kashmir to Pakistan is a death and destruction of India (Nehru, 1963: 206-207). The problems of people of Indian origin and expanding western influence in Sri Lanka made him somewhat apprehensive. In the case of Sri Lanka, Nehru showed some interests in the People of Indian Origin (PIO) in the island nation, and somewhat concerned about Western influence over there. Singh (2002: 78) has argued that PM had maintained good relationship and friendship with Afghanistan.

2.2 The Post-Nehru Period: A Mix of Continuity and Conflict

The first successor of Nehru was Lal Bahadur Shastri, who had a very brief period at the helm of affairs. But, he did not make any significant change in India’s foreign or neighbourhood policy. He continued with the Nehruvian neighbourhood approach. After the death of PM Shastri, Indira Gandhi took over the charge of Indian foreign policy, known as the iron lady in diplomatic circles. She did not like the external influence at all in the neighbouring countries. As per the study of Ram (1992: 326), she had extended strategic partnership with the former Union of Soviet Socialist Republics (USSR) by signing of Peace and Friendship Treaty (August 1971), in order to counterbalance the geopolitical and geostrategic changes (Sino-Pakistan strategic relations since the early 1960s and the Sino-US rapprochement, started in 1971). According to Richter (1987: 250-265), the emergence of Bangladesh in 1971, engagement with Pakistan and the Shimla agreement (1972), focusing on bilateralism were some of the famous characters of Indian foreign policy under PM Indira Gandhi. However, she has made it clear that India was not interested in expanding its ‘spheres of influence’ but the internal and external commentators interpreted her policy as

⁴ The National Commission to Review the Working of the Constitution (2002). Accessed 6 July, 2014. <http://lawmin.nic.in/ncrwc/finalreport/v1ch8.htm>.

the 'India Doctrine.'

The national emergency (25 June 1975-21 March 1977), imposed by PM Indira Gandhi, has dissipated the monopolization of Indian National Congress over the Indian politics. However, the new Janata government maintained continuity adorned by friendly and accommodative characters. Signing a five-year river water-sharing treaty with Bangladesh (1977) and visit of Foreign Minister Vajpayee to Pakistan (1978) for reviving the bilateral relations were some of the significant achievements of this government. However, being out of power, a serious note was taken by Indira Gandhi and criticized Janata government's softer policy. Coming to power in 1979, she again took over the helm of affairs and followed previous policy without any alteration.

Rubinoff (1991: 313-334), has noted that in the post-Indira Gandhi era, Rajiv Gandhi had also followed the 'Indira Doctrine' towards the neighbours. However, this policy underwent a dramatic shift, when Indian relations with the neighbouring countries had been plagued by the bilateral disputes. Both Nepal and Bhutan had asked for the review of their respective treaties with India. Consequently, the Rajiv government took very hard decisions *vis-a-vis* Nepal, to renew the Trade and Transit Agreement (1978) in 1989. India issued a blockade, causing shortages of fuel, salt, cooking oil, food and other essential commodities in Nepal which were imported from India (Devi, 2011: 164). Also, this policy strengthened the popular movement against the King and acted as a catalyst for Nepal's transition to democracy in 1990.

Rajiv's policy towards Pakistan and China made a new beginning. He paid a visit to China (19-23 December 1988) which took after a long spell of 34 years. Malik (1995: 317-355) has noted that this visit of PM Rajiv has given a new lease of life to the Indo-China relations. He has also tried to improve ties with Pakistan. Behuria (2011: 51-65) has commented that after Zia's death in August 1988, Rajiv had tried his best to make closer and cordial engagements with Pakistan. He had visited Pakistan in December 1988 and signed a significant bilateral agreement on non-attack of nuclear installations. However, the growing militancy in Kashmir derailed the peace process between both the countries.

India's Sri Lankan policy had remained very assertive. Bhasin (2001: 700) has argued that despite knowing, military action was not a solution to the ethnic crisis, even then had sent the Indian Peace Keeping Force (IPKF). He forced President Jayawardene (4 February 1978-2 January 1989), to sign the Indo-Sri Lankan Accord in 1987 and received assurance that the latter's soil wouldn't be allowed to use against India. India had also acted promptly to avert a coup in Maldives in November 1988, which established its status as a regional power.

In the post-1990s, sea changes had taken place not only in Indian political system rather even in the foreign policy. The monopoly of Congress Party came to an end which coincided with the democratic movement of Nepal in the early 1990s. Due to this, the bilateral relations have been improved between both the countries. PM V.P. Singh had adopted a relatively mild policy towards Nepal and lifted the blockade. In the liberalization era, coalition politics was started in India. The first coalition government of V.P. Singh did not last long and again Congress-led government under the stewardship of PM P.V. Narasimha Rao came to power in 1991. Pakistan policy of this government had remained more or less the same. However, Scott (2009: 107-143) has argued that a significant shift in the overall foreign policy orientations has been brought about in the post-Cold War period. PM Rao had also tried to extend Indian outreach up to the extended neighbourhood such as Israel, Southeast and Northeast Asia under its multi-pronged Look East Policy.

The coalition governments of Deve Gowda (June 1996–April 1997) and I.K. Gujral (April 1997–March 1998), having a brief period at the helm of affairs have made significant changes in India's neighbourhood policy. PM I.K. Gujral had vast experience in his account, being a former foreign minister. He followed a non-reciprocal accommodative policy known as Gujral Doctrine (Gupta 1997, 308–309). This doctrine has laid down five principles in his speeches resulted in the signing of a 30-year treaty between India and Bangladesh on December 12, 1996 (Murthy, 1999: 639-652). Ganguly (1997: 126-135) argued that Gujral Doctrine did not include Pakistan and criticised labelling it as not a wholehearted effort to generate trust with the neighbours. However, Noorani (2000: 3949-3958) acknowledged that Gujral Doctrine more or less became the anchor of Indian foreign policy

2.3 Vajpayee & Singh's Neighbourhood Policy: Conciliatory & Accommodative Approach

The National Democratic Alliance (NDA) government, led by Atal Bihari Vajpayee (1998–2004), had left no stone unturned to follow cordial relations with the neighbouring countries. Chiriyankandath & Wyatt (2007: 203), have argued that taking over in 1998, PM Vajpayee developed a very conciliatory approach towards Pakistan. He visited Pakistan in February 1999 by the inaugural Delhi-Lahore Bus service. It was PM Vajpayee's first chance to strengthen neighbourhood policy. Bus diplomacy was used and established a regular road link for the first time since 1947. The Lahore Declaration was signed in February 21, 1999 by committing to resolve bilateral disputes through dialogue. However, this cordiality was lost very shortly after due to Kargil misadventure (1999). In the context of Kashmir issue, one more effort was made by Vajpayee government with the then Pakistani President Pervez Musharraf (2001-08) in the Agra Summit (2001). This effort was also failed on account of stubborn attitude on the part of Pervez Musharraf. It has been argued that the other neighbouring countries had not received adequate attention from the NDA government due to its preoccupation with Pakistan.

The United Progressive Alliance (UPA), a coalition government, came to power in 2004 led by Dr. Manmohan Singh (2004-14). However, this government has followed the continuity of the previous governments. This government continued with the peace process with Pakistan despite some terrorist activities across the border. To accommodate the Bhutanese government's demand for revision of the Treaty (1949) was accepted and revised in 2008 (Rizal, 2015). A significant role was played by India in the peace process of Nepal by bringing the Maoists into the political mainstream. Similarly, efforts have been made to improve the bilateral relations with other South Asian countries.

In this paper, only the case of Nepal will be discussed in the context of the incumbent government's neighbourhood first policy. The rationale for taking only Nepal for scholarly analysis is, since the launch of this policy, the Nepal constitutional crisis was the first challenge, by which it could be tested. Nepal is very critical from India's security point of view. But this country has been overlooked by the previous governments. Therefore, the incumbent government has given an important place to Nepal in its foreign policy for maintaining its geopolitical and geostrategic space in Nepal. Therefore, in order to check the myth and reality of this policy, Nepal constitutional crisis has been taken into consideration.

3. MODI'S NEIGHBOURHOOD FIRST POLICY

A perceptive scholar and former Indian diplomat to Nepal, Jayant Prasad in his article, "India's Neighbours" written for 'Seminar,' in which he argued the core objective of the foreign policy of the Modi government is to accelerate the ongoing economic transformation of India. He was of the opinion that PM Modi has attached a lot of importance to this objective. A disturbing neighbourhood is both distracting and harmful for the economically emergent India. The new government realized that without cordial relations with the neighbouring countries, India and the South Asia cannot continue to grow.

The neighbourhood policy of NDA-II government was publicly proclaimed in the first presidential address to the Parliament in June 09, 2014 in which he underlined the incumbent government's "determination to work towards building a peaceful, stable and economically inter-linked neighbourhood, essential for the collective development and prosperity of the South Asian Region."⁵ During the 69th Session of the United Nations General Assembly, PM Modi in his speech once again highlighted the place of neighbours in Indian foreign policy as, "A nation's destiny is linked to its neighbourhood. That is why my government has placed the highest priority on advancing friendship and cooperation with its neighbours." PM Modi has conveyed a friendly message towards neighbourhood by calling the SAARC leaders to the oath-taking ceremony on May 26, 2014. Very shortly, it was translated into reality by visiting all South Asian countries including Nepal.

3.1 India's Nepal Policy: Vibrancy Under Modi

During his visits to Nepal, PM Modi made it very clear that he felt a special affinity with the country as argued by senior diplomat Vivek Katju. He became the first Prime Minister to visit Nepal after a long gap of seventeen years in August 2014. The Indian Foreign Minister Sushma Swaraj paid a three days visit to Nepal (July 27-29, 2014), after a long hiatus of 25 years. During the visit, she revived the Indo-Nepal Joint Working Groups, which had been lying dormant during the last 25 years. Also, she co-chaired the meeting of the commission and discussed various aspects of bilateral relations.

PM Modi was honoured and privileged to become the first foreign leader to address the Nepali Parliament-cum-Constituent Assembly. By his speech, he touched and moved the hearts of the Nepali people. The most important part of speech was about Nepal's constitution-making exercise. He was the firm conviction that a Nepal's successful constitution had shown the world, how the armed conflicts could be ended with former combatants through successful constitution-making exercise. He has also made it clear to the Nepalese leadership that its your constitution, it is up to Nepal to decide and India did not have any intention to show the way. PM Modi has conveyed his message in a speech that constitution should be inclusive, representing the aspirations of all regions and people of Nepal.

From geopolitically and geostrategically perspective, Nepal holds a very prominent place in Indian policy. Modi's vision for Nepal has been well articulated in his speech delivered in Constituent Assembly-cum-Parliament in which he said, "We have always believed that it is

⁵ Address by the President of India, Shri Pranab Mukherjee to Parliament at Central Hall of Parliament 2014, June 9. Accessed 6 July, 2016. www.presidentofindia.nic.in/speeches-detail.htm?293.

not our task to interfere with what you do but to support you in the path you decide to take.” Since independence, India has been supporting the democratic movement in Nepal. He urged the Nepalese political leadership that, “India respects the federal democratic republic as envisioned by Nepal.” President Ram Baran Yadav reciprocated to PM Modi speech as, “You have won our hearts with your address in Parliament.” The visit of PM Modi was moved CPN-Maoist leader Prachanda to comment it as a “new chapter” in Indo-Nepal ties.

PM Modi tried to expand and take bilateral relations to a new height. To make Nepal as a reliable partner in the neighbourhood policy, he has given a ‘HIT’ formula. Under this, India wanted to extend its help to Nepal in building its highways (H), information highways (I) and transitways - transmission lines (T). India is keen to double power supply to Nepal. Though Nepal has a lot of potential for hydropower, still it lacks energy for domestic demand. To facilitate this, pipelines would be built to provide oil to the Himalayan nation (Kharel, 2014).

Intending to enhance connectivity between both the countries, Kathmandu-Delhi bus service was flagged off. Some MoUs were signed by both the countries in the field of security, trade, border infrastructure, connectivity, tourism and cultures during the two Prime Ministerial visits (MEA Annual Report, 2014-15, 15-16). One advanced light helicopter-Dhruv, has been given to Nepal. An Emergency Trauma Centre was inaugurated in Kathmandu. A soft loan of \$1 billion was granted to Nepal. Indian PM Modi offered prayer and donated sandalwood worth Rs. 30 mn to Pashupatinath temple. PM Modi said he wanted to turn the “hostile borders benign and ultimately gateways for free trade and commerce... borders must be bridges, not barriers.” These moves on part of PM Modi were well reciprocated by Nepal and the *Kathmandu Post*, in one of its editorials wrote: “Modi Mantra Warms Nepal’s Hearts,” which shows the place of PM Modi in the heart of Nepalese people.

Jaiswal (2015), a perceptive scholar of Indo-Nepal issues, has argued that under Modi government, India has started giving more priority to Nepal policy due to its security imperatives. Stable and peaceful Nepal could take care of Indian security interests. Economically, India wanted to engage constructively with Nepal. Modi government identified that generation of hydropower is the potential area of bilateral cooperation which could meet the shortage power demand of both the countries. The Indian firms are the major investors in Nepal along with 150 Indian ventures. About 40 per cent of total approved foreign direct investment is contributed only by these companies. These are engaged in the major areas of manufacturing, services (banking, insurance, dry port, education and telecom), power sector and tourism industries etc. The signing of BIPPA (Bilateral Investment Promotion and Protection Agreement) between Nepal and India would be a major fillip to investment. India-funded hydroelectricity projects, infrastructure projects were discussed by the leadership of both the countries. The major conflicting issues between both the countries were also taken on board like reviewing the 1950's Treaty of Peace and Friendship.

PM Modi’s Nepal Policy has also been well taken up by the Western media. The Washington Post has argued in one of its reports regarding Modi’s neighbourhood policy as a shift in foreign affairs for India. Gardiner working with the New York Times as journalist explained in one of his reports dated August 4, 2015 that Indian policy *vis-à-vis* Nepal has been undergoing a paradigmatic shift. Since its independence, India had been strong supporter of the Nepalese monarchy. However, it has been argued that during the visit, PM Modi did not meet with former King Gyanendra, which signified that India would not support the return of monarchy anymore which has substantiated the argument of Gardiner.

The Indian government has also keenly watched the Nepalese constitution making

process. PM Modi praised the efforts of Nepalese people for constitution writing process. He considered it as an example for the rest of world for a peaceful resolution of a violent conflict. Taking a note of the Maoists who abandoned their violent politics to join the political mainstream in 2006 was an exceptional success on the part of the political leadership of Nepal and for that; he extended congratulations for choosing the ballot over the bullet. He also exhorted the Nepalese lawmakers to use their *Rishi-man* (sage mind) to ensure that the constitution ought to envision Nepal of the next 100 years in addition to being inclusive to connect all parts of the society.

3.2 Nepal's New Constitution of 2015

India is having the significant stakes in the peace and the constitution-making process of Nepal as the new constitution would decide the prospective bilateral relations. Nepal has been engaged in the constitution-making process since 2008 after the end of the monarchy. Nepal has made its constitution successfully which was ultimately promulgated in September 20, 2015. Though the Nepalese constitution has been welcomed by the international comity of nations, but India has shown its displeasure over the constitution, notwithstanding its passage with more than an absolute majority.

In 2008, the Nepalese monarchy came to an end. The demand for new constitution became the need of the hour and for this objective, the Constituent Assembly-cum-Parliament was constituted in 2008. The election for the first CA took place on 10 April 2008. The Communist Party of Nepal (Maoist) emerged as the dominant party by taking 220 out of 575 seats during the Nepalese Constituent Assembly (CA) election, 2008. Despite getting four extensions by the Nepalese Supreme Court, the first CA was failed to draft and deliver the constitution by the set deadline which came to an end in 2012. The Supreme Court of Nepal did not give a further extension. The second CA was elected in 2013. Unofficially, the one-year deadline was fixed for the second CA by the Assembly to deliver the constitution.

The new constitution of 2015, comprised of 305 articles and eight parts. This constitution is started with a preamble by incorporating the principle of "socialism based on democratic values." The constitution has democratic provisions as possessed by the best constitutions of the world. It contains the major principles such as democracy, republicanism, federalism, secularism and inclusiveness. Under the provision of proportional representation, efforts have been made to make it inclusive covering vulnerable sections of society such as women, untouchables (Dalits), and other marginalized groups (Phuyal, 2015).

3.3 Geopolitical Fault Line: Post Constitution 2015

Nepal has been deeply embedded in the geopolitical and geostrategic calculus of India. The recent dynamics took place in Nepal has a direct and indirect impact on Indian interests. Certainly, India has legitimate security concern in addition to its geopolitical interests. Due to sharing an open border with Nepal, Indian security concerns have been emanating from the international criminal organisations operating within Nepal, insecure Indian investment, Maoist movements, and Islamist terrorism along with fake currency etc. Apart from these concerns, Nepal has been becoming a safe haven for potential drug and arms smugglers. Unstable Nepal has been becoming a threat to Indian interests from the geopolitical and geostrategic point of view. These concerns have been figuring very prominently in Indian policy, and consequently, some hard decisions have to be taken by the Indian policy makers.

More importantly, the new constitution has created serious concerns for India, reason being marginalization of Indian ethnic. Apart from this, a lot of violence and chaos along the Indo-Nepal border when the bordering state like Bihar was about to undergo election. To understand the Indian concern, one has to make an analysis of the various dynamics of the issue. Indian concerns emanating from the new constitution, has been specifically pointed out by Muni (2015) as, (i) the carving of federal provinces, (ii) proportional representation, (iii) citizenship rights, (iv) the identity of the Nepali State, and (v) its ideological parameters.

The Madhesis and Tharus have been organising the protests against the promulgation of the new constitution, and it was celebrated as a black day. It is widely believed that the new constitution has been failed to meet the aspirations of the Indian ethnic people. The issues like federalism, secularism, citizenship, rights of the Madhesis, Tharus, and Janjatis, are the main concerns of not only ethnic people rather India as well. In prevailing such milieu, India has given a prescriptive advice to Nepal to look into these serious concerns of the ethnic people. In order to allay the concerns and pacify the Indian ethnic people, India has suggested seven amendments in the Nepal Constitution. Seeing the concerns of the ethnic communities out of the Nepalese constitution, India took it as, “not broad-based” or “equal” and did not represent “two-thirds of the population.” The Indian ethnic like Madhesis and Tharus blockaded supply of essential goods to Nepal from the Indian side. Due to this, Nepal had faced a shortage of fuel and other necessary supplies. On the contrary, Indian sympathy with ethnic people became the primary concern of Nepalese leadership. The Nepalese society across the wide spectrum is of the firm conviction that rather than controlling the violent people on the border, rather India has been helping them. It created a lot of anti-Indianness feeling among the Nepalese people.

Realizing the gravity of issue, India used its state apparatus to convince the political leadership of Nepal to pay due attention to the demands of Indian origin people in Nepal. On the other hand, the Indian government did not take any action to lift the blockade on the Indo-Nepal border to ensure the essential supplies to Nepal. Moreover, the Indian government issued an advisory-cum-prescriptive statement to Nepal, “Statement on the situation in Nepal,” which stated: “We note the promulgation in Nepal today of a Constitution. ... We urge that issues on which there are differences should be resolved through dialogue in an atmosphere free from violence and intimidation, and institutionalised in a manner that would enable broad-based ownership and acceptance” (MEA, 2015, September 15). Indian Foreign Secretary S Jaishankar said, “India had always been strongly supportive of the Constitution-making process in Nepal, and it would like its completion to be an occasion of joy and satisfaction, not agitation and violence.”

Actions taken on part of India vis-à-vis Nepal in the context of constitution promulgation, have been considered direct or indirect intervention in its domestic political issues as argued by Nepalese people, scholars, commentators, and politicians. The same echo has been sensed from the print, electronic and social media as well. It has left very indelible imprints on Nepal-India relationship. Sensing the anti-Indianness in Nepal, leaders from Indian opposition parties, scholars, commentators and strategic thinkers have also taken note of such policy and considered that it has failed to maintain the status quo of its geopolitical space in Nepal. The India-Nepal bilateral relationship, as argued by Nihar Nayak (2016), that it is at the ‘lowest ebb due to anti-India sentiments in Nepal, in reaction to the perceived political interference by India.’ Further, he argues that Nepalese media, civil society groups, and academics have been very critical of what they call ‘India’s micro-management’ in Nepal. The same scholar has also argued that the growing ‘anti-Indian sentiment’ in Nepal,

ultimately going to harm Indian interests. In fact, 'anti-Indian sentiment' is a primary challenge in Nepal-India relations, and addressing and minimising anti-Indianess would be key to improving the bilateral ties. In the light of this backdrop, it would be wise for the government of India to formulate a comprehensive and long-term Nepal friendly policy.

Muni (2015) has argued that India has followed a 'hands-off' policy, i.e., rather encouraging a 'Nepali grown model' to generate consensus over the constitution making. But very shortly, on the contrary, it has become embroiled in the domestic issues of Nepal. Roy (2015, September 24) has argued in one of his reports in the Indian Express that Prime Minister Modi's suggestions have been ignored in the constitution. Haidar and Bhattacharjee (2015, September 21) have quoted one senior Indian diplomat in their report written for the Hindu, 'Not a celebratory moment for India' who expressed his discontentment as "Constitution was just not good enough to address all concerns" of the Madhesi and Tharu people." India sent its Foreign Secretary S. Jaishankar to Nepal with an urge to hold on the promulgation of new constitution until the aspirations of the ethnic nationalities are not being met.

India conveyed Nepal to add seven amendments in the constitution to make it more inclusive. India through its state apparatus has asked Nepal to include seven amendment to the constitution. These include article 63(3)- electoral constituencies proportional to population; article 21- 'proportional inclusion'; article 283- qualification (being citizens of descent) to hold high-ranking government posts be expanded; article 86-representation should be based on the population of each state: Article 154- timeframe for delineation of constituencies be 10 years instead of 20-year; article 11(6)- acquisition of naturalised citizenship be automatic on application. Apart from these seven recommendations, disputed Kanchanpur, Kailali, Sunsari, Jhapa and Morang districts, home to a large population of Madhesis, included in the Madhes provinces.

Indian leadership's stand on the new constitution was mixed one. Only the CPI (M), one of the Indian political parties, hailed the promulgation of Nepal constitution as a historic step. People's Democracy- CPI (M)'s mouthpiece wrote in its editorial, "We congratulate the people of Nepal, the three major political parties — the Nepali Congress, the CPN (UML) and the UCPN (M) - and all democratic forces for this significant achievement." On the contrary, IBN (2015), reported that the ruling party took a very hard stand on the Nepalese constitution.

Nepalese perception of Indian stand on its constitution is also required to analyze. Nepal has accused India of the latter's unofficial blockade. PM Nepal, KP Oli, has levelled very serious charges against India. He believed that it was not only the protesters rather its Indian government was responsible for the unofficial blockade against Nepal. While talking to AFP in an interview, K P Oli said, "India is saying those people (protesters) are in no man's land, they are blocking the roads so that (Indian trucks) are not being able to supply, that's not true." The Deputy PM Prakash Man Singh during his recent visit to UN also raised this issue with UN General Secretary Ban Ki-Moon. Nepal's Home Ministry's spokesman, Laxmi Prasad Dhakal said, "Indian security personnel has prevented cargo trucks from crossing the border." Apart from the official line, most of the Nepalese commentators were also echoing the same opinion. They argue that India is supporting the Madeshis demands. Kanak Mani Dixit, Publisher of Himal South Asian, said, "This is a blockade done through the official connivance of the Indian government. Indian customs officials, Indian border police, and Indian Oil Corp., the monopoly supplier to Nepal, have all worked together to block the border citing orders from New Delhi." By diagnosing these comments on social, print or

electronic media, it is readily inferred that there is a common stand of the Nepalese public and private people vis-a-vis Indian take on the constitution.

A hard-hitting editorial in the Kathmandu Post (2015, September 22) issued a sharp riposte as “But Delhi would do well not to be seen as crossing the red line to meet its objective. It could box itself in an awkward position and see it lose its diplomatic leverage against individual parties and sections of the polarized society.” Kumar (2015) has quoted Shakya who said, “New Delhi should not be seen to be taking side with any of the groups. Otherwise, this will have very destabilizing influence in the Himalayan state.”

Indian scholars have also cautioned the Indian government in this regard. According to Muni (2015a), India has failed to understand the internal dynamics of posturing and power-sharing within and between Nepali political parties. Consequently, it has associated with right and left wing people within the Nepali political spectrum. On account of their activities in Nepal, Indian image is being tarnished. In such situations, India should use quiet sustained diplomacy for getting for the marginalized groups – rather than reinforcing the already existing forces of anti-Indian pseudo-nationalism in Nepal. Moreover, a journalist working with Indian TV new agency ANI asked India to exercise restraints rather than involving itself in Nepal’s imbroglio. Kumar (2015a) has quoted, Indrani Bagchi in one of his article written for the online journal the Diplomat that, “India cannot openly bat for the Madhesis and other disaffected groups without alienating the hill people or Kathmandu.” Chenoy (2015), an expert on Indian politics and comparative politics has also advised the Indian government to tread very cautiously *vis-à-vis* Nepal constitutional issue. Nepal is an old friend and a particular neighbor of India. It should be treated accordingly. All diplomatic channel should remain open, and while dealing with Nepal, all political norms should be strictly followed.

The unofficial blockage has been viewed as an intervention in Nepalese internal issues. It has been considered that blockade is not a bilateral matter between India and Nepal, but it is having the potential to damage shared prosperity among the SAARC (South Asian Association for Regional Cooperation) member countries. Bangladesh Minister of Commerce Tofail Ahmed, while speaking to *The Hindu* (October 19, 2015), viewed blockade as hurting Nepal’s economy, and urged the Indian government to lift the blockade as soon as possible. Pakistan has also expressed concern over Indian action against Nepal. Through Twitter hashtag #PakStandsWithNepal, Pakistan expressed their angst against the reservations of India towards the newly promulgated Constitution of Nepal. Jean Lambert, chair of the European Parliament Delegation for relations with the countries of South Asia, has also expressed concern over the unofficial blockade of Nepal. She emphasized the need for regional solidarity in this new phase of Nepal’s development. In a press statement, Lambert (2015) said, “The unofficial ‘blockade’ at the Nepali border only serves to hurt the Nepali people who are still recovering from the devastating earthquakes earlier this year.”

Efforts have been made by both the countries to pacify the anti-feeling against each other, soon after the formation of a new government of Nepal, Indian PM spoken to Nepalese New PM KP Oli and congratulated him on the new assignment. The Nepalese government sent its deputy PM Kamal Thapa to India to talk about a wide array of issues with the Indian government. Despite these efforts on both sides, Nepali diplomats and politicians believed that bilateral ties are at the lowest ebb and damaged.

3.4 China’s Geopolitical Advantage

Constitutional crisis of Nepal has a different meaning for both India and China. Both

India and China have taken the promulgation of Nepalese constitution on different notes. China has made it as a very positive step and extended deep core welcome to it. On the contrary, Indian approach was very casual and conveyed to Nepal that it had just taken a 'note' of it. India believed, the new constitution has failed to, "support a federal, democratic, republican, and inclusive" Nepal as argued by Ganguly and Miliate (2015). For the given of these dynamics, the bilateral relations between India and Nepal, have taken a nosedive. This blockade has not been allowing essential commodities including the fuel trucks to cross the border into Nepal. However, New Delhi refuted this charge and put the blame of the mass protests on the part of Nepal. In the context of fuel, India has a monopoly over the supply of the fuel which was interrupted due to this blockade. Nepalese people have been facing a shortage of the essential commodities. The problem was further exacerbated by the blockage of road links between China and Nepal through the Himalayas due to earthquake since April 2015. The disruptions on the part of India had underscored the Himalayan kingdom's profound economic vulnerability and inflamed the anti-India passions among the Nepalese. China has cleared the blocked path to connect Nepal to ensure a steady flow of essential commodities through the newly opened passages. China is likely to be at a geopolitical advantage out of this turmoil as the argument put forward Pant (2015, October 15) in his commentary.

Above and all, China has welcomed the Nepalese constitution. In contrast to India, its spokesperson Hong Lei of Chinese Foreign Ministry very positively said, "China sincerely congratulates Nepal on promulgating the new constitution." Hoping that this constitution would prove a milestone not only for Nepal and but also it would create a crescendo of cordiality between both the countries. Chinese foreign ministry issued a very positive and adhesive press release, "It is hoped that Nepal will seize the opportunity to realize the national unity, stability and development." China committed to provide continuous economic support to Nepal. China not only values its relations with Nepal rather strongly willed to deepen further mutually beneficial cooperation. Peaceful Nepal is in the interest of China and for its economic and social development, assistance will be provided as Chinese capacity allows.

Ramesh Nath Pandey, a veteran diplomat and one of the longest serving Ministers in Nepal, told the Hindu (October 18, 2015) that the blockade created a vacuum in the public mind which has been filled by China. India has lost visibility in Nepal, which is expressed by Pandey in these words, "The blockade hurt Nepal's supply lines, but it also removed the profile of India inside Nepal. Someone had to fill that vacuum that India left. China is now a psychological force in Nepal because of India's support to the blockade."⁶ Ideas of Pandey have also been echoed in one of the foremost constitutional lawyers of Nepal, Bipin Adhikari's words, "India-Nepal relation is vast and has multiple dimensions. In comparison, Nepal-China ties are small. But after this blockade which has lasted more than two months, Nepal has become aware that it urgently needs an option beyond India. China provides an alternative to India and China has always treated Nepal with respect which is missing in India's attitude to Kathmandu." China has remained very positive towards Nepalese government delegation for negotiation for fuel supply. On the other hand, Nepalese Prime Minister K P Oli and Former PM Prachanda met to Chinese Ambassador Wu Chuntai in this

⁶ Extracted from, 'China Has Filled Vacuum Left by India.' The Hindu. 2015, October 18. Accessed 6 July, 2016. <http://www.thehindu.com/news/international/china-has-filled-vacuum-left-by-india-nepali-diplomats/article7775295.ece>

regard. Two border checkpoints - Tatopani and Kerung have already been opened to ensure supply.

4. CONCLUSION

Indian Neighbourhood policy has had a long history going back to Mauryan period. This policy has been pursued consistently by all the Indian government since independence. Its origin can be traced to the Raja-Mandala's theory, in which the principles have been laid out how to effectively conduct the foreign policy of gaining and maintaining geopolitical and geostrategic space in terms of power. On taking over the control of the new government, PM Modi has delineated his foreign policy by giving special focus on the neighbouring countries. He perceived the peaceful neighbourhood is the first condition of the economic development of not only India rather as the whole South Asia. He provided a new vitality to Indian neighbourhood policy by inviting all the heads of SAARC countries for the oath-taking ceremony.

Nepal has been given very important place in India's neighbourhood policy under the dynamic stewardship of PM Modi, the reason being having strategic location between two Asian giants China and India and long porous border sharing with the latter. Thus, from a security point of view, it is imperative for India to give it an important place in its neighbourhood policy. For the given bonds of civilizational and historical relations, India has been enjoying special relations with Nepal. However, the predecessors of incumbent government, have not given adequate space to Nepal. In order to rectify such diplomatic errors, the incumbent government has given it an important place in the Neighbourhood First Policy, by paying special focus in terms of exchange of bilateral visits, extending soft credit line, heightening economic cooperation by providing help in the development of health, education, defense, and other infrastructural assistance.

Within a couple of months, PM Modi paid two visits to Nepal. During his visit to Nepal, he got the opportunity to address the Nepalese Parliament. His visit and a slew of gifts have created the crescendo of cordiality between both the countries. However, the cordiality has not only evaporated very shortly rather had created more sense of bitterness due to Indian stand on the Nepal's newly promulgated constitution. India did not accept the new constitution due to not fulfilling the aspiration of the Indian ethnic like Madhesis, Tharus, and Janjatis. These people created a lot of violence and imposed blockade on the Indo-Nepal border. The Nepalese leadership and people have expressed anguish over the prescriptive advice on the part of India to incorporate seven Amendment to fulfil the aspiration of the Indian ethnic people rather than controlling these people. The Indian stance on the newly promulgated constitution and alleged support to the protesters created a feeling of bitterness among the various sections of society. On the other hand, China not only well acknowledged the Nepalese new constitution rather assured the Nepalese leadership of Chinese support in all possible sectors. China has won the hearts of every Nepalese by providing timely help during the protesters blockade. Despite of its neighbourhood first policy in place, the incumbent government, has been failed to maintain the status quo in terms of geopolitical space in Nepal due to mishandling the crisis. Rather it earned the ire of the Nepalese people shrinking its space in their hearts. On the other hand, by its deft diplomacy and exploiting the tense situation, the vacuum filled by China. China made a geopolitical space in Nepal due India's prescriptive measure. Last but not the least, Nepal is holding paramount importance

for India for its geostrategic and geopolitical interests. In this background, it is highly recommended that Indian policy should be very cautious, friendly, and calibrated vis-a-vis Himalayan kingdom. It is highly recommended that India should come out of big brotherly attitude, rather treating the smaller Himalayan nation as equal partner.

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