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India's Kashmir Move: More Than Meets the Eye?

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SYNOPSIS

The reinvention of Jammu and Kashmir as an integral part of the Indian Union has received decisive parliamentary support at home but displeased segments within India and Pakistan. Moreover, the future of the India-China-Pakistan relationship is now at stake.

COMMENTARY

ON 6 AUGUST 2019, India's Parliament nullified the special status enjoyed by Jammu and Kashmir (JK) under the Indian Constitution since its adoption nearly 70 years ago. This will mark the end of a separate, locally customised administration in JK.

With this, India is seeking to enforce one uniform system of governance across the entire country including JK, ending the virtual 'one country, two systems' arrangement in JK. This contrasts starkly with China which is currently emphasising the equal importance of "one country" and "two systems" as applicable to Hong Kong.

Historical Context

Britain's handover of Hong Kong to China in 1997 led to the formulation of "One Country, Two Systems" for a period of 50 years in the former British colony. In contrast, JK, originally a princely state under the British imperial paramountcy, acceded to India soon after its independence from Britain in 1947.

Pakistan, carved out of British India when it was partitioned and freed in 1947, continues to contest the Muslim-majority JK's accession to the Hindu-majority but secular India in that year. Because of the political-military developments following that Partition, Islamabad controls until now two portions of the original princely state. These

parts are Azad Jammu and Kashmir (Pakistan's usage) (AJK for short) and Gilgit-Baltistan.

Future of Jammu and Kashmir

Significantly, Sheikh Abdullah, popular leader in JK when it acceded to India in 1947, participated in the Indian constitution-making process. As a result, he won special status for his state as a constituent part of independent India.

This translated into maximal autonomy on all matters except communications, defence and foreign affairs of JK, which was also allowed to have its own constitution and flag. Reviewing this dispensation, Indian Prime Minister Narendra Modi in August 2019, hot on the heels of a general election which his party won with an improved majority, moved to reinvent JK's future.

On one track, Delhi has annulled the maximal autonomy of an increasingly-restive JK by using an enabling clause in Article 370, a temporary provision in the Indian Constitution. In a related measure, all Indians can, from hereon, enjoy their fundamental rights of residence, freedom of movement etc. in JK as well.

Critics see this as a demographic threat to Muslim-majority JK as the freedom of movement means any Indian can take permanent residency in JK, unlike now. Another concern of the critics is that JK might be swamped by 'Hindutva', the political ideology of Hindu supremacy in India. However, in a counter-measure, JK's future legislature can still seek to reserve political and socio-economic benefits to the local population.

On another track, JK will be bifurcated and divested of its position as a 'special' Indian state from 31 October 2019. The two newly bifurcated units, now being created, both union territories, will be the mainly Muslim and Hindu areas of JK, which borders Pakistan, and the mainly Buddhist Ladakh bordering China. These union territories will be administered by the Indian government which will control public order and police.

Alternative Views

Abdullah's party, National Conference (NC), has quickly petitioned India's Supreme Court to restore the special status of JK and annul its bifurcation into union territories. For NC, the existing 'special status' is JK's oxygen.

Prime Minister Modi says his objective is to "empower" the people of JK and Ladakh by extending to them the full benefits of Indian citizenship. However, the anti-India sentiments of separatist forces in JK, with or without proactive support from Pakistan, may continue to pose a challenge to Modi.

To meet this, he is expected to heighten India's security stakes in the new union territories. The "lockdown" of JK, when the relevant new parliamentary measures were adopted, and the unprecedented security alert in JK during a Muslim festival on 12 August 2019, and on India's Independence Day (15 August 2019) are cited as precedents.

External Reactions: By Design or Default?

On 8 August 2019, Islamabad downgraded its diplomatic and trade links with India. In another development, India refuted United States President Donald Trump's affirmation in July 2019 that he was asked by Modi to mediate between India and Pakistan over Kashmir.

Now, Trump banks on Pakistan for political help in withdrawing his remaining troops from neighbouring Afghanistan. So, Washington's potential nexus with Islamabad might cast a shadow over India's significantly evolving strategic links with America.

Modi's latest JK strategy can potentially produce an unexpected pathway. By seeking to fully integrate JK with the rest of India, Modi may have, by design or default, *incentivised* Islamabad to *consider* a tit-for-tat constitutional action of converting autonomous Gilgit-Baltistan and AJK into full-fledged Pakistani province(s).

In Delhi's reckoning, Gilgit-Baltistan and AJK were part of the original princely state of JK when it acceded to India in 1947. These are also areas disputed by India which has, therefore, opposed the multi-billion-dollar China-Pakistan Economic Corridor (CPEC) that passes through them. China, however, is reported to have asked Pakistan to explore ways of overcoming the Indian objections.

Pakistan's Coming Counter?

One way of meeting China's reported CPEC-related suggestion will be to reinforce Pakistan's control over Gilgit-Baltistan and AJK by converting them into full-fledged Pakistani province(s). Any such Pakistani action will be a constitutional counter to Modi's latest perpetuation of the status of JK and Ladakh as integral parts of India. Pakistan, however, has not signalled the possibility or potentiality of such a constitutional counter.

On a related diplomatic front, China continues to exercise sovereignty over Aksai Chin which, in India's calculus, is part of Ladakh. Yet, on 12 August 2019, India reaffirmed its adherence to the Sino-Indian Line of Actual Control in Ladakh and elsewhere. This was designed to inform China that the territorial jurisdiction of India's new Union Territory of Ladakh would not extend to Aksai Chin.

China and India are exploring a *new modus vivendi* in the current uncertain global situation. Moreover, China remains relevant to the future of JK because of Beijing's old but "temporary" border agreement with Pakistan concerning Gilgit-Baltistan and AJK. Overall, therefore, the India-China-Pakistan equation acquires greater salience in this new situation.

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