

THE STATE HAS ITS REASONS

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

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For over seven decades, the status of the state of Jammu and Kashmir has been masked in ambiguity and deceit. Successive governments of both India and Pakistan had tried but failed to arrive at an amicable “final solution” because of the play of vested interests on both sides. These attempts over time shaped two potential routes to a resolution. One may be termed the “hard” option and the other the “soft” option. Pakistan tried the hard option of occupying the territory as early as in 1947 when it sent troops into the erstwhile kingdom of Jammu and Kashmir and grabbed territory. It tried the hard option a second time but failed, in 1998 when it crossed the Line of Control (LoC) at Kargil.

It was only after these attempts at a military solution on the part of Pakistan failed that the two countries began considering the “soft” options. Prime Minister [Atal Bihari Vajpayee](#) took the first step in defining a final “soft” solution when he gave currency to the idea that the LoC could be defined as the “international border” (IB). Picking up the baton, Prime Minister [Manmohan Singh](#) pursued that option through the longest uninterrupted dialogue with a Pakistani head of state. The dialogue with President Pervez Musharraf conducted largely through a back channel yielded an outcome that came to define the “soft option”. Singh’s aide diplomat Satinder K Lambah offered a glimpse of that option in a lecture delivered in Srinagar on May 14, 2014, at the tail end of Singh’s tenure.

The Manmohan-Musharraf formula was based on the premise that terrorism and cross-border attacks would cease, and the LoC would become the IB. In Kashmir, it would be a soft border that would enable Kashmiris on both sides to travel to and fro. It advocated free trade across the border, and “self-governance for internal management in all areas on the same basis on both sides of the LoC”. Once such a benign environment was established, both sides would reduce to the bare minimum the presence of their respective militaries on their side of the border.

All those ideas belong to a distant past. First, Musharraf in Pakistan and then Singh in India lost whatever little support they may have had at home to pursue this “soft” solution. The Mumbai terror attack in November 2008 and the reaction at home to the joint statement that Singh penned along with his Pakistani counterpart Yousuf Raza Gillani at Sharm El Sheikh in July 2009, queered the pitch for the burial of the soft solution. It was, however, Pakistan’s military and hardline political leadership that fired the first salvo against the soft solution. In India, the [BJP](#) followed suit by rejecting the Manmohan-Musharraf formula.

Since 2014, there have been no takers for the soft solution both in India and Pakistan. On the contrary, attitudes began to harden on both sides. Consequences followed. Relations worsened. In a bizarre display of competitive immaturity, [Imran Khan](#) and Donald Trump brought up the issue of Kashmir in a manner that seemed completely oblivious to the new reality of a “New India”. The BJP has had a consistent stand on the future of Jammu and Kashmir and after its massive victory in May 2019, its views ought to have been taken seriously.

More to the point, no credible political leader in Pakistan or India seems interested any longer in

turning the clock back to pursue the now abandoned soft solution. Faced with the prospect of a renewal of bonhomie between Rawalpindi and the Pentagon, the Pakistani political and military elite have sought to up the ante with sharpened rhetoric on Kashmir. The BJP leadership, buoyed by a landmark victory, was in no mood to indulge their pretence. As one perceptive BJP politician put it to me, India tried all options to resolve the Kashmir issue but nothing yielded a convincing result. The bull had to be taken by its horns and this was an opportune moment.

Critics of the government's action have said it was motivated by a desire to secure land rather than its inhabitants. Every state has to be as mindful of its territory as of its inhabitants. More wars have been fought between nations over land than only over the interests of its peoples. Even [Abraham Lincoln](#) did not wage a civil war only to define the rights of US citizens but to also define the territorial limits of the US state. A state that cannot define its borders and protect them has no reason to survive. Forget distant history, in the post-War period we have seen states appear and disappear, acquire and lose territory. There are still those who imagine the Indian state will not be able to keep and defend all of the territory it possesses. Books have been written on the eventual balkanisation of India.

While the BJP may have had its own political reasons to take the steps it took this week, the Indian state too has its reasons. Having exhausted soft options, a hard solution has been opted for. It is significant that most political parties, including many senior leaders of the Congress, have backed the government's action. They are not necessarily defending the government but are defending the interests of the Indian state.

It is said India is an ancient civilisation but a new nation. The Republic of India has had all the anxieties of an adolescent nation. It has tried both soft and hard solutions to define its borders. The only remaining unresolved issues are with Pakistan and China. With China a negotiated settlement is still possible since its leadership has demonstrated greater maturity in dealing with India. Pakistan too could have secured a peaceful resolution by ceasing to make India more anxious about its security. In choosing not to do so it opened the door to BJP's hard solution.

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