

# A working paper on Kashmir – III

By AG Noorani

*The Line of Control must be redrawn as part of any settlement to resolve Kashmir, for it is particularly cruel to Jammu where villages remain divided*

**I**NDIA and Pakistan held substantive talks on Kashmir three times before - in 1947-1950 on plebiscite; in 1955 and 1963 on partition. In May 14-18, 1955, Nehru held talks with Pakistan's Prime Minister Chaudhury Mohammed Ali and Defence Minister Iskandar Mirza. Maps were produced. Nehru preferred "a final settlement now" in one go. The visitors proposed partition on a communal basis. Nehru proposed variations in the cease-fire line. The Kishanganga river was "a suitable line"; besides, "the Poonch area" and "a bit of Mirpur" could be ceded to Pakistan (SWJN: Vol 28, pages 246-263).

The Swaran Singh-Bhutto talks in 1962-63 centred on drawing an international boundary through Kashmir (vide YD Gundevis's *Outside the Archives*, page 248; he was Foreign Secretary. Brigadier DK Palit, Director, Military Operations, gives details in his memoirs *War in High Himalayas*, page 393). Swaran Singh asked Palit "if I could consider offering a little more of Kashmir Valley because Pakistan's acceptance of partition would hinge on how much of the Valley we were willing to give up". Palit demurred, but Swaran Singh was all for it. He went so far as to offer 'the Handwara area' in the northwest of the Valley to Pakistan. Bhutto asked for the entire State bar Kathua.

Like its predecessor, the cease-fire line of 1949, the Line of Control of 1972 is also an arbitrary result of war. Nehru was all for 'readjustment' of the cease-fire line. He cabled to Krishna Menon on February 18, 1957: "When I first made a proposal for a settlement on basis of cease-fire line (in 1955), I made it clear that this would be subject to adjustments on geographical, strategic and like grounds" (SWJN; Vol. 36, page 400).

Indira Gandhi held the same view of the LoC. On July 11, 1972, she told Shahid Kamal Pasha of Morning News of Karachi: "If you look at the map, it does not appear rational and it has not proved so...." She would not like to force its rationalisation on Pakistan. It would be done only through mutual understanding and consent (PTI; The Times of India, July 13, 1972).

Obviously, the LoC must be redrawn

as part of a settlement. It is particularly cruel to Jammu where villages are divided. India finds it too close for comfort in Kargil, Pakistan feels the same in the Neelam Valley. In the process, the Siachen issue can also be resolved as it was, almost, in 1989. Iqbal Akhund, Benazir Bhutto's National Security Adviser and Foreign Affairs Adviser, writes that India claimed "a ruler straight line" from NJ 9842, where the LoC ends, to the Chinese border (Trial and Error, page 105). In the negotiations conducted by Rajiv Gandhi's aide Ronen Sen, now ambassador to the United States, that was an Indian offer, presumably. Rajiv Gandhi revealed on April 27, 1991, that he had "almost signed a treaty on Siachen with Zia. The only reason it was not signed was that he died".

The LoC should be a uniquely porous frontier and that should be written into any future agreement. The disgracefully restricted bus accord of February 16, 2005, which prohibits any bus from 'crossing the LoC' must be scrapped. Instead, the former 'Rahdari' system should be restored and expanded

Barbara Crossette met Rajiv Gandhi hours before his tragic assassination on May 21, 1991. She misunderstood him when she reported, quoting him, in the *New York Times*: "We were close to finishing an agreement on Kashmir. We had the maps, and everything ready to sign. And then he was killed." Was it that accord which Ronen Sen drew on?

Indian troops are deployed at present on the Actual Ground Position Line (AGPL) from the end of the LoC at NJ 9842 to Indira Col. Pakistan has been claiming the line from NJ 9842 to the Karakoram Pass. The 1989 line would be

a fair compromise.

Well before Prof PN Dhar wrote of the Indira Gandhi-Bhutto understanding at Shimla that the LoC would 'gradually' be endowed with "the characteristics of an international border", a high Pakistani source had, in an interview to this writer, used identical words. Prof Dhar put them in direct quotes, significantly, as if from a written record.

In 1972, the leaders' emphasis was on finality and clarity; their successors must blend three other features with emphasis on the line's 'irrelevance' as a divide. Dr BR Ambedkar was wont to distinguish between a bar, which divided, and a hyphen which united even as it divided. The LoC, once finalised, will tear the hearts of Jammuites as well as compatriots in the Valley unless they are assured that it is for everyone's good that the distrustful states know where their jurisdiction ends and all doubt is removed. But, it should be a uniquely porous frontier and that should be written into the agreement. The disgracefully restricted bus accord of February 16, 2005, must be scrapped. No bus is allowed to 'cross the LoC'. The former 'Rahdari' system (letter from a District Commissioner) should be restored and expanded. There should be free movement of persons, goods, mail and literature.

As a salve to the wound, it would be appropriate to record the irrelevance of the line. It would divide sovereignties, not people. The letter from the British Representative to the Afghan Foreign Minister, which formed part of the Treaty of November 22, 1921, can be adapted. Article 2 of the Treaty confirmed the Durand line as shown in an annexed map. The letter assured Afghanistan respect for its "interest" in the "conditions of the frontier tribes of the two governments" (Cmd 1786, 1922). The India-Pakistan accord should record respect for the sentiments of the people of Jammu and Kashmir and their desire for free interaction as one people across a frontier which history imposed in order to resolve a tragic dispute. This principle should be extended to a solution to the dispute itself - acceptance of the interest of each country in the maintenance of self-governance by the other in its part of the State. COURTESY FRONTLINE

*To be continued*