



A Line on Paper, a Society on the Ground: The 1949 Cease-fire Line, the Administration of Movement, and the Making of a Border Society in Jammu and Kashmir, 1949–1972

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Abstract

The Cease-fire Line (CFL) fixed at Karachi on 27 July 1949 was drawn by soldiers to end a war, not by diplomats to separate states, and both India and Pakistan insisted that it was not an international frontier. Yet between 1949 and the Simla Agreement of 1972 it became, for the people who lived along it, one of the hardest lines in South Asia. This article examines how that happened. It argues that the Line was made durable less by fortification than by administration: permits and passports that regulated crossing, State Subject and evacuee property regimes that decided who belonged and who could return, and civil and military control of frontier zones in Poonch, Rajouri, Jammu, Uri and Kargil. Drawing on United Nations and treaty documents, legislation, memoirs and the literature on Partition and borderlands, the article shows how these instruments divided families, cut older economic circuits and, across two decades and two further wars, produced a border society that organised livelihood, loyalty and memory around a line no government recognised as a boundary. The study joins the social history of Partition with the historiography of Kashmir, and it closes by identifying the district archival and oral evidence from the Pir Panjal against which the argument should be tested.

Keywords: cease-fire line; Jammu and Kashmir; Partition; borderlands; permit system; State Subject; Poonch and Rajouri

1. Introduction

Just before midnight on 1 January 1949, the guns fell silent along the front that had divided Jammu and Kashmir since the autumn of 1947 (United Nations Commission for India and Pakistan [UNCIP], 1948, 1949a). The truce halted a war but did not settle a boundary. That task fell to military delegations that met at Karachi under UN auspices and on 27 July 1949 signed an agreement fixing a Cease-fire Line (CFL) (Military Representatives of India and Pakistan, 1949; UNCIP, 1949b). Running for roughly 740 kilometres to a map point designated as NJ9842, the Line followed where the armies stood at the moment of the truce, not where rivers, valleys or villages might have suggested a frontier.

Neither state accepted it as an international border. India held that the whole former princely state was Indian territory by the Instrument of Accession of October 1947; Pakistan held that its status remained undecided pending a plebiscite (Gupta, 1966; Korbel, 1954; Wirsing, 1994). The

United Nations spoke only of a cease-fire line (United Nations Security Council, 1951). In law, the Line was provisional by design; in daily life along it, it was nothing of the kind.

This article argues that the decisive work in making the Line durable was administrative rather than military. It was reinforced less by wire than by paper: permits and, after 1952, passports that regulated crossing; State Subject rules and evacuee-property legislation that decided who belonged and who could return; and a civil and military frontier administration that classified villages and made loyalty a matter of scrutiny. These instruments divided families, severed older economic circuits and, across two decades and two further wars, produced a border society organised around a line that no government recognised as a frontier.

The study has three objectives: to explain how the Line was drawn, to identify the instruments that made it matter in daily life, and to describe the society that resulted. It joins the social history of Partition with the historiography of Kashmir, and concentrates on Poonch and Rajouri in the Pir Panjal, with reference to Jammu, Uri and Kargil, from the Karachi Agreement of 1949 to the Simla Agreement of 1972, which converted the CFL into the Line of Control (LoC). Section 2 reviews the literature; Section 3 explains sources and methodology; Sections 4 to 6 analyse the Line, its administration and its effects; Section 7 discusses the border society; and Sections 8 and 9 turn to Simla and conclude.

2. Literature Review and Conceptual Framework

The social history of Partition has turned from high politics to violence, migration, gender and memory. Butalia (2000), Pandey (2001), Khan (2007) and Kaur (2007) reconstructed the experience of dislocation; Talbot (2006), Chattha (2011), Virdee (2018), Roy (2012) and Sen (2018) showed how refugees were sorted and made into citizens. Zamindar's (2007) 'long partition' is the most influential statement here: permit and passport regimes, evacuee-property laws and the bureaucratic definition of nationality, more than the violence of 1947, made the border real. Her analysis is anchored in Punjab, Delhi and Karachi, however, and Kashmir figures chiefly as the war that made the controls permanent.

Kashmir historiography has an older core on accession, the plebiscite and diplomacy: Bazaz (1954), Saraf (1977), Lamb (1994), Snedden (2013), Bose (2003) and Chowdhary (2016). A newer strand, associated with Rai (2004) and Zutshi (2014), historicises the state and its law of subjecthood, and Robinson (2013) studies displacement across the Line. What remains thin is a history of the Line as a social and administrative fact on the Indian-administered side, especially in the Pir Panjal.

The conceptual tools come from borderland studies. Baud and van Schendel (1997) treat borderlands as zones with their own social logic, where populations negotiate, evade and exploit the line; Sahlins (1989) shows that a boundary is made as much by local use as by diplomatic decision; van Schendel (2005) shows a Partition line becoming the organising fact of a regional society. Following them, 'border society' here means a social formation shaped by a line and the regimes that enforce it, analysed through legal belonging (subject, citizen or evacuee), spatial

control (who could move, and by whose permission) and social practice (how people lived with these constraints). Official terms such as ‘Pakistan-occupied Kashmir’ are used descriptively, without endorsing either state’s claim.

3. Sources and Methodology

The study is a historical analysis of published documents and scholarship, drawing on UN documents and treaties (the UNCIP reports, the Karachi, Tashkent and Simla agreements, and Security Council Resolution 91); legislation (the permit and passport rules, the Influx from Pakistan (Control) Act, 1949, the evacuee-property statutes, the constitutional provisions on state subjects, and the Resettlement Act of 1982); memoirs and political literature, notably Abdullah (1993), Bazaz (1954) and Bhattacharjee (1994); and the literature reviewed above.

Two limits apply. How permits were issued, refused and evaded is recorded largely in district and departmental files, and the experience of ordinary families is best recovered through oral history. The account of divided families in Section 6 is therefore a framework to be tested against Pir Panjal testimony.

4. Drawing the Line: The Karachi Agreement and a Cut Landscape

4.1 From Truce to Line

The Line originated in the UN’s two-stage approach to the war. The UNCIP resolution of 13 August 1948 called for a cease-fire, a truce agreement under which Pakistan would withdraw its forces and India reduce its own, and a plebiscite, whose principles were elaborated in the resolution of 5 January 1949 (UNCIP, 1948, 1949a; Schofield, 2000). The truce agreement never materialised, because the parties could not agree on demilitarisation. What survived was the cease-fire, which the Karachi Agreement converted into a line demarcated by local commanders with UN observers.

The Line was improvised. It was defined as far as NJ9842 and from there was said to run ‘thence north to the glaciers’, language that left a gap later fought over in the Siachen region (Schofield, 2000; Snedden, 2013). Elsewhere it was exact on the map but arbitrary on the ground, cutting across valleys, pastures and village lands. The United Nations Military Observer Group in India and Pakistan (UNMOGIP), kept in being by Security Council Resolution 91 of 30 March 1951, registered complaints of violations by both armies (United Nations Security Council, 1951), but treated the Line as a military problem; its social effects were left to domestic administration.

4.2 A Cut Landscape: Poonch, Rajouri and Jammu

Before 1947, the districts that now abut the Line looked south and west, towards Punjab, more than towards the Valley. Jammu was linked to Sialkot by road and rail, and the Poonch and Mirpur hinterlands were tied to the markets and jobs of Rawalpindi and Jhelum (Chowdhary, 2016). Poonch, a jagir ruled by a collateral branch of the Dogra family, had many ex-servicemen of the British Indian Army (Snedden, 2013).

The war of 1947–48 destroyed this orientation. The Poonch rebellion of autumn 1947, rooted in grievances over taxation and the Maharaja's rule, merged into the larger war, and Poonch town was besieged until about 20 November 1948 (Bazaz, 1954; Lamb, 1994; Snedden, 2013). Mirpur fell on 25 November 1947, and many of its non-Muslims fled to Jammu (Bose, 2003; Snedden, 2013). Poonch was divided: the town and its eastern part stayed on the Indian-administered side, while Rawalakot and the Sudhnoti area lay on the other; Rajouri stayed, while Kotli, Bhimber and Mirpur fell across the Line. The roads to Rawalpindi and Jhelum now lay beyond an armed line, the Indian-administered districts were turned towards Jammu and Indian Punjab, and the shortest road from Poonch to Uri, over the Haji Pir pass, crossed the Line.

5. The Administration of Movement

5.1 Permits and Passports Between the Two Dominions

The first layer was not specific to Kashmir. In July 1948 India and Pakistan introduced a permit system for travel between them, designed, as Zamindar (2007) shows, to give each state discretion over who might re-enter. India's Influx from Pakistan (Control) Act, 1949, gave it legal form, and Pakistan adopted parallel controls (Roy, 2012; Zamindar, 2007). In October 1952 passports and visas replaced permits.

Kashmir was formally outside this regime, since the Line was not an international boundary. Yet its logic—that movement is a privilege granted by a state that questions the traveller's loyalty—was transposed to the Line, where no crossing point was recognised. No regular civilian crossing existed until the Srinagar–Muzaffarabad bus service began on 7 April 2005, followed by the Poonch–Rawalakot service in June 2006. Divided families faced not a hard permit regime but its limiting case: a line that could not legally be crossed at all.

5.2 Entry Permits and the State Subject Regime

The second layer was specific to the state. The State Subject notification of 1927, issued under Maharaja Hari Singh, reserved public employment and landholding for hereditary subjects (Chowdhary, 2016; Rai, 2004; Zutshi, 2014). After 1947 it became the key to belonging in the Indian-administered state, and an entry-permit regime restricted Indian citizens who were not state subjects. Its best-known challenger, Syama Prasad Mookerjee, entered without a permit, was arrested on 11 May 1953, and died in detention on 23 June (Abdullah, 1993; Bhattacharjee, 1994).

The more consequential rule concerned those who had left. The Constitution (Application to Jammu and Kashmir) Order, 1954, and section 6 of the Constitution of Jammu and Kashmir (1956) gave permanent-resident status to pre-1947 state subjects, but treated those who had migrated to Pakistan after 1 March 1947 as outsiders unless they returned under a permit for resettlement issued under a state law. That law came only in 1982 (Jammu and Kashmir Grant of Permit for Resettlement or Permanent Return Act, 1982); the President referred it to the Supreme Court, which returned the reference unanswered in 2001 (Special Reference No. 1 of 1982). During the period under study the legal route back remained largely a promise.

5.3 Frontier Zones and the Military

The third layer was the frontier administration. The Indian Army held the ground, assisted by the state's armed police, a pattern that deepened after the Border Security Force was raised in December 1965. The pattern was one of restriction: limits on movement near the Line, control over night travel, and fields between posts that could be worked only with permission and at some risk. The vocabulary of 'border villages' and 'sensitive areas' took form in these years.

The same classification fell on pastoralists. Gujjar and Bakarwal communities moved flocks between the lowlands of Jammu and the high pastures of the Pir Panjal, whose upper reaches now lay near or across the Line, making pasture a matter of permission and surveillance (Chowdhary, 2016; Rai, 2004).

6. Divided Families and the Wars of 1965 and 1971

6.1 Kinship, Property and Citizenship

The administration of movement fell hardest on families. The Line divided kin groups bound by marriage, lineage, land and service, nowhere more than in Poonch. A family might have a brother in the army on one side and a sister married across the Line. The Partition literature suggests that because letters, travel and remittances attracted the same suspicion as the traveller, contact depended on messengers, relatives abroad and news carried by refugees and soldiers (Butalia, 2000; Kaur, 2007).

Property was the second axis. Evacuee-property regimes vested in a custodian the property of those who had gone to Pakistan, making the question of who had 'left' a matter of bureaucratic and judicial dispute (Zamindar, 2007; see also Roy, 2012; Administration of Evacuee Property Act, 1950). In Jammu and Kashmir the stakes were higher, because the persons concerned might be across an active front and relatives on the near side could fall under suspicion; a family with a member across the Line faced a double vulnerability, to its property and to its loyalty. Whether the displaced from Mirpur and Poonch were refugees entitled to rehabilitation or temporary guests awaiting return was itself a product of the Line's provisional status (Chowdhary, 2016; Snedden, 2013).

These dilemmas were moral as well as legal. The Line was officially temporary, so separation had to be treated as temporary, yet its administration made it permanent. This may explain why so many accounts are framed as waiting for a plebiscite, a settlement or a reopened road; Robinson (2013) finds a comparable provisional permanence on the other side.

6.2 War and the Hardening of the Line

Two further wars tested the Line. In August 1965 Pakistan sent infiltrators across it in Operation Gibraltar, and India took the Haji Pir pass, briefly reconnecting Poonch and Uri; the Tashkent Declaration of January 1966 required withdrawal to the positions held before 5 August 1965, and the pass was returned (India & Pakistan, 1966; Schofield, 2000). Border communities probably experienced both wars as cycles of evacuation and return, though only district records and

testimony can establish this. The war of December 1971, fought chiefly over East Pakistan, also moved the Kashmir front: Pakistan took ground in the Chhamb sector and India gained ground in the north, including the Turtuk area in Baltistan (Schofield, 2000; Snedden, 2015). The cease-fire of 17 December 1971 produced a new line, and it was this line, not that of 1949, that was confirmed at Simla.

7. Discussion: The Making of a Border Society

By 1972 the three layers had combined into a stable pattern with three characteristics. The first was economic reorientation: older circuits of trade and labour were cut and new ones built—a military economy in which army purchases and service in the forces, already a Poonch tradition, gained importance; a pastoral and agricultural economy adapted to a closed frontier; and a state-employment economy open to State Subjects, which gave subjecthood material value (Bose, 2003; Chowdhary, 2016). The second was a politics of loyalty: communities were classified, and attachment to the nation became a currency for claims on the state, as the dismissal of Sheikh Abdullah in 1953 and the contested legitimacy that followed made trust more urgent (Bhattacharjea, 1994; Bose, 2003; Puri, 1993). The third was a culture of memory and expectation: because the Line was provisional, the stories that circulated were of the world before, of relatives left behind and roads that once led somewhere.

This society should not be romanticised. The Line bred dependence, fear and suspicion, and concentrated power in the officials who administered permissions. But it was also a site of agency: families kept in touch, pastoralists negotiated access, and local leaders mediated with the state. A border society is not merely one that suffers a border, but one formed by living with it.

8. The Simla Settlement and After

The Simla Agreement of 2 July 1972 provided that, in Jammu and Kashmir, the line of control resulting from the cease-fire of 17 December 1971 would be respected by both sides without prejudice to the recognised position of either (India & Pakistan, 1972, para. 4[ii]); the two armies completed its delineation in December 1972. The change of name from Cease-fire Line to Line of Control was more than cosmetic. It signalled that the line was now a bilateral arrangement rather than a UN one, and India has since held that UNMOGIP's mandate lapsed, while Pakistan and the United Nations hold that it continues (Schofield, 2000).

The administrative regimes did not end. They were inherited and later reinforced by the insurgency of the 1990s and the fencing of the Line. Yet the cross-Line buses of 2005 and 2006 and the trade through Chakan-da-Bagh and Salamabad from October 2008 showed how deeply the demand for movement had survived, and India's suspension of the trade in April 2019 showed how fragile such openings remained.

9. Conclusion

The Cease-fire Line of 1949 was made to end a war, and it did. It did not settle a boundary, and the following two decades are the history of how a provisional line became a lived reality. The

work was done chiefly by administration: the regulation of movement through permits and, from 1952, passports; State Subject and evacuee-property regimes that made belonging a matter of law and descent; and a frontier administration that classified villages, communities and routes.

The implications are threefold. For Partition studies, the Kashmir Line shows the 'long partition' operating where the border was officially not a border. For Kashmir historiography, it moves attention from the Valley and diplomacy to the Pir Panjal and Jammu borderlands. For borderland studies, it shows a line of explicitly provisional status generating a durable society, which may help explain why the Line of Control has proved so resistant to change.

The argument rests on published sources and must be tested against the district records of Poonch and Rajouri, the Home Department's files, the National Archives of India, and, above all, oral testimony, which could show how permits were issued and how families kept in touch. The history of the Cease-fire Line cannot be written only from the capitals that drew it; it must also be written from the villages that lived along it.

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